

**CODE ENFORCEMENT BOARD
MEETING
AUGUST 26, 2009**

MEMBERS PRESENT: Heinz Schmidt, Chairman
Norman Ashworth, Tom Bailey, Richard Kresge,
Paul Meyer, Jim Stevens, Albert Wiker

OTHERS PRESENT: David Levin, City Attorney; Dawn Lewis, Maricela Perdomo, Code Compliance Officers; Police Sergeant Melissa Reynolds; Volunteer in Policing Officer Alvin Keebler; Teri Tubbs, Zoning Official; Gary Kline

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - September 23, 2009

APPROVAL OF MINUTES

- A. Meeting of July 22, 2009
 - Mr. Meyer MOVED, Mr. Bailey SECONDED approval of the July 22, 2009 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. Election of Vice Chairman
 - Mr. Schmidt opened the floor for nominations for Vice Chairman.
 - Mr. Kresge NOMINATED Mr. Meyer for Vice Chairman.
 - Mr. Meyer declined the nomination as his term would expire shortly.
 - Mr. Kresge NOMINATED Mr. Stevens for Vice Chairman.
 - Mr. Bailey MOVED, Mr. Meyer SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
 - As there were no other nominations, Mr. Stevens was appointed Vice Chairman by acclamation.
 - Recording Secretary Kelly swore in all participants.
- B. 09-37867 - VOLUNTEER IN POLICING (VIP) OFFICER - ALVIN KEEBLER
 - Respondent: Eve David
 - Address of Violation: 3941 Tamiami Trail (Publix - Burnt Store)
 - Violation of Section 23-18(b), Parking spaces provided for certain disabled persons (PK 09658).
 - Mr. Schmidt announced the citation had been paid; thus, this case had been removed from the agenda.

Note: Item C was heard following Old Business.

C. 09-37858 - VOLUNTEER OFFICER - ALVIN KEEBLER

Respondent: Marilyn Leemhuis

Address of Violation: 350 East Marion Avenue (Justice Center)

Violation of Section 23-18(b), Parking spaces provided for certain disabled persons (PK 09657).

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Stevens MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- VIP Officer Alvin Keebler stated on July 29, 2009, at 10:25 a.m., he observed a vehicle parked in a handicap parking space at the subject property, located within City limits. He noted he confirmed there was no handicap decal on the license plate nor a handicap placard visible anywhere in the interior of the vehicle. He displayed two photographs of the subject vehicle and submitted same into the record.
- Mr. Meyer MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kresge MOVED, Mr. Bailey SECONDED to find the respondent guilty, to impose a fine of \$100 plus \$25 in Court costs. MOTION CARRIED UNANIMOUSLY.

Note: Item D was heard following Item B.

D. 09-37559 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Carlotta Amodio/Comcast Cablevision

Address of Violation: 253 Di Vinci Drive

Violation of Section 26-3.13(g), Parking of vehicles; Section 26-3.13(k), Advertising on vehicles.

- City Attorney Levin announced the case against Ms. Carlotta Amodio was being withdrawn; however, the case against Comcast Cablevision could proceed.
- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Dawn Lewis, Code Compliance Officer, stated the subject property was located within City limits, adding on September 24, 2004, she received a complaint regarding a commercial Comcast truck parked overnight in the driveway. She noted she advised the homeowner the vehicle could not be parked overnight in the driveway to which the property owner agreed; however, she received information from Police Sergeant Melissa Reynolds on July 8, 2009, relative to her witnessing the vehicle.

- Sergeant Reynolds reported she observed the above mentioned Comcast vehicle parked in the driveway at the subject location at 8:19 p.m. on July 8, 2009. She noted the vehicle was not parked in the driveway later that evening, specifically as of 1:00 a.m. She attested one of her officers observed the vehicle parked in the driveway on July 14, 2009, at 2:45 a.m.
- Ms. Lewis continued she subsequently received several complaints from neighbors who advised the vehicle continued to be parked in the driveway on the weekend and during evening hours. She stated after the homeowner received a violation letter, the homeowner advised he would not park the vehicle in the driveway any longer. She reported a Statement of Violation/Notice of Violation was served on the respondent on July 23, 2009, by certified mail. She advised as of August 20, 2009, the truck had been removed; thus, the property was in compliance.
- Mr. Meyer MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED to find the respondent guilty, to issue a Cease & Desist Order for future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Items A and B, Old Business, were heard following Item D.

Note: Item E was heard following Item J.

