

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

**MEMBERS PRESENT:** Jim Stevens, Chairman  
Norman Ashworth, Vic Poitras,  
Gloria Sepanik, Ed Viola

**MEMBERS ABSENT:** Charles Council, Carol Perry

**OTHERS PRESENT:** David Levin, City Attorney; Randy Wright, Maricela Perdomo, Dawn Lewis, Code Compliance Officers; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator; Lester Thomas;

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting – January 26, 2011

**APPROVAL OF MINUTES**

- A. Meeting of November 24, 2010
  - Mr. Ashworth MOVED, Mr. Poitras SECONDED approval of the November 24, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Smith swore in all participants.
- A. 10-41522 – POLICE OFFICER – MATTHEW BESHEER
  - Respondent: John Zack
  - Address of Violation: 1200 West Retta Esplanade
  - Violation of Chapter 23, Section 23-13.2(a)(2)g, Fire lane.
  - Mr. Poitras MOVED, Ms. Albers SECONDED to continue Case #10-41522 to the January 26, 2011 meeting. MOTION CARRIED UNANIMOUSLY.
- B. 10-41631 – CODE COMPLIANCE OFFICER – RANDY WRIGHT
  - Respondent: Jeffrey A. Lund
  - Address of Violation: 7524 Viburnum
  - Violation of Chapter 26, Section 26-8.11(a), More than 20% of the exterior walls discolored and mildewed.
  - Mr. Randy Wright requested a continuance.
  - Mr. Poitras MOVED, Mr. Ashworth SECONDED to continue Case #10-41631 to the January 26, 2011 meeting. MOTION CARRIED UNANIMOUSLY.
- C. 10-41402 – CODE COMPLIANCE OFFICER – RANDY WRIGHT
  - Respondent: William & Colleen Wilson
  - Address of Violation: 319 San Carlos Drive

Violation of Chapter 9A, Section 9A-12(a), Sections of the fence down and not maintained; and Chapter 26, Section 26-8.11(e), Dead palm tree in the front yard.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Mr. Wright displayed several photographs of the subject property, located within the City limits, attesting he had originally inspected the property on September 23, 2010 and found several violations. He stated a Notice of Violation on September 24, 2010, adding same was returned as undelivered on October 13, 2010, at which time he posted the property. He stated as of December 21, 2010, the fence had been repaired, adding the only remaining violation was the dead tree in the front yard.
- Mr. Poitras inquired if it would be satisfactory to chop the tree down.
- Mr. Wright replied the tree needed to be replaced.
- Ms. Sepanik confirmed staff had no contact with the respondent.
- Ms. Sepanik MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Poitras SECONDED to find the respondents guilty, to issue a Cease and Desist Order for any future violations of Sections 9A-12(a) and 26-8.11(e) of City Code and require the property be brought into compliance within ten days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

D. 10-41659 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Tracia L. Federick

Address of Violation: 522 East Helen Avenue

Violation of Chapter 9A, Section 9A-12(d), Inoperable and unlicensed vehicle parked in the driveway.

- Mr. Lester Thomas, respondent, entered a plea of not guilty.
- Mr. Wright displayed several photographs of the subject property, located within the City limits, stating he inspected the property on October 22, 2010 and found the inoperable vehicle in the driveway. He stated the Notice of Violation was mailed on October 22, 2010 but was returned as undeliverable, adding he re-inspected the property on November 17, 2010 and the violation remained. He stated a Notice of Hearing was mailed on November 19, 2010 and was returned as undeliverable, adding the property was posted on December 6, 2010. He stated as of December 21, 2010 the vehicle remained.
- City Attorney David Levin inquired if Mr. Wright had observed the license plate.
- Mr. Wright replied he could not get behind vehicle to view same.

- Ms. Albers MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Thomas testified the truck would be sold next week.
- Mr. Levin inquired as to Mr. Thomas' relationship to the respondent.
- Mr. Thomas replied he was Ms. Tracia Federick's fiancée, asserting a white vehicle that was previously in the driveway had been removed, adding the blue truck would be moved next week.
- Ms. Albers inquired how the truck would be moved with flat tires.
- Mr. Thomas replied he owned a compressor.
- Ms. Sepanik opined pumping up the tires would make the vehicle appear operable.
- Mr. Wright advised Mr. Thomas had indicated the vehicle was not operable.
- Ms. Albers inquired if the vehicle was registered.
- Mr. Thomas replied affirmatively.
- Ms. Sepanik MOVED, Ms. Albers SECONDED to find the respondent guilty, to issue a Cease and Desist Order for any future violations of Section 9A-12(d) of the City Code and to require the property to be brought into compliance within ten days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 10-41572 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Gregory C. Luck

Address of Violation: 2729 Hibiscus Court

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

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on his behalf.
- Ms Maricela Perdomo requested a dismissal.
- Mr. Ashworth MOVED, Ms. Sepanik SECONDED to dismiss Case #10-41572. MOTION CARRIED UNANIMOUSLY.

