

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Diana Adams
Pat Bentley
John Dittmore
Daniel McDow
Stephen Phrampus



Building Department
Tom Forbes, Building Official
City Hall
2240 Minton Road
West Melbourne, FL 32904
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CODE ENFORCEMENT BOARD

AGENDA

Thursday, November 17, 2022
5:30 pm
City Council Chambers

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ADOPTION OF MINUTES

The Board is asked to approve the minutes of the October 20, 2022 hearing.

5. SWEARING IN OF THOSE PRESENTING TESTIMONY

6. OLD BUSINESS:

- A. Case No. 21-0061 (4345 W New Haven Ave)
CINEMA WORLD OF FLORDIA INC., et al.
Violation of Section 98-1122. – Maintenance of walls and fence
Order releasing lien

- B. Case No. 22-0040 (7629 Coral Drive)
XA THI TRAN, et al.
Violation of Section 2-93. – Repeat violations - COMPLIED
Violation of Section 18-151. – 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 violations and penalties

7. NEW BUSINESS:

- C. Case No. 22-0185 (731 Samuel Huntington Lane)
JONATHON AND JOY PHELPS, et al.
Violation of Section 98-1122. – Maintenance of walls and fences
Order finding violations and penalties

- D. Case No. 22-0136 (1770 S John Rodes Blvd)
MC192 LLC, et al.
Violation of Section 18-211. – Site Plan
Violation of Section 50-152. – Business Tax Receipt required
Violation of Section 98-362. – Principal use and Structures
Order finding violations and penalties

- E. Case No. 22-0218 (748 John Carroll Lane)
JOSEPHINE SANTANGELO ESTATE
Violation of Section 27-7. – Requirements for collection set out
Violation of Section 302.1. – Sanitation
Order finding violations and penalties

- F. Case No. 22-0219 (9075 Ellis Road)
MADISON HOLDINGS OF BREVARD LLC
Violation of Section 2-93. – Repeat Violation
Violation of Section 18-178. – Work starting before permit issuance
Violation of Section 18-211. – Site Plan
Order finding violations and penalties

8. 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

October 20, 2022

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Chris Gibbs called the meeting to order at 5:35 pm and led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: Board Member Andrew Jones

Board Member Luber moved to excuse Board Member Andrew Jones. Seconded by Board Member Shipton motion carried 5-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspector Roy Black, Interim City Attorney Clifford R. Repperger Jr., City Clerk Cynthia Hanscom, Administrative Support Specialist Lisa Pilsbury and other members of the public.

3. ADOPTION OF THE MINUTES

Board Member Luber moved to approve the minutes from September 15, 2022. Seconded by Board Member McGibany motion carried 5-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

City Clerk, Cynthia Hanscom swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2021-0095

Violation of Section 18-151. Work without a Permit

Property owner requested being placed on the agenda for October.

Building Official Thomas Forbes requested Case No. 2021-0095 be presented first. This property is located at 1380 W New Haven Ave A and owned by Michael Kawohl, et al.

Building Official Forbes was sworn in and testified:

Reminded the Board on October 21, 2021 the Code Board granted 30 days for Brevard County Health Department to approve and inspect the unpermitted septic system repairs. Then \$250 per day will accrue until Brevard County Health Department has approved and inspected. Fines began on November 21, 2021. Code Board also found unpermitted roof repairs to be irreparable or irreversible and placed a total fine of \$250.

- Received email indicating septic system had been pumped as of today October 20, 2022.
- Home is currently vacant
- Water line has been capped and meter needs to be pulled.
- Septic system issue needs to be corrected
- Roof repaired without permit – currently a hard lien in the amount of \$250

Mr. Henry Morin, Realtor of Atlantic Properties, 1090 Mandarin Drive NE, Palm Bay, FL 32905 was not present during swearing in. Code Board decided to hear testimony.

- Realtor for Mr. Michael Kawohl
- Became aware of Order Finding Violations and Penalties during Title search.
- Mr. Kawohl has contacted several septic companies and was told the tank is too old to certify and recommended a new tank
- Buyers for the property will be here on Monday, October 24, 2022 and would like to close on November 2, 2022.
- Septic system needs to be crushed and filled
- November and December 2021's Code meetings were canceled

Board Member McGibany asked if Mr. Kawohl contacted the City to be placed on the following months agenda. Mr. Morin replied probably not.

