

# City of Melbourne



Code Compliance Division  
900 E. Strawbridge Avenue • Melbourne, FL 32901 • Fax (321) 608-7920  
Building Div. (321) 608-7915 • Code Enf. (321) 608-7905 • Fire Prevention (321) 608-7910

## MINUTES - REGULAR MEETING OF THE CODE ENFORCEMENT BOARD April 4, 2012

A regular meeting of the Code Enforcement Board was held in the City Hall Council Chamber on April 4, 2012 and was called to order at 6:00 P.M. by Vice Chairperson Cook. Minutes will be presented to the Board at the next regular meeting for review and acceptance.

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America.

Vice Chairperson Cook advised the audience of the Purpose and Procedures for Board Meetings.

The following members and officials were:

<b>PRESENT:</b>	Anna Cook	Vice – Chairperson
	Bennie Hopkins	Member
	Christopher Nelson	Member
	James P. Teele	Member
	Tim Loomer	Member
	Tom Saam	Member
	Vaughn Holeman	Alternate Member
	Leslie Jane Lindsey	Alternate Member
<b>ALSO PRESENT:</b>	Dan Porsi	Code Enforcement Administrator
	Alison Dawley	Assistant City Attorney
	Gary Thron	Code Compliance Inspector
	Terry Oliver	Code Compliance Inspector
	Thomas Kleving	Code Compliance Inspector
	Lynsey Jones	Recording Secretary
<b>ABSENT:</b>	Ralph Durham	Chairman

### 5. APPROVAL OF MINUTES – Regular Meeting – February 22, 2012

**Moved by Hopkins/Teele to approve the minutes of February 22, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

### 6. ANNOUNCEMENTS

Vice Chairperson Cook advised that the next meeting would be held on May 23, 2012.

### 7. TESTIMONY SWEAR-IN

At this time Attorney Dawley provided the resumes for each Inspector to establish them as expert witnesses for the City and swore in for testimony the following Inspectors and Staff Members: Dan Porsi, Terry Oliver, Gary Thron, Thomas Kleving and Lynsey Jones.

Attorney Dawley announced the following cases to be in compliance, dismissed or postponed:

CE 11-068    CE 12-004    CE 12-006    CE 12-010    CE 12-011    CE 12-013  
CE 12-014    CE 12-019    CE 12-021

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Vice-Chairperson Cook announced Shanna Tibbetts from the City of Melbourne’s Architectural Review Board was in the audience.

**UNFINISHED BUSINESS**

**8. CE 09-100 – Dorothy Gulak Baker & Et al Susan Diane Baker – 3570 Turtle Mound Road**  
(Matt Daszuta, Code Compliance Inspector) (Cited 6-24-09)

- a) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing Section 15-23 Public nuisances prohibited (**COMPLIED**)
- b) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III Building Code Section 13-82 International Property Maintenance Code adopted (b) 2. Care of premises (**COMPLIED**)
- c) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.7 Roofs and drainage.
- d) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 301, General, 301.3 Vacant Structures and Land

Attorney Dawley reviewed the case history for the Board. Administrator Porsi advised that the case was still going through mediation and recommended continuing to the July 11, 2012 meeting. There was no one present on the Respondent’s behalf.

**Moved by Saam/Hopkins that case CE 09-100 be continued to July 11, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

**9. CE 11-024 –Triumph the Church & Kingdom of God In Christ – 2712 Main Street**  
(Thomas Kleving, Code Compliance Inspector) (Cited 2-22-11)

- a) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances Section 303.7 Roofs and drainage
- b) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls Chapter 10 Community Planning and Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior
- c) Appendix D, Land Development Code - Chapter 13 Buildings and Building Regulations - Article III Building Code Section 13-82 International Property Maintenance Code adopted (b) 2 Care of premises

Attorney Dawley recapped the history. Inspector Kleving informed the Board that the state had granted approval for demolition of the structure. He added that a demolition permit had been obtained however the contractor was waiting on locates to proceed and recommended continuing the case to the May 23, 2012 meeting. There was no one present on the Respondent’s behalf.

