

**CODE ENFORCEMENT BOARD
MEETING
MAY 27, 2009**

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

MEMBERS ABSENT: Kate Albers

OTHERS PRESENT: Volunteers in Policing (VIP) Officer Victor Poytrus; David Levin, City Attorney; Randy Wright, Dawn Lewis, Code Compliance Officers; Randy Cole, Building Official; Celeste Kenney

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - June 24, 2009

APPROVAL OF MINUTES

- A. Meeting of April 22, 2009
 - Mr. Meyer MOVED, Mr. Mr. Viola SECONDED approval of the April 22, 2009 minutes as amended. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. 09-37034 - VOLUNTEER POLICE OFFICER - ROBERT DOLAR
 - Respondent: John T. Meyers
 - Address of Violation: 3941 Tamiami Trail
 - Violation of Section 23-18(c), Parking spaces provided for certain disabled persons.
 - Mr. Schmidt confirmed the respondent was not present.
 - Mr. Stevens MOVED, Mr. Meyer SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Volunteer Police Officer (VIP) Victor Poytrus stated on April 17, 2009, he and VIP Officer Robert Dolar were conducting parking enforcement patrols in the Home Depot parking lot at 3941 Tamiami Trail, confirming same was located within City limits. He reported they observed a vehicle parked in a handicap parking space, adding there was no placard visible in any location in or on the vehicle. He explained VIP Officer Dolar was in the process of writing the ticket when the respondent exited Home Depot, approached them and produced a handicap placard. He noted the respondent was then advised the citation would be for \$25 for failure to display a handicap placard rather than a \$100 violation.

- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to find the respondent guilty and to impose a fine of \$25 plus \$25 Court costs. MOTION CARRIED UNANIMOUSLY.

Note: Item F was heard following Item A.

B. 09-36739 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: RSGA LL

Address of Violation: 706 Hazel Street

Violation of Section 10-1 & 10-1.1, Litter, trash, debris, stagnant water, excessive vegetation.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Randy Wright, Code Compliance Officer, displayed a photograph of the subject property, located within City limits, stating on March 10, 2009, his initial inspection revealed significant overgrowth of vegetation. He advised a Statement of Violation/Notice of Hearing was issued by certified mail; however, the respondent did not accept same; thus, he posted the property. He mentioned the respondent contacted him by telephone indicating he would join the lot mowing program; however, he had not done so. He concluded the City would be forced to clean up the site and lien the property.
- Mr. Meyer asked if the lot mowing program would be adequate for this property.
- Mr. Wright replied the work would not constitute a standard lot mow because of the amount of overgrowth, trees, etc.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Stevens asked if sod or grass was required.
- Mr. Wright replied some of the property was sodded. He pointed out a piece of concrete on the displayed photographs, explaining same had been a driveway leading to the house, which had been demolished approximately three years earlier. He reported nothing had been done on the property since that time.
- Mr. Kresge asked why some recommendations were for ten days while others allowed for fourteen days.
- Mr. Wright replied recommendations were made on a case by case basis, citing an example where he may suggest additional time for an out of State property owner.

- Mr. Kresge MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order requiring compliance within 10 days or be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.
- C. 09-37013 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Karalee McCabe
Address of Violation: 380 San Carlos Drive
Violation of Section 10-1, Litter, trash, debris, stagnant water, excessive vegetation; Section 9A-12(d), Nuisances.
- Mr. Schmidt confirmed the respondent was not present.
 - Mr. Meyer MOVED, Mr. Ashworth SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Mr. Wright displayed a photograph of the subject property, located within City limits, stating on April 16, 2009, he observed tall grass and weeds throughout the entire property as well as an unlicensed Ford van. He advised a Statement of Violation/ Notice of Hearing was issued; however, the respondent did not accept same; thus, he posted the property on May 18, 2009. He noted the respondent subsequently mowed the entire yard, cleaned up the landscaping and advised she would register the vehicle. He confirmed as of May 22, 2009, the property was in compliance and the van was registered. He explained he had experienced some problems with this property in the past; thus, he was requesting a Cease & Desist Order for future violations.
 - Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Bailey MOVED, Mr. Kresge SECONDED to issue a Cease & Desist Order and be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.
- D. 09-37100 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Rudolf Wirz
Address of Violation: 3513 Tripoli Boulevard
Violation of Section 26-8.11(a,c,e,f), Property maintenance; Section 9A-20, Appearance and maintenance standards.
- Mr. Schmidt confirmed the respondent was not present.
 - Mr. Meyer MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Mr. Wright displayed a photograph of the subject property, located within City limits, stating on April 28, 2009, he received complaints regarding this property. He announced his inspection showed tall weeds and grass, weeds in the driveway, the

house in need of paint, the driveway black and stained, stagnant pool water and trees, landscaping and roof in disrepair. He noted a Statement of Violation/Notice of Hearing was issued on April 28, 2009, adding the respondent advised he did not intend to bring the property into compliance but rather may relinquish it to the mortgage holder. He confirmed he posted the property on May 15, 2009. He explained there was little action to be taken at this point, stating once the property was foreclosed, the mortgage holder would hopefully agree to maintain the site.

- Mr. Bailey asked if the City could take any action at this point.
- Mr. Wright replied affirmatively, stating the grass would be mowed and weeds sprayed.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kresge asked if electricity was still on.
- Mr. Wright replied he did not believe so.
- Mr. Kresge commented the lack of power compounded the stagnant pool water.
- Mr. Wright agreed; however, the pool was screened and secured.
- Mr. Kresge MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order requiring compliance within 21 days or be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.

