

**CODE ENFORCEMENT BOARD  
MEETING  
NOVEMBER 26, 2008**

**MEMBERS PRESENT:** Heinz Schmidt, Chairman  
Kate Albers, Tom Bailey, Richard Kresge,  
Paul Meyer, Jim Stevens, Ed Viola

**OTHERS PRESENT:** David Levin, City Attorney; Dawn Lewis, Randy Wright, Perri Turner, Code Compliance Officers; Randy Cole, Building Official; Harvey Goldberg, Vice Mayor; John Polk, Board Attorney; Donyl Yates, Board Secretary; Norman Ashworth, Alternate Board Member; Glenn McLean, Sattar Abdool Zaheer, Ari Sattar, Herbert Bosh, Rafael Mirabal

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - December 24, 2008 (cancelled)
- Mr. Schmidt announced the Board's next meeting would be held on January 28, 2009.

**APPROVAL OF MINUTES**

- A. Meeting of October 24, 2008
- Ms. Albers MOVED, Mr. Bailey SECONDED approval of the October 24, 2008 minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. 08-36136 - POLICE OFFICER - FRED COUNTER - PK #006311  
Respondent: Robert A. Nicholas  
Address of Violation: 809 East Marion Avenue (Charlotte Regional Hospital)  
Violation of Section 23-18(b), Unlawful parking in a handicapped space.
- City Attorney David Levin announced the fine in Case #08-36136 had been paid on November 25, 2008. He then requested a continuance of the following two items, Case #08-35943 and Case #08-35986 to the Board's next meeting.
- B. 08-35943 - CODE COMPLIANCE OFFICER - PERRI TURNER  
Respondent: Anthony & Christine Visicaro  
Address of Violation: 185 Bayshore Court  
Violation of Section 20-1(A,E), Right-of-way alterations.
- C. 08-35986 - CODE COMPLIANCE OFFICER - PERRI TURNER  
Respondent: Anthony & Christine Visicaro  
Address of Violation: 185 Bayshore Court  
Violation of Section 20-1(A,E), Right-of-way alterations.

- Ms. Albers MOVED, Mr. Bailey SECONDED to continue Case #08-35943 and Case #08-35986 to January 28, 2009. MOTION CARRIED UNANIMOUSLY.
  - City Attorney Levin then noted the Board had been provided with copies of proposed, compliance orders; however, that procedure would not be implemented this date but rather starting with the Board's next meeting if members so desired. He suggested members refer to the proposed orders provided this date throughout the meeting in order to become familiar with this new procedure.
- D. 08-36075 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Harold T. Robbins, Sr. Estate  
c/o Rosalie R. Robbins (Personal Representative)
- Address of Violation: 2210 Bayview Road
- Violation of Section: 26-8.11(A,B,C,E,F,G), Standards property maintenance; and Section 9A-12(a), page 9A-8, Visual blight; and Section 10-2, page 10-3, Nuisance/grass & weeds.
- 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. Dawn Lewis, Code Compliance Officer, displayed several photographs of the subject property, which was located within City limits, stating she observed tall grass and weeds throughout same on February 19, 2008, especially in the rear of the property. She reported all of the trees and bushes were overgrown, including fruit trees which were not maintained, and the rear windows were broken, leaving the home open and exposed to the elements. She advised the house was discolored and had mold growing on the outside walls, adding several piles of wood and debris were observed in the side and rear yards, and the pool was full of branches and debris. She mentioned there was a hot water heater on the front porch area as well. She confirmed issuance of a Courtesy Notice at that time. She noted the grass had been cut but all other violations remained on March 17, 2008, adding her attempts to contact the owner were unsuccessful. She noted Mr. and Mrs. Frank Harter met with her on April 22, 2008, advising her the property had been in terrible condition for a significant period of time. She then announced receipt of a letter on May 19, 2008, from Ms. Rosalie Robbins, respondent's daughter and legal representative for the estate, indicating her goal was to demolish the property; however, she advised Ms. Robbins the property must be maintained until that time. She mentioned she received several complaints regarding the property's condition. She announced a demolition permit was obtained on June 25, 2008; however, Mr. Harter contacted her on October 13,

2008, expressing his concern at the lack of progress. She advised a permit extension was requested on October 28, 2008. She concluded a Statement of Violation/Notice of Hearing was issued and subsequently received on November 10, 2008, concluding as of November 25, 2008, the trees were being trimmed; however, the other violations remained.

