

**CODE ENFORCEMENT BOARD
MEETING
Wednesday, July 22, 2009**

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

MEMBERS ABSENT: Kate Albers

OTHERS PRESENT: Steve Rees, Acting City Attorney; Randy Wright, Dawn Lewis, Maricela Perdomo, Code Compliance Officers; Donyl Yates, Board Secretary; Raymond Lockhart

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - August 26, 2009

APPROVAL OF MINUTES

- A. Meeting of - June 24, 2009
 - Mr. Meyer MOVED, Mr. Viola SECONDED approval. MOTION CARRIED UNANIMOUSLY.
 - Mr. Schmidt inquired whether an election should be held for a new Vice Chairman.
 - Recording Secretary Smith suggested waiting until all new members were present at the next meeting.
 - Mr. Steve Rees requested Item H. be moved up on the agenda. He swore in the participants.

NEW BUSINESS

NOTE: Item H. was heard prior to Item A.

A. 09-37364 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Wachovia Bank

Address of Violation: 1121 Bal Harbor Blvd

**Violation of Section: 26-8.11(c,e,f) Standards of property maintenance;
10-1 Grass, Stagnant water, Trash**

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Stevens MOVED, Mr. Ashworth SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Dawn Lewis displayed several photographs of the subject property, located within the City limits, stating on June 6, 2009 she inspected the property and observed tall grass and weeds, adding she had contacted the listing agent since the property was vacant and for sale. She stated the listing agent agreed to have the property maintained; however, that had not occurred, attesting the City had mowed the lot on

June 18, 2009. She stated Wachovia Bank had agreed to pay for the lot mowing and would maintain the property in the future, adding on July 9, 2009 she found tall grass and weeds throughout the property and overgrown landscaping.

- Mr. Viola commented much effort had been made to beautify the property; however, it was not being maintained.
- Ms. Lewis agreed, reporting a Statement of Violation/Notice of Hearing was served on the respondent on June 30, 2009 by certified mail, adding the property had been brought into compliance as of July 20, 2009.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order for future violations and be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

B. 09-37594 - CODE COMPLIANCE OFFICER – DAWN LEWIS

Respondent: Vernon & Michelle Rumreich

Address of Violation: 138 Hibiscus Dr.

Violation of Section: 26-8.11(c,e,f) Standards of property maintenance

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Viola SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis displayed several photographs of the subject property, located within the City limits, stating on May 26, 2009, she left a courtesy notice due to tall grass and weeds. She attested she contacted the listing agent several times which resulted in the property being brought into compliance; however, when the property was reinspected on July 1, 2009, she found tall grass and weeds and overgrown landscaping. She stated the listing agent did not respond to her phone calls, noting a Statement of Violation/Notice of Hearing was served on June 11, 2009, by certified mail, adding when she inspected the property on July 15, 2009, she found the property had been brought into compliance.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order for future violations or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

C. 09-37519 – CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: Clive & Pauline Lindo

Address of Violation: 423 Burland St.

Violation of Section: 10-1 Grass, Stagnant water, Trash

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Viola SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Mr. Randy Wright displayed several photographs of the subject property, located within the City limits, stating on June 23, 2009, he inspected the property and observed tall grass and weeds. He reported he left a courtesy notice on the door and conducted another inspection one week later, adding some of the grass had been cut. He testified a Statement of Violation/Notice of Hearing was sent to the respondent by certified mail on July 9, 2009; however, it was returned, adding he conducted a subsequent inspection and all violations remained.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Stevens inquired if the home was occupied.
- Mr. Wright replied affirmatively, noting there had been problems with this property in the past.
- Mr. Meyer MOVED, Mr. Viola SECONDED to find the respondent guilty, to issue a Cease & Desist Order and to require compliance within 10 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- Mr. Kresge inquired if the fence was an issue.
- Mr. Wright replied affirmatively, adding that could be another violation in the future.

D. 09-37521 - CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: SunTrust Bank

Address of Violation: 3954 San Rocco Dr.