E. 09-37171- CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Randy Gunderson

Address of Violation: 257 Chasteen Street

Violation of Section 26-8.14(b), Structures and uses limited in yards; Section 9A-12(a), Nuisances; Section 10-1, Litter, trash, debris, stagnant water, excessive vegetation.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Viola SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed a photograph of the subject property, located within City limits, stating a February 23, 2009, inspection depicted the following items/conditions throughout the grounds: sink, tile, carpet, glass, buckets, cooler, various other debris, tall grass/weeds, overgrown landscaping. She advised the violations remained as of March 23, 2009, adding a Statement of Violation/Notice of Hearing was served on May 11, 2009, by certified mail requiring the property to be brought into compliance by May 22, 2009. She reported the outside storage had been moved to the rear of the garage; however, the violations remained.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Meyer MOVED, Mr. Ashworth SECONDED to issue a Cease & Desist Order requiring compliance within 14 days or be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.

Note: Item F was heard following Item A.

F. 09-37176 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Stephen Hoff

Address of Violation: 2424 Rosa Lane

Violation of Section 10-1, Litter, trash, debris, stagnant water, excessive vegetation; Section 26-8.11(c,e,f), Property maintenance.

- Ms. Celeste Kenney, respondent's representative, entered a plea of not guilty.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating she had received approximately four complaints from neighboring property owners. She noted she inspected the property on April 17, 2009, and observed tall grass and weeds throughout, primarily to the sides and rear, and overgrown landscaping. She stated three attempts to contact the out of State property owner were unsuccessful; thus, a Statement of Violation/Notice of Hearing was served on May 11, 2009, by certified mail. She advised she re-inspected the property on May 22, 2009, at which time the grass and weeds had been cut but the overgrown landscaping remained.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Kenney stated the property manager contacted the tenant after speaking to Ms. Lewis, adding the tenant mowed the grass/weeds and trimmed the bushes on May 16, 2009. She explained the property manager planned to advise the tenant she must hire a landscaper to address the issues related to the property or the property management company would do so and bill the tenant directly.
- Mr. Kresge MOVED, Mr. Ashworth SECONDED to issue a Cease & Desist Order requiring the property to be brought into compliance within 14 days from receipt of the Board's Order or be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.

Note: Item G was heard following Item E.

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

Respondent: Glen M. Gould

c/o Scott & Janet Gould

Address of Violation: 2854 Don Quixote

Violation of Section 9A-20(a)(2), Appearance and maintenance standards; Section 26-8.11(b), Property maintenance; Section 26-8.15, Swimming pools.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Viola SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on April 17, 2009, she observed missing soffit and fascia and no screen enclosure around the pool. She noted she attempted to contact the homeowner on several occasions but was only able to leave messages regarding these violations. She reported a Statement of Violation/Notice of Hearing was issued by certified mail but was refused by the respondent; thus, she posted the property. She stated the homeowner subsequently advised her the home was going into foreclosure, and he did not intend to make any repairs or conduct any maintenance.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis recommended a Cease & Desist Order as she could then pursue maintenance of the property through the mortgage holder once the home was foreclosed. She mentioned the pool, while not enclosed, was situated so that it was not easily accessible.
- Discussed ensued with regard to the law as it pertained to pool barriers.
- City Attorney Levin announced the City was withdrawing the charge relative to Section 26-8.15, respectfully requesting the Board act on the remaining violations.
- Mr. Kresge MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order requiring compliance within 21 days or be subject to a fine of up to \$250 per day for future violations. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. 09-36447 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: D & S Property Investments

Address of Violation: 1305 Tamiami Trail

Violation of Section 7-32(a)(1), page 7-17, Violations of building codes; penalties; Section 26-7.4(a)(2)(e,g), page 26-66, General building principles; Section 26-7.4(e)(10)(g), page 26-71, Highway Commercial building principles.

- Mr. Schmidt announced this case had been continued from April 22, 2009, confirming the respondent was not present.
- Mr. Wright stated he had believed this case would have been resolved by this date; however, there was a zoning problem related to stucco and a site plan. He explained

the respondent was meeting with the Urban Design Division regarding those issues, adding the case should be resolved once those details were addressed.

- Mr. Meyer MOVED, Mr. Kresge SECONDED to continue Case #09-36447 to June 24, 2009. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

A. Proposed Lot Mow Special Assessment

- City Attorney Levin announced anyone intending to contest the noticed assessments for failure to pay their lot mowing fee would be present at this hearing, confirming there was no one present.
- Mr. Schmidt questioned the success of the mandatory lot mowing program.
- Mr. Randy Cole, Building Official, replied it was operating very well and no longer operated at a deficit.
- Mr. Bailey MOVED, Mr. Kresge SECONDED to approve the roll as presented and to forward same to City Council for appropriate action. MOTION CARRIED UNANIMOUSLY.

MEMBER COMMENTS

- Mr. Meyer asked if a fee would be charged for parking in the new parking garage.
- City Attorney Levin replied parking would be free.
- Mr. Meyer asked if handicap parking would be available.
- City Attorney Levin replied affirmatively.
- Mr. Meyer asked if the City would like the VIPs to patrol the garage.
- Mr. Cole suggested Mr. Meyer work with the Police Department regarding same.
- City Attorney Levin confirmed he would raise the issue with the Police Chief at the City Manager's weekly staff meeting.
- Mr. Schmidt complimented staff on a job well done.

ADJOURNMENT

- Meeting Adjourned: 10:02 a.m.

Heinz Schmidt, Chairman

Mary Kelly, Recording Secretary