

MINUTES OF THE BUILDING TRADES BOARD
HEARING
HELD AT 6:30 P.M. – October 20, 2011
CITY COMMISSION CHAMBERS, CITY HALL,
210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA

- I. The Hearing of October 20, 2011, was called to order at 6:30 p.m. Answering to roll call were:

William Cowherd (Chairman)

Paul Heer (Vice Chair)

Grant Clark

Terry Harrison

Joseph Blanchette

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 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. Cowherd stated that there were none.

III. **APPROVAL OF MINUTES**

September 15, 2011

Mr. Clark made a motion to approve the minutes of the September 15, 2011 as written; seconded by Mr. Heer. Motion passed unanimously 5-0.

IV. **SWEARING OF CITY STAFF**

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

V. **OLD BUSINESS:**

VI. NEW BUSINESS

C2011-0579:

Tamara Lynn Flippin

601 Conrad Av

Consideration from Building Department to demolish a residential structure at 601 Conrad 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 that this property has been vacant for a long period, not maintained, vandalized and deteriorating. Mr. Knotek further testified that a building permit had been issued for construction in the past and there are parts of the structures that are in danger of collapsing. Mr. Knotek stated that staff's recommendation is to condemn the property and give the owner 30 days to demolish the structure or the City will demolish and assess a lien.

Discussion ensued among Staff and the Board regarding how long property vacant, any response from owner, if any inspections completed or permit finalized, if meter still connected, any neighbor complaints and if in foreclosure .

Mr. Blanchette made a motion to condemn the structure at 601 Conrad Avenue, give the owner 30 days to submit a construction schedule for repair to the Building Department or authorize the City to demolish the structure; seconded by Mr. Heer. Motion passed unanimously 5-0.

C2011-0580:

Ray McCloud

337 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 337 N 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 testified that the City has received several complaints from the neighbors; the structure has been broken into and destroyed on the inside. Mr. Knotek further testified that the owner of 339 N Myrtle (Naomi Campbell) has contacted the City for an estimate to demolish this structure as well as 339 N Myrtle Ave as she is connected to both properties. Mr. Knotek testified that the City has provided a monthly payment plan for the owners to reimburse the City for costs associated with the demolition of both buildings. Mr. Knotek stated staff's recommendation is to demolish the building within 30 days of this hearing.

Mr. Heer made a motion to condemn the structure at 337 N Myrtle Avenue and give the owner 30 days to demolish the structure or the City will demolish and assess a lien; seconded by Mr. Clark. Motion passed unanimously 5-0.

C2011-0581:

Naomi Campbell

339 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 339 N Myrtle Ave 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 the owner has contacted the City for an estimate to demolish the structure. Mr. Knotek further testified that the City gave the owner a price for demolition. Mr. Knotek stated staff's recommendation is to condemn the structure and demolish within 30 days of this hearing.

Mr. Heer made a motion to condemn the structure at 339 N Myrtle Avenue and give the owner 30 days to demolish the structure or the City will demolish and assess a lien; seconded by Mr. Beach. Motion passed unanimously 5-0.

C2011-0582:

Carolyn Hunter Johnson

462 N Myrtle Ave

Consideration from Building Department to demolish a residential structure at 462 N Myrtle Ave due to unsafe or dilapidated condition as per Article X, §26-796 of the New Smyrna Beach City Code of Ordinances.

Carolyn Hunter Johnson, 1023 W Patrick Cir, Daytona Beach, FL was present and sworn in for testimony.

Mr. Knotek testified that the structure is vacant and has not been sufficiently secured. Mr. Knotek further testified the structure is repairable but the property needs to be maintained. Mr. Knotek testified he spoke with the owner regarding the property maintenance and the necessity of securing the windows and doors. Mr. Knotek stated staff's recommendation is to allow the owner 30 days to make the necessary repairs, secure the building and cut the grass. If the owner does not comply, condemn the structure and demolish it.

Ms. Johnson apologized to the Board for the lack of maintenance of the property. Ms. Johnson stated the exterior does look bad but the interior has been completely remodeled. Ms. Johnson stated they are in the process of getting the exterior painted, new windows and doors have been installed and will meet staff on site to determine what other corrections are necessary.

Consideration from Building Department to determine if APD Development LLC is in violation of the Florida Building Code for the Notice to Reinstate Permit and whether they are entitled to a permit extension.

Angelo F. Rotondo, Contractor, 101 Orlando Ave, Ocoee, FL was present and sworn in for testimony.

Mr. Knotek testified that there were permits pulled in 2008 for 3 – 2 story, 12 unit buildings. Mr. Knotek further testified that in June, 2010 staff sent a letter revoking the permit based on Article III, Section 304(F) of the Land Development Regulations if substantial completion of the work has not taken place within two years of the date of issuance of the permit. However, in April 2010, the Governor signed Senate Bill 1752 stating that permits could be extended for two years provided the City is notified in writing prior to December 31, 2010. Mr. Knotek further testified a timetable had to be submitted and approved based on construction progress with the structure being completed by December 31, 2012. Mr. Knotek testified there have been no inspections since December 30, 2010; however the Developer states they are on schedule because they have until December 31, 2012 to complete the work.