- Mr. Meyer MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Albers disclosed she had driven by this property, stating the conditions described in the agenda material were not clearly evident from the street; however, she acknowledged the conditions depicted in the photographs were deplorable.
- Ms. Lewis added Mr. Harter's main view of the subject location was the rear where the worst of the conditions existed.
- Ms. Albers clarified these conditions had existed since 2004 and continued to worsen.
- Mr. Kresge expressed surprise this situation had been allowed to exist for such a long period of time.
- Ms. Lewis stated her involvement in this case commenced in February 2008, adding her initial understanding was this would be a straight demolition. She expressed concern in that the demolition permit would expire on December 25, 2008, while Ms. Robbins had indicated the demolition would not take place until January 2009, thus the basis for presenting the case to the Board at this time.
- Mr. Kresge confirmed surrounding property owners had been complaining to the City since April 2008.
- Mr. Bailey asked if the respondent still intended to demolish the property.
- Ms. Lewis expressed uncertainty regarding same; however, the demolition permit was still valid at this time.
- Mr. Glenn McLean, 2261 Gulfview Road, reminded members of the upcoming boat parade, which traversed directly behind the subject property. He commented on the negative effect on visitors with regard to Punta Gorda as a whole.
- Mr. Viola stated he was primarily concerned with the hazard presented by the condition of the pool.
- Ms. Albers questioned the status of Ms. Robbins' permit extension request.
- Ms. Lewis replied the request was not granted as staff made the decision to present the case to the Board. She pointed out a number of violations would not be eliminated even once the home was demolished.
- Mr. Viola questioned Ms. Lewis' recommendation, as delineated in the agenda material, for compliance by January 31, 2009.

- City Attorney Levin interjected the City did not object to a shorter time frame.
- Vice Mayor Harvey Goldberg advised he had been contacted by several surrounding neighbors, disclosing he had personally viewed the site. He reiterated the neighbors' concerns, noting some were not just aesthetic in nature but rather stemmed from concerns relative to health hazards.
- Mr. Schmidt asked if staff had any recommendations which may result in the property being somewhat presentable in time for the boat parade.
- Ms. Lewis replied the grass and landscaping had been cut, adding she had advised the landscapers the fruit which had fallen must be picked up and removed; however, there was no electricity to the house and pool, which essentially meant the condition of the latter could not be remedied.
- Mr. Randy Cole, Building Official, advised there was insufficient time before the boat parade to have any kind of order in place to allow the City to legally abate the nuisances. He reported the contractor had indicated demolition would not take place until after the upcoming holidays, adding he would not finalize the demolition until the property was graded, sodded and prepared for regular maintenance. He assured the Board he would do everything within his power to seek compliance prior to the boat parade if so ordered; however, he could not make any promises on behalf of the owner. He acknowledged Ms. Robbins' desire to resolve these issues as soon as possible.
- Mr. Bailey asked what actions could be taken prior to the boat parade.
- Ms. Albers replied the pool could be covered.
- Mr. Bailey countered he felt the pool could not be seen from the canal.
- Ms. Lewis suggested the landscaping towards the rear of the property could be trimmed, the pool could be covered and the pool area swept, and the fence could be readjusted.
- Ms. Albers MOVED, Mr. Kresge SECONDED to issue a Cease & Desist Order against future violations, requiring compliance with regard to the visual blight violations within 10 days and complete compliance by January 31, 2009, or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 08-36102 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Sattar Abdool Zaheer

Address of Violation: 77 Tamiami Trail

Violation of Section 6A-2.11, page 6A-12 Prevention of erosion of soils; and Section 26-8.11(C,E,F), Standards property maintenance; and Section 9a-12(a,b), Nuisances/grass & weeds.

