

MINUTES OF THE BUILDING TRADES BOARD
HELD WEDNESDAY, JULY 22, 2009
UTILITES COMMISSION, DEBERRY ROOM, 3RD FLR,
200 CANAL ST, NEW SMYRNA BEACH, FLORIDA

Chairman Clark called the meeting to order and the following answered to roll call:

Chairman R. Grant Clark
Vice Chairman William M. Cowherd
Board Member John A. Bowman
Board Member Christopher Frank
Board Member Terry D. Harrison
Board Member Paul Heer

Also present were: John "Bob" Pike, Deputy Building Official, Assistant City Attorney Greg McDole and Dorlisa Pogany, Building Trades Board Secretary

APPROVAL OF MINUTES

Chairman Clark called for a motion to approve the minutes from the September 11, 2008 Board Meeting.

Board Member Frank asked for clarification on a statement in the Minutes regarding the demolishing of the structure at 428 N Myrtle Ave. He wanted to know the status on the structure and if it had been demolished.

It had been explained to Board Member Frank that the structure had not been demolished due to lack of funds. Code Enforcement did not have any grant funds to demolish the house. It is on a waiting list of approved structures for demolition when funds become available.

A motion was made by Vice Chairman Cowherd and second by Board Member Frank with the correction of removing the duplicate of Board Member John Bowman's name and replace with Board Member Christopher Frank for approval of the September 11, 2008 minutes as written. The minutes were approved unanimously upon roll call.

The Board was in agreement to delay the vote for Chairman and Vice Chairman until all the cases have been heard.

Consideration of request from the Building Department to Demolish a Commercial Structure at 114 Flagler Avenue.

This item came into compliance and was withdrawn. No further action necessary.

Consideration of request from the Building Department to Demolish a House at 332 Palm St.

Chairman Clark read the Notice of Hearing that was mailed to the property owners stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are not feasible or not reasonably expected to remedy conditions and the building must be demolished. The structure was damaged by fire and incapable of repairs.

Chairman Clark asked if there were any representatives for 332 Palm St. Mr. Joseph Berkeley, the owner was present and was sworn in by Attorney McDole.

Mr. Berkeley stated that he was in agreement with the Building Department to have the house demolished but he cannot afford the cost demolition.

Chairman Clark explained to Mr. Berkeley that if the Board approves the demolition, there would be a lien assessed against his property. Chairman Clark asked Mr. Berkeley if he had a problem with a lien being assessed against his property.

Mr. Berkeley stated he had no problem and would like for the house to be demolished.

Board Member Frank made a motion to have the house demolished within 120 days from this date. Board Member Harrison seconded the motion. The motion carried unanimously.

Consideration of request from the Building Department to Demolish a House at 336 Palm St.

Chairman Clark read the Notice of Hearing that was mailed to the property owners stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy conditions. However, due to the extent of the repairs and major costs of repairs, it may be more feasible to demolish the building. The interior has been removed causing the building to collapse in areas and further deterioration.

Chairman Clark asked if there was any representative for 336 Palm St. Chairman Clark said to let the record show that there was no representative for 336 Palm St. Board Member Frank stated that it appears someone had started working on the interior and asked if a permit had been issued. Deputy Building Official Bob Pike stated that no permit had been issued for any of the work that was done.

Board Member Frank stated that he was concerned that the house may end of being burnt down and made a motion that the house be demolished within 120 days from this date based on the Staff Report from the Building Department. Board Member Bowman seconded the motion. The motion carried unanimously.

Consideration of request from the Building Department to Demolish a House at 2105 Saxon Dr.

Chairman Clark read the Notice of Hearing that was mailed to the property owner stating the structure is in an unsafe and dilapidated condition, which is in violation of Article X, Chapter 26 of the New Smyrna Beach Code of Ordinances.

The conditions are of such character that repairs or alterations are feasible or reasonably expected to remedy conditions and the building and pool may be restored or needs to be demolished. The building has storm, water and termite damage and further damage from the lack of maintenance.

The building, pool and carport are so dilapidated, decayed, unsafe, unsanitary, or so completely fails to provide the amenities essential to decent living that it is unfit for human habitation.

Chairman Clark asked if there was anyone who may inherit the Estate of Luis Geil. It was stated that there is possibly a son but he is in a state institute and is not mentally capable for making any decisions.

Board Member Frank asked Attorney McDole what would happen with the Estate. Attorney McDole stated it would become the property of the State of Florida if there were no relatives. Since there is the possibility of a Son, it may be awarded to the Son by the State of Florida and a guardian would likely be appointed.

Board Member Frank asked if the Board had a legal right to take any action on the house. We only have to post it and that gives us jurisdiction to tear it down. We do not have to get approval if it is a hazard. Chairman Clark asked if the Son was incapacitated, wouldn't he still have rights? Attorney McDole stated that the Son would still have rights to the property. We are not taking the land away from him, just removing an unsafe structure. All the Board is doing is having the structure demolished and liens filed against the property. The ownership rights are still retained by the Son. If the Son were incompetent, he would have a guardianship established by the Court. We do not affect the title of ownership of the property.

Board Member Frank made a motion to recommend demolishing the structure and to fill the pool within 120 days from this date based on the Staff Report from the Building Department. Vice Chairman Cowherd seconded the motion. The motion carried unanimously.

There was discussion by Board Member Frank about the pool being opened at that someone could drown in the pool. He asked if there was any way to provide funds to at least secure the pool. Attorney McDole stated that the Board could ask the City to provide emergency repairs and funds to secure the pool.

Chairman Clark asked if the Board would like to make a motion requiring the City to take emergency action to secure the pool. It was agreed by all Board Members that further discussion was necessary.

Board Member Frank asked about possibility erecting a chain link fence, which would provide some protection. He made a motion to instruct Code Enforcement to put an emergency 4 feet fence structure around the pool and deemed as an emergency to isolate the pool for protection in the neighborhood. Board Member Bowman seconded the motion. Further discussion came as to whether to drain the pool and fill with dirt or erect a 4-foot fence.

Board Member Frank amended his motion as an emergency action to drain and fill the pool until such action that the pool and building can be razed. Vice Chairman Cowherd seconded the motion. The motion carried unanimously.

Election of Chairman

Attorney McDole explained the process of electing a new chairman to the Board Members.

The terms of the Board Members were read to the Board to help them in nominating process.

Board Member Frank nominated William Cowherd as chairman who respectfully accepted. Nominations were closed and Chairman Clark called for a vote. The Board was unanimous in electing William Cowherd as the new Chairman.

Election of Vice Chairman

Chairman Clark called for nominations for a vice chairman. Board Member Frank nominated Paul Heer who respectfully accepted. Nominations were closed and Chairman Clark called for a vote. The Board was unanimous in electing Paul Heer as the new Vice Chairman.

Board Member Bowman made a motion to adjourn the meeting. Board Member Harrison seconded the motion. The motion carried unanimously.

Adjournment

A motion was made by Board Member Bowman and seconded by Board Member Harrison to adjourn. Motion carried unanimously upon roll call. Meeting adjourned at 7:40 PM.