Mr. Hopkins noted that the tin roof on the structure was ready to blow off and would be a hazard to neighboring properties if a bad storm were to occur.

**Moved by Saam/Hopkins that case CE 11-024 be continued to May 23, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

**10. CE 11-031 - Michael S King, Lisa King H/W - 560 Creston Ct**  
(Thomas Kleving, Code Compliance Inspector) (Cited 3-17-11)

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Unfinished Business Contd.

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code, Section 13.80 Florida Building Code adopted. Chapter I Administration, Section 105 Permits, 105.1 Permits

Attorney Dawley reported the property remains in noncompliance, fine runs, no Board action taken. There was no one present on the Respondent's behalf.

**11. CE 11-059 - Robert Mills, Lisa Mills - 704 Wisteria Drive**  
(Terry Oliver, Code Compliance Inspector) (Cited 7-8-11)

- a) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.7 Roofs and drainage
- b) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls. Chapter 10 Community Planning And Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior

Attorney Dawley reported the property remains in noncompliance, fine runs, no Board action taken. There was no one present on the Respondent's behalf.

**12. CE 11-063 - Peter S McChrystal, Elizabeth L McChrystal - 531 W Eau Gallie Blvd**  
(Gary Thron, Code Compliance Inspector) (Cited 8-16-11)

- a) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 302 Exterior Property Areas, 302.9 Defacement of Property. **(COMPLIED)**
- b) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing. Section 15-23. Public nuisances prohibited. **(COMPLIED)**
- c) Appendix D Land Development Code - Chapter 11 Signs and Advertising. Section 11.07 Conformance. (F) **(COMPLIED)**
- d) Appendix D Land Development Code - Chapter 11 Signs and Advertising. Section 11.19 Prohibited signs. **(COMPLIED)**
- e) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls Chapter 10 Community Planning And Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior.
- f) Chapter 28 – Streets, Sidewalks and other Public Places. Article II. Numbering Of Buildings and Property. Sec. 28-26. - Numerals to be posted; dimensions; coloration **(COMPLIED)**

Attorney Dawley reported the property remains in noncompliance, fine runs, no Board action taken. There was no one present on the Respondent's behalf.

**13. CE 11-068 - James Sims, Gladys Sims H/W - 1106 Coleman Street**  
(Gary Thron, Code Compliance Inspector) (Cited 8-9-11)

- a) Chapter 14 Garbage and Refuse. Article IV. Littering. Section 14-56. Property maintenance. (a) In general., (1) Lot maintenance **(COMPLIED)**
- b) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls. Chapter 10 Community Planning And Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior

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Unfinished Business Contd.

- c) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 301, General, 301.3 Vacant Structures and Land **(COMPLIED)**
- d) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 302, Exterior Property Area, 302.7 Accessory Structures.
- e) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303 Exterior Structure. Section 303.13.1 Glazing **(COMPLIED)**

Attorney Dawley announced that this case has complied.

**14. CE 11-071 - James Lochner - 1932 Cedarwood Drive**  
(Gary Thron, Code Compliance Inspector) (Cited 8-9-11)

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code, Section 13.80 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits
- b) Appendix B Zoning. Article VII. Accessory and Temporary Uses and Structures. Section 3. Temporary Uses. (C) Tents **(COMPLIED)**
- c) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing. Section 15-23. Public nuisances prohibited **(COMPLIED)**
- d) Chapter 14 Garbage and Refuse. Article IV. Littering. Section 14-56. Property maintenance. (a) In general., (1) Lot maintenance
- e) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code. Section 13-82 International Property Maintenance Code adopted. (b) 2. Care of premises
- f) Chapter 17 Junked, Abandoned and Wrecked Property, Article I Tangible Personal Property, Section 17-8 Storage of Vehicles. Section 17-9. Evidence of abandonment, junking, etc., of vehicle. Section 17-10. Removal of abandoned, junked vehicles from private property **(COMPLIED)**
- g) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article V. Parking and Loading Requirements. Section 9.74. Minimum standards for the design of off-street parking Areas. (p) Parking, Storage, or Use of Recreational Equipment and Recreational Vehicles **(COMPLIED)**
- h) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article III. Standards For Walls and Fences. Section 9.50. Maintenance of fences or walls **(COMPLIED)**
- i) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls Chapter 10 Community Planning and Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior
- j) Appendix B Zoning. Article V. District Regulations Section. 2. District use and dimensional standards. (A) Use and dimensional standards tables

Attorney Dawley advised that item “a” was incorrectly announced complied on the agenda and reported the property remains in noncompliance, fine runs, no Board action taken. There was no one present on the Respondent’s behalf.

