

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

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

**OTHERS PRESENT:** Paul Meyer, Volunteer in Policing Officer; David Levin,  
City Attorney; Randy Cole, Building Official;  
Dawn Lewis, Maricela Perdomo, Randy Wright,  
Code Compliance Officers; Teri Tubbs, Zoning Official;  
David McCarty, Code Compliance Coordinator;  
Mark Larson, Matthew Bussey, B. Gordon Johnston

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - March 24, 2010
- C. Election of Officers
  - Recording Secretary Kelly opened the floor for nominations for Chairman.
  - Mr. Kresge NOMINATED Mr. Viola for Chairman.
  - Mr. Viola declined the nomination. He then NOMINATED Mr. Stevens for Chairman.
  - Mr. Ashworth MOVED, Mr. Bailey SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
  - As there were no other nominations, Mr. Stevens was appointed Chairman by acclamation.
  - Mr. Stevens then opened the floor for nominations for Vice Chairman.
  - Mr. Ashworth NOMINATED Mr. Kresge for Vice Chairman.
  - Mr. Bailey MOVED, Mr. Viola SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
  - As there were no other nominations, Mr. Kresge was appointed Vice Chairman by acclamation.

**APPROVAL OF MINUTES**

- A. Meeting of January 27, 2010
  - Mr. Viola MOVED, Mr. Ashworth SECONDED approval of the January 27, 2010 minutes. MOTION CARRIED UNANIMOUSLY.

## NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. 10-38995 - VOLUNTEER POLICE OFFICER - PAUL MEYER
  - Respondent: Mark Eric Larson
  - Address of Violation: 10175 Tamiami Trail
  - Violation of Chapter 23, Section 23-18(b), Unlawful parking in a handicap zone.
- Mr. Mark Larson, respondent, entered a plea of not guilty.
- Volunteer in Policing (VIP) Officer Paul Meyer stated on January 14, 2010, he observed a vehicle parked in a handicap parking space at the subject location, confirming same was within City limits. He explained he visually inspected the vehicle for a valid disabled parking placard or a disabled license plate but found none; thus, he issued the subject citation and attached same to the windshield. He then submitted two photographs of the alleged violation into the record.
- Mr. Viola MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Larson announced he had not been driving his vehicle on the day in question but rather had loaned his car to a friend, Mr. Matthew Bussey, who did have a handicap placard and had displayed same on the dashboard of his truck. He clarified he was not present on the day in question; however, Mr. Bussey advised the citation was placed under the windshield wiper directly over the dashboard where the placard had been displayed.
- VIP Officer Meyer clarified Mr. Larson was not ticketed but rather his vehicle was cited for illegally parking in a handicap parking space. He displayed an overhead of a section of State Statute which stated "The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle."
- Mr. Larson reiterated the placard had been displayed.
- VIP Officer Meyer countered it had not been visible upon his inspection.
- Mr. Bussey testified the citation had been left on the windshield directly above his placard, which was on the dashboard. He explained the portion of the placard which allowed it to hang from the rear view mirror had torn.
- VIP Officer Meyer reiterated it had not been visible to him.
- City Attorney David Levin clarified Mr. Bussey's testimony was the placard was visible from the front of the vehicle; however, he confirmed it would not have been visible from the rear of the vehicle.
- Mr. Poitras confirmed the placard was assigned to Mr. Bussey.

