

**CODE ENFORCEMENT BOARD
MEETING
SEPTEMBER 22, 2010**

MEMBERS PRESENT: Jim Stevens, Chairman
Norman Ashworth, Tom Bailey, Carol Perry,
Vic Poitras, Gloria Sepanik, Ed Viola

OTHERS PRESENT: Melissa Reynolds, Police Officer; David Levin, City Attorney; Randy Wright, Maricela Perdomo, Code Compliance Officers; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator; Dennis Murphy, Growth Management Director; Councilmember Elect Rachel Keesling; David Woodring, Maria Gauta, Owen Gorman

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - October 27, 2010
- C. Presentation of Plaque
 - Mr. Stevens announced Mr. Bailey's term would expire on October 4, 2010, and presented him with a Certificate of Appreciation in honor of his service.
 - Mr. Bailey accepted the plaque, stating he had enjoyed his years as a Board member.

APPROVAL OF MINUTES

- A. Meeting of August 25, 2010
 - Mr. Ashworth MOVED, Mr. Viola SECONDED approval of the August 25, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Mr. Stevens provided a detailed review of hearing procedures, explaining the Board had no authority to change existing laws but rather was charged with enforcing same.
- Recording Secretary Kelly swore in all participants.
- A. 10-40789 - POLICE OFFICER - MELISSA REYNOLDS
 - Respondent: Erica E. Edelen
 - Address of Violation: 2310 Tamiami Trail
 - Violation of Chapter 23, Section 23-18(c), Failure to properly display handicap permit.
 - Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on her behalf.
 - Police Sergeant Melissa Reynolds stated on July 17, 2010, at 4:35 p.m., she observed a vehicle parked in a handicapped space at the subject property, located within City limits. She confirmed no placard was hanging from the rear view mirror nor did the vehicle have a handicapped license plate. She continued upon walking around the

vehicle, she observed a handicap placard between the driver's side visor and inside roof of the car, concluding she then issued a citation for failing to properly display a handicap placard.

- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras MOVED, Mr. Ashworth SECONDED to find the respondent guilty and to impose a fine of \$25 plus \$25 Court costs. MOTION CARRIED UNANIMOUSLY.
- City Attorney David Levin reminded members Court costs of up to \$100 could be imposed, asking if the Board wished to revisit their action. He clarified he was not questioning the Board's judgment; however, Sergeant Reynolds had been required to appear this date to testify.
- Ms. Sepanik added Sergeant Reynolds was off duty this date.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to reconsider the Board's previous motion.
- VOTING AYE: Ashworth, Perry, Poitras, Sepanik, Viola, Stevens.
- VOTING NAY: Bailey.
- MOTION CARRIED.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent guilty and to impose a fine of \$25 plus \$100 Court costs.
- Mr. Poitras noted Sergeant Reynolds would be paid three hours of overtime due to being called in to testify.
- VOTING AYE: Ashworth, Perry, Poitras, Sepanik, Viola, Stevens.
- VOTING NAY: Bailey.
- MOTION CARRIED.

B. 10-40894 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Thomas Nardozza, Jr.

Address of Violation: 419 Myrtle Street

Violation of Chapter 9A, Section 9A-12(a), A dog house, 55-gallon drum and other miscellaneous debris stored outside; and Chapter 26, Section 26-12.10, Overgrown, invasive species trees on the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.
- Mr. Randy Wright, Code Compliance Officer, displayed photographs of the subject property, located within City limits, stating on August 4, 2010, he observed a dog house, pieces of wood, a 55-gallon drum and Brazilian Pepper trees. He stated a Notice of Violation/Order for Corrective Action was issued and subsequently received on August 9, 2010, requiring compliance by August 19, 2010; however, all violations

remained as of August 20, 2010. He announced a Notice of Hearing was issued and received by the respondent on August 30, 2010. He concluded all violations remained as of September 21, 2010.

