

MAYOR  
Hal J. Rose

DEPUTY MAYOR  
Stephen Phrampus

COUNCIL MEMBERS  
Diana Adams  
Pat Bentley  
John Dittmore  
Daniel McDow  
Andrea Young



Building Department  
Tom Forbes, Building Official  
City Hall  
2240 Minton Road  
West Melbourne, FL 32904  
Phone: (321) 837-7776  
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www.westmelbourne.gov

## CODE ENFORCEMENT BOARD

### AGENDA

Thursday, May 18, 2023  
5:30 pm  
City Council Chambers

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **ADOPTION OF MINUTES**

The Board is asked to approve the minutes of the April 20, 2023 hearing.

4. **SWEARING IN OF THOSE PRESENTING TESTIMONY**
5. **OLD BUSINESS:**

- A. Case No. 22-0040 (7629 Coral Drive)  
XA THI TRAN, et al.  
Violation of Section 2-93. – Repeat Violations – **COMPLIED**  
Violation of Section 18-51. – Required  
Violation of Section 26-207. – Storing, depositing or keeping abandoned property in enclosed building.  
Violation of Section 50-152. – Business tax receipt required  
Violation of Section 66-552. – Required for certain developments; exemptions  
Order finding of violations and penalties

6. **NEW BUSINESS:**

- B. Case No. 23-0011 (2155 Keystone Avenue)  
NEW EAGLE HOLDINGS, LLC., et al.  
Violation of Section 18-421. - Conditions  
Order finding violations and penalties
- C. Case No. 23-0062 (562 Lake Ashley Circle)  
GABRIELLA A. FRISELLA, et al.  
Violation of Section 18-178. – Work starting before permit issuance  
Order finding violations and penalties

- D. Case No. 23-0074 (4185 W New Haven Avenue)  
WEST MELBOURNE CENTER LLC., et al.  
Violation of Section 18-421. – Conditions  
Order finding violations and penalties

## **7. ADJOURNMENT**

**All persons wishing to be heard should appear in person at these hearings or send written comments to the City Clerk. All persons and parties are hereby advised that if they should decide to appeal any decision made by the City with respect to any matter considered at the public meeting or hearing described in this notice, they will need a record of the proceedings, and for such purpose, said person or party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Chapter 286, Florida Statutes). In compliance with American with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 321-837-7774 at least 48 hours before the hearing.**

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## CODE ENFORCEMENT BOARD

### MINUTES

**April 20, 2023**

#### **1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chair Chris Gibbs called the meeting to order at 5:32 pm and led the Pledge of Allegiance.

#### **2. ROLL CALL**

Present: Chair Chris Gibbs, Vice Chair Sandra Michelson, Board Members Robert Luber, Linda Palardy, George Bosch and Kimberly McGibany.

Absent: Board Members Andrew Jones and James Shipton

Board Member Linda Palardy moved to excuse Board Members Andrew Jones and James Shipton. Seconded by Board Member George Bosch motion carried 5-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspectors Roy Black and Camille Moore, Fire Inspector Carla Moore, City Attorney John Cary, Administrative Support Specialist Lisa Pilsbury and other members of the public.

#### **3. ADOPTION OF THE MINUTES**

Vice Chair Sandra Michelson moved to approve the minutes from March 16, 2023. Seconded by Board Member Robert Luber motion carried 5-0.

#### **4. SWEARING IN OF THOSE PRESENTING TESTIMONY**

Lisa M Pilsbury swore in those presenting testimony

#### **5. OLD BUSINESS**

**Case No. 23-0008**

**Violation of Section 58-106(d) – Fee and penalties for tampering with automatic electronic water meter. - COMPLIED**

Code Enforcement Inspector Camille Moore presented Case No. 2023-0008 for property located at 415 Daniel Drive and owned by Christopher Mahoney and Daniel Mahoney, et al.

Inspector Moore having been sworn in testified:

She reminded the Code Board back on February 16, 2023 they were found in violation and granted 30 days to come into compliance, if not in compliance by March 16, 2023 then \$25 a day fine thereafter.

On March 16, 2023 the Code Board granted another 30 days to come into compliance, if not in compliance by April 20, 2023 then \$25 a day fine thereafter.

3/24/2023 – She was informed the Property Owner had paid in full and the water service was scheduled to be reconnected after hours. This case was then closed.

Property Owner Mr. Daniel Mahoney III, 415 Daniel Drive, West Melbourne, FL 32904 having been sworn in testified:

- Thanked the Board for their patience and assistance while he came into compliance.

Board Member Robert Luber stated he was very happy Mr. Mahoney was able to get all his affairs in order and is now in compliance with the City.

## **6. NEW BUSINESS**

### **Case No. 2023-0067**

**Fire Violation of Section 14.10.1.1 – Exits shall be located and exit access shall be arranged so that exits are readily accessible at all times.**

**Fire Violation of Section 10.10.6.1 – No hibachis, grills, cooking or heating devices, or open fire within 10' of any structure.**

Fire Inspector Carla Moore presented Case No. 2023-0067 for property located at 51 NW Carolina Street, Unit 103 and owned by Bob & Mica LLC, et al.

Inspector Moore having been sworn in testified:

Tenant was previously issued a Notice of Violation on 12/2/22 for these same issues. A case was opened in BS&A on 1/27/23 and a second Notice of Violation was sent via certified mail to the tenant, Registered Agent, and Property Owner.

2/28/2023 - Inspector met with tenant to discuss, and observed these issues had been corrected.

3/8/2023 – She was onsite for a scheduled inspection regarding another unit and observed these violations had re-appeared. Requested Notice of Violation and Summons to be mailed to Property Owner, Registered Agent and Tenant.

3/21/2023 – Administrative Team mailed both Notice of Violation and Summons via certified mail to Property Owner, Registered Agent and Tenant per request.

3/28/2023 – She received phone call from Christian with South Tran Realty (Property Manager), inquiring about the details regarding the Notice of Violation. The Property Manager indicated they have also spoken to the tenant regarding the same issues several times, and each time the tenant complies but continues the behavior after a few days.

4/20/2023 – Administrative Team received phone call from Tenant (Mr. Fernandez) indicating he has taken down the pop-up shower, sold the grill and will be emailing photographs to the Inspector. Tenant then requested a call back from the Inspector.

4/20/2023 – She spoke with Tenant, Mr. Fernandez, via phone. Advised of Code Enforcement Board procedures. Received photographs of compliance

Board Member Robert Luber asked if case is now in compliance. Inspector Moore replied yes, all violations have been cleared as of this afternoon's site visit.

Tenant Vincent Fernandez, 51 NW Carolina Street, Unit 103, West Melbourne, FL 32904 having been sworn in testified:

- The pop-up shower is used as an emergency wash station for ink spills due to Micro-blading and bio-medical waste.
- Did not understand the shower was a fire violation
- All items which were in violation have been removed

Board Member Robert Luber asked Mr. Fernandez if he sees this happening again. Mr. Fernandez replied no and he sent the Inspector photographs of the pop-up shower down (cut up) and the stove removed.

Inspector Moore recommends finding the violations with no fines.

Board Member Robert Luber moved to find the violations. Board Member Linda Palardy seconded, motion carried 5-0.

**7. ADJOURNMENT**

There being no further business, hearing was adjourned at 5:41 pm.

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Chair Chris Gibbs or designee

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Lisa M. Pilsbury  
Recording Secretary