

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – September 15, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of September 15, 2011, was called to order at 6:30 p.m. Answering to roll call were:

Paul Heer (Vice Chair)

Grant Clark

Terry Harrison

Randy Beach

Joseph Blanchette

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

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Building Trades 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 that there were none.

III. APPROVAL OF MINUTES

August 18, 2011

Mr. Clark made a motion to approve the minutes of the August 18, 2011 as written; seconded by Mr. Blanchette. Motion passed unanimously 5-0.

IV. SWEARING OF CITY STAFF

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

V. OLD BUSINESS:

C2011-0439:

P. Thomas Clark Est EtAl

559 Charlovis St

Consideration from Building Department to demolish a residential structure at 559 Charlovix Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Heer 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 the case was continued from August 18, 2011 at the owner's request because the owner was trying to secure funding through Volusia County to repair the structure. Mr. Knotek further testified the house is in very bad condition and people were living in the structure without electricity and sewer. Mr. Knotek stated staff's recommendation is to demolish the structure and clean up the lot.

Discussion ensued among Staff and the Board regarding contact from the owner, if funding has been obtained, the lack of a sanitary sewer and property being a nuisance.

Mr. Clark made a motion to condemn the structure at 559 Charlovix Street, give the owner 30 days to submit a construction schedule for repair to the Building Department or demolish the structure and clear the land of demolition debris or authorize the City to demolish the structure and file a lien; seconded by Mr. Harrison. Motion passed unanimously 5-0.

C2011-0441:

Frederick Klein

500 Wayne Ave

Consideration from Building Department to demolish a residential structure at 500 Wayne Avenue due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Frederick Klein was present and sworn in for testimony.

Mr. Klein stated for the record that he has applied for a permit to demolish the canopy and has contacted an individual to complete an inspection after the demolition to determine if any further structures will need to be demolished.

Mr. Knotek testified Mr. Klein has removed a small fire damaged apartment and cleaned up the property some as well. Mr. Knotek further testified that Staff does not have a problem with allowing Mr. Klein to proceed with the canopy and doing an evaluation to determine the stability of the remaining structure. Mr. Knotek testified if Mr. Klein wants to repair the remaining structure, a construction schedule must be submitted to the Building Department. Mr. Knotek stated staff's recommendation is to allow Mr. Klein continue with repairs provided a construction schedule is submitted with a start and completion date.

Discussion ensued among the Staff, the Board and Mr. Klein as to the length of time required to remove the structure and evaluate the remaining structure, continuing the case for 2-3 months, when originally presented to the Board, if an engineer will evaluate the structure and if structure has been condemned.

Mr. Blanchette made motion to continue case C2011-0441 until the November 17, 2011 meeting; seconded by Mr. Clark. Motion passed unanimously 5-0.

VI. NEW BUSINESS

C2011-0357: Gerald Martin & GBL Properties LLC 219 Washington St

Consideration from Building Department to demolish a residential structure at 219 Washington Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Heer 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 this is 3 unit complex; 2 units in the main structure and 1 detached unit in the rear. Mr. Knotek further testified that the main structure had a fire on the front porch that went into the attic area so the Fire Department had the power disconnected by the Utilities Commission. Mr. Knotek testified the Utilities Commission contact the Building Department to do an inspection to reconnect the power for the tenants. Mr. Knotek further testified there is open sewer running from the house, open electrical boxes, open wires on the interior and plumbing fixtures not working. He further stated the tenants had children and the condition of the structure was not maintained or safe for the children so he denied access for the tenants to return.

Mr. Knotek testified that he notified the owners of the fire and that repairs would need to be completed before anyone can occupy the unit. Mr. Knotek further testified that the owners have not responded so the property went to the Code Enforcement Board as a public nuisance who referred it the Building Trades Board for further action. Mr. Knotek stated that staff's recommendation is to condemn the property and give the owners 30 days to submit a construction schedule or demolish the structure.

Discussion ensued among Staff and the Board regarding when the inspection was completed and any response from the property owners on the certified mail.

Mr. Blanchette made a motion to condemn the structure at 219 Washington Street, give the owner 30 days to submit a construction schedule for repair to the Building Department or demolish the structure; seconded by Mr. Harrison. Motion passed unanimously 5-0.

