

**CODE ENFORCEMENT BOARD
MEETING
APRIL 28, 2010**

MEMBERS PRESENT: Jim Stevens, Chairman
Kate Albers, Norman Ashworth, Tom Bailey,
Vic Poitras, Gloria Sepanik, Ed Viola

MEMBERS ABSENT: Richard Kresge

OTHERS PRESENT: Randy Wright, Maricela Perdomo, Code Compliance Officers; John Day, Utilities Pretreatment Coordinator; David Levin, City Attorney; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator; Andrew Struck, Patrick Fisher, Steve Kipfinger, David James, Tice Stokes, Steve Dermangian

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - May 26, 2010
- C. Quasi-Judicial Proceedings & Ex-parte Communications Resolution
- No discussion.

APPROVAL OF MINUTES

- A. Meeting of March 24, 2010
- Mr. Viola MOVED, Mr. Bailey SECONDED approval of the March 24, 2010 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Mr. Stevens provided a detailed review of hearing procedures, stating the Board had no authority to change existing laws but rather was charged with enforcing same.
- Recording Secretary Kelly swore in all participants.
- A. 09-38724 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
Respondent: Elaine M. Struck, Trustee
Address of Violation: 414 Caicos Drive
Violation of Chapter 9A, Section 9A-12(e); and Chapter 26, Section 26-3.13(r), Inoperative, unregistered boat which is in a state of decay.
- Mr. Andrew Struck, respondent's representative, entered a plea of not guilty.
- Mr. Randy Wright, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating on December 14, 2009, he received a complaint regarding the subject violation. He mentioned he was also informed the boat had existed in its current location and condition for over nine years. He announced a Notice of Violation denoting corrective action was issued on January 8,

2010, requiring compliance by January 14, 2010. He reported the boat lift had been repaired and the boat registered as of his March 10, 2010 re-inspection; however, the vessel remained in the same location. He explained Mr. Struck had advised he was attempting to unload the boat but had been forced to apply for a duplicate title as the bank had lost the original, confirming Mr. Struck had since received same. He concluded Mr. Struck had made arrangements to have the boat removed by May 31, 2010, adding the boat remained on the lift as of the previous day, April 27, 2010.

- Mr. Bailey confirmed the boat was currently registered.
- Mr. Wright agreed; however, the vessel was in a state of decay, reiterating the neighbors had informed him the boat had not run nor been off the boat lift in nine years.
- Mr. Bailey asked why the boat must be taken off of the lift.
- Mr. Wright replied the boat was inoperative and in a state of decay, which was prohibited by City Code.
- Mr. Poitras asked if the boat floated.
- Mr. Struck replied it would once the drain plug was re-installed.
- Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Struck agreed the boat was inoperable, noting it had always been registered; however, the registration sticker had not been affixed to the vessel. He mentioned part of the delay had been due to scheduling conflicts with the boat lift maintenance company. He announced he had also contacted a number of charitable organizations in an effort to simply give the boat away to no avail. He concluded Crystal Cay Building & Marine (CCBM) had agreed in writing to remove the boat by May 31, 2010.
- Ms. Sepanik confirmed Mr. Wright had seen the written statement from CCBM.
- Mr. Wright explained he was presenting this case to the Board based on the number of complaints received from the neighbors.
- Mr. Poitras questioned CCBM's charge for removing the vessel.
- Mr. Struck replied there would be no charge.
- Mr. Ashworth opined removal of the boat by May 31, 2010, was a satisfactory solution.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to continue Case #09-38724 to June 23, 2010.
- Ms. Albers urged Mr. Struck to ensure the boat was removed by May 31, 2010.
- Mr. Struck responded he would contact Mr. Wright as soon as the boat was towed away.
- MOTION CARRIED UNANIMOUSLY.

Note: Item B was heard following Item A, Unfinished Business.

B. 10-39259 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Ronald C. Scott

Address of Violation: 101 Hibiscus Drive

Violation of Chapter 7, Sections 7-32(a)(1) and 7-32(b)(4), Failure to obtain a permit; and Chapter 26, Section 26-3.13(l), Watercraft stored on the lawn.