**15. CE 11-080 - Wickham Forest Homeowners Assoc - The vacant common area know as tract A which is located north of Forest Run Dr, west of Sweet Bay Ave and east of Pebble Creek St**  
(Ralph Keller, Code Compliance Inspector) (Cited 10-27-11)

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Unfinished Business Contd.

- a) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing. Section 15-23. Public nuisances prohibited

Nancy Phillips of 4245 Wood Haven Drive, president of the Homeowners Association approached the Board.

Attorney Dawley reviewed the case history. Ms. Phillips provided a copy of an email detailing the timeline for recreating and maintaining the conservation area.

Administrator Porsi had previously reviewed and approved the submitted mitigation plan and recommended the case be continued to the August 22, 2012 meeting.

**Moved by Saam/Teele that case CE 11-080 be continued to August 22, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

16. **CE 12-004 - HS Melbourne LLC - 303 E Eau Gallie Blvd**  
(Gary Thron, Code Compliance Inspector) (Cited 11-22-11)

- a) Appendix D Land Development Code, Chapter 11. Signs and Advertising, Sec. 11.19. Prohibited Signs. H. Abandoned signs

Attorney Dawley announced that this case has complied.

17. **CE 12-006 - Orlando Realty Group LLC - 334 Crown Blvd**  
(Thomas Kleving, Code Compliance Inspector) (Cited 10-25-11)

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code, Section 13.80 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits

Attorney Dawley announced that this case has complied.

18. **CE 12-009 - Karen Cormier - 2326 Irwin Street**  
(Thomas Kleving, Code Compliance Inspector) (Cited 1-5-12)

- a) Chapter 28 Streets, Sidewalks and Other Public Places - Article II. Numbering of Buildings and Property. Section 28-26 Numerals to be posted; dimensions; coloration (**COMPLIED**)
- b) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code. Section 13-82 International Property Maintenance Code adopted. (b) 2. Care of premises (**COMPLIED**)
- c) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls. Chapter 10 Community Planning and Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior
- d) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances, Section 303.13.1 Glazing (**COMPLIED**)
- e) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances, Section 303.10 Stairways, decks, porches and balconies (**COMPLIED**)

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Robert Camron of 1829 Agora Circle Palm Bay approached the Board with the authorization of his business partner Karen Cormier.

Inspector Kleving announced item “c” as the only remaining item consisting of missing siding on the cottage. Mr. Camron stated he would have it completed within the next two weeks. The city recommended continuing the case to the May 23, 2012 meeting.

**Moved by Nelson/Teele that case CE 12-009 be continued to May 23, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

19. **CE 12-010 - Karen Cormier Trustee - 2327 S Harbor City Blvd**  
(Thomas Kleving, Code Compliance Inspector) (Cited 1-5-12)

- a) Chapter 14 Garbage and Refuse. Article IV. Littering. Section 14-56. Property maintenance. (b) Commercial business and institutional establishments. (4) Maintenance of premises **(COMPLIED)**
- b) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article III. Standards For Walls and Fences. Section 9.50. Maintenance of fences or walls **(COMPLIED)**
- c) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.7 Roofs and drainage. **(COMPLIED)**
- d) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls. Chapter 10 Community Planning and Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior

Attorney Dawley announced that this case has complied.

