

MINUTES OF THE BUILDING TRADES BOARD  
HEARING  
HELD AT 6:30 P.M. – SEPTEMBER 16, 2010  
CITY COMMISSION CHAMBERS, CITY HALL,  
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of September 16, 2010, was called to order at 6:30 p.m. Answering to roll call were:

William M. Cowherd (Chair)

Paul Heer (Vice Chair)

Randy Beach

Joseph Blanchette

Terry Harrison

Grant Clark

Also present were Chief Building Official Michael Knotek, Asst. Attorney Greg McDole and Permit & License Technician Dorlisa Pogany.

**II. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Members of the Citizens Code Enforcement Board were asked to please disclose, for the record, the substance of any ex parte communications that occurred prior to this public hearing.

Mr. Cowherd stated that there were none.

**III. APPROVAL OF MINUTES**

August 19, 2010

**Mr. Heer made a motion to approve the minutes of the August 19, 2010 as written; seconded by Mr. Clark. Motion passed up roll call vote 6-0.**

**IV. SWEARING OF CITY STAFF**

Michael Knotek, Chief Building Official, was sworn for testimony.

**V. OLD BUSINESS:**

**C2010-0619:**

**Joyce E. Tumblin Trustee**

**331 Canal St**

Consideration from Building Department to demolish a commercial structure at 331 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified he has been in contact with the Ms. Tumblin's Attorney and have agreed to allow the City to demolish the building. Mr. Knotek further testified he received an agreement from Ms. Tumblin's Attorney at 5 PM today which Mr. McDole has not had a chance to review. Mr. Knotek stated Ms. Tumblin is in agreement with the cost provided by the City for the demolition and will begin the process of demolition as soon as the agreement has been signed. Mr. Knotek stated Staff's recommendation is to officially condemn the building, have an asbestoses survey completed and have demolished in 45 days.

Discussion ensued among staff and board members regarding consideration of lead paint, price of local demolition contractor, length of time to comply, buildings adjacent to structure be notified, possible problems with removing building, demo contractor responsible if damage to adjacent structures and proper liability insurance.

**Mr. Clark made a motion to have 331 Canal Street demolished within 60 days; seconded by Mr. Heer. Motion passed unanimously upon roll call 6-0.**

## **VI. NEW BUSINESS**

**C2010-1045:**

**Willie James Mitchell**

**122 ½ Railroad St**

Consideration from Building Department to demolish a residential structure at 122 ½ Railroad Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified that no one has contacted the City regarding the structure and recommends the structure be demolished in 60 days if not by the owner, by the City and file a lien against the property.

**Mr. Clark made a motion to condemn 122 ½ Railroad Street as it has deteriorated to the point that the structure is irreparable and irreversible in nature and the only reasonable repair is the complete demolition of the structure within 60 days and authorize the City to file a lien; seconded by Mr. Blanchette. Motion passed unanimously 6-0.**

**C2010-1043: Jesse Meeks Est, C/O W.J. Hope & H.C. Meeks 312 N. Myrtle Ave**

Consideration from Building Department to demolish a residential structure at 312 N. Myrtle Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Ms. Corzet J. Lawrence, a representative of Jesse Meeks Estate, was present and sworn in.

Ms. Lawrence asked the Board for a total cost for demolition of the property and requested 60 days to remove the structure as the cost of repairs was too expensive. Ms. Lawrence stated the owners are considering hiring a contractor for demolition or to pay the City to demolish the structure.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified it is Staff's recommendation to condemn the structure and allow the owner 60 days to determine if she will demolish it or have the City demolish the structure.

**Mr. Clark made a motion to condemn 312 N. Myrtle as is has deteriorated to the point that the structure is unsafe and irreparable, allow the owners 60 days to arrange for demolition or contract the City to make arrangements for demolition; seconded by Mr. Heer. Motion carried unanimously 6-0.**

**C2010-1042: Margaret Thompson 353 Palm St**

Consideration from Building Department to demolish a residential structure at 353 Palm Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Cowherd asked for the record to reflect that no one was present to represent this case and asked staff for their recommendation.