- 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 February 11, 2010, she learned the property owner had failed to obtain a permit for a sprinkler system. She noted she also observed a small watercraft being stored in the rear of the property. She announced a Notice of Violation was served on the respondent on March 5, 2010, adding the small watercraft was subsequently removed on March 11, 2010; however, the owner had not pulled the necessary permits for the sprinkler system. She continued a Notice of Hearing was mailed on March 18, 2010, but returned undeliverable. She stated on April 20, 2010, Mr. Ronald Scott, respondent, advised he would contact the landscaper who performed the work, adding she also left word with same; however, the landscaper indicated he would not be in the area this date. She concluded as of April 27, 2010, no permits had been pulled.
- Ms. Albers MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance by pulling the proper permits 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.

Note: Items C and D were heard following Item A.

C. 10-39472 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO - REPEAT VIOLATION

Respondent: Punta Gorda Hotel, LLC

Address of Violation: 300 West Retta Esplanade

Repeat Violations of Chapter 9A, Section 9A-12(a), Outside storage of miscellaneous property and debris; and Chapter 10, Section 10-8(a), Dumpster which is in disrepair and leaking; and Chapter 10, Section 10-8(d), Failure to keep dumpsters tightly covered and in a good state of repair.

- Mr. Patrick Fisher, respondent, entered a plea of not guilty.

- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on January 28, 2009, the Board issued a Cease & Desist Order for future violations related to trash and debris surrounding the dumpsters, stagnant water and outside storage. She announced after receiving a complaint and upon inspection of the property, she observed the following conditions: dumpster bottoms in disrepair and leaking noxious and malodorous liquid onto the ground; dumpsters not tightly covered and not kept in a state of good repair; outside storage along the side of the building. She noted Mr. Fisher informed her the dumpsters would be sealed to prevent future leakage and the outside storage would be eliminated. She reported the dumpsters had been sealed but the outside storage remained as of her March 19, 2010 inspection; however, the latter had been removed as of April 14, 2010. She concluded the repeat violations had existed for 27 days from March 19, 2010, to April 14, 2010, recommending the Board impose a daily fine of \$25 or \$675.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Fisher stated he had ensured the dumpsters were repaired the same day he received the City's Notice, expressing his desire to be in compliance with all City Codes. He requested the Board's leniency with regard to the fine amount in light of same. He advised the dumpsters and surrounding areas were being checked daily; however, the City's Sanitation Division sometimes did not re-close the dumpsters after servicing them each day.
- Ms. Perdomo confirmed Mr. Fisher's testimony regarding repair of the dumpsters; however, the outside storage had remained.
- Ms. Albers commented she had personally walked by the subject area and found same to be disgusting.
- Mr. Fisher explained they were prohibited from pressure cleaning behind the dumpsters due to the potential run-off into Charlotte Harbor; thus, only a wet/dry vacuum could be utilized. He mentioned the dumpsters had been purchased from the City.
- Ms. Sepanik clarified the dumpsters had been used when purchased.
- Ms. Perdomo interjected the dumpsters had not been in their current condition when provided by the City.
- Mr. Bailey clarified the violations relating to the dumpsters no longer existed but rather only the outside storage.

- Mr. Fisher explained the debris classified as outside storage was comprised of granite slabs left over from construction, stating an employee had intended to take the material home but had failed to do so.
- Ms. Albers MOVED, Mr. Poitras SECONDED to find the respondent guilty of a repeat violation and to impose a fine of \$675 representing \$25 per day for 27 days of non-compliance.
- VOTING AYE: Albers, Ashworth, Poitras, Sepanik, Viola, Stevens.
- VOTING NAY: Bailey.
- MOTION CARRIED.

D. 10-39699 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Punta Gorda Hotel, LLC

Address of Violation: 300 West Retta Esplanade

Violation of Chapter 17, Section 17-11(a)(b)(c); and Chapter 17, Section 17-14(b)(d); and Chapter 17, Section 17-15, Damaged septic tanks used as grease interceptors discharging waste onto the ground and directly into the City sanitary sewer system.