Violation of Section: 10-2.4(e) City's mandatory lot mowing

- Mr. Schmidt confirmed staff was requesting the case be dismissed.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED to dismiss the case it had been brought into compliance. MOTION CARRIED UNANIMOUSLY.

E. 09-37522 - CODE COMPLIANCE OFFICER – RANDY WRIGHT

Respondent: Kathleen Lynch

Address of Violation: 7516 Coral Tree

Violation of Section: 26-8.11(c,e) Standards of property maintenance

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

- Mr. Wright displayed several photographs of the subject property, located within the City limits, stating on June 23, 2009, he inspected the property and observed tall grass and weeds as well as trees in need of trimming. He reported a Statement of Violation/Notice of Hearing was mail on July 3, 2009, by certified mail; however, same had been returned unclaimed, adding he reinspected the property on July 15, 2009, concluding most of the violations remained.
- Mr. Kresge inquired if the home was occupied.
- Mr. Wright replied affirmatively, adding Ms. Lewis had spoken to the property owner in the past and the property had been cleaned up; however, it had now returned to its previous condition.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kresge MOVED, Mr. Meyer SECONDED to find the respondent guilty, to issue a Cease & Desist Order for future violations and to require compliance within 10 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

F. 09-37526 - CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: James E. Moore III Trustee

Address of Violation: 3335 Purple Martin Dr.

Violation of Section: 10-1 &10-1.1 Grass, Stagnant water, Trash

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Ashworth SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Maricela Perdomo displayed several photographs of the subject property, located within the City limits, stating on June 24, 2007 she received a complaint regarding debris, adding she inspected the property and observed construction debris scattered throughout the vacant lot. She reported a Statement of Violation/Notice of Hearing was served on July 8, 2009, by certified mail, adding she reinspected the property on July 15, 2009 and found that all of the violations remained.
- Mr. Meyer inquired if the owner was on the lot mowing program.
- Ms. Perdomo replied affirmatively, adding the mowers were mowing around the debris. She opined the debris was from previous construction in the area.
- Mr. Kresge inquired if the lot owner lived locally.
- Ms. Perdomo replied affirmatively.
- Mr. Bailey stated it was his understanding the lot mowing included trimming bushes.

- Ms. Perdomo explained the lot mowing program did not include removal of debris, adding the owner was responsible for same. She clarified the program did not including trimming.
- Mr. Schmidt inquired whether she had spoken to the owner.
- Ms. Perdomo replied in the negative, reporting she only had a post office box and no phone number. She confirmed the notice was received by the owner on July 8, 2009, clarifying this action was related to debris rather than lot mowing.
- Mr. Kresge questioned staff's recommendation of 21 days.
- Ms. Perdomo explained it was due to the nature of the debris and the timeframe necessary for removal; however, that was at the Board's discretion.
- Mr. Kresge pointed out some of the debris was from construction on other lots.
- Mr. Meyer MOVED, Mr. Viola 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 and to require compliance within 21 days of receipt of the Order or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

G. 09-37484 - CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Thor W. Van Diver

Address of Violation: 1430 Appian Dr.

**Violation of Section: 26-8.11(c) Standards of property maintenance;
26-8.11(e) Vegetation standards of maintenance**

- Mr. Schdmidt confirmed the respondent was not present.
- Mr. Stevens MOVED, Mr. Bailey SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Perdomo displayed several photographs of the subject property, located within the City limits, stating on June 17, 2009, she inspected the property and observed tall grass and weeds and the bushes and trees were not being maintained. She reported a Statement of Violation/Notice of Hearing was returned as undeliverable, adding the property was posted on July 13, 2009. She stated as of July 13, 2009, all violations remained.
- Mr. Meyer inquired if the property was in foreclosure.
- Ms. Perdomo replied in the negative.
- Mr. Stevens inquired whether the owners had been contacted.
- Ms. Perdomo replied no valid phone number was available.
- Mr. Meyer MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Kresge inquired as to the recommendation.
- Ms. Perdomo replied a Cease & Desist Order for future violations and 7 days to bring the property in compliance from the date of receipt of the Order.
- Mr. Kresge opined this situation could continue for some time.
- Ms. Perdomo opined the home would become a foreclosed property.
- Mr. Bailey suggested the City should mow the grass.
- Mr. Kresge MOVED, Mr. Meyer SECONDED to find the respondent guilty, to issue a Cease & Desist Order and to require compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- Mr. Viola inquired if the City could mow the property.
- Ms. Perdomo replied affirmatively; however, she wanted to obtain proper service first.

