

**CODE ENFORCEMENT BOARD
MEETING
OCTOBER 22, 2008**

MEMBERS PRESENT: Heinz Schmidt, Chairman
Kate Albers, Norman Ashworth, Tom Bailey,
Sandy MacGibbon, Paul Meyer, Jim Stevens

MEMBERS ABSENT: Richard Kresge, Ed Viola

OTHERS PRESENT: David Levin, City Attorney; Dawn Lewis, Maricela Perdomo, Randy Wright, Code Compliance Officers; Randy Cole, Building Official; Dennis Murphy, Growth Management Director, Mike Wilson, Board Attorney; Donyl Yates, Board Secretary; Mary Ellen Pollard, Bob Lederer

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - November 26, 2008
- Recording Secretary Kelly swore in all participants.

APPROVAL OF MINUTES

- A. Meeting of September 24, 2008
- Mr. Stevens MOVED, Mr. Bailey SECONDED approval of the September 24, 2008 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A1. PK #006733 - CODE OFFICER - MARICELA PERDOMO
 - Respondent: Garry Ketts
 - Address of Violation: 510 Medici Court
 - Violation of Section 26-3.13(j), Parking of Camping Trailers, etc.
 - City Attorney David Levin announced PK #006733 had been dismissed.
- A. 08-35586 - CODE COMPLIANCE OFFICER - DAWN LEWIS
 - Respondent: James Huden
 - Address of Violation: 206 Yucca
 - Violation of Section 26-8.11(E,F), Standards Property Maintenance; and Section 10-1, Nuisance - Weeds/Trash/Water; and Section 9A-12(d), Visual Blight.
 - 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.
 - Ms. Dawn Lewis, Code Compliance Officer, stated on July 23, 2008, she observed tall grass and weeds exceeding 12 inches in height throughout the landscape beds at the subject property, which was located within the City limits. She advised there was also

an unlicensed vehicle at the property, stating she left a Courtesy Notice directing the respondent to maintain the landscaping within 14 days and to remove the vehicle within 3 days. She explained a Statement of Violation/Notice of Hearing was issued on August 6, 2008, as the violations remained, and she was unable to make contact with the respondent. She mentioned a neighbor later advised the respondent, Mr. James Huden, was incarcerated. She provided a detailed, chronological review of events surrounding this case, as delineated in the agenda material, concluding the vehicle had been removed; however, the landscaping violation remained as of October 21, 2008.

- Mr. MacGibbon MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. MacGibbon questioned the length of time Mr. Huden would be incarcerated.
- Ms. Lewis replied she was not personally familiar with his case. She then stated she believed Mr. Huden was not actually incarcerated but rather was a fugitive; however, she confirmed Mr. Huden's spouse was currently in jail on drug charges.
- Mr. Stevens confirmed the respondent was the owner of record.
- Mr. MacGibbon MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order against any future violations and to require all violations to be eliminated within 7 days of notice or posting or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

B. 08-35876 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Douglas & Leslie Hershkowitz

Address of Violation: 3415 Tripoli Boulevard

Section 26-8.14(B), Standards structures/uses; and Section 9A-12(a), page 9A-8, Visual blight.

- Mr. Schmidt confirmed the respondents were not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a not guilty plea on behalf of the respondents. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis stated on September 26, 2008, she received a telephone complaint regarding the subject property, which was located in the City limits. She explained the complainant advised the property contained yard waste, trash cans out prior to pick-up and outside storage of tools, including a lawn mower and gas can, adding she then informed Ms. Leslie Hershkowitz, respondent, of these violations, who advised she would eliminate the violations within five days. She displayed photographs of the property, noting the violations remained as of an October 7, 2008, re-inspection. She confirmed all debris had been cleaned up as of October 21, 2008, with the exception of several bags of mulch in the driveway.

- Mr. Meyer MOVED, Mr. MacGibbon SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. MacGibbon asked if this was a continuing problem at this location.
- Mr. Ashworth replied affirmatively, stating he was familiar with this property.
- Ms. Lewis agreed, stating she received a fair number of complaints regarding same.
- Mr. MacGibbon MOVED, Mr. Meyer SECONDED to issue a Cease & Desist Order against any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

C. 08-35927 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Herschel Pollard

Address of Violation: 179 Maria Court

Section 26-8.11(D), Standards property maintenance; and Section 9A-12(a), page 9A-8, Visual blight.