- Mr. Fisher entered a plea of not guilty.
- Ms. Perdomo displayed several photographs of the alleged violations on the subject property, located within City limits, stating on March 10, 2010, she and Mr. John Day, Pretreatment Coordinator, observed damaged, leaking septic tanks being used as grease interceptors, which in turn allowed a direct discharge of waste into the ground. She announced a Notice of Violation was sent on April 2, 2010, requiring compliance within 60 days of its receipt. She reported an inspection by Mr. Day on April 9, 2010, revealed a weight of grease had built up in the septic tanks which caused the outlet plumbing to break off; thus, the grease was being sent directly into the City's sanitary sewer system. She explained a Notice of Hearing was hand delivered due to the possibility of a threat to public safety and a chance of damage to the City's sewer system as a direct result of the described conditions. She noted a Statement of Violation/Notice of Hearing was also sent by certified mail on April 13, 2010. She concluded as of April 23, 2010, the City had not received a permit application for new grease traps; thus, the violations remained.
- Mr. Day displayed several other photographs of a similar situation in 2008, stating at that time the Best Western experienced a plumbing problem within the hotel which forced sanitary sewer waste back through the interceptors, which in turn overflowed. He drew members' attention to a photograph of sanitary waste laying in the alleyway heading toward the U.S. 41 Bridge and Charlotte Harbor, adding another photograph depicted a leaking grease trap south of the building with sanitary waste overflowing

around the corner and back toward Charlotte Harbor. He mentioned the tanks were most likely installed in the 1960s when no grease trap ordinance existed. He explained the City wished to have the grease traps brought up to City Code requirements, providing a technical explanation of same. He acknowledged the respondent had repaired the broken parts of the tanks; however, the repair was essentially a “band-aid” fix. He advised these tanks would not be allowed as part of any new construction.

- Mr. Viola asked if waste was being discharged into Charlotte Harbor.
- Mr. Day explained the hole was filled with concrete; however, the tank bottom was most likely compromised and deteriorating.
- Mr. Viola expressed surprise at the amount of time the City was recommending the Board allow the respondent to address these problems.
- Mr. Day explained the repairs and permit application process would entail a fair amount of time, adding he did not wish to endanger workers’ safety by requiring the job to be rushed.
- Ms. Albers asked if this situation could force the restaurant to be shut down.
- Mr. Day replied he believed same would be up to the Board.
- City Attorney David Levin asked Mr. Day if he felt the “band-aid” repairs would be sufficient to prevent the tanks from future failure.
- Mr. Day replied he did not.
- City Attorney Levin questioned Mr. Day’s recommendation with respect to how to ensure future compliance with City Code.
- Mr. Days replied the tanks should be brought up to current Building Code requirements, stating grease trap size was based on seating capacity.
- City Attorney Levin questioned the potential hazard from grease traps which were not fully functioning.
- Mr. Day replied grease would be sent down sewer lines causing build-up, sanitary overflows and pump problems/failures at the City’s lift stations.
- Mr. Viola reiterated his belief the problems should be remedied quickly.
- Mr. Day explained the job itself would be very complex, adding he felt 60 days was necessary in the interest of safety.
- City Attorney Levin clarified the City was recommending 60 days to complete installation and inspection of the new tanks. He stated in the meantime, the tanks must be prevented from leaking even if same meant daily pump-outs.
- Mr. Viola confirmed City staff was not being held responsible but rather the onus fell on the respondent.

- Mr. Viola MOVED, Ms. Sepanik SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Fisher stated he was first advised temporary repairs must be done within three days, confirming he abided by same. He announced he met with Southwest Environmental as well as two construction companies with regard to replacement of the existing grease traps. He explained their two options were to either replace the grease traps and utilize the current set-up or run an entirely new sewer line, bypassing the hotel.
- Mr. Viola clarified the current set-up had been in place since the hotel was first constructed. He reiterated his concern with allowing an additional 60 days before the situation was brought into compliance.
- City Attorney Levin reiterated the respondent must take whatever steps were necessary to ensure there were no violations of the Health Code, up to and including daily pump-outs in the interim period if necessary. He clarified the above mentioned “band aid” fix would most likely address the problem for the next 60 days.
- Ms. Albers confirmed the respondent was aware of exactly what must be done.
- City Attorney Levin then questioned Mr. Fisher’s position with Punta Gorda Hotel, LLC.
- Mr. Fisher replied he was the manager, stating he had worked for the respondent for 27 years.
- City Attorney Levin confirmed Mr. Fisher had the authority to implement the orders for the work being discussed this date.
- Mr. Viola MOVED, Ms. Sepanik SECONDED to find the respondent guilty and to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day if the respondent did not apply for all necessary permits, replace the septic tanks which were used as grease interceptors and bring the property into compliance within 60 days of receipt of the Board’s Order. MOTION CARRIED UNANIMOUSLY.