20. **CE 12-011 - Henry Lee Tolivert - 1008 Line Street**  
(Terry Oliver, Code Compliance Inspector) (Cited 12-22-11)

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code, Section 13.80 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits **(DISMISSED)**
- b) Chapter 28 Streets, Sidewalks and Other Public Places - Article II. Numbering Of Buildings and Property. Section 28-26 Numerals to be posted; dimensions; coloration **(COMPLIED)**
- c) Chapter 20 Offenses - Article I. In General. Section 20-4 Protection of water resources from wrongful disposal of materials on property, into storm sewers, or into natural outlets **(COMPLIED)**
- d) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article III. Standards For Walls and Fences. Section 9.48. Permits required **(COMPLIED)**
- e) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.7 Roofs and drainage **(COMPLIED)**
- f) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 301, General Requirements. 301.2 Responsibility
- g) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303 Exterior Structure. Section 303.14 Insect Screens
- h) Chapter 6 Mechanical and Electrical Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 601 General. 601.1 Scope. 601.2 Responsibility
- i) Chapter 6 Mechanical and Electrical Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 604 Electrical Facilities. 604.1 Facilities required. 604.2 Service. 604.3 Electrical system hazards **(COMPLIED)**

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Unfinished Business Contd.

- j) Chapter 6 Mechanical and Electrical Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 605 Electrical Equipment. 605.1 Installation
- k) Chapter 7 Fire Safety Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 701 General. 701.2 Responsibility

Attorney Dawley announced that this case has complied.

**21. CE 12-013 - Jeff Newman- 624-626-628 Lund Circle**  
(Thomas Kleving, Code Compliance Inspector) (Cited 1-9-12)

- a) Chapter 19 Local Business Tax Receipts, Article I, In General, Section 19-3 Receipt required, payment of tax prerequisite to issuance

Attorney Dawley announced that this case has complied.

**22. CE 12-014 - R Keith Milligan - 3020 Phillips Street**  
(Terry Oliver, Code Compliance Inspector) (Cited 1-20-12)

- a) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing. Section 15-23. Public nuisances prohibited
- b) Chapter 17 Junked, Abandoned and Wrecked Property, Article I Tangible Personal Property, Section 17-8 Storage of Vehicles. Section 17-9. Evidence of abandonment, junking, etc., of vehicle. Section 17-10. Removal of abandoned, junked vehicles from private property

Attorney Dawley announced that this case has complied.

**23. CE 12-015 - Barbara E Vrabel - 1819 Mosswood Drive**  
(Gary Thron, Code Compliance Inspector) (Cited 11-9-11)

- a) Chapter 14 Garbage and Refuse. Article IV. Littering. Section 14-56. Property Maintenance. (a) I General, (1) Lot Maintenance
- b) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code. Section 13-82 International Property Maintenance Code adopted. (b) 2. Care of premises **(COMPLIED)**
- c) Chapter 14 Garbage and Refuse. Article II. Collection and Disposal. SECTION 14-27. (8), Setting out Materials for Collection
- d) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article III. Standards for Walls and Fences. Section 9.48. Permits required

Attorney Dawley reviewed case history. Inspector Thron presented photographic evidence depicting the current condition of the property consisting of litter, improper storage of refuse containers and a fence replaced without the proper permit. He recommended assessing a fine of \$100.00 per day for each day the violation continues. There was no one present on the Respondent's behalf.

Mr. Saam questioned if a threat of life safety existed on the property. Inspector Thron advised there is not.

**Moved by Saam/Teele that all Respondent(s) in case CE 12-015, having failed to comply with this Board's previous order, be assessed a fine of \$100.00 per day commencing April 4, 2012, for each day the violation continues.**

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Unfinished Business Contd.

**MOTION CARRIED UNANIMOUSLY.**

**24. CE 12-017 - Estate of Veronica L Harris - 447 Grove Lane**  
(Terry Oliver, Code Compliance Inspector) (Cited 12-30-11)

- a) Chapter 15 Health and Sanitation. Article II. Lot, Junk, Garbage and Trash Clearing. Section 15-23. Public nuisances prohibited (**COMPLIED**)
- b) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.7 Roofs and drainage

Attorney Dawley reviewed case history. Inspector Oliver noted that the roof remains in disrepair and recommended assessing a fine of \$25.00 per day for each day the violation continues. There was no one present on the Respondent's behalf.