- Mr. Bailey commented he understood placards were blue in color; however, Mr. Bussey's was red.
  - Mr. Bussey explained his placard was temporary as he was recovering from surgery.
  - Mr. Poitras asked if Mr. Bussey was aware the placard must be visible from all sides.
  - Mr. Bussey replied affirmatively, reiterating the top had been torn. He mentioned he had since repaired the placard to allow it to hang properly.
  - Mr. Poitras confirmed the citation was not written for failure to properly display the placard.
  - Mr. Poitras MOVED, Kresge SECONDED to find the respondent guilty of improper display of a handicap placard and to impose a \$25 fine plus \$25 Court costs.
  - Mr. Bailey pointed out the Board had accepted testimony in previous cases and found in favor of the respondent where the placard had been displayed on the dashboard.
  - Mr. Ashworth suggested eliminating Court costs.
  - Mr. Poitras MOVED to AMEND his motion to eliminate the \$25 in Court costs.
  - Mr. Kresge AMENDED his SECOND.
  - Mr. Stevens called for a vote on the amended motion.
  - VOTING AYE: Ashworth, Kresge, Poitras, Sepanik, Viola,
  - VOTING NAY: Bailey, Stevens.
  - MOTION CARRIED.
- B. PROPERTY LISTING OF DELINQUENT LOT MOWING FEES - DAWN LEWIS
- Mr. Randy Cole, Building Official, announced anyone intending to contest the noticed assessments, as delineated in the agenda material, for failure to pay their lot mowing fee had been provided the opportunity to attend this hearing to voice same.
  - Mr. Stevens confirmed there was no one present who wished to contest their lot mowing delinquency assessment.
  - Mr. Viola MOVED, Mr. Ashworth SECONDED to approve the roll as presented and to forward same to City Council for appropriate action. MOTION CARRIED UNANIMOUSLY.
- C. 09-38748 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
- Respondent: Norman Robbins
- Address of Violation: 2410 Palm Tree Drive
- Violation of Chapter 26, Section 26-3.13(l), Storage of watercraft; and Chapter 26, Section 26-8.14(b), Outdoor storage; and Chapter 26, Section 26-3.13(m), Excessive growth of vegetation; and Chapter 26, Section 26-8.11(e), Maintenance of landscaping.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.

- Ms. Maricela Perdomo, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on December 18, 2009, she observed 4 rowboats in the rear of this property, a large white container against the fence in the rear and trees and shrubs needing maintenance. She reported a Notice of Violation was sent and received on December 23, 2009, granting the owner 5 days to eliminate the violations; however, the violations remained, and a Notice of Hearing was sent and received on January 15, 2010. She advised on January 26, 2010, Mr. Robbins stated all violations would be addressed prior to this hearing, concluding the property was in compliance as of the previous day, February 23, 2010.
  - Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Viola MOVED, Mr. Bailey SECONDED to find the respondent guilty and to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- D. 09-38739 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Deutsche Bank Trust Company Americas  
c/o Homecomings Financial, LLC
- Address of Violation: 808 Santa Margerita Lane
- Violation of Chapter 9A, Section 9A-12(a), Outside storage; and Chapter 26, Section 26-8.11(c),(e)(f), Excessive growth of vegetation, dead landscaping and maintenance of landscaping.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
  - Mr. Randy Wright, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on December 17, 2009, he observed the following: large dead tree; front yard full of dead palm fronds; several untrimmed trees; dead trees beside the house; a lawn mower; garbage containers; uncovered pool; a Brazilian Pepper tree. He reported a Notice of Violation was issued and subsequently received on December 28, 2009. He noted a representative of the respondent informed him approximately three weeks earlier the property was in compliance, reporting the pool had been re-covered, the grass was cut and the lawnmower had been removed; however, the dead tree was still in place, and the yard remained full of dead landscaping and dead palm fronds. He concluded most violations remained as of February 22, 2010.
  - Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Viola MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require all violations to be eliminated within 10 days of receipt of the Board's order. MOTION CARRIED UNANIMOUSLY.

E. 09-38832 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: A Moment of Serenity

Address of Violation: 2705 Tamiami Trail - Building 3

Violation of Chapter 12, Section 12-9, Transfer of business name.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Lewis announced the subject property was located within City limits, stating on January 11, 2010, she confirmed the Local Business Tax (LBT) had not been renewed. She continued a Notice of Violation was served on the respondent on January 15, 2010, adding on January 25, 2010, she confirmed the business name had still not been transferred nor had the LBT been renewed. She advised a Statement of Violation/ Notice of Hearing was issued and the property posted on February 12, 2010. She explained the respondent renewed the LBT on February 18, 2010; however, the business name had not yet been transferred as their aesthetician and cosmetology State licenses were currently in the former business name, "Allure Me." She requested the Board allow additional time for the respondent to come into compliance due to the issue with their State licenses.
- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require the transfer of business name within 21 days of receipt of the Board's order.
- Ms. Sepanik asked if 21 days was sufficient.
- Ms. Lewis replied she believed so.
- MOTION CARRIED UNANIMOUSLY.