Note: Item E was heard following Item A, Unfinished Business.

E. 10-38922 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Debra Ann Rommel

Address of Violation: 402 West Grace Street

Violation of Chapter 10, Section 10-1.1, Stagnant pool water.

- Mr. Wright requested a continuance, stating the pool had been drained and would be filled in.
- Mr. Bailey MOVED, Mr. Viola SECONDED to continue Case #10-38922 to May 26, 2010. MOTION CARRIED UNANIMOUSLY.

Note: Items F-N were heard following Item B.

F. 10-38941 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Village Racquet Club

Address of Violation: 1200 West Retta Esplanade, Unit Q58

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. Perdomo stated the subject business was located within City limits, adding on January 8, 2010, she was informed the Local Business Tax (LBT) had not been paid. She advised a Notice of Violation was mailed on January 9, 2010, but was returned undeliverable; thus, another Notice was hand delivered on March 16, 2010. She noted the LBT had not been paid as of March 25, 2010; thus, she issued a Notice of Hearing, which was received by the respondent on April 7, 2010. She concluded the LBT application was finally submitted on April 23, 2010.
- Ms. Albers MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty and to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

G. 10-39265 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Transcapital Bank (Attention: OREO Account Bank)

Address of Violation: 1400 Park Beach Circle

Violation of Chapter 9A, Section 9A-12(a), Sign post, abandoned sign and miscellaneous debris.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on February 17, 2010, after receiving a complaint, she observed a sign post which previously contained a permit box, an abandoned sign and miscellaneous debris. She mentioned she left a message with the realtor identified on the sign. She stated a Courtesy Notice was issued to the property owner on February 8, 2010; however, the violations remained as of her inspection on March 16, 2010. She continued a Notice of Violation was issued and received on March 22, 2010. She reported the violations remained as of April 30, 2010; thus, a Notice of Hearing was issued and subsequently received on April 5, 2010. She concluded the violations remained as of April 27, 2010.

- Mr. Poitras MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Poitras asked if the sign was related to the adjacent building.
 - Ms. Perdomo expressed uncertainty regarding same.
 - Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent guilty, to require the property to be brought into compliance within 10 days and to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- H. 10-39399 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Money Consultants, Inc. (R. Lee Jr. & Jennifer Chadwick)
- Address of Violation: 412 Allen Street
- Violation of Chapter 9A, Section 9A-12(e), Inoperative and unregistered watercraft; and Chapter 9A, Section 9A-12(d), Inoperative and unlicensed vehicle; and Chapter 9A, Section 9A-12(a), Lamps, wood, bird cages, cooler, bins, doors, trailer with no wheels and other miscellaneous debris stored outside; and Chapter 9A, Section 9A-12(b), Several pieces of broken concrete in the rear yard; and Chapter 26, Section 26-8.11(b), Broken window on the front of the house; and Chapter 26, Section 11.5(e), Snowman holiday decoration displayed in the front of the property.
- Ms. Perdomo requested a continuance.
 - Mr. Viola MOVED, Mr. Ashworth SECONDED to continue Case #10-39399 to May 26, 2010. MOTION CARRIED UNANIMOUSLY.
- I. 10-39420 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Lucille Glover & Gerald Sanders
- Address of Violation: 515 Myrtle Street
- Violation of Chapter 26, Section 26-8.11(c), Grass and/or weeds over 12 inches in height; and Chapter 9A, Section 9A-12(d), Inoperative vehicle parked in the rear yard of the property; and Chapter 9A, Section 9A-12(a), Accumulation of debris around the inoperative vehicle in the rear yard of the property.
- Ms. Perdomo requested a continuance.
 - Mr. Viola MOVED, Mr. Ashworth SECONDED to continue Case #10-39420 to May 26, 2010. MOTION CARRIED UNANIMOUSLY.
- J. 09-38645 - CODE COMPLIANCE OFFICER - DAWN LEWIS
- Respondent: Laura A. Hauser
- Address of Violation: 7241 North Blue Sage
- Violation of Chapter 26, Section 26-8.11(c)(e)(f), Tall grass and/or weeds in the landscaped areas of the property and dead landscape debris throughout the yard.