- Ms. Lewis stated on August 25, 2008, she received a complaint from the City Manager regarding the condition of the subject property, which was a vacant lot previously operated as a gas station and located within City limits. She reported her observation of tall grass and weeds throughout, a large pile of debris and a concrete pad with automobile lifts. She noted the property owner stated he would address all of these issues over the upcoming weekend, confirming the tall grass and weeds had been maintained as of September 8, 2008. She stated research showed a non-finalized demolition permit, adding Mr. Cole advised all violations, including removal of the automobile lift and slab and seeding or sodding, were required. She reported all grass and weeds had been maintained and the pile of dirt and automobile lifts had been removed as of November 25, 2008. She pointed out the respondent promised all work would be complete prior to this hearing; however, he expressed he could not remove the concrete slab due to financial reasons. She mentioned the Harbor Yacht Club was using the area for parking. She concluded the property's condition had been significantly improved over the past two weeks, specifically the ground was level, and the dirt and automobile lifts had been removed; however, the concrete slab remained.
- Mr. Meyer asked if there was any concern with regard to underground fuel storage tanks and ground contamination from same.
- Mr. Cole replied the Department of Environmental Protection (DEP) had no such concerns.
- Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Albers commented one of the photographs depicted a fair amount of loose debris which could be swept up.
- Ms. Lewis agreed, noting the photographs were taken prior to removal of same.
- Mr. Sattar Abdool Zaheer, respondent, entered a plea of not guilty.  
Mr. Bailey asked the respondent how much time he required to bring the property into full compliance.
- Mr. Zaheer replied 60 days. He explained he was unable to work on the property due to the amount of vehicles which routinely parked on same.
- Mr. Bailey countered parking could be prohibited.
- Mr. Zaheer reiterated he was unable to completely eliminate all violations because of financial reasons; however, he indicated his belief he could do so within 60 days. He mentioned an old gas tank was removed in 2005.
- Mr. Kresge suggested perhaps contractors on the adjacent hotel could be allowed to park on the respondent's property in exchange for working on the site.

- Mr. Zaheer expressed agreement with same.
- Mr. Viola commented he did not feel 60 days was excessive.
- Mr. Cole offered to personally speak with the construction crew regarding this problem.
- Mr. Ari Sattar, respondent's brother, opined compliance could not be achieved until after completion of the adjacent hotel's construction.
- Mr. Meyer asked if the property was for sale.
- Mr. Sattar replied affirmatively, contending his brother had been treated unfairly by the City since Hurricane Charley in August 2004.
- City Attorney Levin commented on the above mentioned use of the property for parking by hotel construction workers, asserting legal or illegal use of the site was not a matter to be considered by the City. He clarified the respondent had the ability to prohibit vehicles from being parked on his property, stating same would allow him to address the visual blight violations.
- Mr. Kresge MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order requiring elimination of all violations within 14 days after a Certificate of Occupancy (C.O.) was issued to the adjacent Harbor Yacht Club/Sheraton Hotel and the demolition permit was finalized or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 08-35659 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Patrick H. Duffy Estate  
c/o Erika N. Hickson (Personal Representative)

Address of Violation: 360 Belaire Court

Violation of Section 26-8.14(B), Standards structures/uses; Section 10-1.1, page 10-2, Nuisances/grass & weeds; and Section 10-1 & 10-1.1, page 10-1 & 10-2, Grass & weeds over 12 inches; and Section 26-8.11(C,E,F), Standards of property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Viola MOVED, Mr. Meyer 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 July 11, 2008, she received a complaint regarding excessive growth of grass and weeds. She reported inspection of the property on July 12, 2008, revealed the following conditions throughout same: grass and weeds in the rear of the property exceeding 12 inches in height; weeds throughout the landscape beds; stacks of brick pavers on the right side of the home; a cooler; debris throughout the property. She noted she left a Courtesy Notice that day, adding on July 21, 2008, she confirmed the

rear of the property had been cut; however, the other violations remained, stating she issued a Statement of Violation/Notice of Hearing for same, which was subsequently returned unclaimed on August 6, 2008. She explained on August 23, 2008, she observed the cooler had been removed but all other violations remained, adding she then received a complaint regarding stagnant water in the pool. She reported another Statement of Violation/Notice of Hearing was issued on September 15, 2008, and returned unclaimed; thus, she posted the property. She stated Ms. Erica Hickson, respondent's representative, contacted her on November 24, 2008, at which time she made arrangements to meet with her at the property on November 25, 2008; however, Ms. Hickson failed to keep the appointment. She concluded all violations remained as of November 25, 2008.