F. 09-38538 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Benderson Development Company, LLC  
c/o David H. Baldauf, Registered Agent

Address of Violation: 615 Cross Street

Violation of Chapter 26, Section 26-17.5(a)(4)c, Non-conforming ground sign; and Chapter 26, Section 26-17.5(e)(3), Blank sign; and Chapter 7, Section 7-32(a)(1), Failure

to obtain proper permits; and Chapter 7, Section 7-32(b)(4), Quadruple permit fee; and Chapter 26, Section 26-11.3(m)(3)a,b, Permitted signs.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on December 21, 2009, she observed a large, non-conforming, blank ground sign on the corner of the property and 4 real estate signs in the front of the property along Tamiami Trail. She pointed out a Metro PCS sign was observed on the building; however, Metro PCS no longer occupied the structure. She reported a Notice of Violation was issued on January 11, 2010, adding she later observed the Metro PCS sign had been removed. She mentioned two other businesses at this location had since received sign permits for signage already in place. She advised a Statement of Violation/Notice of Hearing was served on January 8, 2010. She explained on February 22, 2010, she informed the property manager of the allowed locations for real estate signs, pointing out the locations fronting Helen Street, Williams Street and Tamiami Trail. She mentioned the property manager indicated his intention to seek a variance for the large, non-conforming, blank ground sign.
- City Attorney Levin explained the large sign had been non-conforming for some time but had been grandfathered; however, in that the sign was now blank due to the closing of the previous business, it had lost its grandfathered status.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require the respondent to remove the non-conforming ground sign and obtain proper permits for the non-permitted signs or remove all non-permitted signs and all real estate signs in violation of City Code within 7 days of receipt of the Board's order. MOTION CARRIED UNANIMOUSLY.

G. 09-38809 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Jack Tara Mike, Inc.

Address of Violation: 417 Cooper Street

Violation of Chapter 12, Section 12.1, Failure to pay Local Business Tax.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Lewis announced the subject business was located within City limits, stating on December 30, 2009, she confirmed the respondent had not renewed their LBT. She

reported a Notice of Violation was served on December 31, 2009, via certified mail. She confirmed the LBT still had not been renewed as of February 3, 2010; thus, a Statement of Violation/Notice of Hearing was served on February 9, 2010. She concluded the LBT had not been renewed as of February 23, 2010.

- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require the respondent to obtain their LBT within 7 days of receipt of the Board's order. MOTION CARRIED UNANIMOUSLY.

H. 09-38811 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Environmental Marketing & Distributing, Inc.  
c/o William Hicks, Registered Agent

Address of Violation: 1205 Elizabeth Street

Violation of Chapter 12, Section 12.1, Failure to pay Local Business Tax.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Lewis announced the subject business was located within City limits, stating on December 30, 2009, she confirmed the respondent had not renewed the LBT. She reported a Notice of Violation was served on December 31, 2009, via certified mail. She confirmed the LBT still had not been renewed as of February 3, 2010; thus, a Statement of Violation/Notice of Hearing was served on February 5, 2010. She concluded the LBT had not been renewed as of February 23, 2010.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Kresge SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require the respondent to pay the required LBT within 7 days of receipt of the Board's order. MOTION CARRIED UNANIMOUSLY.

**Note: Old Business was heard following Item H.**

I. 10-38983 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Greg Rice

Address of Violation: 1080 Taylor Street

Violation of Chapter 12, Section 12.1, Failure to pay Local Business Tax.

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

- Mr. Wright announced the subject business was located within City limits, stating he spoke with the respondent regarding the need to pay his LBT, the renewal of which had been due by September 30, 2009. He noted he had “chased” the respondent, Mr. Greg Rice, every year for the past six years in order to have the LBT paid each year. He explained he posted 1080 Taylor Street on February 12, 2010; however, the business had been relocated to 1801 Shreve Street, which he also posted. He advised a Notice of Hearing was received by Mr. Rice on February 16, 2010, adding the LBT was finally paid on February 19, 2010. He requested a Cease & Desist Order due to the respondent’s history of delinquency.
  - Mr. Kresge confirmed all late fees had been paid as well.
  - Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Viola MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- J. 09-38833 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent:                      Snack Shack Food Mart Gas
- Address of Violation:        10001 Tamiami Trail
- Violation of Chapter 12, Section 12.1, Failure to pay Local Business Tax.
- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
  - Ms. Lewis announced the subject business was located within City limits, stating on December 17, 2009, she confirmed the respondent had not renewed their LBTs. She mentioned the respondent was required to pay two LBTs, one for the gas station and one for the food mart. She reported a Notice of Violation was served on January 29, 2010, via certified mail. She confirmed the LBTs still had not been renewed as of February 8, 2010; thus, a Statement of Violation/Notice of Hearing were served on February 9, 2010. She concluded the LBTs had not been renewed as of February 23, 2010.
  - Mr. Viola MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
  - Mr. Viola MOVED, Mr. Kresge SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require the respondent to pay the required LBTs within 7 days of receipt of the Board’s order. MOTION CARRIED UNANIMOUSLY.