- Ms. Perdomo requested a continuance.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to continue Case #09-38645 to May 26, 2010. MOTION CARRIED UNANIMOUSLY.

K. 10-39072 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Deltah M. Corsini-Croome

Address of Violation: 708-710 West Olympia Avenue

Violation of Chapter 26, Section 26-8.11(c), Tall grass and/or weeds over 12 inches throughout the property, including the landscaped areas; and Chapter 26, Section 26-8.11(g), Outside storage in the rear of the property.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on her behalf.
- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on January 28, 2010, she observed furniture and other items being stored on the side and rear of the property. She explained the tenant informed her she was making room inside the home for the furniture, which she indicated would be removed within three days. She continued on February 3, 2010, she observed tall grass and weeds and outside storage of the following: paint cans, hampers, storage bins, chairs and other miscellaneous items. She stated a Notice of Violation was issued by certified mail and received on March 12, 2010, adding the homeowner contacted her on March 17, 2010, and requested additional time to eliminate the violations. She stated an inspection of the property on March 30, 2010, found the violations remained; thus, a Notice of Hearing was issued and subsequently received on April 3, 2010. She concluded as of April 27, 2010, the grass had been cut; however, some outside storage remained in the rear of the property. She then displayed photographs of the property taken this date, stating it appeared the owner intended to perform some landscaping.
- Mr. Viola commented there had been some improvement to the property's appearance.
- Ms. Albers MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and require the property to be brought into compliance within 7 days of receipt of the Board's Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

L. 10-39241 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Susan D. Temple

Address of Violation: 312 Durrance Street

Violation of Chapter 26, Section 26-8.11(c), Grass and/or weeds over 12 inches in height; and Chapter 26, Section 26-8.11(g), Outside storage; and Chapter 9A, Section 9A-12(b), Pile of sand in the front of the property; and Chapter 26, Section 26-8.11(b), Broken window in the rear of the building.

- Mr. Stevens noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on her behalf.
- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on February 12, 2010, she observed tall grass and weeds and outside storage of the following: bins, garbage cans, coolers, glass buckets, plastic crates, ladders, storage bins, chairs, tables, planters, various chemicals, bags of sand, mulch, a wooden frame and a broken window in the rear. She announced a Notice of Violation was issued by certified mail but returned undelivered on March 18, 2010; thus, the property was subsequently posted on March 24, 2010. She noted the violations remained as of an April 1, 2010 inspection, adding a Notice of Hearing was then served on the respondent on April 3, 2010. She reported she met with the owner on April 5, 2010, and found the window had been fixed and weeds removed. She concluded a few items remained in the rear of the property as of the previous week.
- Mr. Ashworth MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras MOVED, Mr. Ashworth SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into 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. 10-39307 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondents: Harris S. Topel & William H. Berger & Michael B. Berger & Robert E. Kaprove

Address of Violation: 2453 Flora Lane

Violation of Chapter 26, Section 26-8.11(a), Exterior walls of the structure have mold/mildew, faded areas of paint and peeling paint; and Chapter 26, Section 26-8.11(e), Overgrown shrubs.

- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
- Ms. Perdomo displayed several photographs of the subject property, located within City limits, stating on February 22, 2010, she found the exterior walls and roof of the home were discolored as well as overgrown shrubs. She mentioned the property was vacant. She announced a 21 day Notice of Violation was issued and then received on

March 1, 2010, adding the violations remained as of April 6, 2010. She advised a Notice of Hearing was posted on April 13, 2010. She stated on April 16, 2010, a Remax representative informed her a landscaper would address the overgrown bushes, adding she was informed they were also obtaining quotes from painters and for the roof. She concluded the bushes had been maintained as of the previous day; however, the house had not been painted nor had the roof been addressed.