- Mr. Viola MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola expressed concern primarily with the hazard presented by the untended pool.
- Ms. Lewis responded the City Attorney had suggested staff contact the Department of Health when an unattended pool was located.
- Ms. Albers MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order requiring all violations to be eliminated within 14 days of receipt of the Board's Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola confirmed staff would contact the Department of Health regarding any stagnant pool they encountered.

G. 08-35874 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Bernice A. Rountree

Address of Violation: 322 East William Street

Violation of Section 10-1, & 10-1.1, pages 10-1 & 10-2, Grass & weeds over 12 inches; and Section 26-8.11(a,bc,e,f,g), Standards of property maintenance.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Viola MOVED, Ms. Albers 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 August 4, 2008, she received a complaint from the City Manager regarding same. She advised on August 18, 2008, she observed a damaged roof, outside storage, wood and debris throughout the property, tall grass and weeds, overgrown landscaping and two inoperable vehicles, adding she left a Courtesy Notice at the property. She noted a Statement of Violation was issued on September 15,

2008, requiring maintenance of the property within 60 days, after which she had several conversations with Mr. Bernice Rountree, respondent, regarding the roof. She reported Ms. Rountree was an elderly woman with numerous health issues, pointing out she had provided the Board with copies of a piece of correspondence from the respondent. She clarified the main concern was related to the roof, which had been in its current condition since Hurricane Charley. She stated Ms. Rountree had met with a roofing contractor with a request to re-tarp the roof until she was financially able to obtain a new roof. She mentioned she had offered Ms. Rountree contact information on obtaining financial assistance; however, the respondent refused her offer.

- Mr. Bailey asked if part of the roof was laying in the front yard.
- Ms. Lewis replied affirmatively, stating Ms. Rountree wished to keep same for use in the repair. She mentioned the roofing contractor, Mr. Wayne Goff, had advised her the roof was significantly damaged, including the interior.
- Mr. Viola MOVED, Mr. Meyer SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola confirmed the respondent continued to reside in the home, expressing concern regarding same.
- Ms. Lewis reiterated Ms. Rountree had refused numerous offers of help.
- Ms. Albers asked if the vehicle depicted in the photographs was in violation.
- Ms. Lewis replied it was not any longer.
- Mr. Viola asked if the City could conduct a safety inspection based on Mr. Goff's observations.
- Ms. Lewis replied Mr. Cole had that authority.
- City Attorney Levin opined this was an unusual situation, stating perhaps the respondent would gain a better appreciation of what must be done if a Cease & Desist Order was in place.
- Board Attorney John Polk expressed uncertainty with regard to the Board's involvement in ordering a safety inspection. He pointed out the testimony presented to the Board this date regarding the condition of the interior of the home was essentially hearsay.
- City Attorney Levin concurred, suggesting the Board simply address the roof at this time.
- Mr. Viola MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order requiring the roof to be repaired and the property cleaned up within 30 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

H. 08-35682 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Robert Imperi

Address of Violation: 419 Burland Street

Violation of Section 7-38, pages 7-22, 7-39, 7-23, Requirement for safe buildings and structures; and Section 9A-12(a), page 9A-8, Visual blight.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Viola MOVED, Ms. Albers SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Randy Wright, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on September 11, 2008, he observed the following violations: tarps lying beside the home; washer and dryer; buckets; motorcycle with expired tag; toilet; boarded up windows; expired roof permit. He noted on September 16, 2008, he issued a Notice of Violation which was subsequently received on September 30, 2008. He reported no change in violation as of October 28, 2008; thus, a Statement of Violation/Notice of Hearing was issued with no response. He announced he posted the property on November 14, 2008, adding the violations remained with the exception of the tarps, motorcycle and buckets.
- Mr. Viola asked if the roof's condition continued to worsen.
- Mr. Wright replied he believed so as it had only been "dried in" in 2006.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Albers MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order requiring submission of a permit application for the roof within 10 days and completion within 30 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

