

**CODE ENFORCEMENT BOARD
MEETING
NOVEMBER 24, 2010**

MEMBERS PRESENT: Jim Stevens, Chairman
Norman Ashworth, Charles Council, Cecil Knapp,
Carol Perry, Gloria Sepanik, Ed Viola

MEMBERS ABSENT: Vic Poitras

OTHERS PRESENT: David Levin, City Attorney; Tom McAlear, Volunteer in Policing; Katie Heck, Police Officer; Dawn Lewis, Maricela Perdomo, Randy Wright, Code Compliance Officers; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator; Loren Berry, Thomas Guidry, Mark Lerch, Garrett Kizer, Maria Gauta, Jim Montgomery

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting – December 22, 2010

APPROVAL OF MINUTES

- A. Meeting of October 27, 2010
 - Mr. Viola MOVED, Mr. Council SECONDED approval of the October 27, 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.

Note: Item A was heard following Item B.

- A. Request for Re-hearing
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.
- City Attorney David Levin announced Ms. Melissa Reynolds, Police Sergeant, was not present; thus, he requested a dismissal.
- Mr. Viola MOVED, Mr. Council SECONDED to dismiss Case #10-40789. MOTION CARRIED UNANIMOUSLY.

Note: Item B was heard following Approval of Minutes.

B. 10-41770 – VOLUNTEER IN POLICING (VIP) OFFICER – TOM MCALEAR

Respondent: Loren Berry

Address of Violation: 1200 West Retta Esplanade

Violation of Chapter 23, Section 23-13.2(a)(2)g, Fire lane.

- Mr. Loren Berry, respondent, entered a plea of not guilty.
- Mr. Tom McAlear, VIP Officer, stated on October 22, 2010, while on regular patrol, he observed a vehicle parked in the fire lane at the subject property, located within City limits. He displayed photographs of the vehicle parked in the fire lane, as delineated in the agenda material, stating upon arrival, he provided assistance to other visitors to Fishermen's Village. He pointed out the displayed photographs clearly depicted the fire lane markings. He mentioned at least 20 minutes passed before he wrote the citation, adding he was unsure how long the vehicle had been parked in the fire lane prior to his arrival. He confirmed emergency vehicles/ apparatus would have been unable to drive through in the event a fire broke out. He concluded he then issued a citation for parking in a fire lane, noting he had handed same directly to Mr. Berry.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Berry asked Mr. McAlear if he had observed him pull into the subject location.
- Mr. McAlear replied he had not.
- Mr. Berry commented he had seen Mr. McAlear sitting in his vehicle upon exiting his own car. He asked if Mr. McAlear had observed his activities on the day in question.
- Mr. McAlear replied he had not, explaining no one was near the respondent's vehicle upon his arrival.
- Mr. Berry explained he had been unloading band equipment to bring into Harpoon Harry's restaurant, confirming Mr. McAlear had not observed him doing so. He stated he began to move his vehicle after unloading his equipment, at which time Mr. McAlear advised him to stop and informed him he would be receiving a citation. He maintained at that time, Mr. McAlear indicated he had seen him unloading his equipment and had advised him his vehicle had been parked in the fire lane for 15 minutes, asking Mr. McAlear if he agreed with same.
- Mr. McAlear replied he would not have stated he had observed Mr. Berry's activities as he had not done so.
- Mr. Berry acknowledged his vehicle had been parked in a "no parking" area; however, he had not been aware he was parked in a fire lane. He displayed a photograph taken from the driver's seat of his vehicle, pointing out he was unable to see the fire lane

markings on the pavement. He noted he routinely pulled into this location to unload his equipment. He displayed another photograph, asserting the words "Fire Lane" were unclear. He opined the area should be demarked with signage. He requested the Board reduce the fine to the standard amount for parking in a "no parking" area.

- Mr. Viola pointed out Mr. McAlear's job was to enforce parking restrictions.
- Mr. McAlear added the area was clearly demarked with yellow paint. He asserted prohibiting or hindering access by emergency vehicles, i.e., fire trucks, could have serious consequences.
- Mr. Council asked if the same type of diagonal lines were used on "no parking" areas.
- Ms. Katie Heck, Police Officer, replied "no parking" areas were depicted with signage while fire lanes were denoted with yellow paint.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to find the respondent guilty and to impose a fine of \$100 plus Court costs of \$25.
- VOTING AYE: Ashworth, Council, Knapp, Sepanik, Viola, Stevens.
- VOTING NAY: Perry.
- MOTION CARRIED.