Mr. Knotek testified if the Board does not allow the extension of the permits, the permits will be voided out, the contractor can reapply but it would be under different Codes (2007 Florida Building Codes, 2009 National Electric Code and 2009 Fire Protection Code) which may add additional costs for the Developer. Mr. Knotek further testified the developer can utilize the same site plan because the project was developed under a PUD (Planned Unit Development) zoning which allows phase construction. Mr. Knotek testified that the Developer will have to repay all costs associated with the building permit and site plan review.

Mr. Rotondo stated he was under the assumption that the letter submitted was sufficient and did not feel work actually needed to be done because there was nothing to do at this stage. Mr. Rotondo further stated the Developer is ready to start construction in January 2012 but agrees the construction area does need to be cleaned up. Mr. Rotondo stated he is willing to meet Staff at the site to discuss the clean up further.

Guy Marinade, Resident, 464 Bouchelle Dr and Novell Clearie, Resident, 456 Bouchelle Dr were present and sworn in for testimony.

Mr. Marinade stated the residents of Bouchelle request the Board do three things: 1) Deny extending the permit; 2) Restore property to its natural state; and 3) Remove debris, construction trailer and equipment. Mr. Clearie stated the residents request the Board deny the proposed New York City architectural design and comply with the Mediterranean style that currently exists.

Rodney Rich, Resident, 407 Bouchelle Dr was present and sworn in for testimony.

Mr. Rich requested the Board inspect the construction area especially the fenced area. Mr. Rich stated the fenced area is being used for storage and not for construction equipment and provided an aerial view photo for the Board to review.

Discussion ensued among Staff, the Board, Mr. Rotundo and Residents regarding what happens if the permit is denied, if starting in December is acceptable, if architectural design is jurisdiction of Board, who determines the architectural design and if it can be changed, if Board can put firm completion and start date on developer, what sanctions are for not following timeline and can permit be extended beyond December 31, 2012.

Mr. Knotek testified the Board can confirm a start date of December 1, 2011 and completion by December 31, 2012. Mr. Knotek further testified that the Building Department and Developer can meet with the residents but stressed that the architectural design cannot be determined by the Board. Mr. Knotek testified that it would be of no benefit to the residents to revoke or deny the permit because the Contractor can come in the next day and reapply for a permit but recommends allowing the permit to continue with a timeframe so that the developer can move on. Mr. Knotek further testified that the Contractor understands that all equipment would have to be removed upon completion and cannot be moved to another part of the development. Mr. Knotek stated staff's recommendation is to continue the permit with a date certain to begin and end the work and for Staff to meet with the residents on the architectural designs.

William Koleszar, Resident, 438 Bouchelle Drive was present and sworn in for testimony.

Mr. Koleszar stated that Bouchelle Island has a Board of Directors that was elected by the residents and who are responsible for the Development. Mr. Koleszar recommended Staff to contact the Board's Office and schedule a meeting through the Board and they would notify the residents.

Discussion ensued among Staff and the Board regarding which buildings started first, type of foundation, what first inspection would be, time when first inspection would be 60-90 days, possibility of breaking ground before December 1, 2011, would all 3 buildings be completed by December 31, 2012; what type of permit penalties if not completed, if Codes change would previous work have to be demolished and if Board can require Developer and Staff to meet monthly with residents.

Mr. Clark made a motion to continue the permits for case C2011-0617, C2011-0618 and C2011-0619 with the stipulation that construction must be started by December 1, 2011 and completed by December 31, 2012 or the permit will be revoked; seconded by Mr. Heer. Motion passed 4-0 with Mr. Cowherd abstaining.

VII. COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Cowherd 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 three buildings are down but there are issues with the house next door and the seawall. The site was secured on Tuesday and demolition will resume on Monday.

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 this property will be coming back to the Board on November 17, 2011.

C2010-0621: 553 Julia St - Mr. Knotek stated that this property will be coming back to the Board on November 17, 2011.

C2010-0623: 500 Wayne Ave – Mr. Knotek stated that this property will be coming back to the Board on November 17, 2011 and that Mr. Klein had contacted the City to inform us that he is hiring an inspector to determine the structural stability of the building.

C2010-1044: 4312 Saxon Dr – Mr. Knotek stated he had contacted the property owner several months ago who said the property may be sold. There has been no follow up but he will have an update for the next meeting.

C2011-0495: 425 Palm St – Mr. Knotek stated this property will be coming back to the Board on November 17, 2011.

Discussion on when CDBG funds will be available from the County to start the demolition of properties on the westside of town.

VIII. ADJOURNMENT:

Mr. Heer made the motion to adjourn; seconded by Mr. Clark. All agreed and the hearing adjourned at 8:10 PM.

(No electronic copy of the minutes was recorded for this meeting.)