I. 08-36066 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: David Nahl

Address of Violation: 1700 Steadley Avenue

Violation of Section 9A-12(a,c,), page 9A-8, Visual blight.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Viola MOVED, Mr. Meyer SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Wright requested a dismissal as the property was in compliance.
- Mr. Viola MOVED, Ms. Albers SECONDED to dismiss Case #08-36066. MOTION CARRIED UNANIMOUSLY.

J. 08-35956 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Gulf Petroleum Inc.

Address of Violation: 10001 Tamiami Trail

Violation of Section 12-1, page 12-1, Imposition of business tax; and Section 7-32(A)(1), page 7-17, Failure to obtain building permit; and Section 26-17.5(c), page 26-199, Non-conforming signs.

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Viola MOVED, Mr. Meyer SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Wright stated on October 15, 2008, he was advised by City staff of the respondent's failure to pay their annual local business tax receipt and to obtain a sign permit. He noted he hand delivered all necessary applications to the business manager who indicated she would process the paperwork; however, none of the applications were submitted. He reported a Statement of Violation/Notice of Hearing was issued and received on November 10, 2008. He concluded neither application had been submitted as of this date.
- Ms. Albers MOVED, Mr. Meyer SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Meyer SECONDED to issue a Cease & Desist Order requiring all required paperwork to be submitted within 5 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

K. 08-36045 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Doreen DeSilva

Address of Violation: 1203 Spanish Cay Lane

Violation of Section 26-3.13(L), Storage of vehicles.

- 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.
- Mr. Wright displayed several photographs of the subject property, located within City limits, stating on October 29, 2008, he observed a boat and trailer stored in the side yard. He announced he left a Courtesy Notice advising the respondent the boat and trailer must be removed from the yard. He pointed out as of November 7, 2008, the boat remained in place, commenting it appeared no one resided in the home. He reported he issued a Statement of Violation/Notice of Hearing on November 7, 2008, which was received on November 13, 2008. He confirmed the boat remained beside the house as of November 25, 2008.

- Mr. Viola MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Viola MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order requiring the boat to be removed immediately upon receipt of the Board's Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- L. 08-36130 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Rafael & Ohilda Mirabal  
Address of Violation: 3813 Whippoorwill Boulevard  
Violation of Section 9A-12(a)(b), page 9A-8, Visual blight; and Section 26-8.11(A)(G), page 26-89, Standards of property maintenance.
- Mr. Herbert Bosh announced he was present to interpret for Mr. Mirabal.
  - Mr. Rafael Mirabal, respondent, entered a plea of not guilty.
  - Mr. Wright displayed several photographs of the subject property, located within City limits, stating on October 20, 2008, he received a few complaints about the condition of this property. He listing the following violations observed upon inspection of the site: plywood on windows; trusses laying in front of the house; outside storage; incomplete roof; expired roof permit. He reported repairs had started in March 2006, thus the basis for the neighbors' complaints and concerns. He reported two porches had since been formed up, adding the trusses laying in front of the home and the outside storage had both been removed/eliminated. He expressed hope the neighbors' concerns could be addressed, adding he wished to provide the respondent with a specific time frame for completion. He noted the plywood had been taken off of the windows and the pavers removed as of November 25, 2008.
  - Mr. Viola MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Bosh announced he was also the respondent's son-in-law, stating Mr. Mirabal was attempting to repair their home; however, work had been delayed strictly because of financial reasons. He asked if any of the permits were expired at this time.
  - Mr. Wright replied one permit for the front of the house was open, adding the rear deck permit would expire on December 20, 2008, provided there were no additional inspections.
  - Mr. Bosh continued much of the property had since been cleaned up, pointing out three-quarters of the roof was complete; however, he acknowledged the front of the roof was incomplete pending construction of several columns. He opined the home would be beautiful once complete, reiterating financing had been the cause of all delays. He requested six months to complete all required construction.

