

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

- I. The Hearing of March 17, 2011, was called to order at 6:32 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

Joseph Blanchette

Grant Clark

Terry Harrison

Randy Beach

Also present were Chief Building Official Michael Knotek, Asst. City 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. Heer stated for the record the owner, Craig Conway for case #C2011-0128 Diamond Motors LLC for 909 N Dixie Freeway had contacted him prior to the meeting regarding the demolition of the structure. Mr. Heer stated he had no financial interest or gain in the property.

III. APPROVAL OF MINUTES

February 17, 2011

Mr. Clark made a motion to approve the minutes of the February 17, 2011 as written; seconded by Mr. Heer. 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:

C2010-1341:

Carol Maxine Baker

425 Palm Street

Consideration from Building Department to demolish a residential structure at 425 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 house has been vacant for approximately two (2) years and the Board gave Ms. Baker a 60 day continuance to resolve out-of-state business. Mr. Knotek further stated the building is a nuisance and the Police Department has been dispatched numerous times as a result of burglaries. Mr. Knotek testified the building is structurally unsound especially in rear and floor system is unsafe. Staff recommends that the building be condemned and allow 30 days for demolition.

Mr. Blanchette made a motion to condemn the structure at 425 Palm Street and give the owner 30 days to repair the structure or authorize the City to demolish it; seconded by Mr. Heer. Motion passed unanimously upon roll call 6-0.

C2010-1182:

Ocean Palms Beach Club, Inc

2601 S. Atlantic Ave

Consideration from Building Department to demolish residential structures at 2601 S. Atlantic Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Reed Boardman was present and sworn in for testimony.

Mr. Cowherd asked Staff for a recommendation.

Mr. Knotek provided the Board with a brief history on the permit issue with this property. Mr. Knotek testified the property was condemned by the Board at their January 20, 2011 meeting. Mr. Knotek further testified the owner was to provide to the City a timeframe construction schedule, a written agreement within 30 days of the meeting and to maintain the property. Mr. Knotek testified the construction schedule was submitted on the 31st day by the owner without any written agreement and the property has not been maintained.

Staff recommends the following if the Board allows the owner to continue with the repairs: 1) The owner signs an agreement with the City; and 2) The owner adheres to the construction schedule. If the owner fails to do so, the Board authorizes the City to take remedial action with the attachment of liens for all costs incurred by the City.

Discussion ensued among the Board, Staff and Mr. Boardman as to why no action has taken place on the property, Mr. Boardman still has no clear title, why scaffold not removed, still working on obtaining funding, location of coastal construction line, cost on demolition, if asbestos survey required, density for the property currently and proposed if demolished, location of reconstructed buildings compared to the coastal construction line, amount of back taxes on property and the possibility of tax deed sales.

Mr. Boardman requested 30 days to present a financial plan and resolve issues with the Title Company so that a clear title can be presented to the Board.

Mr. Heer made a motion for case C2010-1182 to give the owner 3 business days (March 21, 2011) to execute the agreement provided by the City and agree to the revised construction schedule or authorize the City to proceed under the original condemnation order; seconded by Mr. Clark. Motion passed unanimously upon roll call 6-0.

VI. NEW BUSINESS

C2011-0126: B & B Chevron 1010 Canal St

Consideration from Building Department to demolish a commercial structure at 1010 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 the property has been vacant for a long period and is in foreclosure by Regions Bank with another property on North Dixie Freeway owned by the same people. Mr. Knotek stated Staff recommends condemnation of the building and give the owner 30 days to provide a plan to save the building or demolish the building.

Discussion ensued among Staff and the Board regarding the status of the underground tanks, if tanks would have to be removed if building demolished, any problems with condemning structure with legal issues of property and if any structural damages.

Mr. Heer made a motion to condemn the structure at 1010 Canal Street, give the owner 30 days to comply with repairs or demolish the structure; seconded by Mr. Blanchette. Motion passed unanimously 6-0.

C2011-0127: Alpheus E. Thompson Et Al 424 S. Duss Street

Consideration from Building Department to demolish a residential structure at 424 S Duss Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Harrison made a motion to condemn the property at 531 N Dixie Freeway and give the owner 60 days to demolish or authorize the City to demolish it; seconded by Mr. Heer. Motion passed unanimously 6-0.

C2011-0130:

Paul Virgil Thompson

434 S Duss St

Consideration from Building Department to demolish a residential structure at 434 S Duss 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 owner's father and provided him with a demolition cost estimate. Mr. Knotek further testified that the estimate was a little expensive because the demolition contractor could not get close to the house to complete an accurate estimate due to dogs chained to the front of the house. Mr. Knotek stated the owner is going to have the neighbor remove the dogs so that a more accurate estimate can be completed. Mr. Knotek stated staff's recommendation is to condemn the structure and give the owner 60 days demolish the structure.

Mr. Heer made a motion to condemn the structure at 434 S Duss Street and to give the property owner 60 days to demolish it or authorize the City to demolish it; seconded by Mr. Clark. Motion passed unanimously 6-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Cowherd asked Staff for an update to cases from the February 17, 2011 meeting.

Mr. Knotek provided an update on the following cases:

C2011-1139: 144 S Timberlane Dr – Mr. Knotek stated he has been in contact with the owner who has given us permission to demolish.

C2011-0036: 826 S Myrtle Av – Mr. Knotek stated he has been in contact with the owners and the structure will be demolished. The owners are waiting on a release from the Insurance Company before demolishing.

C2011-0039: 107 Washington St – Mr. Knotek stated he has been in contact with the owner and is working on arranging the demolition but there are sheds and fences that need to be moved.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 7:29 PM.