F. 10-41262 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Wells Fargo Bank, N.A.

Address of Violation: 490 Sorrento 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.
- Mr. Ashworth questioned as to staff's intention regarding the banks.

- Ms. Dawn Lewis explained only those banks which had not submitted a Distressed Real Property Registration form had been cited. She reported as of September 10, 2010, the subject property had not been registered, attesting a Notice of Violation was issued and subsequently received by the respondent on October 29, 2010. She testified a Notice of Hearing had been received by the respondent on December 6, 2010.
- Ms. Sepanik MOVED, Ms. Albers 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 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.

G. 10-41275 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Bank United Financial Corporation

Address of Violation: 711 Trumpet 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 September 14, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 8, 2010.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Poitras 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 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. 10-41215 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Bank of America, N.A.

Address of Violation: 1021 Francesca 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 testified as of September 3, 2010, the subject property had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 10, 2010.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras inquired whether there were multiple addresses for the respondent.
- Mr. David McCarty replied the address used was obtained from the notice of legal action received by the City.
- Mr. Ashworth MOVED, Mr. Poitras 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. 10-41173 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: U.S. Bank, N.A. (c/o U.S. Bank Home Mortgage)

Address of Violation: 1711 Belle 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 September 7, 2010, the subject property, located within the City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
- Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Sepanik 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. 10-41198 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: BAC Home Loans Servicing, LP

Address of Violation: 419 San Marie Drive

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

- 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 September 7, 2010, the subject property, located within the City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
- Ms. Albers MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Mr. Poitras 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 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. 10-41246 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: IndyMac Federal Bank, FSB

Address of Violation: 920 Lassino Court

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

- Mr. Stevens announced Case #10-41246 had been dismissed.

L. 10-41260 – CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: SunTrust Mortgage, Inc.

Address of Violation: 301 Sorrento 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 September 13, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
- Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Ms. Ashworth MOVED, Mr. Poitras 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. 10-41196 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Washington Mutual (c/o Chase Home Finance, LLC)

Address of Violation: 2609 Rio Plato 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 September 7, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on October 30, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
- Ms. Sepanik MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ashworth MOVED, Ms. Sepanik 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. 10-41213 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Chase Home Finance, LLC

Address of Violation: 3322 Purple Martin 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 September 17, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
- Mr. Viola MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Ashworth MOVED, Ms. Albers 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. 10-41214 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: National City Bank  
Address of Violation: 3224 White Ibis Court, Building 2, B2-2  
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 September 17, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
  - Mr. Poitras MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Ashworth MOVED, Mr. Poitras 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. 10-41261 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Countrywide Home Loans, Inc.  
Address of Violation: 380 Capri Isles 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 September 13, 2010, the subject property, located within the City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 1, 2010. She confirmed a Notice of Hearing was received by the respondent on December 6, 2010.
  - Mr. Poitras MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Ashworth MOVED, Mr. Poitras 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.

- Mr. Viola inquired as to the amount of time staff had spent on these properties.

- Ms. Lewis explained the process, opining considerable time had been expended.

- Discussion ensued regarding the process of notification and monitoring the properties.

- Mr. Ashworth inquired if any banks had responded since the previous meeting.

- Ms. Lewis replied in the negative, explaining the next step was a penalty hearing.

Q. 10-41276 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: BAC Home Loans

Address of Violation: 7251 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 September 17, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation was issued by certified mail and subsequently received by the respondent on November 2, 2010. She confirmed a Notice of Hearing was received by the respondent on December 8, 2010.

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

- Mr. Ashworth MOVED, Mr. Poitras 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. 10-40758 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: U.S. Bank, N.A.