- Mr. Viola commented he felt the Board must have assurance all construction would be fully complete within that time frame.
- Mr. Bosh then translated the proceedings to Mr. Mirabal, clarifying the construction being discussed this date was new rather than repair work related to Hurricane Charley.
- Ms. Albers disclosed she went by the property quite frequently while bicycling, stating the home had appeared complete at one point but was once again under construction. She clarified cosmetic improvements were being made on the home, opining the neighbors' concerns were based on the fact that it seemed the home was continuously under construction.
- Through Mr. Bosh, Mr. Mirabal fully acknowledged Ms. Albers' statements. He assured the Board he would work diligently to beautify and complete his home. He reiterated his request for an additional six months to hopefully complete all work.
- Mr. Viola asked Mr. Wright if he was agreeable to six months.
- Mr. Wright replied he needed to have a firm time period in order to address the neighbors' concerns, adding some would be unhappy with that length of time. He reiterated this home had been in various states of disrepair for four years.
- Mr. Kresge suggested continuing the case for three months, at which time the Board could review what progress had been made.
- Ms. Albers requested the Board be provided with an update at their next meeting on January 28, 2009. She expressed sympathy with the neighbors' concerns.
- City Attorney Levin asked how much of the visual blight depicted in the photographs could be removed and/or visually, if not structurally, improved within the next 60 days.
- Mr. Bosh replied all of the wood would be removed, stating Mr. Mirabal hoped the doors could be opened and framed.
- City Attorney Levin asked what was planned in the area of the front door.
- Mr. Bosh replied it would be replaced with two new doors, adding Mr. Mirabal could utilize less expensive doors than that originally planned.
- City Attorney Levin explained his questions were relative to how much improvement could be made to the front of the house from a visual perspective within the next 60 days, even if such improvement was just temporary. He clarified his point was to only take on what was feasible as opposed to tackling something which was financially out of reach.
- Mr. Bosh responded Mr. Mirabal would be able to open the door, plaster and paint the door area and remove all of the wood within 60 days.
- City Attorney Levin clarified all work must be completed within six months.

- Mr. Viola MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order finding the respondent in violation, to require elimination of the visual blight at the front of the home within 60 days of this date and elimination of all violations within 6 months of this date or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

**OTHER BUSINESS**

A. 08-35910 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Thomas & Antoinette Harris

Address of Violation: 432 Carmalita Street

Violation of Section 9A-12(d), Visual blight, inoperable/unlicensed vehicle (hearing imposing penalty).

- Mr. Wright announced the respondents in this case were repeat violators, confirming the subject property was located within City limits. He reported on the presence of two unlicensed vehicles on this property, stating one of the owners indicated his intention to register the vehicles; however, this had not been done as of the previous day, November 25, 2008. He advised these violations had existed for 55 days, recommending the Board consider imposing a fine of \$50 per day, for a total fine of \$2,750, or \$25 per day, for a total fine of \$1,375.
- Ms. Albers MOVED, Mr. Viola SECONDED to impose a fine of \$1,375, \$25 per day for 55 days. MOTION CARRIED UNANIMOUSLY.

**MEMBER COMMENTS**

- Mr. Schmidt commented on the proposed orders provided at the start of this meeting, stating same were approximately 90% in agreement with the Board's actions this date.
- City Attorney Levin agreed, stating he had noted some areas where improvements could be made. He thanked the Board for their consideration of this new process.
- Mr. Wright then reminded the Board of a case involving 2012 San Massimo Drive, displaying several photographs depicting elimination of all violations.

**ADJOURNMENT**

- Meeting Adjourned: 11:16 a.m.

\_\_\_\_\_  
Heinz Schmidt, Chairman

\_\_\_\_\_  
Mary Kelly, Recording Secretary