- Ms. Albers MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Ms. Sepanik MOVED, Mr. Bailey SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- N. 10-39161 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondents: Lewis A. & Charlotte A. Rice (c/o Scott Rice)
- Address of Violation: 230 West Grace Street
- Violation of Chapter 10, Section 10-1.1, Grass and/or weeds over 12 inches in height throughout the property, including landscaped areas; and Chapter 9A, Section 9A-12(a), Inoperable bicycle lying next to the house.
- Mr. Stevens noted the respondents were not present, confirming there was no objection to entering a plea of not guilty on their behalf.
 - Mr. Wright displayed several photographs of the subject property, located within City limits, stating on February 8, 2010, he observed grass and weeds over 12 inches in height, a bicycle in disrepair laying against the house and landscaping filled with weeds surrounding the entire perimeter of the house. He advised a Notice of Violation was issued by certified mail on February 18, 2010, but was returned; thus, he posted the property on March 25, 2010, requesting compliance by March 30, 2010. He announced as of April 8, 2010, the grass had been cut, the weeds remained and the bicycle had been removed. He concluded all the weeds around the house remained as of April 27, 2010.
 - Ms. Sepanik MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Poitras MOVED, Ms. Sepanik SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the property to be brought into compliance within 10 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Item O was heard following Item D, Old Business.

O. 10-39458 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondents: Robert E. & Catherine Kipfinger

Address of Violation: 1401 Appian Drive

Violation of Chapter 9A, Section 9A-12(a), Large pile of wood stacked beside the house; and Chapter 26, Section 26-8.11(c)(e), Grass and/or weeds over 12 inches in height throughout the property, including landscaped areas, and a palm tree in the rear yard full of dead palm fronds.

- Mr. Steve Kipfinger announced he was present to represent the respondent, Mr. Robert Kipfinger, his father, entering a plea of not guilty on his behalf.
- Mr. Wright displayed several photographs of the subject property, located within City limits, stating on March 8, 2010, he observed a large pile of wood stacked beside the house, tall grass and weeds throughout the property, including landscaped areas, and a palm tree full of dead palm fronds in the rear yard. He announced a Notice of Violation was issued by certified mail on March 11, 2010, but was returned; thus, he had posted the property, requiring compliance by March 22, 2010. He explained on April 8, 2010, he observed the pile of wood had been removed and the grass and weeds were cut; however, the landscaped areas remained full of weeds, and the palm tree had not been trimmed.
- Ms. Albers MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kipfinger advised the wood on the side of the home was from a tree which had fallen and had been hauled off on March 30, 2010. He explained all weeds had been pulled with the exception of those around the rear of the pool cage, which would be pulled by the end of the current week. He submitted the palm tree was not on his father's property, displaying two Charlotte County aerial photographs confirming same.
- City Attorney Levin responded in the absence of a survey from the City, staff would not contest the visual evidence provided by the respondent.
- Mr. Viola MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order for any future violations and to require the violations to be eliminated within 10 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. 10-39093 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO

Respondent: Annie Dixon

Address of Violation: 315 Hargreaves Avenue

Violation of Chapter 9A, Section 9A-12(a), Visual blight; and Chapter 26, Section 26-8.11(b), Broken windows, missing fascia; and Chapter 20, Section 20-1(a), Works in the public right-of-way.

- Mr. David James, respondent's representative, entered a plea of not guilty.
- Ms. Perdomo stated this case was continued from the Board's previous meeting, providing a detailed review of the testimony presented during same. She concluded as of April 27, 2010, all violations had been eliminated.
- Ms. Albers commented favorably on the property's appearance.
- Mr. Viola MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Albers MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order for any future violations subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

Note: Item A was heard following Item C, New Business.

A. Hearing Imposing Penalty

09-37882 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Michele Stokes & T. Rene Comer

Address of Violation: 465 Booth Street

Violation of Chapter 26, 26-8.11(b), Failure to repair exterior damage.