Note: Item C was heard following Item A.

C. 10-41793 – POLICE OFFICER – KATIE HECK

Respondent: Thomas R. Guidry

Address of Violation: 1200 West Retta Esplanade

Violation of Chapter 23, Section 23-13.2(a)(2)g, Fire lane.

- Mr. Thomas Guidry, respondent, entered a plea of not guilty.
- Ms. Heck stated on October 31, 2010, at approximately 1:00 a.m., she and another Police Officer responded to the area in front of Harpoon Harry's due to complaints from security guards regarding several vehicles parked in the fire lane, confirming the subject property was located within City limits. She displayed a photograph of the violation, as delineated in the agenda material, stating upon their arrival, they observed another vehicle also parked in the fire lane for which they issued a citation. She advised the respondent's vehicle was parked directly on top of the yellow lines which demarked the fire lane, adding signage stating "No Parking/Fire Lane" was in place approximately every ten yards. She mentioned the security guards had expressed concern in that access by emergency vehicles was blocked. She concluded she then issued the citation, offering to answer any questions.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Guidry announced he was employed by Harpoon Harry's as an entertainer, acknowledging he had been parked in the area as stated by Ms. Heck. He stated Harpoon Harry's management had instructed all entertainers to exit from the stage as quickly as possible, adding the crowd was quite large. He explained he had parked his car in the fire lane in order to load his equipment into his vehicle as the entire area had been blocked by other vehicles, limousines and patrons. He asserted available parking was located approximately one-half mile away, particularly during heavily attended events such as Halloween. He requested the Board's lenience, stating he was a single father and could not easily afford the \$100 fine.
 - Mr. Viola countered it was not feasible to allow vehicles to be parked in a fire lane.
 - Mr. Guidry agreed, stating he tried not to make a habit of same; however, he opined there were extenuating circumstances because of the size of the crowd. He contended there had been no other place for him to park.
 - Mr. Stevens asked Ms. Heck if she had observed Mr. Guidry loading equipment.
 - Ms. Heck replied she had not.
 - Mr. Council commented Harpoon Harry's management had several designated parking areas, suggesting one could be designated as a loading/unloading area.
 - Mr. Guidry agreed; however, there was no such area currently.
 - Mr. Stevens questioned the length of time Mr. Guidry had been parked in the fire lane.
 - Mr. Guidry replied he was unsure.
 - Mr. Viola questioned Ms. Heck with regard to the activity she observed prior to issuing the citation.
 - Ms. Heck agreed it had been very busy; however, in cases such as this, the vehicle was left unattended. She reiterated they had responded from the Police Station to a complaint; thus, the vehicle had been in place for at least 15 to 20 minutes before she arrived.
 - Mr. Viola MOVED, Mr. Council SECONDED to find the respondent guilty and to impose a fine of \$100 plus Court costs of \$25. MOTION CARRIED UNANIMOUSLY.
 - Mr. Ashworth recommended the entertainers at Harpoon Harry's meet with management to request designation of a loading/unloading zone.
- D. PROPERTY LISTING OF DELINQUENT LOT MOWING FEES – DAWN LEWIS
- Ms. Dawn Lewis, Code Compliance Officer, drew members' attention to a list of delinquent properties/accounts, as delineated in the agenda material, stating the owners of these vacant lots had not enrolled in the City's 2010/2011 Mandatory Lot Mowing Program nor had they requested an exemption from same. She requested the Board's direction to present the list to City Council for further action.

- Mr. Viola pointed out a total sum of \$42,114 in unpaid fees existed.
- Ms. Lewis clarified same was for the current year. She confirmed all property owners had been legally noticed.
- Ms. Sepanik asked if any of the property owners had contacted Ms. Lewis.
- Ms. Lewis replied in the negative.
- Mr. Ashworth clarified a lien would be placed against all delinquent properties.
- Ms. Perry commented a great deal of staff time had been expended relative to these properties.
- Mr. Council confirmed late fees accumulated in addition to the base charges at a rate of 1% per month.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to find the list accurate and to present same to City Council for further action.
- Mr. Viola asked if the City typically recovered a significant amount of delinquent fees through this action.
- Ms. Lewis replied affirmatively, stating approximately half of the total amount owed had been recovered in past years.
- Mr. Council asked if all of the property owners listed had previously agreed to enroll in the Lot Mowing Program.
- Ms. Lewis explained the Program was mandatory; however, property owners could request to opt out of the program.
- MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin then commented on Items E through V, stating Ordinance #1633-10 required the registration of real properties which were subject to foreclosure action or repossession by other means in order to protect against devaluation caused by vacancy and abandonment. He clarified the subject properties of Items E through V had not been registered as required by Section 9A-17 of the City Code.