E. 09-37531 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Frederick J. Fox Estate

Address of Violation: 233 Harvey Street

Violation of Section 26-8.11(c), Property maintenance; Section 26-8.11(e), Property maintenance; Section 26-8.11(b), Property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Stevens SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on June 23, 2009, she observed tall grass and weeds over 12 inches in height, weeds and dead landscape debris and two windows with loose or broken frames. She mentioned this property was in foreclosure. She announced a Statement of Violation/Notice of Hearing was served on August 14, 2009, by certified mail. She advised the violations remained as of August 20, 2009.
- Mr. Meyer clarified the property was unoccupied, asking if the foreclosure was final.
- Ms. Lewis replied it was not.

- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Meyer MOVED, Mr. Bailey SECONDED to find the respondent guilty, to issue a Cease & Desist Order and require compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
 - Mr. Kresge asked who the Order would be filed against, noting the property owner of record was an estate.
 - City Attorney Levin replied the estate's personal representative, Mr. Frederick Fox III.
 - Mr. Kresge confirmed the personal representative was local.
- F. 09-37609 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Frederick J. Fox Estate
Address of Violation: 420 West Olympia Avenue
- Violation of Section 10-1 & 10-1.1, Litter, trash, debris, stagnant water, excessive growth of vegetation, declared detrimental to health and safety; Section 26-8.11(c), Grass & weeds, standards of property maintenance; Section 26-8.11(e), Property maintenance; Section 26-8.11(f), Property maintenance.
- Mr. Schmidt confirmed the respondent was not present.
 - Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on June 15, 2009, she observed tall grass and weeds over 12 inches in height and overgrown and dead landscaping throughout the property. She reported a Statement of Violation/Notice of Hearing was served on August 14, 2009. She concluded all violations remained as of August 20, 2009.
 - Mr. Meyer asked if the home was inhabited.
 - Ms. Lewis replied it was not, adding it was in foreclosure as well.
 - Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Meyer MOVED, Mr. Wiker SECONDED to find the respondent guilty, to issue a Cease & Desist Order and require compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
 - Mr. Bailey asked if the City would clean up the property.
 - Ms. Lewis replied affirmatively, once the respondent was served with the necessary paperwork.

G. 09-37794 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: George Hutchinson

Address of Violation: 5004 La Costa Island Court

Violation of Section 26-8.11(c), Property maintenance; Section 26-8.11(e), Property maintenance; Section 26-8.14(b), Structures and uses limited in yards.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on June 24, 2009, she observed tall grass and weeds over 12 inches in height throughout the property, overgrown landscape beds and a stack of roof tiles stored on the side of the home. She announced a Statement of Violation/Notice of Hearing was served upon the respondent on August 7, 2009. She concluded the property was in compliance as of August 20, 2009.
- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to find the respondent guilty, to issue a Cease & Desist Order for future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

H. 09-37727 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Florida Community Bank

Address of Violation: 1527 Atares Drive, Unit #111

Violation of Section 26-8.11(c), Property maintenance; Section 26-8.11(e), Property maintenance.

I. 09-37728 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Florida Community Bank

Address of Violation: 1527 Atares Drive Unit #112

Violation of Section 26-8.11(c) Property maintenance; Section 26-8.11(e), Property maintenance.

- Ms. Lewis requested Items H and I be heard simultaneously, explaining this property, located within City limits, was a duplex.
- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed several photographs of the subject location, stating on July 15, 2009, she observed tall grass and weeds exceeding 12 inches in height and overgrown

landscape beds throughout the property. She mentioned she received several complaints from neighboring property owners. She announced a Statement of Violation/Notice of Hearing was served upon the respondent on August 5, 2009. She concluded as of August 11, 2009, the violations had been eliminated, adding the property continued to be maintained as of August 22, 2009.

- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to find the respondent guilty, to issue Cease & Desist Orders for future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item J was heard following Items A.1 and A.2, Old Business.

J. 09-37691 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: K & M Ventures LLC

Address of Violation: 115 Bayshore Court

Violation of Section 26-3.4, GS, General single-family residential district; Section 9A-12(a), Nuisances specified, generally; Section 26-8.11(f), Property maintenance; Section 6-5, Depositing effluvia, refuse, etc., in water; Section 6-7(b)(2)(a), Maintenance of seawalls and appurtenances; Section 6-7(b)(2)(c), Maintenance of seawalls and appurtenances.

- Mr. Gary Kline, respondent, entered a plea of guilty.
- City Attorney Levin announced the City was dismissing the charge of violation of Section 6-5.
- Ms. Lewis displayed several photographs of the subject, vacant property, which was located within City limits, stating on July 10, 2009, she observed two boats, PVC pipes, a boat engine, wood scraps and miscellaneous debris on the dock, dead landscape material, palm fronds on the ground and hanging from two palm trees. She explained the owner advised he did not own either of the boats but would contact the owners of same, adding he also provided her with that contact information. She noted the owner further indicated he would remedy the remaining violations. She stated the boat owner informed her the smaller boat would be removed within days and the dock would be cleaned up. She announced a Statement of Violation/Notice of Hearing was served on August 5, 2009, confirming the small boat, PVC pipes, engine cover, wood scraps and debris had been removed as of August 21, 2009; however, the large boat remained. She concluded the only violation remaining as of August 22, 2009, were palm fronds hanging from the trees; however, the respondent had just informed her the trees were trimmed on August 24, 2009, submitting a receipt for same into the record.

