

Special Magistrate Code Enforcement Minutes
April 7, 2009

The one hundred and second regularly scheduled meeting of the Special Magistrate was held on April 7, 2009, in the City Hall Commission Chamber. The meeting began at 2:00 p.m., with the Special Magistrate noting that the Minutes of the March 3, 2009 meeting had been read and approved.

Present: Archie O. Lowry, Jr., Special Magistrate, Don Dixon, CBO/Building Services Director, Cindy Jones, Recording Secretary and respondents were present.

Don Dixon and Cindy Jones as representatives of the City were sworn in by the Special Magistrate.

SM-005-09 Walter X & Norma G Novillo, 4989 SR 44, Lots 3 and 7. Cindy Jones introduced the file involving use of unlicensed persons to make repairs, failure to obtain permits and failure to request inspections. Don Dixon informed the Special Magistrate that the structures are unsafe due to termite damage in the walls and floors, lot 7 has an illegal structure built onto it and that is where Mr. Dixon feels that the termite infestation began. Mr. Dixon stated that the home is beyond repair as the home is old and enormous electrical problems exist within the structure.

Darrell Weicherz, State Certified Electrician was present and sworn in. Mr. Weicherz presented numerous pictures to the Special Magistrate that he had taken of code violations at lot 7. Mr. Weicherz stated that Mr. Dixon had required all of the wall panels to be removed. Mr. Weicherz added that numerous violations of electrical code were behind the panels, e.g. wiring that was not long enough, blind connection behind the paneling, a nail driven through Romex, et cetera. Mr. Weicherz stated that several areas were hazardous and the floors are weak. Mr. Weicherz observed evidence of termites running up and down the studs. Mr. Weicherz stated that he has been an electrical contractor for 37 years and believes that the home is not structurally sound.

Mr. Dixon added that he had had a conversation with Mr. Novillo relative to not utilizing unlicensed persons to perform repairs in his rental units approximately 7-15 days ago. Mr. Dixon cautioned Mr. Novillo about using his maintenance man rather than licensed contractors. Mr. Dixon went on to advise the Special Magistrate that in lot #3 the maintenance man had removed a gas stove and installed an electric stove, running illegal wiring in the home.

Mrs. Novillo was present and sworn in. Many tenants do not like to pay rent. Her husband has been undergoing medical treatment for approximately four months now. Many tenants destroy their property.

Order of Enforcement: Lot 7 is declared to be and unsafe structure and as such the Respondent shall not permit occupancy of any type at lot 7. Respondent shall also not permit occupancy of the mobile home on lot 3.

The mobile home on lot 7 shall be demolished within sixty (60) days of the date of this Order after first obtaining a demolition permit from the Building Services Department, 100 North Main Street, Wildwood, FL. As an alternative to demolition, the Respondent may contract with an engineer licensed in the State of Florida to write a report detailing the extent of the damages to the mobile home on lot 7. The engineer shall also specify the methodology of repairs to make the home safe, complete with an itemization of repair costs. The engineer's report shall be submitted within thirty (30) days of the date of this Order to Don Dixon, CBO/Building Services Director.

Respondents shall contract with a licensed electrical contractor, who shall obtain the appropriate permits and certify that the work that was performed is safe.

This matter shall come back before the Special Magistrate at the May 5, 2009 hearing.

SM-056-08 Walter X & Norma G Novillo, 4989 SR 44, Lots 14 and 25. Cindy Jones gave a history of the file noting that the property was in compliance at the present time, with the appropriate plumbing permit being obtained, the work inspected and the permit closed. Mrs. Novillo was present and sworn in. Mrs. Novillo indicated that she had nothing to add to the case.

Order of Fine: Respondents shall pay a fine of \$100.00 to the City of Wildwood, Building Services Department, 100 North Main Street, Wildwood, FL 34785 together with costs associated with the file in the amount of \$327.10 (for a total amount due of 427.10) within forty-five (45) days of the date of this Order.

SM-007-08 Ganesh T. Balcharan, et al., 3500 North US Highway 301. Cindy Jones gave a history of the file involving unpermitted construction. Mr. Balcharan and Gary Faulkener were present and sworn in. Gary Faulkener indicated that the structure was built to the manufacturer's specifications. The architect is requiring pylons be added. They are currently checking into whether brackets going into the slab can be used. Mr. Faulkener advised the Special Magistrate that he is licensed in home inspections.

Mr. Balcharan indicated that his business is based upon the construction industry and lately, there has not been much business. Money is tight and he indicated that he can not afford the concrete. Mr. Balcharan also stated that he is worried about the accumulation of fines.

Order of Enforcement: The fines in this case shall be held in abeyance for a period of sixty (60) days effective immediately.

This case shall come back at the June 2, 2009 hearing.

SM-050-08 Clay Bell as Registered Agent for Clay Bell, Investments, Inc., 720 Lee Street. Cindy Jones gave a history of the case involving an unsafe structure, overgrown vegetation and trash and debris. Clay Bell was present and sworn in. Mr. Bell indicated that he has a service that is maintaining the property, but did not have the money to demolish the structure.

Order of Enforcement: Respondent shall schedule an appointment to meet with a general contractor and Don Dixon, CBO/Building Services Director to inspect the unsafe structure. Respondent shall provide Mr. Dixon with a copy of the general contractor's license.

Staff shall obtain bids for demolition of the structure.

The fine of \$25.00 per day shall continue to accrue until such time as the violation is brought into compliance.

This case shall come back at May 5, 2009 Special Magistrate hearing. A decision as to payment of costs associated with the file will be made at that time.

With no further business to discuss, the meeting was adjourned at 3:04 p.m.

CITY OF WILDWOOD SPECIAL MAGISTRATE

Archie O. Lowry, Jr.