- Ms. Mary Ellen Pollard, respondent, entered a plea of not guilty.
- Ms. Lewis stated on April 24, 2008, she received a complaint concerning a broken fence, unkempt yard and outside debris at the subject address, which was located in the City limits, displaying several photographs of same. She explained during a site visit that day, she observed the following: a broken fence in the rear yard missing its top rail; a great deal of outdoor furniture and children's toys; a small boat in the side yard; overgrown landscaping. She noted she left a Courtesy Notice at that time requesting compliance with 21 days. She reported a re-inspection on June 23, 2008, showed the boat appeared to be removed and the landscaping maintained, adding the homeowner expressed her intention to repair the fence. She stated the fence violation remained as of August 25, 2008, adding she received another complaint on October 1, 2008; thus, she issued a Statement of Violation/Notice of Hearing on October 7, 2008, and posted the property on October 16, 2008. She concluded as of October 21, 2008, the violation remained and the boat was again located on the property.
- Mr. Meyer asked if the fence was in compliance with regard to the six foot seawall setback requirement.
- Ms. Lewis expressed uncertainty regarding same.
- Mr. MacGibbon commented the "fence" appeared to be decorative in nature.
- Ms. Lewis concurred.
- Mr. MacGibbon noted Ms. Lewis' recommendation, as denoted within the agenda material, was for replacement of the top rail or removal of the fence itself within 14 days; however, he stated he was personally aware those types of railing caps were not cast very often. He opined 14 days was insufficient, suggesting 45 days be granted.

- Ms. Lewis responded she would have no problem with 45 days; however, she pointed out this case was opened April 24, 2008.
- Mr. Meyer MOVED, Mr. MacGibbon SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. MacGibbon confirmed the boat was once again parked along the side of the house, asking the respondent if she was aware same was not allowed.
- Ms. Pollard replied affirmatively. She stated she had originally advised City staff the violations would be addressed by the end of August 2008; however, she had experienced much difficulty finding a manufacturer of the required top rail. She noted she had located a company who could craft the rail, adding she had ordered same the previous week. She expressed uncertainty with regard to the amount of time necessary to have the rail installed, stating she did not believe it could be done within 45 days. She then explained the boat required repair, acknowledging a permit was required to allow it to remain in the yard.
- Ms. Lewis responded a boat maintenance permit was valid for 15 days, stating two permits could be issued annually, one every 6 months.
- In response to earlier comments, Ms. Pollard agreed the fence was decorative in nature and was not set back six feet from the seawall but rather was located approximately two feet from same.
- Mr. Schmidt countered City Code prohibited any structure to be located within six feet of a seawall.
- Ms. Pollard pointed out the fence had been existing for many years, adding the concrete pieces were extremely difficult to remove.
- Discussed ensued with regard to the City Code requirement prohibiting structures to be installed within six feet of seawalls.
- Mr. Randy Cole, Building Official, interjected a building permit would not be required for this type of fence but rather a no-charge zoning permit application would ensure there was no conflict.
- Mr. Ashworth countered it seemed the decorative "fence" may need to be removed as testimony by the respondent indicated it was located two to three feet from the seawall.
- City Attorney Levin responded that question and others could be answered when Ms. Pollard applied for a zoning permit as recommended by Mr. Cole.
- Mr. MacGibbon suggested continuing this case to the next meeting due to the potential for discrepancy between requiring the fence to be repaired and the possibility of same having to be removed.

- City Attorney Levin alternatively suggested the Board find the respondent in violation of the cited provisions of City Code, require the respondent to come into compliance within 60 days and direct the respondent to obtain whatever zoning permit may be required with respect to existing structures. He explained hopefully all violations would be resolved; thus, the respondent would not be required to reappear before the Board.
 - Mr. Ashworth asked staff to ensure Ms. Pollard was fully aware of the steps she must take.
 - Mr. Bailey MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order finding the respondent guilty, to direct the respondent to contact the Urban Design Division with regard to any required permits and to come into compliance within 60 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- D. 08-35932 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Jeffrey Stalberger
Address of Violation: 2167 Palm Tree Drive
Section 26-8.11(C,E), Standards property maintenance.
- Mr. Schmidt confirmed the respondent was not present.
 - Ms. Albers MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Ms. Lewis stated on April 24, 2008, she received a complaint regarding the condition of the subject vacant lot, which was located in the City limits, displaying several photographs of same. She explained the complainant indicated a palm tree was too close to the seawall, and the lot had never been sodded property after demolition. She mentioned the complainant also expressed concern about the condition of the boat lift, adding there had been previous cases concerning this lot, all of which had since been closed. She announced she subsequently inspected the property, reporting trees needing to be trimmed and bare spots with no grass. She stated she requested the opinion of other Code Compliance Officers as she had been unsuccessful in her attempts to contact the owner. She advised this vacant lot was on the City's lot mowing program. She announced a Statement of Violation/Notice of Hearing was sent to the respondent, adding subsequent attempts to contact the owner were unsuccessful. She reported the complainant called again on October 6, 2008, still very upset about these conditions; thus, she referred him to Mr. Cole who in turn visited the lot. She concluded the lot was posted on October 16, 2008, adding these conditions still existed as of October 21, 2008.

