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DEPUTY MAYOR
Andrea Young

COUNCIL MEMBERS
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Pat Bentley
John Dittmore
Daniel McDow
Stephen Phrampus



Building Department
Tom Forbes, Building Official
City Hall
2240 Minton Road
West Melbourne, FL 32904
Phone: (321) 837-7776
Fax: (321) 952-9542
www.westmelbourne.gov

CODE ENFORCEMENT BOARD

MINUTES

September 15, 2022

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, Board Members Robert Luber, Andrew Jones and Kimberly McGibany.

Absent: Vice Chair Sandra Michelson, Board Members James Shipton, Linda Palardy and George Bosch.

Board Member Luber moved to excuse Vice Chair Sandra Michelson, Board Members James Shipton, Linda Palardy and George Bosch. Seconded by Board Member McGibany motion carried 4-0.

Also present: Building Official Tom Forbes, Code Enforcement Inspectors Roy Black and Camille Moore, 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 Jones moved to approve the minutes from August 18, 2022. Seconded by Board Member Luber motion carried 4-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

City Clerk Cynthia Hanscom swore in those presenting testimony.

5. OLD BUSINESS

Case No. 2021-0061

Violation of Section 98-1122. Maintenance of walls & 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:

Reminded the Board on January 20, 2022 no permit had been applied for and finding of violation was issued to comply within 100 days or a \$100/a day fine thereafter.

3/23/2022 - Permit was issued

4/12/2022 – Spoke with Jim Deal regarding fence deficiencies

4/28/2022 – Re-inspected and photographed – no change

4/29/2022 – Received phone call from Zeus regarding Professional Fencing returning to complete the fence and Cinema World will give updates.

6/1/2022 – Spoke with Ralph, Cinema World Manager regarding original fence was not sufficient so Cinema World had to contact the fencing company to completely replace the fence.

6/16/2022 – Inspector Bret Bures advised Inspector Black the fencing company called for final inspection and the deficiencies still remained. Responded to email from Professional Fencing with feedback regarding failed fence inspection. Professional Fencing never responded back.

6/24/2022 – Fence not in compliance

8/16/2022 – Received email stating fence was now in compliance

8/25/2022 – Fence in compliance. Requested Summons to be mailed to impose liens. Were told 108 days the fence was not in compliance from April 30, 2022 to August 16, 2022 which equals \$10,800 in fines.

Mr. James Deal, Senior Vice President of Cinema World, 4345 W. New Haven Ave, West Melbourne, FL 32904, was sworn in and testified:

- Opened the complex in 2002

- Received initial complaint from neighbor in June of 2021 regarding homeless camping in the back lot. Meet with neighbors for solution to help local Police.
- Contracted with a vendor to clear the back area
- Fencing project total cost was \$26,000
- Tough time for Movie Theaters due to COVID
- Continues to work with the City to be complete and adhere to the standard
- Asked for leniency regarding the fines/liens

Chair Gibbs asked Mr. Deal where are you with the fencing company. Mr. Deal replied our own maintenance team went out and finish except the deficiencies.

Board Member Jones asked where is the fencing company at this point. Inspector Black replied we cannot address the fencing company as it would be a civil issue. We can only hold Cinema World responsible however I would agree this deal is overwhelming and the delay is completely the fencing companies' fault.

Board Member Luber asked if there was a written contact with the fencing company where you have recourse against them. Mr. Deal replied he would have to look into it but they do have a quote for the work to be done.

Interim City Attorney Repperger stated it was at the Boards discursion about the time frame and the amount set at \$100/a day.

Board Member Luber asked Inspector Black if Cinema World was compliant with him, answering every time you contacted them. Inspector Black replied yes, they did everything they could

Inspector Black recommends the Board impose a reduced lien in the amount of \$1,000 on said property.

Board Member Luber moved to impose a reduced lien of \$1,000. Board Member McGibany seconded, motion carried 4-0.

6. NEW BUSINESS

Case No. 2022-0168

Violation of Section 26-206. Vehicles in inoperable condition

Violation of Section 27-7. Requirements for collection set out.

Code Enforcement Inspector Roy Black presented Case No. 2022-0168 for property located at 281 E Haven Drive and owned by Ray Alarcon, et al.

Inspector Black was sworn in and testified:

8/23/2022 – Drove by and observed same violations the resident had previously been warned about. Requested Notice of Violation.

