

**CODE ENFORCEMENT BOARD**  
Thursday, September 3, 2009  
Community Center, 509 Ocean Avenue  
6:30 P.M.

**MINUTES**

**I. CALL TO ORDER**

Member Cariou called to order the Public Hearing of the Town of Melbourne Beach Code Enforcement Board. Chairman Baird led the Pledge of Allegiance.

A roll call was taken and the following members were present:

**Members Present:**

Chairman Baird  
Frank Cariou  
Martha Remark  
Leon Snodgrass  
K.M Beckman

**Others Present:**

Town Attorney Paul Gougelman  
Board Attorney Jocelyn Lowther  
Building Official William Whitelock  
Deputy Town Clerk Rhonda Danielle

**Absent:**

Member Warren Olin

**II. APPROVAL OF MINUTES FOR JUNE 4, 2009**

Leon Snodgrass made a motion to accept the minutes and Frank Cariou seconded the motion. Question called; motion carried 5-0.

**III. PRELIMINARY MATTERS**

**A. Swearing in of witnesses**

Attorney Gougelman swore in witness William Whitelock, Code Enforcement Officer for Melbourne Beach. Attorney Gougelman wanted to add for the record that he is a notary public.

**IV. VIOLATION HEARINGS**

Case Number:           **09-CE-007**  
Alleged Violator:       Gary B. Sack

Violation Address: 2204 Redwood Avenue  
Melbourne Beach, Florida 32951  
Address: 2225 Pine Meadows Ave  
Melbourne, Florida 32904  
Alleged Violation: Section 49-21, Chapter 49 of the Melbourne Beach Code of Ordinances.

Packets were distributed to the Board Members at the beginning of the meeting for case number 09-CE-007.

Attorney Gougelman had Building Official Whitelock review his credentials with the State of Florida for the Board and asked that he be determined as an expert in Code Enforcement.

Member Remark made a motion to accept Building Official Whitelock as an expert. Member Cariou seconded the motion. Question called: motion carried 5-0.

Attorney Gougelman went over the letter that was sent to Mr. Sack regarding the violation of the accumulation of grass and weeds exceeding the height of one foot. dated March 18, 2009

Building Official Whitelock said that the document states the violation of the accumulation of grass and weeds is in violation of Section 49-21, Chapter 49 of the Melbourne Beach Code of Ordinances. The document was delivered via certified mail on July 21, 2009.

Attorney Gougelman also went over additional letters mailed to Mr. Sack in reference to the above mentioned violation. The letters were dated March 27, 2009 , to be complied with by April 15, 2009 and July 2, 2009, to be complied with by July 12, 2009.

Mr. Whitelock added that the two additional letters described to Mr. Sack was that no accumulation of grass and weeds is allowable by a property owner. He could comply by mowing the entire lot including inside of the swimming pool fence. As of September 3, 2009, he had not complied.

The next item Attorney Gougelman went over was the Notice to Appear which was served by certified mail which Mr. Sack received and signed for on July 21, 2009. Attorney Gougelman asked that Mr. Whitelock explain what the charge is that Mr. Sack is in violation of.

Mr. Whitelock stated that the alleged charges against Mr. Sack are pertaining to the accumulation of grass and weeds in excess of one foot in height.

Attorney Gougelman then proceeded to show the Board pictures that were taken by Mr. Whitelock on July 20, 2009 and September 3, 2009 documenting the

violation against Mr. Sack. There were 8 photographs placed into evidence from 2204 Redwood Avenue.

Attorney Gougelman asked how long he would like the Board to consider giving Mr. Sack to come into compliance.

Mr. Whitelock replied he would like to have them consider 5 days to come into compliance before any fines are levied with a daily fine of \$250.00 until date of compliance.

Member Remark made a motion to accept Code Enforcement Officer Whitlock's recommendation for the amount of \$250.00 a day with 5 days to come into compliance. Member Beckman seconded the motion.

The Board discussed the motion.

Question called: motion carried 5-0 of all in favor of underlying motion.

The final motion was read by Marty Remark and is as follows:

After hearing all of the verbal and photographic evidence presented by the Melbourne Beach inspector regarding failure to remedy the situation of accumulation of grass and weeds in excess of one foot in height, this court says that Mr. Sack is in violation of Florida Statutes. I move that Gary B. Sack, case # 09-CE-007, be found in violation of Section 49-21, Chapter 49 of the Melbourne Beach Code of Ordinances and be given 5 days to come into compliance. If he does not come into compliance by September 19, 2009, then beginning on September 20, 2009 a fine of \$250.00 a day will be imposed until such time as Mr. Sack comes into compliance. The burden is on the respondent to request re-inspection in order to demonstrate compliance and thereby stop any additional fines

**V. TOWN ATTORNEY MATTERS**

None

**VII. OLD BUSINESS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Member Beckman called for a motion to adjourn. Member Cariou seconded the motion. Question called; motion carried 5-0.

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Rhonda Danielle, Deputy Town Clerk  
(Town Seal)

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Chairman Chuck Baird