- Mr. Cole agreed with Ms. Lewis with regard to property maintenance; however, with regard to the bare spots, he did not see any signs of erosion. He clarified vegetation was required on a vacant lot to prevent erosion. He advised he did not see any actual damage to the boat lift.
- Mr. Meyer MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bob Lederer, 2181 Palm Tree Drive, asserted he did not consider the property to be covered in "bare spots" but rather more than half the property was covered in marl. He contended the owner showed his neglect during the two year period between Hurricane Charley in August 2004 and demolition. He stated the poor condition of the palm trees also presented a hazard in that the heavy fronds sometimes fell onto his own property, adding the trees themselves were in danger of being blown down in a storm. He then commented on the boat lift, stating same was hit during the Lighted Boat Parade, incurred damage and continued to deteriorate. He continued the marl on the property had damaged his vehicles when kicked up by high winds. He concluded these conditions had existed far too long in his opinion.
- Ms. Albers commented one of the photographs indicated an older sidewalk and/or curbing near the seawall required repair.
- Ms. Lewis responded both should have been removed. She explained there were a number of demolitions taking place at the time the subject home was taken down, stating she believed situations such as this where the sidewalk/curbing had been left had simply been missed and much vegetation was lost.
- Mr. Lederer asserted the threat to public safety would continue to worsen if no action was taken.
- Mr. Stevens asked if the City believed this property was not in violation of Section 26-8.11(E).
- City Attorney Levin expressed sympathy to Mr. Lederer; however, there were two types of nuisances addressed by the law, public and private, stating only the former was addressed by City Code. He pointed out City Code was extremely comprehensive with respect to property maintenance requirements; however, it did not cover every potential situation which may cause a private nuisance. He acknowledged the conditions described this date, particularly with respect to the marl, were real; however, City Code did not require vacant lots to be sodded but rather such lots must be vegetated enough so as not to create erosion. He pointed out many of Mr. Lederer's complaints could be remedied in civil court under a private nuisance cause of action. He clarified the testimony presented by staff addressed only those violations

which could be addressed by the Board under City Code, acknowledging it did not address all of the issues described by Mr. Lederer. He asserted the Board could exceed their authority and find the property in violation of all of the issues described by Mr. Lederer; however, he opined same would be beyond the scope of City ordinances and thus be non-defensible. He respectfully requested the Board find the respondent guilty of violation of the lot maintenance portion of City Code.

- Mr. Ashworth suggested staff contact the Canal Maintenance Division with regard to the palm tree located near the seawall.
- Mr. Dennis Murphy, Growth Management Director, responded this seawall was on the repair list but not as a priority, explaining the damage was minimal as compared to numerous other locations.
- Mr. Lederer reiterated his frustration with regard to the lack of sod and abundance of marl on the respondent's property, contending same was the most unsightly property in the area.
- City Attorney Levin reiterated he did not believe the City had jurisdiction to find the respondent guilty for failure to sod or seed the property, adding same was not considered in the Statement of Violation which was issued. He requested an opportunity to review that issue solely with respect to the area denuded of vegetation.
- Ms. Albers MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order requiring compliance within 14 days of notice or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 08-35859 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Brian Rommel

Address of Violation: 228 West Ann Street

Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance - grass/weeds; and Section 26-8.11(C,E), Standards property maintenance.

- Ms. Maricela Perdomo, Code Compliance Officer, announced the City had dismissed Case #08-35859.

F. 08-35853 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Kevin Doyle

Address of Violation: 513 Palm Avenue

Section 26-8.11(C,E), Standards property maintenance; and Section 10-2, page 10-3, Nuisance - grass/weeds.

- Mr. Schmidt confirmed the respondent was not present.
- Ms. Albers MOVED, Mr. Bailey SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.