K. 09-38643 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Kenny H. & Gail N. & C. & L. B. Berson

Address of Violation: 7017 North Plum Tree

Violation of Chapter 26, Section 26-8.11(c)(e)(f), Excessive growth of vegetation; dead landscaping; and maintenance of landscaping; and Chapter 26, Section 8.11(g), Outside storage of debris; and Chapter 9A, Section 9A-20(g), Trash containers curbside; and Chapter 10, Section 10-7(a), Garbage and trash; and Chapter 26, Section 26-3.13(n), Garbage container storage; and Chapter 9A, Section 9A-12(d), Inoperable, unlicensed vehicle.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering pleas of not guilty on their behalf.
- Ms. Lewis displayed several photographs of the subject property, located within City limits, stating on January 5, 2010, she observed the following: overgrowth of landscaping, dead landscaping, outside storage of buckets, containers, a pole, wood and various other debris. She noted a white truck which appeared inoperable was parked in the driveway with expired tags and a cracked windshield. She reported a Notice of Violation was served on the respondent on January 27, 2010, after there had been no response to a Courtesy Notice. She noted as of January 11, 2010, the violations related to overgrown vegetation, dead landscaping and outside storage remained. She explained the owner then informed her the property was being cleaned up and would be regularly maintained by a contractor, adding the tenant had been removed from the property. She stated a Notice of Hearing was issued on February 12, 2010. She concluded her inspection of February 18, 2010, found the property to be in compliance, displaying two photographs depicting same.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola commented favorably on the property's appearance.
- Mr. Viola MOVED, Mr. Poitras SECONDED to find the respondent guilty and to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

L. 10-39040 - ZONING OFFICIAL - TERI TUBBS

Respondent: Linda-Louise (for the family Christian)

Address of Violation: 2543 Brazilia Court

Violation of Chapter 26, Section 26-11.6, Prohibited sign.

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

- Ms. Teri Tubbs, Zoning Official, displayed several photographs of the subject property, located within City limits, as well as of the prohibited sign, stating on January 19, 2010, she observed a small sign posted in violation of City Code. She noted a re-inspection on February 27, 2010, found the sign still in place; thus, a Notice of Violation was posted and mailed by return receipt, requiring the sign to be removed within 24 hours. She advised a Statement of Violation/Notice of Hearing was issued on February 12, 2010, concluding the sign remained in violation as of 7:30 a.m. this date.
- Mr. Kresge asked if the home was occupied.
- Ms. Tubbs replied she did not have first hand knowledge of same.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras questioned the contents of the sign.
- Ms. Tubbs replied the sign was a personal notice directed to herself, adding same had been mailed to the City by certified mail as well. She reiterated City Code prohibited the posting of such signs.
- Mr. Viola asked if the respondent was a new owner.
- Ms. Tubbs replied the respondent was the daughter of Ms. Gerda Craig, former owner of this property, who had transferred the property via quit claim deed to Ms. Linda-Louise (for the family Christian).
- Mr. Kresge asked if the respondent was local.
- Ms. Tubbs replied the address listed on the Charlotte County Property Appraiser's website was a Vermont, general delivery address, adding all notices had been mailed to same and had been accepted.
- Mr. Viola MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day and to require all violations to be eliminated within 24 hours of receipt of the Board's order.
- Mr. Kresge questioned whether 24 hours was sufficient time.
- City Attorney Levin replied the respondent had been provided with proper notice.
- MOTION CARRIED UNANIMOUSLY.