- Mr. Viola asked if the dog house must be removed.
- Mr. Wright replied affirmatively, explaining the property was a vacant lot.
- Mr. Stevens clarified a dog house would be allowed on a property with a home.
- Mr. Viola confirmed this property was enrolled in the City's Lot Mowing Program.
- Mr. Wright concurred, stating the property was overgrown due to the significant amount of rain recently. He mentioned the property owner resided out of State.
- Mr. Bailey questioned whether the dog house was placed on the property by the owner.
- Mr. Wright replied it was not.
- Ms. Sepanik MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Bailey SECONDED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 14 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola expressed concern in that the property owner was enrolled in the Lot Mowing Program, which indicated his desire to maintain the property; however, he may be fined due to someone else's actions.
- Mr. Wright responded property owners were always ultimately responsible, noting the owner had not been cited for tall grass and weeds.
- Mr. Poitras questioned the number of times the respondent had been contacted regarding the dog house.
- Mr. Wright replied three.

C. 10-40776 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

Violation of Chapter 9A, Section 9A-12(a)(e), Inoperative and unregistered boat which is in a state of decay.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Mr. Wright displayed photographs of the subject property, located within City limits, stating on July 21, 2010, he observed an unregistered vessel sitting on a boat lift in a state of decay, specifically the canvas top was rotting. He announced a Notice of Violation/Order for Corrective Action was issued on July 22, 2010, by certified mail but was refused; thus, the property was posted on August 5, 2010, requiring the boat to

be moved by August 15, 2010. He noted the violation remained as of his August 25, 2010 inspection; thus, he issued a Notice of Hearing to the respondent on August 27, 2010, by certified mail which was returned; thus, the property was posted on the same day. He concluded the boat remained in violation as of September 21, 2010.

- Mr. Poitras asked if the home was occupied.
- Mr. Wright replied Ms. Bonnie Jacobs, respondent, resided at the property, adding the other respondent, Mr. Elbert H. Van Nostrand, was deceased.
- Mr. Poitras asked if the boat would still be in violation if the top was removed.
- Mr. Wright replied affirmatively, explaining the boat had been unregistered for a number of years and was thus inoperable. He mentioned this property had been the subject of another City Code violation.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 21 days subject to a fine of up to \$250 per day.
- Mr. Viola commented he was aware of numerous other properties with boats in similar condition.
- Mr. Wright responded he had addressed similar situations where the boats had been removed.
- Mr. Poitras SECONDED.
- MOTION CARRIED UNANIMOUSLY.

D. 10-40957 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: John R. Gill

Address of Violation: 7233 North Blue Sage

Violation of Chapter 9A, Section 9A-12(a) and Chapter 26, Section 26-8.11(g), Personal items stored on the lanai and a riding mower and ladder stored outside in the yard.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.
- Mr. Wright requested a continuance, stating the respondent was ill. He noted the respondent's daughter contacted him regarding her attempts to eliminate the violations.
- Mr. Bailey MOVED, Mr. Ashworth SECONDED to continue Case #10-40957 to October 27, 2010. MOTION CARRIED UNANIMOUSLY.

E. 10-40187 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Julian T. & Joelle R. Beverly

Address of Violation: 1480 Narranja Street

Violation of Chapter 7, Sections 7-32(a)(1) and 7-32(b)(4), Fence installed on the property without a permit.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Mr. Wright stated on May 21, 2010, he observed a fence installed on the subject property, located within City limits, adding he confirmed a permit had not been issued for same. He advised a Notice of Hearing/Order for Corrective Action was issued and subsequently received by the respondent on June 5, 2010, requiring compliance by June 12, 2010. He noted the violation remained as of his re-inspection on August 25, 2010, adding the owner telephoned him to advise he would be moving and needed 5 weeks to remove the fence; however, the fence remained beyond that time, confirming no permit had been obtained. He explained he posted the property on August 27, 2010, for this hearing, concluding the violation remained as of September 21, 2010.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 7 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 10-40398 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: James M. Patterson III & L. Rodriguez

Address of Violation: 422 East Drive

Violation of Chapter 7, Section 7-35(d), No house numbers on the structure.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Mr. Wright stated on June 9, 2010, he observed no house numbers at the subject property, located within City limits, adding the homeowner indicated he would replace same. He announced a Notice of Violation/Order for Corrective Action was issued on June 15, 2010, by certified mail, requiring the numbers to be placed on the house by June 21, 2010; however, the numbers were still missing as of July 19, 2010. He continued a courtesy letter was issued on July 19, 2010, adding the violation remained as of August 26, 2010. He stated a Notice of Hearing was issued and received by the respondents on August 28, 2010. He concluded the violation remained as of September 21, 2010.