- Ms. Perdomo announced the subject property was located in the City limits of Punta Gorda, stating on September 2, 2008, she received a complaint regarding tall grass and weeds over 12 inches in height throughout the property. She advised she confirmed the violation that date, at which time she left a five day courtesy notice on the front door. She noted the home was vacant and in foreclosure. She confirmed a Statement of Violation/Notice of Hearing was issued on September 18, 2008, as the violations remained; however, the Statement/Notice was returned unclaimed; thus, the property was posted. She reported the property had since been maintained by the City.
 - Mr. MacGibbon MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. MacGibbon MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order against any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- G. 08-35776 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondent: Keith Amos
Address of Violation: 211 West Grace Street
Section 10-2, page 10-3, Nuisance - grass/weeds.
- Mr. Schmidt confirmed the respondent was not present.
 - Ms. Albers MOVED, Mr. MacGibbon SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
 - Ms. Perdomo announced the subject property was located in the City limits of Punta Gorda, stating on August 12, 2008, she observed tall grass and weeds over 12 inches in height throughout the property. She noted the home was vacant and in foreclosure. She reported a Statement of Violation/Notice of Hearing was issued on September 18, 2008, as the violation remained; however, the Statement/Notice was returned unclaimed; thus, the property was posted. She reported the property had since been maintained by the City.
 - Mr. Meyer MOVED, Mr. MacGibbon SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Meyer MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order against any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- H. 08-35625 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondent: Yoel Humaran
Address of Violation: 2814A Magdalena Drive

Section 10-1 & 10-1.1, pages 10-1 & 10-2, and Section 10-2, page 10-3, Nuisance - grass/weeds; and Section 26-8.11(c), Standards property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Perdomo announced the subject property was located in the City limits of Punta Gorda, stating on July 30, 2008, she observed tall grass and weeds over 12 inches in height throughout the property and stagnant pool water in the rear. She noted the home was vacant and in foreclosure. She advised a Statement of Violation/Notice of Hearing was issued on August 26, 2008, as the violation remained; however, the Statement/Notice was returned unclaimed; thus, the property was posted on September 18, 2008. She reported the property had been maintained by an outside contractor as of October 2, 2008.
- Mr. Meyer MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order against any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

I. 08-35769 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Jose Humaran

Address of Violation: 2814B Magdalina Drive

Section 10-1 & 10-1.1, pages 10-1 & 10-2, and Section 10-2, page 10-3, Nuisance-grass/weeds; and Section 26-8.11(c) Standards property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Ms. Albers MOVED, Mr. Bailey SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Perdomo entered her testimony given in the previous case, noting this was the other half of a duplex.
- Ms. Albers MOVED, Mr. Meyer SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Albers MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order against any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

J. 08-35433 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: James T. Smith

Address of Violation: 413 West Ann Street

Section 7-32(A)(1), page 7-17, Failure to obtain building permit; and Section 7-31(A), page 7-15, Additions, amendments and modifications to Building Code.

- Ms. Perdomo announced this case would be continued to the Board's next meeting as the homeowner had obtained a shed permit, which was in plans check.

L. 08-35822 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Dan Sabatino

Address of Violation: 855 Elizabeth Street

Section 10-2, page 10-3, Nuisance - grass/weeds; and Section 9A-12(a), page 9A-8, Visual blight.

- Mr. Schmidt confirmed the respondent was not present.
- Ms. Albers MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Randy Wright, Code Compliance Officer, stated on September 10, 2008, he observed tall weeds and grass as well as concrete and trash laying on the ground on the subject property, which was located in the City limits. He noted he left a message for the property owner regarding these conditions, adding he later learned the contractor who had been constructing this property had pulled out and did not intend to finish the job. He mentioned the respondent did not return his telephone call. He announced a Statement of Violation/Notice of Hearing was issued and subsequently received on October 9, 2008, concluding the property remained in violation as of October 21, 2008.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. MacGibbon clarified construction was incomplete on the inside, and the property had never been occupied. He mentioned he understood the property owner was undergoing some very serious health problems, expressing uncertainty as to whether or not he would be able to complete this project; however, he acknowledged the property needed to be cleaned up.
- Mr. MacGibbon MOVED, Mr. Meyer SECONDED to issue a Cease & Desist Order requiring compliance within 10 days of receipt of the Board's Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

M. 08-35944 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Jimmy & D. Stingu

Address of Violation: 318 East Grace Street

Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance - grass/weeds.

- Mr. Wright announced this case was being continued as progress was being made on the property.