Mr. Knotek testified it is Staff's recommendation to give the minimum time limit by ordinance 20 days to demolish the structure as the owner is deceased and the structure is beyond repair, has tree lying on top, destroyed on inside and not secured.

**Mr. Clark made a motion to condemn 353 Palm Street as it presents serious threat to public health, safety and welfare and the structure is to be demolished within 30 days and authorize the City to file a lien; seconded by Mr. Blanchette. Motion carried unanimously 6-0.**

**C2010-1046:**

**Han Xiao Jun & Xiao Jun Chan**

**545 Washington St**

Consideration from Building Department to demolish a residential structure at 545 Washington Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Charles Adams, Structural Engineer, representative of the owners was present and sworn in.

Mr. Adams stated he inspected the structure to see if feasible for repairs. The structure can be repaired but may be expensive. He further stated the owners are contacting a contractor to price out the repairs and make a determination based on estimate by the first week in October

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek testified he has been in contact with the owner and expressed concern that the cost would be prohibitive in saving the structure. Mr. Knotek further testified the owner's concern is if the structures are demolished, the City will not allow him to put back the units. Mr. Knotek stated for the record that the zoning is Mixed Use (MU) and the owner may be willing to remove the yellow structure to the east. The removal of three structures may allow him to construct 4-5 units on the property.

Mr. Adams stated a complete new electrical and plumbing system will need to be installed and cost will clearly dictate the owner's final decision.

Mr. Knotek testified that Staff's recommendation is to give the owner 60 days to complete the plans, obtain a price for repairs and to appear before the Board to discuss whether he is going to proceed with the repairs or demolish the structures. Mr. Knotek further stated that no tenants can occupy the structures as it stands now and requests the Board to establish a time limit.

Discussion ensued among staff, Mr. Adams and board members as to limit of time, whether to condemn structure or continue case, length of time to complete plans and securing the building.

**Mr. Blanchette made a motion to continue case C2010-1046 to the October 21, 2010 meeting with the contingency that building, windows and doors are secured to prevent entrance; seconded by Mr. Clark. Motion carried unanimously 6-0.**

**C2010-1044:**

**Stephen D. Camp & Tami L. Camp Tr**

**4312 Saxon Dr**

Consideration from Building Department to demolish a residential structure at 4312 Saxon Drive due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.



Discussion ensued among staff, Mr. Wilson and board members as to permits that are required, sufficient time limit, if interest accrues on liens and how staff makes sure work is completed within time limit.

**Mr. Clark made a motion to condemn 512 Ronnoc Lane, demolish the structure within 60 days and clear the land of all demolition debris; seconded by Mr. Beach. Motion carried unanimously 6-0.**

**VII. COMMENTS FROM BOARD MEMBERS AND STAFF:**

Mr. Cowherd asked Staff for an update to cases from the August 19, 2010 meeting.

Mr. Knotek provided an update on the following cases:

**C2010-0618 541 Charlovix St** – No response from owner. As soon as time deadline expires, Mr. Knotek will have structure demolished. There is a question on possible septic in rear which will be removed if there is one.

**C2010-0624 640 Dora St** – Owners of property given price the City will charge. They are going to get their own price and let the City know.

**C2010-0620 & C2010-0621 551 & 553 Julia St** – Board gave owner 90 days to clean up property, paint building, remove porch, board up the doors and windows. As of this date, no action taken by owner.

**C2010-0623 500 Wayne Ave** – Board gave owner 90 days to remove debris, clean up property and contact structural engineer to see if building can be saved. As of this date, no action taken by owner. Mr. Knotek will contact Mr. Klein (owner) to find out status.

**C2010-0625 1907 S Atlantic Ave** – Owner has contact City and was given cost for demolition. Mr. Knotek states owner will probably allow City to demolish.

**C2010-0619 331 Canal St** – Owner is allowing the City to demolish building. Working with her attorney to finalize agreement.

**VIII. ADJOURNMENT:**

**Mr. Heer made the motion to adjourn; seconded by Mr. Beach. All agreed and the hearing adjourned at 7:25 pm.**