- Mr. Ashworth confirmed the respondents resided at the home.
 - Mr. Poitras MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Ms. Sepanik MOVED, Mr. Bailey SECONDED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 7 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- G. 10-40932 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Jose M. Garcia & Odel Ruano & TR Commercial Holdings -
Punta Gorda, LLC
- Address of Violation: 210 Taylor Street
- Violation of Chapter 26, Section 26-11.6(j), Non-conforming, abandoned sign advertising "Subway" on the side of the building.
- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
 - Mr. Wright requested a dismissal as the property was now in compliance.
 - Ms. Sepanik MOVED, Mr. Poitras SECONDED to dismiss Case #10-40932. MOTION CARRIED UNANIMOUSLY.
- H. 10-39901 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondent: Bluewater Trading & Brian Rommel & Jamdi Corporation
- Address of Violation: 124 Cross Street
- Violation of Chapter 7, Section 7-32(a)(1), Construction of a fence without a valid building permit.
- Mr. David Woodring, respondent, entered a plea of not guilty.
 - Ms. Maricela Perdomo, Code Compliance Officer, displayed photographs of the subject property, located within City limits, noting Mr. Woodring leased the property from the above named respondents. She stated on April 30, 2010, the property was inspected by a Code Compliance Officer who observed a rope fence had been installed without a valid building permit, adding a Courtesy Notice was placed indicating the need for a fence permit. She announced a Notice of Violation/Order for Corrective Action was issued and received by Mr. Brian Rommel, respondent/owner, on July 10, 2010; however, the Notice/Order issued to Jamdi Corporation, respondent, was returned marked "undeliverable." She confirmed the Notice/Order was subsequently delivered to Jamdi Corporation on August 27, 2010. She advised the violation remained as of September 9, 2010, at which time a Notice of Hearing was issued and posted on the property. She concluded the violation remained as of September 21, 2010.
 - Mr. Viola confirmed this business was located on U.S. 41 South.

- Ms. Sepanik MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Woodring acknowledged the fence was in place and had been described as a fence by the City. He stated he had questioned Ms. Lisa Hannon, Zoning Coordinator, and Ms. Teri Tubbs, Zoning Official, with regard to the need for a fence permit as well as the City's basis for deeming this as a fence. He explained the fence was constructed of landscape pilings to more clearly delineate the parking area for their customers. He mentioned City Code prohibited exterior signage to designate a parking area. He continued Building Division staff had informed him a commercial fence company must do the installation, adding the application package must contain engineered drawings and concrete footings; thus, the City would not have accepted a building permit application for the existing fence. He maintained the requirement for a commercial fence company was "overkill."
- Ms. Sepanik asked if Mr. Woodring could seek approval for a variance.
- City Attorney Levin stated he would first like Ms. Tubbs to testify as to the nature of her conversation with Mr. Woodring as well as her definition of a fence.
- Ms. Tubbs confirmed staff met with Mr. Woodring at which time a discussion was held regarding use of pilings with small sections of rope in various places on the property as landscaping features as opposed to a fence. She stated Mr. Woodring was advised to submit a drawn plan, adding if his intent was for a landscape feature on the internal part of the yard, this could be allowed with a no-charge zoning permit; however, the fence was installed a few days later along the perimeter of the property. She explained anything which delineated the perimeter of a property with such materials was considered a fence, reiterating a permit had not been issued. She continued the above mentioned need for a commercial fence contractor was a requirement of the State Building Code. She explained as Mr. Woodring did not own the property but rather leased same, the property owner could not pull the permit as an owner/builder nor could Mr. Woodring as lessee; therefore, a general or fence contractor must pull the permit and submit the necessary drawings required by the Building Division.
- City Attorney Levin clarified the property owner could pull the permit application, but construction must be done by a certified contractor.
- Mr. Bailey requested clarification of the building materials used for the subject fence.
- Ms. Tubbs replied wooden pilings and rope, stating same was used to delineate the property which in turn met the definition of "fence." She pointed out the subject fence, as constructed, was permissible.
- Ms. Sepanik clarified a contractor must first submit drawings.