Address of Violation: 26161 Seminole Lakes 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 July 26, 2010, the subject property, located within City limits, had not been registered; thus, a Notice of Violation 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 December 6, 2010.
  - Ms. Albers 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. 10-42026 – CODE COMPLIANCE OFFICER – RANDY WRIGHT – REPEAT VIOLATION
- Respondent: Environmental Marketing & Distributing, Inc.  
Address of Violation: 1205 Elizabeth Street, Unit B  
Violation of Chapter 12, Section 12-1, Failure to pay the Local Business Tax for 2011.
- Mr. Wright explained the Board previously heard this case on February 24, 2010, at which time staff testified that Environmental Marketing & Distributing had not paid their local business tax for 2009/2010, noting the company had been fined \$1,375 for non compliance. He stated the business tax was paid on May 14, 2010. He attested the subject business had not paid their business tax for 2010/2011, which was due September 30, 2010, adding the respondent was in violation of the Compliance Order issued February 24, 2010. He stated as of December 22, 2010, the respondent had not paid their business tax, testifying there were 82 days of non compliance from October 1, 2010 until December 21, 2010. He stated the fine would continue to run until the business tax was paid.
  - Ms. Sepanik inquired if staff had contact with the respondent.
  - Mr. Wright replied approximately 30 days previously, he spoke to a clerk who said they would inform the owner.
  - Mr. Ashworth inquired if the previous fine of \$1,375 had been paid.
  - Mr. Wright replied in the negative.
  - Ms. Sepanik inquired as to the status of the fine.
  - Mr. Wright replied the fine was outstanding, adding there was no procedure for collection.
  - Mr. Levin advised the fine would become a lien against their real or personal property.
  - Ms. Albers inquired if the business tax could be renewed if the fine was not paid.
  - Mr. Wright replied affirmatively.

- Mr. Levin replied he was uncertain if that was the way it should be, adding staff would research the issue. He then stated according to the State of Florida Attorney General, it was necessary to follow the Statutory provisions, adding if there were no provisions to deny the tax receipt for failure to pay a fine, then payment of the fine would have to be obtained through other remedies. He opined the City Clerk's Office had issued the 2009/2010 tax receipt despite the outstanding fine because the Statute did not require payment of a fine before issuance, adding remedies were available under the code Enforcement Statutes. He stated the fine would become a lien if it was not paid, and the City could then take action against their real or personal property.
  - Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty of a repeat violation and to impose a fine of \$100 per day for 82 days from October 1, 2010 to December 21, 2010 and the fine shall continue until the violation was brought into compliance. MOTION CARRIED UNANIMOUSLY.
- T. 10-41824 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO
- Respondent: Blanding International, LLC
- Address of Violation: 317 Tamiami Trail
- Violations of Chapter 26, Section 26-8.10; and Chapter 9A, Section 9A-12(d), Inoperable and unlicensed dual axle truck stored on the property.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
  - Ms. Perdomo testified the property was inspected on November 8, 2010, and numerous violations were observed, noting there was no business currently operating at that location. She stated a secretary at the business agreed to advise the owner of the violation; however, as of November 16, 2010, the violation remained, adding a Notice of Violation was mailed and received on November 19, 2010. She stated as of December 2, 2010 the violation remained, adding a Notice of Hearing was mailed and received on December 7, 2010. She stated an inspection was made December 21, 2010, and the inoperable vehicle remained.
  - Ms. Sepanik confirmed the license tag on the vehicle was current.
  - Ms. Sepanik MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Ms. Sepanik MOVED, Ms. Albers SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 26-8.10 of the City Code and to require the violation be eliminated within ten days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

U. 10-40978 – CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: Joseph L. Hart

Address of Violation: 7257 North Plum Tree

Violation of Chapter 10, Section 10-1.1, Pond in the front yard contains stagnant water.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Mr. Wright testified he inspected the property on September 13, 2010 and found the stagnant pond, adding a Notice of Violation was mailed on September 14, 2010 but was returned undelivered on October 3, 2010. He stated he posted the property on October 5, 2010, adding as of December 2, 2010, the violation remained. He stated a Notice of Hearing was mailed on December 6, 2010 but was returned, adding he posted the property on December 10, 2010. He stated as of December 21, 2010 the violation remained.
- Mr. Levin confirmed the pond was man made.
- Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola inquired if this was a concern for the Board of Health.
- Mr. Levin replied affirmatively, adding the Punta Gorda Code specifically addressed stagnant water. He stated if the problem persisted, staff would likely contact the Board of Health.
- Ms. Sepanik MOVED, Ms. Albers SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations of Section 10-1.1 of the City Code and to require the violation to be eliminated within 14 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

V. 10-40346 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Mickel H. & M. Patricia Werner

Address of Violation: 1940 Aqui Esta Drive

Violation of Chapter 26, Section 26-8.26, temporary fence constructed of green, agricultural grade fencing material located in the rear of the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a not guilty plea on their behalf.
- Ms. Perdomo requested a continuance to the next meeting, noting the respondent had applied for a permit to install a new fence.
- Ms. Albers MOVED, Mr. Viola SECONDED to continue Case #10-40346 to the January 26, 2011 meeting. MOTION CARRIED UNANIMOUSLY.