C2011-0487: Michael & Cindi Clemens 201 S Cooper St

Consideration from Building Department to demolish a residential structure at 201 S Cooper Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Heer 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 the sewer line runs across another property on Downing Street and there is no easement from the owners of Downing Street. Mr. Knotek further testified there is sanitary sewer problem with the Utilities Commission as well and the house has been abandoned. Mr. Knotek stated staff recommends condemning the property, give the owner 30 days to demolish or submit a construction schedule for repairs to the Building Department.

Discussion ensued among Staff and the Board regarding if the owner has contacted the City and if certified mail has been received by the owner.

Mr. Blanchette made a motion to condemn the structure at 215 Citron Street, give the owner 30 days to submit a construction schedule for repair to the Building Department or demolish the structure or authorize the City to demolish the structure and file a lien; seconded by Mr. Clark. Motion passed unanimously 5-0.

C2011-0494: PPTS 1 LLC 334 Sheldon St

Consideration from Building Department to demolish a residential structure at 334 Sheldon Street due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Mr. Heer 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 staff's recommendation is to condemn the main structure and detached structure in the rear. Mr. Knotek further testified the property has become a nuisance due to lack of maintenance and has been broken into and vandalized. Mr. Knotek testified that he contacted the property owners but they were not aware of the structure's condition and it appears they do not maintain the property as well. Mr. Knotek stated that staff's recommendation is to give the owner 30 days to submit a construction schedule for repairs to the Building Department or demolish the structures.

Discussion ensued among Staff and the Board regarding contact with the property owners and any response for repairs or demolition.

Mr. Clark made a motion to condemn the structure at 334 Sheldon Street, give the owner 30 days to submit a construction schedule for repair to the Building Department or demolish the structure or authorize the City to demolish the structure and file a lien; seconded by Mr. Harrison. Motion passed unanimously 5-0.

C2011-0495: Carol Maxine Baker 425 Palm St

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.

Carol Maxine Baker was present and sworn in for testimony.

Mr. Knotek testified that the Ms. Baker had a contractor pull a permit to have roof work completed but it has expired and no action has been taken to make the necessary repairs.

Discussion ensued among Staff, the Board and Ms. Baker regarding the lack of work by the contractor, name of contractor, amount paid to contractor, if willing to repair a timetable must be submitted, may qualify for CDBG funds for demolition, demolition cost for structure and to remove sewer and extensive damage that would be costly to repair.

Mr. Blanchette made a motion to continue case C2011-0495 until the November 17, 2011 meeting; seconded by Mr. Clark. Motion passed unanimously 5-0.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Heer asked Staff for an update to cases from previous meetings.

Mr. Knotek provided an update on the following cases:

C2010-1182: 2601 S Atlantic Ave – Mr. Knotek stated that Ocean Palms permit has been revoked, old locks cut and new locks installed, asbestos survey has been conducted, awaiting results of survey, possible demolition to start in October if there is asbestos or end of September if there is none. Mr. Knotek further stated the building on South Atlantic Avenue will be demolished first so it can be used as a staging area and then go eastward. The seawall must remain per State DEP or construct a dune system and submit plans to the State for approval.

C2011-0129: 531 N Dixie Freeway – Building was demolished today.

C2011-0126: 1010 Canal St – Mr. Knotek stated the Bank had started foreclosure and dismissed it due to environmental issues according to the local attorney, Edward Fitzgerald of Holland & Knight. Mr. Knotek further stated that he discussed with Mr. Fitzgerald who the current owner is and that a local citizen has a party who is interested in purchasing the property. Mr. Knotek stated that Mr. Fitzgerald is in contact with the party and they are trying to work out the purchasing details.

C2010-1176: 1401 Canal St - This property will be coming back to the Board on November 17, 2011 and the roof had to be constructed and complete by the November Board meeting.

C2010-0620: 551 Julia St – Mr. Knotek stated that earlier in the week there had been no action on the property; however, Mr. Wischmeier came into the office today stating that everything has been cleaned up. Mr. Knotek further stated he was not able to go by the property today before the meeting.

C2010-0621: 553 Julia St - Mr. Knotek stated that earlier in the week there had been no action on the property; however, Mr. Wischmeier came into the office today stating that everything has been cleaned up. Mr. Knotek further stated he was not able to go by the property today before the meeting.

Discussion on CDBG funds and how it works, if the City files a lien, who keeps money when it is returned to the City, would liens still have to be satisfied before selling, can permit been issued without lien satisfaction and could financing be obtained if lien on property. There was also discussion regarding the old Police Station demolition and when it will be completed.

VIII. ADJOURNMENT:

Mr. Blanchette made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 7:30 PM.