Board Member Bosch asked when meetings are canceled does anyone from the City contact residents. Building Official Forbes replied no it is the property owner's responsibility to contact the City.

Interim Attorney Repperger reminded the Board Mr. Kawohl is not in compliance and is asking for a reduction in fines.

Mr. Michael Kawohl, 1013 Revilla Lane, Rockledge, FL 32955, was sworn in and testified:

- Authorized septic company to apply for permit with Florida Department of Health – Brevard County back in November 2021.
- Apparently permit was never pulled and forgot about it.

Board Member Bosch recommends a reduced fine of \$5,000 if in compliance within 30 days. If not in compliance by November 19, 2022 then the original fine of \$81,000 is reinstated and retroactive to \$250/day. Board Member Luber second, motion carried 5-0.

6. NEW BUSINESS

Case No. 2022-0040

Violation of Section 2-93. Repeat Violation

Violation of Section 18-151. 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

Code Enforcement Inspector Roy Black presented Case No. 2022-0040 for property located at 7629 Coral Drive and owned by Xa Thi Tran, et al.

Inspector Black was sworn in and testified:

Inspector Black requested this case to be tabled until November's Code Board hearing due to site plan being submitted.

Mr. Wendall Strodend, 7619 Coral Drive, West Melbourne, FL 32904, was sworn in and testified:

- Ongoing case for 2 to 3 years
- 100 plus cars on property
- 1 Business operating without Business Tax Receipt
- Business runs salvage yard

Building Official Thomas Forbes confirmed a site plan has been submitted to Planning and Zoning. The salvage yard claim would be a separate violation/case. Recommends giving Planning and Zoning 30 days to review site plan.

Vice Chair Michelson asked if cars are from the same people. Mr. Forbes replied no different tenant.

Case No. 2022-0180

**Violation of Section 26-102. Removal of certain growth of grass and weeds
Violation of Section 26-206. Vehicles in inoperable condition**

Code Enforcement Inspector Roy Black presented Case No. 2022-0180 for property located at 731 Samuel Chase Lane owned by Ms. Janna Johnston, et al.

Inspector Black was sworn in and testified:

9/8/2022 – Observed overgrowth and inoperable vehicle. Unable to make contact, requested Notice of Violation.

10/7/2022 – No change. Requested Summons

10/20/2022 – Took current photograph, no change.

Inspector Black recommends finding the violations.

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

Inspector Black recommends granting 10 days to come into compliance then \$25/a day thereafter if not in compliance.

Board Member Luber moved to grant 10 days to come into compliance then \$25/a day thereafter if not in compliance. Board Member McGibany seconded, motion carried 5-0.

Case No. 2022-0202

Violation of Section 18-151. Required

Code Enforcement Inspector Roy Black presented Case No. 2022-0202 for property located at 2262 Crippen Court and owned by The Reserves of Melbourne, LLC, et al.

Inspector Black was sworn in and testified:

10/5/2022 – Observed new pavilion to the west of building (Laundry building) while inspecting overflowed trash compactor. There was a different pavilion and concrete pad previously and noticed there was a cleared area on 10/1/2022 where it no longer existed. After checking BS&A found no permit for demo or construction of a new pavilion. Requested Notice of Violation and Summons since pavilion appears to be complete at this time.

10/6/2022 – Received phone call from Jamie indicating she will have contractor acquire a permit.

10/18/2022 – Contacted Jamie as no permit application has been received.

10/20/2022 – Re-inspected and photographed. No permit application.

Inspector Black recommends finding the violations.

Board Member Luber moved to find the violations. Vice Chair Michelson seconded, motion carried 5-0.

Inspector Black recommends granting 30 days to come into compliance then \$50/a day thereafter if not in compliance.

Board Member Shipton moved to grant 30 days to come into compliance then \$50/a day thereafter if not in compliance. Board Member McGibany seconded, motion carried 5-0.

7. ADJOURNMENT

There being no further business, hearing was adjourned at 6:40 pm.

Chair Chris Gibbs or designee

Lisa M Pilsbury
Recording Secretary