**Moved by Nelson/Teele that all Respondent(s) in case CE 12-017, having failed to comply with this Board's previous order, be assessed a fine of \$25.00 per day commencing April 4, 2012, for each day the violation continues.**

**MOTION CARRIED UNANIMOUSLY.**

**25. CE 12-019 - Hector Franco - 409 Amherst Avenue**  
(Thomas Kleving, Code Compliance Inspector) (Cited 1-10-12)

- a) Chapter 17 Junked, Abandoned and Wrecked Property, Article I Tangible Personal Property, Section 17-8 Storage of Vehicles. Section 17-9. Evidence of abandonment, junking, etc., of vehicle. Section 17-10. Removal of abandoned, junked vehicles from private property
- b) Appendix D Land Development Code - Chapter 9 Design Standards and Building Regulations - Article V. Parking and Loading Requirements. Section 9.74. Minimum standards for the design of off-street parking Areas

Attorney Dawley announced that this case has complied.

**NEW BUSINESS**

**26. CE 12-020 - AMT CADC Venture LLC - 1100 Range Drive**  
(Thomas Kleving, Code Compliance Inspector) (Cited 2-13-12)

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code. Section 13-82 International Property Maintenance Code adopted. (b) 2. Care of premises

Attorney Dawley established ownership of the property and verified that proper notification was made. Inspector Kleving presented the Board with photographic evidence depicting the violation of several mattresses and box springs in the parking lot area of a vacant lot. He recommended finding the property in violation and giving the Respondent until May 22, 2012 to comply or a fine of up to \$250.00 per day assessed. There was no one present on the Respondent's behalf.

**Moved by Teele/Saam that all Respondent's in case CE 12-020 be found in violation of the city code as cited and that all Respondent's be given until May 22, 2012 to comply or a fine of up to \$250.00 per day be assessed for each day the violation continues beyond said date.**

**MOTION CARRIED UNANIMOUSLY**

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New Business Contd.

27. **CE 12-021 - Jaroslav Hook - 2917 Emory St**  
(Thomas Kleving, Code Compliance Inspector) (Cited 2-13-12)

- a) Appendix D, Land Development Code - Chapter 13. Buildings and Building Regulations - Article III. Building Code, Section 13.80 Florida Building Code adopted. Chapter 1 Administration, Section 105 Permits, 105.1 Permits

Attorney Dawley announced that this case has complied.

**ADDITIONAL BUSINESS**

***False Alarm Appeal***

28. **CEA 12-002 – RBC Bank – 3000 Sarno Road**  
(Appeal Amount: \$300.00)

Administrator Porsi advised there was no one present on the Respondent's behalf and requested that the Board continue the case to the May 23, 2012 meeting with the understanding that the case would be heard at that meeting with or without representation.

**Moved by Nelson/Hokpins that case CEA 12-002 be continued to May 23, 2012.**

**MOTION CARRIED UNANIMOUSLY.**

***Request for Recommendation of Rescission of Fine***

29. **CE 97-032 – Samuel Lee Banks – 2709 Pond Street**  
(Thomas Kleving, Code Compliance Inspector) (Cited 2-14-97)

- a) City Code, Chapter 8 Buildings & Building Regulations, Article IX Housing, Section 8/241 Standard Housing Code adopted, Section 103.2 Unsafe Residential Buildings
- b) City Code, Chapter 8 Buildings & Building Regulations, Article II, Building Code, Section 8-21(b) The Standard Unsafe Building Abatement Code, Section 601

Samuel Banks of 2705 Pond Street approached the Board requesting a reduction/rescission of his Code Enforcement fine.

Administrator Porsi informed the Board that the property was found in violation at the April 3, 1997 Code Board meeting with an ensuing fine of \$50.00 per day. The fine ran until the October 2, 1997 Code Board meeting where it was capped at \$7,700.00 due to Mr. Banks believing he was in compliance and the need to send out a Code Inspector to verify. It was determined that the property was not in compliance and the case remained on the Code Board agenda for the next 9 months until compliance was met. The city recommended that if a rescission was to be considered it be for at least \$1,000.00 to cover city costs and that this amount be paid within 60 days of City Council approval or the lien reverts to the original amount of \$7,700.00. Mr. Banks agreed with the recommendation.