E. 10-40594 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: U.S. Bancorp

Address of Violation: 2531 Rio Largo Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on August

26, 2010. She confirmed a Notice of Hearing was received by the respondent on October 21, 2010.

- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth confirmed there had been no response to several notices.
- Ms. Perry questioned the percentage of vacant lots in compliance as compared to delinquent properties.
- Ms. Lewis replied 160 notices were issued to which 91 responded.
- Mr. Council clarified the ordinance requiring registration also required a \$100 annual fee.
- Ms. Sepanik requested clarification of the benefit to the property owner in return for the annual fee.
- City Attorney Levin replied the registration fee benefitted the City by providing contact information in the event any violations of City Code were discovered. He stated properties going through foreclosure typically were left unattended, explaining the registration process allowed the City to monitor the property.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 10-40588 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Chase Home Finance, LLC

Address of Violation: 390 Sorrento Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Ms. Lewis announced the foreclosure proceedings on this property were no longer active, requesting a dismissal of this case.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to dismiss Case #10-40588. MOTION CARRIED UNANIMOUSLY.

G. 10-40592 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Wells Fargo Bank, N.A.

Address of Violation: 525 Tabebuia Tree

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on August 25, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

H. 10-40599 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 423 La Sila Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

I. 10-40719 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: BAC Home Loans Servicing, L.P.

Address of Violation: 1480 Narranja Street

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Perry SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

J. 10-40715 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 312 Durrance Street

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

K. 10-40820 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Citibank, N.A., CitiMortgage, Inc.

Address of Violation: 1100 Hawks Nest Court

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 20, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item L was heard following Item X.

L. 10-40821 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Wells Fargo Bank, N.A.

Address of Violation: 1481 West Marion Avenue

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Council SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to

require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

M. 10-40877 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: BAC Home Loans Servicing, L.P.

Address of Violation: 490 West Olympia Avenue

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 19, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

N. 10-40583 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 312 West McKenzie Street

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on August 23, 2010. She confirmed a Notice of Hearing was received by the respondent on October 21, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- O. 10-40759 – CODE COMPLIANCE OFFICER – DAWN LEWIS
- Respondent: Wachovia Mortgage, FSB
 Address of Violation: 118 Hibiscus Drive
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
 - Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- P. 10-40718 – CODE COMPLIANCE OFFICER – DAWN LEWIS
- Respondent: BAC Home Loans Servicing, L.P.
 Address of Violation: 551 West Retta Esplanade
 Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 9, 2010. She confirmed a Notice of Hearing was received by the respondent on October 19, 2010.

- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- Q. 10-40750 – CODE COMPLIANCE OFFICER – DAWN LEWIS
- Respondent: BAC Home Loans Servicing, L.P.
Address of Violation: 617 Vinca Rosea Drive
Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 21, 2010.
 - Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- R. 10-40782 – CODE COMPLIANCE OFFICER – DAWN LEWIS
- Respondent: Wachovia Mortgage, FSB
Address of Violation: 1130 La Palma Court
Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
 - Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on

September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.

- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

S. 10-40779 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 2117 Deborah Drive

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.

- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.

- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

T. 10-40780 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: HSBC Bank USA, N.A.

Address of Violation: 2924 Ryan Boulevard

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.

- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 10, 2010. She confirmed a Notice of Hearing was received by the respondent on October 20, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

U. 10-40778 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: BAC Home Loans Servicing, L.P.

Address of Violation: 35 Tropicana Drive

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 18, 2010.
- Ms. Sepanik MOVED, Mr. Knapp SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

V. 10-40742 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Federal National Mortgage Association

Address of Violation: 7065 North Plum Tree

Violation of Chapter 9A, Section 9A-17, Failure to submit a Distressed Real Property Registration form.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Lewis announced as of August 20, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail and subsequently received by the respondent on September 13, 2010. She confirmed a Notice of Hearing was received by the respondent on October 21, 2010.
- Ms. Sepanik MOVED, Mr. Knapp SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 9A-17 of the City Code and to require the property to be brought into compliance within 10 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

W. 10-41468 – CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: Sovereign Bank, c/o Joseph L Hoffman

Address of Violation: 528 Carmalita Street

Violation of Chapter 9A, Section 9A-12(a), Visual blight; and Chapter 26, Section 26-8.14(b), Outside storage.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Mr. Randy Wright, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on October 1, 2010, he observed the following items being stored outside of same: bicycles, coolers, several lawnmowers in a state of disrepair; hot tub; trailer; engine hoist; ladders; wheel barrows; miscellaneous trash and debris. He announced a Notice of Violation/Order for Corrective Action was issued by certified mail on October 5, 2010, requiring elimination of the violations within 10 days of receipt of same, confirming the Notice was received by the respondent on October 7, 2010. He reported the violations remained unchanged as of an October 18, 2010, re-inspection; thus, a Notice of Hearing was issued for this meeting. He concluded all violations remained as of November 23, 2010.
- Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Council confirmed the home was occupied.

- Ms. Sepanik MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violation of Sections 9A-12(a) and 26-8.14(b) of the City Code and to require the property to be brought into compliance within 10 days subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item X was heard following Item K.

X. 10-41011 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Peggy Diane Keen

Address of Violation: 715 West Marion Avenue

Violation of Chapter 26, Section 26-12.10(b)(23), Prohibited invasive species (Java Plum plants); and Chapter 26, Section 26-8.11(c)(e), Overgrown landscaping and trees, dead trees, dead landscape material, dead palm fronds throughout the property and a wild growth of vines and underbrush throughout the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on her behalf.
- Ms. Maricela Perdomo, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on August 16, 2010, she received a complaint regarding an invasive Java Plum tree overhanging a neighbor's property. She noted upon her arrival she observed several invasive trees such as carrot woods, pepper trees and the Java Plum tree, along with many berries which had fallen on the adjacent property. She continued she also observed weeds, dead leaves, dead or dying palm fronds and overgrowth throughout the property, adding a Courtesy Notice was issued on August 17, 2010. She announced Ms. Peggy Keen, respondent, contacted the City on September 30, 2010, indicating she was hesitant to remove the Java Plum tree due to the possibility of ruining another adjacent tree. She stated the violations remained as of her October 20, 2010 re-inspection; thus, a Notice of Violation/Order for Corrective Action was issued by certified mail on October 22, 2010, requiring elimination of the violations within 14 days of receipt of same, confirming the Notice was received by the respondent on October 27, 2010. She reported the violations remained unchanged as of a November 12, 2010, re-inspection; thus, a Notice of Hearing was issued. She concluded an inspection the previous day indicated some work had begun on the landscaping but had not been completed.
- Mr. Mark Lerch stated he had been asked to testify as an expert witness on behalf of the City, announcing he was an International Society of Arboriculture (ISA) Certified Arborist and a Florida Registered Landscape Architect. He then provided a detailed review of his educational and professional background, particularly with respect to plant identification.

- City Attorney Levin asked if Mr. Lerch had viewed the subject property.
- Mr. Lerch replied he had not; however, he had reviewed the photographs displayed this date.
- City Attorney Levin asked if Mr. Lerch could identify any of the plants as a Java Plum tree.
- Mr. Lerch replied he could not determine same from the photographs. He explained he was present at the request of Ms. Joan LeBeau, Chief Planner, who was unable to be present this date. He then stated the tree depicted in the photographs appeared to be a Java Plum.
- City Attorney Levin asked if the photograph was sufficiently clear for Mr. Lerch to make his identification of the tree as a Java Plum
- Mr. Lerch replied affirmatively.
- Ms. Sepanik MOVED, Mr. Knapp SECONDED the City had presented a prima facie case.
- Mr. Viola expressed concern with regard to what he perceived as hesitance in Mr. Lerch's identification of the Java Plum tree.
- Mr. Lerch responded he would need to personally see the tree to confirm same.
- Mr. Knapp WITHDREW his SECOND.
- Ms. Sepanik WITHDREW her MOTION.

Note: The remainder of the case was heard following Item W.