- City Attorney Levin noted the Building Division may be able to waive that requirement based on the particular circumstances of this case; however, there had been no effort made to submit an application, thus the basis for this hearing.
- Mr. Viola asked if Mr. Woodring had been aware of these requirements.
- Mr. Woodring replied he was advised he could not pull a permit for the fence nor could Mr. Rommel. He stated he was informed engineered drawings and concrete footers were required.
- City Attorney Levin commented there had been a great deal of hearsay relative to advice given to the property owner by Building Division staff. He maintained the City had made a prima facie case demonstrating a violation of City Code, requesting the Board find the respondent guilty of same but grant a certain period of time to eliminate the violation.
- Ms. Sepanik again asked if the respondent could apply for a variance.
- City Attorney Levin expressed uncertainty as to whether a variance was available in this situation. He stated the Building Official had the authority to waive certain requirements, adding he felt something could be worked out.
- Ms. Sepanik asked Mr. Woodring if he was clear on the available options.
- Mr. Woodring replied somewhat, stating he remained uncertain as to what determined the structure to be a fence. He proposed perhaps cutting the rope but continuing to use the pilings with yellow rope wrapped around same on top; however, he expressed hope he would not need to do so as he preferred the fence's current appearance.
- City Attorney Levin interjected the Zoning Official had determined this was a fence. He noted the Board had no authority to question that interpretation. He recommended Mr. Woodring apply for the necessary permitting, suggesting he contact Mr. Dennis Murphy, Growth Management Director.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 14 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

I. 10-40459 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Robert L. Esposito

Address of Violation: 420 Via Cintia

Violation of Chapter 26, Section 26-8.11(c), Tall grass and/or weeds over 12 inches in height and overgrown landscaping; and Chapter 26, Section 26-8.11(e)(f), Dead and dying palm fronds on the palm tree in the rear of the property; and Chapter 26, Section 26-3.13(n), Garbage receptacles left out in front of the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.
- Ms. Perdomo displayed photographs of the subject property, located within City limits, stating on July 8, 2010, she observed tall grass and weeds throughout the property and in the landscaping, dead and dying palm fronds on the palm tree in the rear of the property and garbage receptacles left out in front. She announced a Notice of Violation/Order for Corrective Action was issued on July 9, 2010, but was returned as undeliverable; thus, the property was posted on August 6, 2010. She advised all violations remained as of September 7, 2010, adding a Notice of Hearing was both mailed and posted on September 9, 2010, at which time she observed the grass had recently been mowed; however, she confirmed all other violations remained. She mentioned she spoke with the property owner later in the day on September 9, 2010, stating she informed him the case would be dismissed if all violations were eliminated by this date. She concluded the grass and weeds continued to be maintained but all other violations remained as of September 21, 2010.

Note: Mr. Viola left the meeting at 9:55 a.m.

- Ms. Sepanik confirmed the respondent resided in the home.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty and to issue a Cease & Desist Order requiring compliance within 7 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Mr. Viola returned to the meeting at 9:57 a.m.

UNFINISHED BUSINESS

- A. 10-40347 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondent: Bluewater Trading & Brian Rommel & Jamdi Corporation
- Address of Violation: 124 Cross Street
- Violation of Chapter 7, Section 7-32(a)(1); and Chapter 26, Sections 26-11.2(g) and 26-11.4(e)(4), Installation of a sign without a permit.
- Ms. Perdomo requested a continuance as a sign permit application was being processed.
 - Mr. Bailey MOVED, Ms. Sepanik SECONDED to continue Case #10-40347 to October 27, 2010. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

A. Hearing Imposing Penalty

09-38260 - ZONING OFFICIAL - TERI TUBBS

Respondent: Linda-Louise (for the family Christian)

Address of Violation: 2543 Brazilia Court

Violation of Chapter 26, Section 26-3.13(m), Installing a fence in a way not consistent with the requirements of this ordinance; and Chapter 7, Section 7-32(a)(1), Construction of a fence without a valid building permit.