M. 09-38650 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Ronald C. Scott

Address of Violation: 101 Hibiscus Drive

Violation of Chapter 26, Section 26-8.11(c), Excessive growth of vegetation; and Chapter 26, Section 26-8.11(g), Outside storage of items; and Chapter 26, Section 26-8.11(e)(f), Dead landscaping and maintenance of landscaping; and Chapter 20, Section

20-1(a), Tree in the right-of-way; and Chapter 26, Section 8.14(i)(j), Garbage containers acting as rain barrels and garbage containers in view of the right-of-way and adjacent properties; and Chapter 26, Section 26-8.13(a), Open trench running through the front, side and rear of the property; and Chapter 26, Section 26-12.4(k), No appropriate ground cover.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.
- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on December 3, 2009, she received a complaint regarding same and observed the following: tall grass/weeds throughout the landscaping, palm fronds on the trees, exposed trash containers in front of the property and open to public view, hoses, storage bins, buckets, wood, pavers, planters, garbage in the rear, cables, exposed rain barrels throughout the property, a fallen tree in front of the right-of-way (ROW), a trench and other miscellaneous items. She advised a Notice of Violation was issued on December 7, 2009, but was returned "undeliverable"; thus, the property was subsequently posted on January 25, 2010. She explained on February 2, 2010, the homeowner informed her some of the violations had been eliminated, adding a February 11, 2010, re-inspection found all but a few of the violations had been eliminated. She concluded as of February 23, 2010, the property was in compliance, displaying a few photographs of same.
- Mr. Viola MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

#### **UNFINISHED BUSINESS**

A. 09-36633 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Mediterranean Landing Condominium Association, Inc.  
c/o Ariana R Fileman, Registered Agent

Address of Violation: 1323 Mediterranean Drive

Chapter 26, Section 26-3(e), Brick pavers abutting the entire length of the seawall; and Chapter 26, Section 26-3(a), Brick pavers are not an approved ground cover for the drainage facilities.

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

- Mr. Wright reminded members this case had been continued from their previous meeting as the respondent had indicated their intention to submit a variance application. He reported he subsequently met with the homeowners association who provided two new drawings for the repair/removal of the pavers against the seawall. He explained Ms. Tubbs would review the drawings, requesting an extension to December 22, 2010, to ensure all owners had returned and sufficient funds were in place to perform the repairs. He clarified the drawings showed the pavers moved back six feet from the seawall other than a location near the steps.
- Mr. Kresge asked why the pavers were not permitted to abut the seawall.
- Mr. Wright replied same did not allow for proper drainage, adding sod acted as a natural filter.
- Mr. Viola MOVED, Mr. Poitras SECONDED to grant a continuance to December 22, 2010. MOTION CARRIED UNANIMOUSLY.

**Note: Old Business was heard following Item H, New Business.**

**OLD BUSINESS**

- A. Hearing Imposing Penalty
  - 1. 09-38379 - CODE COMPLIANCE OFFICERS - MARICELA PERDOMO & RANDY WRIGHT
    - Respondent: B. Gordon Johnston, Jr.
    - Address of Violation: 825 Via Tunis
    - Violation of Chapter 26, Section 26-8.11(e), Weeds over twelve (12) inches in height throughout landscaping; and Chapter 26, Section 26-8.11(g), Outside storage between bushes and throughout the property; and Chapter 26, Section 26-3.13(n), Trash cans stored outside of walled-in area.
  - Mr. Wright announced at the January 27, 2010 meeting, the Board had continued the penalty hearing for this case to allow the respondent additional time to eliminate the subject violations. He mentioned a City Councilmember spent time at the respondent's property to provide assistance, concluding the property was in compliance.
  - Mr. Viola MOVED, Mr. Bailey SECONDED to find the property in compliance, to impose no fine and to keep the Cease & Desist Order in place. MOTION CARRIED UNANIMOUSLY.
- B. Request For Extension
  - 1. 09-37059 - CODE COMPLIANCE OFFICER - DAWN LEWIS
    - Respondent: David A. & Susan E. Graham
    - Address of Violation: 210 Venezia Court

- Ms. Lewis provided a brief review of the particulars of this case, as denoted in the Board's January 27, 2010 minutes, stating the respondent was requesting a time extension to complete additional plantings due to recent inclement weather.
- Mr. Viola MOVED, Mr. Poitras SECONDED to extend the deadline to April 15, 2010. MOTION CARRIED UNANIMOUSLY.

**Note: Other Business was heard following Unfinished Business.**

**OTHER BUSINESS**

- Mr. Viola commented on the first case heard this date, stating he did not wish either party to have been perceived as testifying to anything but the truth. He then commended staff on the number of properties on which significant violations had been eliminated prior to this hearing.

**ADJOURNMENT**

- Meeting Adjourned: 10:34 a.m.

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Jim Stevens, Chairman

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Mary Kelly, Recording Secretary