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CODE ENFORCEMENT BOARD

MINUTES

February 16, 2023

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Chris Gibbs called the meeting to order at 5:30 pm and led the Pledge of Allegiance.

2. ROLL CALL

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

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

3. ADOPTION OF THE MINUTES

Vice Chair Michelson moved to approve the minutes from January 19, 2023. Board Member Shipton seconded, motion carried 8-0.

4. SWEARING IN OF THOSE PRESENTING TESTIMONY

Lisa M Pilsbury swore in those presenting testimony

5. OLD BUSINESS

Case No. 2022-0180

Violation of Section 26-102. – Removal of certain growth of grass and weeds

Violation of Section 26-206. – Vehicle in inoperable condition

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

Inspector Black was sworn in and testified:

He reminded the Code Board back on October 20, 2022 they were found in violation and granted 10 days to come into compliance, if not in compliance by October 30, 2022 then \$25 a day fine thereafter. Fines began on October 30, 2022.

2/8/2023 – Received a phone call from Janna Johnston indicating she was completely unaware of any violations as her son Hunter resides in the home. She requested to attend the next Code Board hearing so she could address the Board for a possible reduction in fines. This request was confirmed by email.

Ms. Janna Johnston, 212 Lincoln Ave., Apt 1, Cape Canaveral, FL 32920 was sworn in and testified:

- She apologized as she was unaware of the violation and indicated her son lives in the home. He signed for the registered letter and did not inform her.
- The property is now in compliance and is currently under contract with a closing date of mid-March.
- Requesting a reduction in fines.

Inspector Black recommends a reduced fine in the amount of \$300 on said property.

Board Member Shipton moved to grant a reduced fine of \$ 300. Board Member Luber seconded, motion carried 8-0.

6. NEW BUSINESS

Case No. 2022-0233

Violation of Section 26-102. – Removal of certain growth of grass and weeds

Violation of Section 26-206. – Vehicle in inoperable condition

Code Enforcement Inspector Camille Moore presented Case No. 2022-0233 for property located at 690 John Hancock Lane and owned by Craig A. Chapman, et al.

Inspector Moore was sworn in and testified this case has closed in compliance.

Case No. 2023-0008

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

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

Inspector Moore was sworn in and testified:

1/11/2023 – She received a notification via email from the Water Department regarding a meter at this address with a pin lock which had been removed after the water service was disconnected (effectively turning the water back on). Requested Notice of Violation to be mailed since City personnel have tried multiple times to contact Property Owner with negative results.

1/11/2023 - Mailed Notice of Violation via certified and regular mail to Property Owner.

2/1/2023 – Mailed Summons via certified and regular mail to Property Owner.

2/1/2023 – She requested a copy of both the Notice of Violation and Summons to post on the property. Photographed posting and noticed children's items strewn in the yard.

2/14/2023 – Re-inspected and photographed; Notice of Violation and Summons which were posted have now been removed. As of 2/7/2023 property owner owes \$673.38 and last payment was received May 2022.

Mr. Daniel Mahoney III, 415 Daniel Drive, West Melbourne, FL 32904 was sworn in and testified:

- He apologized and indicated he had a busted water line.
- Needed to have someone come out and find the leak which could be an expensive process.
- Someone volunteered to look for the leak but never showed up
- Eventually found and repaired the leak after removing the pin lock, which is when the Water Department came out and took the meter.
- Having issues with water leaking in other areas of the house and found out the water had been running for a while.
- A Water Department representative called and requested a number to restore water service and asked how much he was able to pay. He asked the representative what would need to take place to restore the service and was told paying the amount owed
- Asking the Board for leniency, mercy and time.

Building Official Forbes was sworn in and requested to address the property owner.

Building Official Forbes asked if anyone was currently living in the home. Mr. Mahoney stated yes, he is and is responsible for paying the expenses.

Building Official Forbes stated this brings up a more serious issue as there is no water service to the home. Mr. Mahoney replied someone with the City is aware of what has been done by connecting into the irrigation system when water is needed in the house.

Building Official Forbes asked if there is a shallow well. Mr. Mahoney replied yes, he has access to it, but does not use it all the time. Building Official Forbes stated his concern is the safety of drinking well water. Mr. Mahoney replied he does not drink the well or City water.

Building Official Forbes indicated situations like this have been brought before a lowercase Judge as an eviction due to an unsafe environment. The City hates to do this and would like to give the property owner time to correct. However, he would need time to research the well water as it is typically a shallow well for irrigation purposes verses a deep well for consumption.

Chair Gibbs asked if Mr. Mahoney is prepared to pay the water bill in full. He replied not at this time. He was also informed there was a fine of \$150 for removing the pin lock and he is prepared to pay that fine to show a good faith effort.

Inspector Moore recommends finding the violations.

Board Member Jones moved to find the violations. Board Member Palardy seconded, motion carried 8-0.

Board Member Palardy asked Inspector Moore if the Water Department would work with Mr. Mahoney regarding payments or does it have to be paid in full. Inspector Moore replied the payment needs to be paid in full to reconnect the water.

Board Member McGibany asked is there any help within the community. Inspector Moore replied there might be since the Water Department supervisor indicated they have tried reaching out to Mr. Mahoney with information regarding local services to assist.

Board Member Luber asked if there was any way Christopher could help. Mr. Mahoney replied he currently lives in Alaska, work comes and goes. There are some Churches in the area which could help, but I'm not the type to ask for help. If given the time, he will take care of it.

Inspector Moore recommends granting two (2) weeks to come into compliance then \$25/a day thereafter if not in compliance.

Vice Chair Michelson moved to grant two (2) weeks to come into compliance then \$25/a day thereafter if not in compliance. Board Member Palardy seconded.

Board Member Luber requested to discuss and suggested a fine of \$10/a day.

Mr. Mahoney stated he is employed and looking for additional work at night to help with steady employment.

Board Member Bosch asked how long until the property owner can pay the water fine. Mr. Mahoney replied the fines are now almost doubled and two (2) weeks is just not enough time.

Board Member Luber asked if Mr. Mahoney should deal directly with the Water Department or another department. Building Official Forbes replied this would be through our Finance Department they typically will work out a payment plan. However, cannot speak for the Water nor Finance Department.

Board Member McGibany asked if the Water Department continually charges the \$40 monthly fee on top of what is already being charged. Inspector Moore replied she was unsure of the monthly charge. Mr. Mahoney replied yes, his monthly billing is tied to other services.

Board Member McGibany asked if he was paying the \$40 monthly fee or nothing at all. Mr. Mahoney replied the plan was to pay the monthly fee, but not all at this time.

Board Member Shipton asked for a Water Department representative be present at the next Code Enforcement hearing. Inspector Moore indicated she would invite a representative to March's meeting.

Board Member Jones stated regarding the fines, imposing the fines does not leave Mr. Mahoney without recourse to request a reduction in fines.

City Attorney Cary stated the Board has the power to impose the fine based on the recommendation of staff or deviate from said recommendation. Once in compliance (paying the whole bill) Mr. Mahoney then can come before the Board and petition for a reduced fine amount.

New motion – Vice Chair Michelson moved to grant thirty (30) days to come into compliance, if not in compliance by March 16, 2023, then a fine of \$25/a day until compliance is reached. Seconded by Board Member Luber, motion carried 8-0.

City Attorney Cary advised Mr. Mahoney he should still go to City Hall and see about working something out as soon as possible. If something is worked out before next month's meeting let Inspector Moore know the arrangement.

7. ADJOURNMENT

There being no further business, hearing was adjourned at 5:58 pm.