8/30/2022 – Requested Summons

9/13/2022 – Observed same inoperable vehicle with a Connecticut tag attached, tag expired 11/23/2021. Garbage cans still in front of garage door.

Interim Attorney Repperger asked Inspector Black if he wanted to address any prior citations. Inspector Black replied there are previous cases identical to this one and multiple similar cases.

Ray Alarcon, 281 E. Haven Drive, West Melbourne, FL 32904, was sworn in and testified:

- Feels this is a waist of his time all for a garbage can an inoperable vehicle.
- Runs a roofing company and deals with the City all the time with no issues.
- Does not run the business out of his home has an office space in Palm Bay.
- Questioned why someone was taking pictures of his property.

Interim Attorney Repperger asked Inspector Black to address the Board as to what photographs he is presenting. Inspector Black replied the vehicle is a BMW with expired tags, both the garbage and recycle containers are in front of the house in violation. Recalls as he was driving away property owner was coming at him with a screwdriver upside down in a treating manner.

Interim Attorney Repperger asked Inspector Black to clarify the most recent inspection of the property, what is the current status of the violations. Inspector Black replied as of todays date at 12:57 pm, there is a BMW SUV with expired Connecticut tags which make the vehicle inoperable. Also, a violation of the trash and recycle containers being in front of the house they need to be behind the front line of the house.

Interim Attorney Repperger asked if the photograph was taken this morning. Inspector Black replied this afternoon at 12:57.

Board Member Luber to find the violations. Board Member Jones seconded, motion carried 4-0.

Inspector Black recommends ten days to come into compliance then \$25/a day thereafter.

Board Member Luber moved to grant twenty-four hours to remove the garbage cans and ten days to register the vehicle then \$25/a day thereafter. Board Member McGibany seconded, motion carried 4-0.

Interim Attorney explained to Mr. Alarcon he has ten days to bring the property into compliance and it is his responsibility to notify the City once in compliance.

Case No. 2022-0005

Violation of Section 26-100. Prohibited accumulations of garbage & trash

Violation of Section 26-166. Certain location & vehicles prohibited

Violation of Section 26-206. Vehicles in inoperable condition

Violation of Section 98-1122. Maintenance of walls & fence

Code Enforcement Inspector Camille Moore Case No. 2022-0005 for property located at 68 McClain Drive and owned by Ronald Maximiliano and Isaza Pineda, Marcela Irreno Revocable Trust, et al.

Inspector Moore was sworn in and testified:

2/1/2022 – Last action by former Inspector TH ref: trash and inoperable vehicles

8/10/2022 – Received call regarding inoperable vehicle on site since Thanksgiving. Case was transferred to Inspector Camille Moore who inspected and photographed. Requested Notice of Violation to be sent and posted on property.

8/30/2022 – Re-inspected and photographed – no change. Requested Summons to be mailed and posted on property.

9/15/2022 – Re-inspected and photographed – trailers and inoperable vehicles gone, trash/debris and broken fence remain. Fencing permit has been issued

Ronald Maximiliano, 68 McClain Drive, West Melbourne, FL 32904, was sworn in and testified:

- Indicated he is working on this, has permit for fence
- Works for himself and asking for more time to complete the job

Chair Gibbs asked how much more time do you estimate. Mr. Maximiliano replied about six months to complete. The fence is about two months for delivery and then one month to install.

Board Member Luber asked how close he is to his neighbors. Inspector Moore replied neighbors to the south and a commercial property to the north.

Board Member McGibany asked if the fence has already been ordered. Mr. Maximiliano replied yes.

Board Member Luber asked to see the estimate from the fencing company and what is left to complete. Interim Attorney replied debris as pictured in the photograph.

Board Member Luber asked if he could complete the project in less than six months as six months is a long time. Mr. Maximiliano replied probably however the fence is still two months out.

Interim Attorney stated to clarify the violations are for Sec. 26-100 and Sec. 98-1122.

Board Member Luber moved to find the violations. Board Member McGibany seconded, motion carried 4-0.

Inspector Moore recommends granting thirty days to remove the debris from property then \$25/a day thereafter and one hundred ten days to complete the fence then \$25/a day thereafter.

Board Member Luber moved to grant thirty days to remove the debris then \$25/a day thereafter, one hundred ten days to complete the fence then \$25/a day thereafter. Board Member McGibany seconded, motion carried 4-0.

7. ADJOURNMENT

There being no further business, hearing was adjourned at 6:08 pm.