- Mr. Wright reported the property had been brought into compliance, displaying photographs depicting same. He noted the respondents resided on the east coast of Florida; thus, it had been difficult time-wise to make all the necessary repairs.
- Ms. Albers asked if the home was occupied.
- Mr. Tice Stokes, respondent's representative, replied the home was vacant.
- Mr. Ashworth questioned the respondent's plans for the house.
- Mr. Stokes replied he hoped to re-shingle the roof, upgrade the electric and renovate the interior, adding the home may eventually be rented out or sold.
- Mr. Bailey MOVED, Ms. Sepanik SECONDED to impose no fine. MOTION CARRIED UNANIMOUSLY.

Note: Item B was heard following Item N, New Business.

B. Hearing Imposing Penalty

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.

- Ms. Perdomo requested a continuance, stating the respondent had paid the LBT on April 27, 2010. She explained the business had been closed since February 2010; however, she wished to ensure a letter to that effect was submitted before dismissing the case.
- Mr. Viola MOVED, Mr. Ashworth SECONDED to continue Case #09-38809 to May 26, 2010. MOTION CARRIED UNANIMOUSLY.

C. Hearing Imposing Penalty

09-38811 - CODE COMPLIANCE OFFICER - DAWN LEWIS

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

Address of Violation: 1205 Elizabeth Street

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

- Ms. Perdomo announced this case was heard by the Board on February 24, 2010, at which time the respondent was ordered to pay the LBT within 7 days of receipt of the Board's Order. She confirmed the LBT had not been paid as of March 30, 2010; therefore, she requested the Board impose a \$25 daily fine for 55 days of non-compliance. She mentioned the respondent still had not paid the LBT as of April 27, 2010.
- Ms. Sepanik asked if the business continued to operate.
- Ms. Perdomo replied affirmatively.
- Mr. Bailey commented he understood the ordinance already provided for a late payment penalty.
- City Attorney Levin agreed that was the case.
- Ms. Sepanik confirmed the respondent would be required to pay both the late fees and any penalty imposed by the Board.
- Ms. Albers MOVED, Mr. Poitras SECONDED to impose a fine of \$1,375, representing a fine of \$25 per day for 55 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

Note: Item D was heard following Item E, New Business.

D. Hearing Imposing Penalty

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(e)(3), Blank sign.

- Mr. Wright announced on February 24, 2010, the respondent was ordered to remove the subject sign within 7 days of receipt of the Board's Order, the latter having been

received by the respondent on February 26, 2010. He advised the sign remained in place as of inspections on March 8, 2010, and March 30, 2010. He mentioned on April 26, 2010, he observed two individuals attempting to take the sign down with a chop saw and rope; however, he requested they stop due to the unsafe nature of same.

- Mr. Viola questioned the original purpose of the sign.
- Mr. Wright replied the sign advertised the adjacent "Auto Zone" business, which was now closed. He concluded the sign remained in place as of this date, adding the base of the sign had been weakened by the above described removal attempt.
- Mr. Steve Dermangian, respondent, stated the above mentioned individuals had not been authorized to remove the sign, adding he believed there had been some miscommunication with the contractor. He acknowledged the sign remained in place, requesting authorization to allow it to remain on the property in order to be able to attract a tenant to add to the area's economic viability. He asserted removal of the sign would impose a hardship in light of current economic conditions.
- Mr. Stevens asked if the sign conformed with City Code.
- City Attorney Levin replied it did not. He explained a request was made to the Zoning Official on March 3, 2010, seeking relief from the provisions of the Land Development Regulations (LDRs) which required removal of a non-conforming sign if same remained blank for a continuous 30 day period. He continued a request for an extension of time was submitted after the expiration of that time period. He stated the respondent could have taken a number of legal approaches such as through submission of a variance application, by seeking relief from the Zoning Official or by submitting an appeal from the Board's Order; however, that time had elapsed. He clarified the Board was in existence to enforce the provisions of City Code.
- Mr. Stevens asked if the sign would have been allowed to stay after a change in tenant.
- City Attorney Levin replied it would not due to the fact it was non-conforming.
- Mr. Dermangian explained Auto Zone vacated the property before their lease expired but continued to pay rent; thus, per the terms of the lease, the sign could not be touched during that time.
- City Attorney Levin disagreed with that legal argument, reiterating same did not fall under the Board's purview.
- Mr. Ashworth interjected the only issue before the Board this date was consideration of imposition of a fine.
- Mr. Dermangian requested a 30 day extension to allow time to seek permission to allow the sign to remain.
- Mr. Viola asked if the sign was safe.