- Mr. Lerch confirmed he had visited the subject property and further confirmed the tree discussed earlier was indeed a Java Plum. He further noted the adjacent palm trees would not be negatively affected by removal of the Java Plum tree. He mentioned he observed a large area of decay in the base of the Java Plum tree; thus, it would eventually need to be removed as it posed a hazard to the surrounding structures.
- Mr. Council asked if cutting the Java Plum tree off at the base would be sufficient.
- Mr. Lerch replied the roots must be killed or removed completely.
- Ms. Perry commented other parts of the property were out of compliance as well.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Sections 26-12.10(b)(23) and 26-8.11(c)(e) of the City Code and to bring the property into compliance within 30 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. Hearing Imposing Penalty

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. Wright displayed photographs of the subject violation, stating the boat remained in disrepair, out of compliance. He reported an additional 37 days of non-compliance since the previous fine was imposed.
- Mr. Council commented he had spoken with some of the respondent's neighbors, asking Mr. Wright to speak to his efforts to contact the respondent.
- Mr. Wright replied he had never received a response from Ms. Jacobs after numerous attempts to do so both in person and by telephone.
- Mr. Viola commented the property was not very unsightly as shown in the photograph.
- Mr. Wright explained the cover on the boat was ripped and hanging, adding mold and mildew were present as well.
- Mr. Council MOVED, Ms. Sepanik SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$9,250 representing \$250 per day for 37 days of non-compliance.
- Mr. Ashworth commented there were several cases where property owners did not respond to notices, asking if there was any alternative action other than imposing fines.
- City Attorney Levin replied in instances where a mental health issue was evident, staff may solicit the assistance of local agencies; however, he was unsure if that was the case in this instance. He clarified the only remedy was to impose fines, up to and including foreclosing on those liens.

Note: Mr. Viola left the meeting at 10:44 a.m.

- Mr. Council noted Ms. Jacobs' neighbors had tried to provide assistance to no avail.
- MOTION CARRIED UNANIMOUSLY.

B. 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 displayed several photographs of the subject violation, stating same had existed for an additional 28 days.

Note: Mr. Viola returned to the meeting at 10:47 a.m.

- Mr. Ashworth MOVED, Mr. Knapp SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

C. Hearing Imposing Penalty

10-39906 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO – REPEAT VIOLATION

Respondent: Susana Punta Gorda, LLC

Address of Violation: 413 West Retta Esplanade

Repeat violation of Chapter 26, Section 26-8.11(c)(e)(f), Overgrown trees, shrubs, dead landscape material; and Chapter 26, Section 26-8.11(b), Failure to obtain a Certificate of Appropriateness and building permits to repair broken windows, fence and house siding.

- Ms. Perdomo displayed several photographs of the subject property, reporting the necessary permits had been obtained as of November 15, 2010. She further stated repairs had been made, adding the final inspection was scheduled for this date.
- Mr. Garrett Kizer, respondent's representative, stated he had hired the necessary contractors on behalf of the owner who resided out of the country.
- Mr. Council disclosed he had driven by the property recently and observed much work had been done.
- Ms. Sepanik commented favorably on the home's appearance.
- Mr. Viola expressed appreciation to Mr. Kizer.
- Mr. Ashworth confirmed the home was for sale.
- Mr. Council MOVED, Mr. Viola SECONDED to find the property was no longer in violation contingent upon passing the final inspection. MOTION CARRIED UNANIMOUSLY.

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 this case was continued from October 27, 2010, at which time Ms. Maria Gauta, respondent, was given additional time with the expectation she would submit an application for demolition or have proof of a signed contract to rehabilitate the property or a signed contract for same. She reported no permits had

been submitted as of this date; therefore, the property had been in violation for 91 days from August 26, 2010, to November 24, 2010.

