

MAYOR
Hal J. Rose

DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
Daniel Batchelder
Pat Bentley
John Dittmore
Daniel McDow
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CODE ENFORCEMENT BOARD

MINUTES

January 20, 2022

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Chris Gibbs called the meeting to order at 5:39 pm and led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: Board Members Andrew Jones, James Shipton and George Bosch.

Board Member Luber moved to excuse Board Members Andrew Jones, James Shipton and George Bosch. Seconded by Board Member Palardy motion carried 4-0.

Also present: Deputy Mayor Andrea Young, Building Official Tom Forbes, Code Enforcement Inspectors Roy Black and Trude Hull, City Attorney Morris Richardson, Administrative Support Specialist Doreen Morales and other members of the public.

3. ADOPTION OF THE MINUTES

Vice Chair Michelson moved to approve the minutes from October 21, 2021. Seconded by Board Member Palardy, motion carried 4-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Doreen A. Morales swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2021-0067

Violation of Section 71-107. Required

Building Official Tom Forbes presented Case No. 2021-0067 for property located at 2395 Minton Road and owned by S & A Minton Road Corp., et al.

Building Official Forbes was sworn in and testified:

- Recommends the Board impose lien of \$3,600 to be paid into tree mitigation account
- Recommends the Board impose lien of \$2,500 for fine placed on the property for failure to obtain permit for removal of trees
- Recommends imposition of \$6,100 lien

City Attorney Morris Richardson explained prior history of case(s) to the Board; which was heard on August 20, 2021.

Jake Wise, of 2651 W. Eau Gallie Blvd., Melbourne, FL 32935, was sworn in and testified:

- Property owners have owned property for 20 years
- No code violations in the past
- Contractor didn't finish project
- Property owner needed time to find a new contractor
- Property owner lives out of state
- Property owner will pay liens

Building Official Forbes recommends the Board impose two liens on said property; first lien is for \$3,600 to be paid into the City's tree mitigation account and the second lien is for \$2,500 for the removal of trees, from vacant lot, without a permit.

Board Member Luber moved to impose two liens on said property; first lien is for \$3,600 to be paid into the City's tree mitigation account and the second lien is for \$2,500 for the removal of trees, from vacant lot, without a permit. Board Member Palardy seconded, motion carried 4-0.

Case No. 2021-0107

Violation of Section 71-118. Plant material

Building Official Tom Forbes presented Case No. 2021-0107 for property located at 2395 Minton Road and owned by S & A Minton Road Corp., et al.

Building Official Forbes was sworn in and testified:

- Fines began running October 4, 2021 at \$100/a day and complied on November 2, 2021 for a total of 29 days for a total lien of \$2,900
- Rain prolonged the project
- Would have complied sooner if weather was better
- Recommends a reduction of lien to \$500

Jake Wise, of 2651 W. Eau Gallie Blvd., Melbourne, FL 32935, was sworn in and testified:

- Hired contractor to regrade, mulch, seed, etc.
- Took longer than expected due to bad weather
- Property was very wet; constant weather delays
- Drainage issues were addressed
- Property is now in compliance and looks great
- Requests a reduction of lien

Building Official Forbes recommends the Board impose lien of \$2,900 on said property.

Board Member Luber moved to impose a reduced lien of \$500 for non-compliance of restoring vacant lot within the granted 45 days by the Code Enforcement Board. Board Member Palardy seconded, motion carried 4-0.

Case No. 2021-0051

Violation of Section 26-206. Vehicles in inoperable condition

Violation of Section 26-207. Storing, depositing, or keeping prop. in enclosed building

Code Enforcement Inspector Roy Black presented Case No. 2021-0051 for property located at 66 Westover Drive and owned by John Laisi., et al.

Inspector Black was sworn in and testified:

- November 11, 2021 – property was substantially complied
- Recommends imposition of accumulated lien of \$2,100
- Respondent steadily made progress and was always cooperative
- Would recommend a reduction of lien

John Laisi, 66 Westover Drive, West Melbourne, FL, was sworn in and testified:

- Extremely large job for one person
- Took longer than expected due to an injury and he was sidelined for a couple weeks
- Requests a reduction of fine to \$200

Inspector Black recommends the Board impose accumulated lien of \$2,100 on said property.