OLD BUSINESS

A. 08-35185 - ZONING OFFICIAL - TERI TUBBS

Respondent: Richard Day

Address of Violation: 329 West Virginia Avenue

Violation of Section 7-31(A), Additions, amendments and modifications to Building Code; and Section 7-32(A)(1), page 7-17, Failure to obtain building permit.

- Mr. Wright announced Case #08-35185 was being continued due to a typographical error in the Board's Order, which required same to be re-issued.

OTHER BUSINESS

A. 08-35907 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Douglas J. Harris/Repeat Violator

Address of Violation: 131 Gold Tree

Violation of Section 26-3.13(i), Parking in a vacant lot or right-of-way (ROW)

- Mr. Schmidt confirmed the respondent was not present.
- Ms. Albers MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Wright announced the respondent had left a message this date with the City Clerk's Office requesting a continuance.
- Consensus of the Board was to deny the respondent's request for a continuance.
- Mr. Stevens confirmed the property was currently in compliance.
- Mr. Wright concurred, stating the violation had existed for five days. He mentioned another five-day, boat maintenance permit had been issued; however, the respondent had taken advantage of same in that the boat remained on the property for an additional five days beyond September 24, 2008. He noted this problem had been ongoing for a number of years.
- Mr. Stevens MOVED, Mr. MacGibbon SECONDED to find the respondent in non-compliance for 5 days and to impose of fine of \$2,500 (\$500 per day for 5 days). MOTION CARRIED UNANIMOUSLY.

B. 08-34447 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Robert A. Lee, Jr.

Address of Violation: 412 Allen Street

Section 9A-12(a)(d)(e), Visual blight; and Section 26-8.11(f), Standards property maintenance (hearing imposing penalty).

- Mr. Wright reported 190 days of non-compliance beyond the 21 day deadline imposed by the Board at their March 26, 2008 Meeting.
- Mr. Schmidt asked why so much time had elapsed.
- Mr. Wright replied he had misplaced the case file, stating he had only recently located same. He recommended a fine of \$4,750 or \$25 per day for 190 days.
- Mr. MacGibbon MOVED, Mr. Meyer SECONDED to impose a fine of \$4,750 (\$25 per day for 190 days of non-compliance). MOTION CARRIED UNANIMOUSLY.

C. BUILDING OFFICIAL PRESENTATIONS

1. Review Administrative Fees

- Mr. Cole commented it seemed compliance was harder to attain during difficult economic times; thus, staff had begun to study City Code to determine how it could possibly be amended to address same administratively. He explained 24 hour Courtesy Notices were now being implemented as opposed to 2 to 3 days Notices. He continued Notices of Hearing were now being issued at the same time as Statements of Violation. He clarified the Board would still be presented with such cases even if compliance was attained prior to hearing, thus allowing staff to request a Cease & Desist Order. He announced the City had subscribed to a foreclosure tracking service, which would allow him to immediately begin to monitor such properties. He then asked the City Attorney to address the Board on administrative fees, stating a telephone survey indicated "Court costs" ranged from \$0 to \$500. He pointed out \$500 was not unreasonable when staff time was calculated; however, he opined the backlash from same would be terrible.
- City Attorney Levin stated staff and administration would determine a reasonable administrative fee, acknowledging same would not be adequate to recoup actual costs but rather would be an improvement over current costs.

2. Review New Board Orders Form

- City Attorney Levin distributed copies of correspondence, as delineated in the agenda material, from himself to City Manager Howard Kunik with regard to this item, stating staff intended to prepare proposed Orders prior to Board hearings. He explained these Orders would contain an accurate recital of facts which Code Compliance Officers intended to present. He clarified this would allow the Chairman to immediately sign the Orders, allowing hand delivery to respondents who were present or mailing immediately following each meeting. He provided a detailed review of the current procedure, noting his proposal would allow for a complete listing of proposed Findings of Fact and Conclusions of Law as well as a series of blank lines for the Board to provide its own listing of corrective actions if staff's recommendations were not

accepted. He acknowledged the outcome of some cases would result in delayed preparation of an Order as was now the case.

- Mr. Schmidt commented favorably on the possibility of pre-drafted Orders.
- At City Attorney Levin's request, Mr. Mike Wilson, Board Attorney, provided a brief review of Charlotte County's procedures with regard to Court costs.

MEMBER COMMENTS

- Mr. Schmidt commended staff on a job well done.

ADJOURNMENT

- Meeting Adjourned: 10:50 a.m.

Heinz Schmidt, Chairman

Mary Kelly, Recording Secretary