- Ms. Gauta announced she and her contractor, Mr. Jim Montgomery, had decided to proceed with demolition as the repairs would be cost prohibitive.
- Ms. Sepanik asked when Ms. Gauta planned on demolishing the structure.
- Ms. Gauta requested the Board first rescind the existing fines/liens on the property.
- Ms. Sepanik countered Ms. Gauta must first pull the permit and proceed with demolition, adding she then could request a fine reduction from the Board. She explained the fines could not be rescinded prior to the work being done.
- Ms. Gauta argued she first required the Board's assurance all fines/liens would be eliminated completely.
- Ms. Sepanik responded the Board could not give that assurance until the property was in compliance.
- Mr. Viola questioned the cost of demolition.
- Mr. Montgomery replied \$12,000 to \$13,000.
- Mr. Stevens asked if a permit application had been submitted.
- Mr. Montgomery replied Ms. Gauta had indicated existing liens on the property totaled more than \$500,000.
- Mr. Stevens asked if the liens had to be paid prior to submission of a demolition permit application.
- City Attorney Levin replied they did not. He pointed out the Board had continued this case at their previous meeting to allow the respondent time to apply for a demolition permit by this date. He clarified the Board had advised Ms. Gauta on numerous occasions of their willingness to consider a reduction in the amount of the fines only upon compliance. He acknowledged no additional fines would be imposed upon submission of a demolition permit application. He advised upon compliance, Ms. Gauta could seek a fine reduction from this Board. He continued if Ms. Gauta was unhappy with the amount of such reduction, she could then petition City Council to forgive the liens; however, no such action could even be considered until the property was brought into compliance.
- Ms. Sepanik MOVED, Mr. Knapp SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$22,750 representing \$250 per day for 91 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

E. Hearing Imposing Penalty

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. Wright displayed a photograph of the subject fence, stating the Board had ordered the respondent to either remove or permit the fence within seven days. He reported the fence remained unpermitted as of the previous day for a total of 51 days of non-compliance. He mentioned the property had been vacated and would most likely be foreclosed.
- Ms. Perry MOVED, Mr. Ashworth SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$12,750 representing \$250 per day for 51 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

F. Hearing Imposing Penalty

10-41449 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Fred W. Quelle

Address of Violation: 97 Sabal Drive

Violation of Chapter 9A, Section 9A-12(a)(b); and Chapter 26, Section 8.11(g), Outside storage of wood, empty planters, mulch, garbage cans, buckets, tarps, a ladder and other miscellaneous items.

- Ms. Perdomo displayed photographs of the subject property, stating this case was continued from the Board's previous meeting. She explained the violations had been remedied, displaying photographs attesting to same.
- Mr. Viola MOVED, Ms. Sepanik SECONDED to issue a Cease & Desist Order for any future violations. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik commented favorably on the property's appearance.

G. 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. Teri Tubbs, Zoning Official, announced the property remained in violation as of her inspection this date; therefore, the violation had existed for an additional 28 days.

- Ms. Sepanik questioned the status of the Court case involving this property.
- City Attorney Levin replied he had attempted to work out a settlement; however, that did not happen, adding City Council had instructed him to move forward with continued enforcement. He clarified the other party did not agree to the City's proposal.
- Ms. Sepanik MOVED, Mr. Viola SECONDED to find the respondent in violation of the Board's Order and to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

H. 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 displayed a photograph of the subject violations, reporting the property continued to be in violation for another 28 days through November 23, 2010.
- Mr. Council MOVED, Ms. Sepanik SECONDED to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

I. 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.

- Ms. Perdomo displayed a photograph of the subject, repeat violation, reporting same had existed for an additional 28 days since the Board's previous meeting.
- Ms. Sepanik MOVED, Mr. Viola SECONDED to impose a fine of \$14,000 representing \$500 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

J. 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 displayed photographs of the subject violation, reporting there had been an additional 28 days of non-compliance through November 23, 2010.
- Mr. Ashworth confirmed the home was unoccupied.
- Mr. Council MOVED, Mr. Ashworth SECONDED to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

A. Report: Orders Recorded Three Months or More

- No discussion.

MEMBER COMMENTS

- Ms. Sepanik asked if agenda packets could be provided electronically.
- Mr. David McCarty, Code Compliance Coordinator, replied affirmatively, asking members to advise him if they no longer wished to receive a hard copy of the Board's agenda packets.
- Ms. Sepanik confirmed she would not require a hard copy.
- Mr. Viola commented on the number of cases in which fines continued to be imposed month after month.
- City Attorney Levin responded the purpose of a penalty hearing was to gain the attention of the property owner.
- Mr. Ashworth expressed concern with imposing fines totaling hundreds of thousands of dollars and then simply reducing same at some point in the future as same devalued the Board's actions.
- City Attorney Levin reminded members the ultimate objective was compliance.

ADJOURNMENT

- Meeting Adjourned: 11:49 a.m.

Jim Stevens, Chairman

Mary Kelly, Recording Secretary