- Ms. Tubbs announced the Board issued the original order in this case on December 23, 2009, adding the fence remained in violation as of 7:40 a.m. this date. She concluded the Board had imposed several fines over the past few months, concluding the violation had continued to exist for an additional 28 days from August 26, 2010, to this date.
- Mr. Viola asked if the respondent was noticed separately for each hearing.
- Ms. Tubbs replied affirmatively, stating the Board's orders and all notices were also mailed and posted.
- Mr. Viola asked if Ms. Tubbs had received a response.
- Ms. Tubbs replied she had not.
- Ms. Sepanik MOVED, Mr. Bailey SECONDED to impose a \$7,000 fine representing \$250 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

B. Hearing Imposing Penalty

10-39687 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Linda-Louise (for the family Christian)

Address of Violation: 2543 Brazilia Court

Violation of Chapter 26, Section 26-8.11(e)(f), Dead and dying palm fronds on the palm tree in the rear of the property near the canal.

- Ms. Perdomo announced the Board issued an order for this repeat violation on June 23, 2010, adding the violation remained as of September 21, 2010. She reported the violation had existed for an additional 27 days, from August 26, 2010, to September 21, 2010. She displayed photographs of the property depicting the subject violation.
- Mr. Poitras MOVED, Mr. Ashworth SECONDED to impose a fine of \$6,750 representing \$250 per day for 27 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

C. Hearing Imposing Penalty

10-40466 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Linda-Louise (for the family Christian)

Address of Violation: 2543 Brazilia Court

Violation of Chapter 7, Section 7-35(d), No house numbers displayed on the structure at 2543 Brazilia Court.

- Mr. Viola asked if the respondent had been advised of the potential danger resulting from failure to display house numbers, explaining same may prohibit emergency personnel from responding in a timely manner.
- Ms. Perdomo replied Notices of Violation had been issued. She then announced on August 25, 2010, the Board found the respondent had violated its Order and imposed a fine of \$7,500, representing 15 days of non-compliance at \$500 per day for this repeat violation. She reported the property remained in violation for an additional 27 days from August 26, 2010, to September 21, 2010.
- Mr. Viola asked if the house was occupied.
- Ms. Perdomo replied she was unsure. She mentioned she had observed a vehicle in the driveway.
- Mr. Poitras questioned the number of pieces of correspondence which had been issued in this case since the Board's previous meeting.
- Ms. Perdomo replied all Orders were posted and mailed as were all Notices of Hearing.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to impose a fine of \$13,500 representing \$500 per day for 27 days of non-compliance. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola asked if Ms. Perdomo had been presented with an opportunity to meet with the respondent.
- Ms. Perdomo replied she had not.

D. Hearing Imposing Penalty

06-30629 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Jakov and Maria Gauta

Address of Violation: 501 East Olympia Avenue

Violation of Chapter 26, Section 26-8.11(b), Property maintenance.

- Ms. Perdomo announced on August 25, 2010, the Board found the respondents had violated its Order. She reported the property remained in violation for an additional 27 days from August 26, 2010, to September 21, 2010.
- Ms. Maria Gauta, respondent, submitted correspondence from Mr. James Montgomery, Southwest Construction of Florida, Inc., into the record, stating same confirmed she was working to make the necessary repairs to the property. She noted Mr.

Montgomery had contacted Mr. Jim Pascal, L&T Engineering, to provide the required engineering plans, adding she had also spoken to Mr. Randy Cole, Building Official, and Ms. Tubbs regarding this matter.

- Ms. Sepanik MOVED to continue Case #06-30629 to October 27, 2010, at which time the Board would be presented with engineering plans.
- Mr. Stevens questioned staff on the amount of time necessary for same.
- Ms. Tubbs replied engineered drawings could take a fair amount of time to be completed; however, once submitted, plans could most likely be approved/processed within two weeks.
- Mr. Stevens asked if all work could be completed by October 27, 2010.
- Ms. Tubbs replied she did not believe so.
- Ms. Sepanik interjected continuing the case to the Board's next meeting would allow members to be provided with an update.
- Mr. Viola SECONDED.
- MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin reminded the Board of their recommendation to City Council to authorize him to foreclose on the outstanding liens on this property. He announced he had initiated foreclosure proceedings; however, the Board may wish to ask City Council how they would like him to proceed on this case, adding he would otherwise move forward as directed.
- Mr. Bailey MOVED, Mr. Viola SECONDED to recommend City Council direct the City Attorney to delay foreclosure proceedings on Case #06-30629 due to significant movement toward compliance. MOTION CARRIED UNANIMOUSLY.