NOTE: Item H. was heard prior to Item A.

H. 09-37411 - CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Robert & Judith Harris

Address of Violation: 500 Via Tripoli

**Violation of Section: 26-3.13(n) Garbage containers/Cloths Drying;
26-8.11(g) Property Maintenance; 26-8.14(b) Standards Structures/Uses**

- Mr. Schmidt confirmed the respondent was not present.
- Mr. Meyer MOVED, Mr. Viola SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Maricela Perdomo displayed several photographs of the subject property, located within the City limits, stating on June 2, 2009, she received various complaints regarding the condition of the property, adding she inspected the property and observed debris and garbage as well as garbage bins that were not in an enclosed area. She reported a Statement of Violation/Notice of Hearing was served on June 24, 2009, adding as of July 15, 2009 the remaining violations were overflowing garbage and garbage bins visible from the street.
- Mr. Meyer inquired if there was regular garbage pick up at the home.
- Ms. Perdomo replied affirmatively, explaining the garbage cans were not enclosed.
- Mr. Meyer MOVED, Mr. Stephens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kresge inquired if staff had contacted the owner.
- Ms. Perdomo replied she spoke to the owner a few months ago, adding he took care of the violations at the time; however, they had reoccurred. She stated subsequent attempts did not result in a return phone call, confirming the owner was local.

- Mr. Bailey inquired if the violations were ongoing, pointing out no enclosure had ever been there.
- Ms. Perdomo explained some of the units were empty in the past, adding the problems had begun since the new renters moved in.
- Mr. Bailey inquired whether an enclosure needed to be installed, questioning why the enclosure was not constructed when the unit was built.
- Ms. Perdomo replied there was a small latticework structure, reiterating it had become a problem since the new tenants moved in. She stated the structure may have sufficient in the past; however, more trash was being generated due to the number of residents.
- Mr. Meyer inquired whether the property owner or the tenant would be cited.
- Ms. Perdomo replied the owner was responsible.
- Mr. Raymond Lockhart attested he had made several complains about the property, noting the buildings had been constructed in the 1980s. He explained the location of the property, noting it was immediately visible as you entered the area, opining more than 300 properties were being affected by this situation. He voiced concern regarding the tenants and their behavior, asserting the landlord had become a slumlord during the past year. He opined he was unable to sell his property due to the deplorable condition of this property.
- Mr. Schmidt inquired whether complaints had been made about the property in the past.
- Ms. Perdomo replied affirmatively, reiterating previous violations had been corrected.
- Mr. Viola MOVED, Mr. Kresge SECONDED to find the respondent guilty, to issue a Cease & Desist Order for future violations and to require compliance within 14 days or be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

- Mr. Kresge stated adjacent to the bank on Bal Harbor were some condominium units that had not been sold, voicing concern regarding the poor appearance of the chain link fence on the property.
- Ms. Lewis responded she would research same, noting there were currently open building permits on the parcel.
- Mr. Kresge stated they could not begin on the second building until the first building was 75% sold.
- Ms. Lewis agreed, explaining as it was still considered a construction site, the chain link fence was permitted there. She stated she was continually reminding them to cut the grass; however, she would research the issue.

- Mr. Schmidt presented plaques of appreciation to Ms. Albers and Mr. Viola, thanking them for their service on the Board.
- Mr. Viola complimented staff on their hard work.

ADJOURNMENT

- Meeting Adjourned: 9:45 a.m.

Heinz Schmidt, Chairman

Karen Smith, Recording Secretary