Board Member Luber moved to impose a reduced lien of \$250 for non-compliance within the granted 60 days by the Code Enforcement Board. Vice Chair Michelson seconded, motion carried 4-0.

6. NEW BUSINESS

Case No. 2021-0061

Violation of Section 98-1122. Maintenance of walls and fences

Code Enforcement Inspector Roy Black presented Case No. 2021-0061 for property located at 4345 W. New Haven Avenue and owned by Cinema World of Florida, Inc., et al.

Inspector Black was sworn in and testified:

- James Deal, from Cinema World, contacted Christy Fischer seeking a change to the original site plan
- Process for Site Plan Review could take a couple months; case placed on hold
- December 29, 2021 – Planning & Zoning advised they did not receive a request for a Board of Adjustment meeting from Respondents
- To date no fence permit was applied for
- Fence abuts residential properties
- Fence in disrepair

James Deal, from Cinema World, 1725 Old Glory Blvd, Melbourne, FL 32940, was sworn in and testified:

- Christy Fischer requested more information and we did not follow through with request
- Property behind movie theatre has removed underbrush
- CW is concerned about kids running onto their property from the nearby residential neighborhood and could cause issues
- Residents in nearby neighborhood are concerned of people walking from movie theatre into their neighborhood
- Fence would block flow of people coming and going
- Fence company is 8-12 weeks out, 90 days should be enough time to get fence installed
- Fairfield Hotel will also install fence and it will connect to their fence
- Fairfield Hotel is clearing underbrush from their property

Inspector Black recommends the Board find the violations.

Board Member Palardy moved to find the violations. Vice Chair Michelson seconded, motion carried 4-0.

Inspector Black recommends the Board grant 100 days to come into compliance and \$100/a day thereafter.

Board Member Luber moved to grant 100 days to come into compliance and \$100/a day thereafter. Vice Chair Michelson seconded, motion carried 4-0.

Case No. 2021-0187

Violation of Section 2-93. Repeat violations

Code Enforcement Inspector Roy Black presented Case No. 2021-0187 for property located at 792 Conestee Drive and owned by Bradley E. Dunham, et al.

Inspector Black was sworn in and testified:

- Repeat violation case
- Dec 09, 2021 – Boat in driveway
- Dec 10, 2021 – Boat in driveway
- Dec 11, 2021 – Boat in driveway
- Dec 12, 2021 – Boat was gone
- Left message at Respondent's residence to let him know of repeat violation
- Dec 20, 2021 - Received voicemail from Respondent stating he didn't believe he was in violation based on what he learned at previous hearing
- Respondent was advised at last hearing, from Attorney Richardson, the 24 hrs. was not the intent of the ordinance, rather the 24 hrs. was maximum time for loading and unloading only
- January 5, 2022 - Summons mailed for repeat violation
- Left messages to advise Respondent of tonight's hearing

Bradley Dunham, 792 Conestee Drive, was sworn in and testified:

- Respondent stated he has taken boat out of storage three times and has adhered to City ordinance
- Respondent presented a timeline and photos of an overnight boating trip
- Boat was loaded overnight and went boating the next morning
- Boat is stored in Titusville and he will use it a few times a year
- Respondent's HOA has a 24-48-hour rule
- Referencing the cases Mr. Black alluded to were prior to the initial findings of violation and he admits to the violation and he understands the loading and unloading of the ordinance
- Respondent has no intention of skirting the rules and trying to get around the code

City Attorney Morris Richardson read the ordinance to the Board regarding the 24-hour period and it specifically requires active loading and unloading. Boat was there overnight without actively loading or unloading. Attorney Richardson suggested storing the boat locally.

Inspector Black recommends the Board find the repeat violation.

Vice Chair Michelson moved to find the repeat violation. Board Member Luber seconded, motion carried 4-0.

Inspector Black recommends the Board impose a lien of \$250 lien for the repeat violation.

Board Member Palardy moved to impose lien of \$250 for the repeat violation. Vice Chair Michelson seconded, motion carried 3-1. Board Member Luber voted against the motion.

7. ADJOURNMENT

There being no further business, hearing was adjourned at 6:14 pm.