

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – FEBRUARY 17, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of February 17, 2011, was called to order at 6:30 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

Joseph Blanchette

Grant Clark

Terry Harrison

Also present were Chief Building Official Michael Knotek, Asst. City Attorney Greg McDole and Permit & License Technician Dorlisa Pogany. Board member Randy Beach was absent.

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**

January 20, 2011

Mr. Clark made a motion to approve the minutes of the January 20, 2011 as written; seconded by Mr. Heer. Motion passed up roll call vote 5-0.

IV. **SWEARING OF CITY STAFF**

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

V. **OLD BUSINESS:**

C2010-1176: Steve's Furniture Emporium LLC 1401 Canal Street

Consideration from Building Department to demolish a commercial structure at 1401 Canal Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Steve Thomas, Owner was present and sworn in for testimony.

Mr. Cowherd asked staff for a recommendation.

Mr. Knotek testified that Mr. Thomas has provided a construction schedule and plans to have all walls secured and support of roof completed by June 2011. The entire roof should be completed by November 2011 and have entire project completed by end of 2012. Mr. Knotek further testified that Mr. Thomas has completed the items outlined in letter dated October 20, 2010. Mr. Knotek stated that Mr. Thomas is in the process getting Federal approval to establish a food mart to sell organic meat.

Mr. Thomas stated he is raising cows and chickens and currently selling the organic meat at the Farmer's Market on Sams Avenue. He has been working for over a year for Federal approval to establish the Farmer's Store on his property where the meat and produce from other local farmers will be sold. Mr. Thomas further stated there is an issue with the septic system and had contacted Randy Walter of the Utilities Commission to connect to sewer. Mr. Thomas stated that Mr. Walter is not accepting applications to connect into the sewer and referred them back to Volusia County for the septic system. Mr. Thomas further stated they are trying to find a location on the property to install a raised septic tank as required by Volusia County which is now the problem. It appears the only area for the septic tank system is the parking lot or the courtyard.

Mr. Knotek testified that staff recommends the condemnation of the structure and give Mr. Thomas 2 years to renovate the building as per the Senate Bill.

Discussion ensued among staff, the Board Members and Mr. Thomas regarding the condemnation of the building, the implications of condemning the building, when and how a building comes off condemnation list, determined as a nuisance property, numerous complaints on property condition including one from Volusia County, when Senate Bill expires, when condemnation goes into effect and how often inspections required in accordance to the Senate Bill.

Mr. Heer made a motion to continue case C2010-1176 until the November 17, 2011 and forgo condemnation until then; seconded by Mr. Blanchette. Motion passed unanimously upon roll call 5-0.

VI. NEW BUSINESS

C2011-0035:

Douglas & Karen Hautz

311 Granada St

Consideration from Building Department to demolish a residential structure at 311 Granada 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 the rear portion of structure was an addition that should be demolished including the falling eaves. Mr. Knotek further testified the front portion of the house is savable but needs work and appears that demolition work was completed on the interior without a permit. The rear yard needs to be cleaned up and the walls along the rear property line stabilized since they are tilting/falling towards the neighbors. Mr. Knotek testified that the property owners received the certified mail but they have made no contact with the City. Mr. Knotek further stated the property is a nuisance and recommends condemnation of the rear room or ask for it to be repaired by a certain date.

Discussion ensued among Staff and the Board regarding if the power still on, how to condemn rear portion, when portion is removed if barricade the rear end of property and windows, if condemnation would get owners attention, questions on where funds come from to demolish house, if property in foreclosure and provide 60 days for corrections in lieu of 30 days.

Mr. Heer made a motion to condemn the entire structure at 311 Granada Street, give the owner 60 days to comply with the City's recommendation and submit a written agreement or demolish the structure; seconded by Mr. Blanchette. Motion passed unanimously 5-0.

C2011-0036: Richard & Mary Bage 826 S Myrtle Ave

Consideration from Building Department to demolish a residential structure at 826 S Myrtle Avenue 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 stated he has been in contact with the property owner and their attorney. Mr. Knotek further stated this structure suffered an electrical fire which gutted interior and insurance company is giving the property owners a difficult time regarding repairing verses demolishing. Mr. Knotek testified staff's recommendation is to continue this case to the March 17, 2011 meeting hoping it motivates the insurance company to make a decision.

Mr. Clark made a motion to continue case 2011-0036 until the March 17, 2011 meeting; seconded by Mr. Heer. Motion passed unanimously 5-0.

C2011-0037: Tarpon IV LLC 605 Jefferson St

Consideration from Building Department to demolish a residential structure at 605 Jefferson Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Knotek testified he has been in contact with the property owner who is willing to remove the structure. Mr. Knotek further testified the owner would like the City to remove the structure and he would reimburse the City. Mr. Knotek testified the City would have to secure permission to remove the fence for the demolition. Mr. Knotek further testified the demolition contractor would need to remove/reinstall the shed and fence and resod the area. Mr. Knotek testified staff's recommendation is to condemn the property and give the property owner 30 days to work out details with staff.

Mr. Blanchette made a motion to condemn the structure at 105 Washington Street and to give the property owner 30 days to finalize details with the City to demolish or repair the structure; seconded by Mr. Heer. Motion passed unanimously 5-0.

C2011-0040: William & Helen Evans 225 Inwood Avenue

Consideration from Building Department to demolish a residential structure at 225 Inwood Avenue 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 all the certified mail has been returned and unaccepted. Mr. Knotek further testified the front end has been renovated without permits, inside is gutted and roof structure is giving away possibly from renovations. Mr. Knotek testified staff's recommendation is to condemn the property and give the property owner 30 days to make the necessary repairs or demolish.

Mr. Clark made a motion to give the property owner 30 days to repair the structure or provide a written plan for repairs to the City and if the property owner fails to make such repairs within 30 days the structure is to be demolished, the land cleared and the City to file a lien; seconded by Mr. Harrison. Motion passed unanimously 5-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Cowherd asked Staff for an update to cases from the November 16, 2010 meeting.

Mr. Knotek provided an update on the following cases:

C2011-: 101CTanglewood Avenue – The structure has been demolished.

C2010-1177: 2275 Eslinger Drive – The structure has been demolished and the City reimbursed.

C2010-1043: 312 N Myrtle Avenue – One of the property owners contacted the City to inform us that she has the funds to demolish the structure. Mr. Knotek will be contacting the property owner to finalize the details.

C2010-1182: Ocean Palms – Mr. Knotek stated he has heard nothing from Mr. Boardman on the property or construction schedule. He will have to post the property and obtain funds from the City Commission to demolish the structures.

VIII. ADJOURNMENT:

Mr. Blanchette made the motion to adjourn; seconded by Mr. Heer. All agreed and the hearing adjourned at 7:27 PM.