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

- Ms. Teri Tubbs announced the property remained in violation as of her inspection this date; therefore, the violation had existed for an additional 28 days.
- Mr. Poitras MOVED, Ms. Albers 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 from November 25, 2010 to December 21, 2010, plus 6% interest, and to continue the fine until the property was brought into 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 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 from November 24, 2010 to December 21, 2010.
- Mr. Poitras MOVED, Ms. Sepanik 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 from November 24, 2010 to December 21, 2010, plus applicable interest of 6%, and to continue the fine until the property was brought into compliance. MOTION CARRIED UNANIMOUSLY.

C. Hearing Imposing Penalty – Repeat Violation

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 violation, reporting the property continued to be in violation for another 28 days from November 24, 2010 through December 21, 2010.
- Ms. Sepanik MOVED, Mr. Ashworth SECONDED to impose a fine of \$14,000 representing \$500 per day for 28 days of non-compliance from November 24, 2010 to December 21, 2010, plus applicable interest of 6%, and to continue the fine until the property was brought into compliance. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik inquired as to the foreclosure action.
- Mr. Levin advised a hearing had been held on the Motion for Intervention and Consolidation, adding the judge had declined to make a ruling at that time. He stated the judge also requested the parties to brief the legal issues that were being presented and indicated the matter would be rescheduled for a time in the near future. He stated the City had offered to settle the case; however, the offer was rejected, adding staff had received no direction from City Council to proceed in a different manner; therefore, they were moving forward with the foreclosures. He stated until a decision was rendered by the court, staff would move forward with assessment of the penalties. He then confirmed Ms. Louise had not appeared at the hearing and had no legal representation there. He then clarified there were two cases, including the case of Ms. Gerta Craig against Ms. Louise for alleged fraudulent conveyance of the property and the City's case against Ms. Louise to foreclose on the code enforcement liens. He explained Ms. Louise did not respond to the pleadings that had been sent to her and published in the newspaper; therefore, the Clerk issued a default in favor of the City, adding the City then filed a Motion for Final Judgment with the Court, which was pending. He stated in Ms. Craig's case, Ms. Louise had been personally served in Vermont, adding she had filed a response; however, the Clerk had issued a default. He stated Ms. Louise had filed a response to the default, adding Ms. Craig's attorney had filed a Motion for Final Summary Judgment, which was also pending.

D. 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 8.11(b), A broken window on the front of the house.

- Mr. Wright displayed a photograph of the subject violation, reporting as of December 21, 2010 the property continued to be in violation for another 28 days from November 24, 2010 through December 21, 2010. He confirmed the house was uninhabited.
- Ms. Sepanik MOVED, Ms. Ashworth SECONDED to find the respondent guilty of continuing non compliance and to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance from November 24, 2010 to December 21, 2010 and to continue the fine until the property was brought into compliance. MOTION CARRIED UNANIMOUSLY.
- Mr. Levin stated it had been 90 days from the date of the original Order in this case, advising the Board could recommend that City Council consider foreclosing on the liens.
- Mr. Viola MOVED, Ms. Sepanik MOVED to recommend City Council move forward with foreclosure on the liens for 412 Allen Street. MOTION CARRIED UNANIMOUSLY.

E. 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 a photograph of the subject violation, reporting the property continued to be in violation for another 28 days from November 24, 2010 through December 21, 2010.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty of continuing non compliance and to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance from November 24, 2010 through December 21, 2010 and to continue the fine until the property was brought into compliance. MOTION CARRIED UNANIMOUSLY.

F. 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 a photograph of the subject violation, reporting the property continued to be in violation for another 28 days from November 24, 2010 through December 21, 2010.
  - Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent guilty of continuing non compliance and to impose a fine of \$7,000 representing \$250 per day for 28 days of non-compliance from November 24, 2010 through December 21, 2010 with applicable interest of 6% and to continue the fine until the property was brought into compliance. MOTION CARRIED UNANIMOUSLY.
  - Mr. Ashworth inquired if it was possible to move forward with foreclosure on this property as well.
  - Mr. Levin replied the City could not foreclose on homestead property, such as in this case, adding an ordinance had been adopted allowing the City to make a special assessment against the property. He stated as a practical matter, the City would need to advance the funds to do the work, adding same might be worth staff's consideration. He explained there were limitations on the code enforcement process, advising in this particular case, it might be appropriate to seek an injunction.
  - Mr. Ashworth MOVED, Mr. Viola SECONDED to recommend City Council move forward with filing an injunction against 551 Toulouse Drive. MOTION CARRIED UNANIMOUSLY.
- G. Report on Board Orders Recorded Three Months or More.
- No discussion.

**ADJOURNMENT**

- Meeting Adjourned: 10:20 a.m.

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Jim Stevens, Chairman

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Karen Smith, Recording Secretary