E. Hearing Imposing Penalty

10-39946 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Elbert H. Van Nostrand & Bonnie Jacobs

Address of Violation: 551 Toulouse Drive

Violation of Chapter 26, Section 26-8.11(a), More than 20% of the roof structure is discolored and mildewed.

- Mr. Wright announced the Board issued an Order of Non-compliance in this case on July 28, 2010, and imposed a \$5,000 fine. He reported the property had been in violation for an additional 55 days from July 29, 2010, to September 21, 2010.
- Mr. Ashworth observed the Board had heard another case involving this property, asking if the respondent, Ms. Jacobs, was elderly.
- Mr. Wright replied he had never met Ms. Jacobs, stating a neighbor had indicated Ms. Jacobs pulled in and out of her garage fairly often but did not speak with her

neighbors. He pointed out Ms. Jacobs always removed the postings placed in her yard but never contacted the City regarding same.

- Mr. Ashworth clarified Ms. Jacobs also refused to accept the City's certified mail.
- Mr. Viola opined a dirty roof may not be a major priority for Ms. Jacobs.
- Mr. Wright responded that may be the case; however, she had never even contacted him by telephone.
- Ms. Perry clarified the respondent had not paid any previously imposed fines. She confirmed this was a first offense as opposed to a repeat violation.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to impose a fine of \$13,750 representing \$250 per day for 55 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

F. Hearing Imposing Penalty

10-39399 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Money Consultants, Inc.

Address of Violation: 412 Allen Street

Violation of Chapter 9A, Section 9A-12(e), Inoperative and unregistered watercraft stored in the rear yard; and Chapter 9A, Section 9A-12(d), Inoperative and unlicensed black pick-up truck with a flat tire and expired tags parked in the driveway; and Chapter 9A, Section 9A-12(a), Lamps, wood, bird cages, a cooler, bins, doors, a trailer with no wheels and other miscellaneous debris stored outside; and Chapter 9A, Section 9A-12(b), Several broken pieces of concrete in the rear yard; and Chapter 26, Section 26-8.11(b), A broken window on the front of the house.

- Mr. Wright stated on May 26, 2010, the Board issued an Order requiring the property to be brought into compliance. He reported all violations remained as of August 30, 2010. He displayed several photographs of the property, depicting the debris described above. He concluded there had been an additional 95 days of non-compliance from June 19, 2010, to September 21, 2010.
- Mr. Stevens asked if Mr. Wright had any personal contact with the respondent.
- Mr. Wright replied neither the property owner nor the tenant had contacted him, confirming he had made numerous attempts by telephone to do so. He confirmed the respondent had accepted the City's certified mail.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to impose a fine of \$23,750 representing \$250 per day for 95 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

G. Hearing Imposing Penalty - Repeat Violation

10-39984 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Donato Boccio & Vincent Boccio & Connie Boccio

Address of Violation: 540 Gold Tree

Repeat Violation of Chapter 26, Section 26-3.13(g), Commercial vehicle parked on the property.

- Mr. Wright displayed a photograph of the commercial vehicle parked on the subject property, located within City limits, stating on May 26, 2010, the respondent was brought before the Board as a repeat violator. He explained the respondent was ordered to remove the vehicle from the property; however, he again observed the vehicle parked on the property for several days in September 2010. He reported a total of eight days of non-compliance.
- Ms. Sepanik asked if the respondents owned or rented the property.
- Mr. Wright replied they owned the property.
- Ms. Sepanik confirmed the vehicle was too large to keep in the garage.
- Mr. Ashworth observed the vehicle had lettering on the side, asking if it would be allowed to be parked in the driveway if same was removed.
- Mr. Wright replied it would not, stating the van was registered as a commercial vehicle. He clarified commercial vehicles were not permitted in the Special Residential Overlay (SRO) zoning district.
- Mr. Stevens confirmed the respondents had been fined in the past.
- Ms. Perry asked if the fine was paid.
- Mr. Wright replied he did not believe so.
- Mr. Poitras questioned the amount of the previous fine.
- Mr. Wright replied \$100 for 1 day of non-compliance on April 23, 2010.
- Mr. Poitras MOVED, Ms. Sepanik SECONDED to impose a fine of \$2,000 representing \$250 per day for 8 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