**Moved by Teele/Nelson that the Code Enforcement Board recommend to City Council that the Lien filed pursuant to case CE 97-032 remains at current rate of \$7,700.00 with authorization for the City Manager to satisfy the lien if \$1,000.00 is paid within 60 days for property located at 2709 Pond Street.**

**MOTION CARRIED UNANIMOUSLY.**

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Additional Business Contd.

***Pending Authorization to Foreclose***

**30. CE 11-042 - Kimberly R Compton - 1661 Bruman Terrace**  
(Gary Thron, Code Compliance Inspector) (Cited 5-19-11)

- a) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 303.6 Exterior walls. Chapter 10 Community Planning and Development, Article VIII Community Aesthetics, Section 10-171 Maintenance of building exterior

Attorney Dawley recapped the history of the case leading to a fine of \$100.00 and city staff was requesting authorization to foreclose.

Kimberly Compton Scarboro of 1661 Bruman Terrace approached the Board stating that she felt her property was in compliance prior to the start of the fine and that the violation was not visible from the street as depicted in previous minutes. Attorney Dawley informed Ms. Scarboro that the Board was only able to address items currently on the agenda and that if she would like to apply for a rescission of fine she would need to submit her application prior to May 2, 2012 to be placed on the May 23, 2012 agenda and her matter could be heard at that time.

**Moved by Teele/Hopkins that in case CE 11-042 we do not provide authorization to foreclose on the lien and/or sue to recover a money judgment.**

**ROLL CALL VOTE WAS TAKEN**

**AYE:**  
**HOLEMAN, HOPKINS AND TEELE**

**NAY:**  
**COOK, LOOMER, NELSON AND SAAM**

**MOTION FAILED 3-4**

**Moved by Saam/Loomer that in case CE 11-042 we provide authorization to foreclose on the lien and/or sue to recover a money judgment.**

**ROLL CALL VOTE WAS TAKEN**

**AYE: COOK, LOOMER, NELSON AND SAAM**

**NAY: HOLEMAN, HOPKINS AND TEELE**

**MOTION CARRIED 4-3**

**31. CE 11-054 - Raymond Callazo - 486 Magnolia Avenue**  
(Terry Oliver, Code Compliance Inspector) (Cited 7-21-11)

- a) Chapter 3 General Requirements of the 2000 International Property Maintenance Code as adopted by the City of Melbourne Code of Ordinances. Section 301, General, 301.3 Vacant Structures and Land

Attorney Dawley recapped the history of the case leading to a fine of \$500.00 and city staff was requesting authorization to foreclose. There was no one present on the Respondent's behalf.

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Additional Business Contd.

**Moved by Nelson/Holeman that in case CE 11-054 we provide authorization to foreclose on the lien and/or sue to recover a money judgment.**

**MOTION CARRIED UNANIMOUSLY.**

**32. Board/Staff Comments**

Administrator Porsi informed the Board that Code Enforcement works very close together with the Architectural Review Board (ARB) to ensure the three ARB areas are compliant. Shanna Tibbetts, chairperson of the Architectural Review Board approached the Board and agreed with Mr. Porsi and added that she appreciated the work done by the Code Enforcement Board.

Administrator Porsi thanked the Board for the kind words said about staff at the City Council Board Presentation.

Administrator Porsi reminded the Board that staff would be using email as a primary means of communication and correspondence delivery. He added that any member who was unable to utilize electronic means or would prefer mailed correspondence should inform city staff.

Ms. Cook announced the passing of previous Board member Frank Tubito.

Mr. Hopkins verified that the City received his certificate to add his past years of service to the Code Enforcement Board. Administrator Porsi advised that he would forward the information to the City Clerks office.

Mr. Saam applauded Ms. Cook on conducting her first meeting. Mr. Hopkins agreed.

**33. Adjournment**

**Moved by Holeman/Hopkins to adjourn the meeting.**

**MOTION CARRIED UNANIMOUSLY**

Meeting Adjourned: 7:00 p.m.

\_\_\_\_\_  
Dan Porsi  
Code Enforcement Administrator

c: Case Files/Respondents