- Mr. Wright replied it was not.
- Mr. Dermangian replied a welder was scheduled to address safety concerns the following day.
- City Attorney Levin pointed out the respondent's legal counsel had been advised on or about March 17, 2010, that their request for an extension had been denied.
- Ms. Sepanik MOVED, Ms. Albers SECONDED to find the respondent failed to comply with the Board's Order and to impose a fine of \$5,300, representing a fine of \$100 per day for 53 days of non-compliance from March 5, 2010, to April 27, 2010. MOTION CARRIED UNANIMOUSLY.

E. Hearing Imposing Penalty

09-38834 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Sovereign Pembina Nation Little Shell Band of North America &
RTT ADV POSS

Address of Violation: 528 Carmalita Street

Violation of Chapter 9A, Section 9A-12(a), Visual blight, outside storage.

- Mr. Wright stated on March 24, 2010, the Board ordered the respondent to take certain actions, adding the property was posted accordingly on March 25, 2010. He advised several violations remained as of his inspections on April 12, 2010, and April 27, 2010, specifically a great deal of outside storage.
- Ms. Sepanik MOVED, Mr. Poitras SECONDED to find the respondent failed to comply with the Board's Order and to impose a fine of \$600, representing a fine of \$25 per day for 24 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

F. Hearing Imposing Penalty

09-38260 - ZONING OFFICIAL - TERI TUBBS

Respondent: Linda-Louise (for the family Christian)

Address of Violation: 2543 Brazilia Court

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

- Ms. Teri Tubbs, Zoning Official, reported this case was heard by the Board on December 23, 2009, at which time the respondent was ordered to come into compliance with City Code. She stated the Board issued an Order of Non-compliance on January 27, 2010, as no action had been taken. She advised the violation remained as of a March 25, 2010 inspection. She explained the property remained in non-compliance as of this date; therefore, staff recommended the Board impose an additional \$250 daily fine of \$8,750 for 35 days of non-compliance.

- Mr. Viola confirmed the respondent had been legally noticed.
- Mr. Poitras MOVED, Mr. Bailey SECONDED to impose a fine of \$8,750, representing a fine of \$250 per day for 35 days of non-compliance. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

- A. Report - Orders Recorded Three Months Or More
- City Attorney Levin reported pursuant to the Board's recommendation, City Council authorized him to initiate foreclosure proceedings on several liens recorded for three or more months. He noted a list of such liens was provided in the agenda material.
- B. Staff Recommendation for Request of Foreclosure of Lien when Lien has been Recorded Three Months or More
- 09-38260 - ZONING OFFICIAL - TERI TUBBS
- Respondent: Linda-Louise (for the family Christian)
- Address of Violation: 2543 Brazilia Court
- Lien Amount: \$6,750
- City Attorney Levin requested the Board recommend City Council authorize him to proceed with foreclosure on the subject lien.
 - Mr. Bailey MOVED, Ms. Sepanik SECONDED to recommend City Council foreclose on the subject lien. MOTION CARRIED UNANIMOUSLY.

MEMBER COMMENTS

- Mr. Poitras commented on a Via Esplanade property which had been cited for a Code violation and posted accordingly, stating the neighbors across the street from same had mowed the front lawn.
- Ms. Perdomo responded she was aware of same, adding a contractor would address the rear.
- Ms. Albers confirmed the list of Orders recorded three months or more had been provided for informational purposes.
- Mr. Poitras then commented on Case #09-38260, pointing out those fines could have been avoided simply by removing 5 feet of fence.

ADJOURNMENT

- Meeting Adjourned: 11:33 a.m.

Jim Stevens, Chairman

Mary Kelly, Recording Secretary