H. 10-40490 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: D&S Property Investments, LLC

c/o Charlie A. Dubbaneh & Gene Gorman Auto Sales

Address of Violation: 1305 Tamiami Trail

Violation of Chapter 26, Section 26-11.6(g); and Chapter 26, Section 26-13.1, 13, Prohibited signs and devices.

- Ms. Perdomo announced on July 28, 2010, the Board ordered the respondent to cease and desist from any future violations of the subject sections of City Code. She stated on August 30, 2010, she observed a repeat violation on this property, specifically

various flutter flags were displayed. She noted an individual at the business indicated he would have Mr. Gene Gorman, owner, contact her; however, she confirmed she had not been contacted nor had there been a response to her voice mail message left on August 31, 2010. She continued a Notice of Non-compliance was issued and subsequently received by the respondent on September 4, 2010. She concluded the property was in violation for a total of 4 days from August 31, 2010, to September 3, 2010.

- Mr. Viola asked if a fine had previously been imposed.
- Ms. Perdomo replied no fine had been levied as the property was brought into compliance.
- Mr. Stevens asked if the City would issue a permit for flutter flags.
- Ms. Perdomo replied in the negative.
- Mr. Stevens observed the flutter flags were fashioned after the American Flag, further noting the presence of standard American Flags.
- Ms. Perdomo explained the latter were allowed.
- City Attorney Levin interjected none of the violations were related to the regular American Flags.
- Mr. Owen Gorman, respondent's representative, stated on July 29, 2010, he received a Cease & Desist Order for balloons and flutter flags, adding their hard, fixed, plastic balloons were removed immediately. He continued on August 30, 2010, the business was again notified of violations related to flutter flags, asserting same had been displayed for at least one year. He maintained the flutter flags were American Flags, acknowledging they were not traditionally shaped or sized. He mentioned Mr. Gorman had contacted Mr. David McCarty, Code Compliance Coordinator, and confirmed the flutter flags were not allowed, concluding they were removed immediately on September 3, 2010.
- City Attorney Levin reiterated this case was specific to the flutter flags, stating the respondent was properly notified such flags were prohibited; however, flutter flags were again displayed even after such notice.
- Mr. Viola noted Ms. Perdomo had displayed a photograph of the flutter flags, asking when the picture was taken.
- Ms. Perdomo replied August 31, 2010.
- Mr. Bailey concluded the property was currently in compliance.
- Ms. Perdomo agreed, stating the repeat violation had existed for four days.
- Mr. Bailey MOVED, Mr. Ashworth SECONDED to find the respondent guilty of violating the Board's Order and to impose no fine. MOTION CARRIED UNANIMOUSLY.

Note: Other Business was heard after Member Comments.

OTHER BUSINESS

- A. Report: Orders Recorded Three Months or More
- City Attorney Levin drew members' attention to the subject report, as delineated in the agenda material, stating it would be appropriate to recommend City Council proceed with foreclosure on two of the listed properties.
 - Mr. Poitras MOVED, Mr. Viola SECONDED to recommend City Council authorize the City Attorney to foreclose on 2543 Brazilia Court and 465 Booth Street. MOTION CARRIED UNANIMOUSLY.

Note: Member Comments were heard prior to Other Business.

MEMBER COMMENTS

- Mr. Stevens stated he would miss Mr. Bailey's presence on the Board.
- Mr. Viola commented on the Board's action relative to Case #10-40490 where no fine was imposed, questioning the Board's options if another violation was found specific to flutter flags.
- Ms. Perdomo replied the Board had voted not to fine this property on another occasion in July 2010. She noted this was the second time the property was found to be in violation but not fined. She concluded any such decision was left to the Board's discretion.

ADJOURNMENT

- Meeting Adjourned: 10:45 a.m.

Jim Stevens, Chairman

Mary Kelly, Recording Secretary