- Mr. Meyer MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kline explained elimination of the palm fronds had taken longer than he had anticipated. He confirmed the work was done by 5:00 p.m. on August 24, 2009.
- Mr. Kresge MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order and require compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item K was heard following Item I.

K. 09-37610 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Beverly Blanding

Address of Violation: 334 Fitzhugh Avenue

Violation of Section 26-8.11(g), Property maintenance; Section 26-8.11(b), Property maintenance; Section 26-8.11(c), Property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Wiker SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Maricela Perdomo, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on July 7, 2009, she observed two unlicensed vehicles, an inoperable boat and trailer, a boarded up window and tall grass and weeds throughout. She noted on July 8, 2009, the respondent's husband advised the vehicles and boat would be removed and the grass maintained within the following few days. She reported on July 28, 2009, the grass was cut and vehicles were removed; however, the violations relative to the weeds, boat, trailer and windows remained and continued as of August 25, 2009.
- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED to find the respondent guilty, to issue a Cease & Desist Order and require compliance within 14 days of receipt of the Board's Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

Note: Items A.1 and A.2 were heard following Item D, New Business.

A. Hearings Imposing Penalty

1. 09-37157 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Scott & Janet Gould

Address of Violation: 2854 Don Quixote Drive

Violation of Section 9A-20(a)(2), Appearance & maintenance standards, building fronts and sides abutting streets or public access; Section 26-8.11(b), Property maintenance.

2. 09-37375 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Scott & Janet Gould

Address of Violation: 2854 Don Quixote Drive

Violation of Section 10-1, Litter, trash, debris, stagnant water, excessive growth of vegetation, declared detrimental to health and safety; Section 26-8.15, Swimming pools.

- City Attorney Levin announced the respondent in Items A.1 and A.2 had requested a continuance to allow him the opportunity to have an attorney present.
- Mr. Stevens MOVED, Mr. Bailey SECONDED to continue Cases #09-37157 and #09-037375 to September 23, 2009. MOTION CARRIED UNANIMOUSLY.

Note: Item A.3 was heard following Item K, New Business.

3. 09-37438 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Jay L. Goldberg

Address of Violation: 879 Napoli Lane

Violation of Section 26-8.11(c), Property maintenance; Section 26-8.11(e), Property maintenance; Section 26-8.11(f), Property maintenance.

- City Attorney Levin announced this item was being withdrawn, explaining the City must re-serve the respondent to allege a repeat violation.

B. Repeat Violator

1. 09-37817 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: James Rawls

Address of Violation: 619 East Virginia Avenue

Violation of Section 9A-12(g), Nuisances specified, generally; Sections 10-1 & 10-1.1, Litter, trash, debris, stagnant water, excessive growth of vegetation, declared detrimental to health and safety.

- Ms. Perdomo explained the charge relative to Section 9A-12(g) was new, adding the charge relative to Sections 10-1 and 10-1.1 were repeat violations.
- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a not guilty plea on behalf of the respondent for the charge of violation of Section 9A-12(g). MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to find the respondent guilty of violation of Section 9A-12(g), to issue a Cease & Desist Order and require compliance within 14

days of receipt of the Board's Order or be subject to a fine of up to \$250/day.
MOTION CARRIED UNANIMOUSLY.

- Mr. Schmidt announced the Board would now hear testimony relative to a charge of repeat violation of Sections 10-1 and 10-1.1.
- Ms. Perdomo stated on December 11, 2007, the property owner received a Cease & Desist Order for any future violations of Sections 10-1 and 10-1.1. She announced the property was found to be in violation on July 31, 2009, through August 25, 2009, for a total of 26 days.
- Mr. Kresge asked if the respondent had been notified of this meeting.
- Ms. Perdomo replied affirmatively.
- Mr. Kresge MOVED, Mr. Stevens SECONDED to impose a fine of \$2,600 for 26 days of violation at \$100 per day. MOTION CARRIED UNANIMOUSLY.

Note: A 10 minute recess was called at 9:50 a.m.

Note: Item C, New Business, was heard prior to Member Comments.

MEMBER COMMENTS

- Mr. Schmidt welcomed Mr. Wiker to the Board.
- Mr. Kresge announced he would not be present at the Board's next meeting.
- Mr. Stevens requested members be provided with a list of recommended Court costs.

ADJOURNMENT

- Meeting Adjourned: 10:04 a.m.

Heinz Schmidt, Chairman

Mary Kelly, Recording Secretary