

**CODE ENFORCEMENT BOARD
MEETING
JANUARY 28, 2009**

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

MEMBERS ABSENT: Richard Kresge

OTHERS PRESENT: John Polk, Board Attorney; David Levin, City Attorney; Brandon Jacobsen, Police Officer; Randy Cole, Building Official; Dawn Lewis, Randy Wright, Code Compliance Officers; Donyl Yates, Board Secretary; Simone Puccio, Ryan Dillow, Patrick Fisher, Herbert Bosch, Rafael Mirabal

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting - February 25, 2009
- C. Election of Chairman and Vice Chairman
 - Board Attorney John Polk opened the floor for nominations for Chairman.
 - Mr. Stevens NOMINATED Ms. Albers for Chairman.
 - Mr. Meyer NOMINATED Mr. Schmidt for Chairman.
 - Mr. Bailey MOVED, Mr. Stevens SECONDED to close the nominations. MOTION CARRIED UNANIMOUSLY.
 - Board Attorney Polk called for a vote by a show of hands for Ms. Albers for Chairman.
 - Ms. Albers, Mr. Bailey and Mr. Stevens voted for Ms. Albers.
 - Board Attorney Polk called for a vote by a show of hands for Mr. Schmidt for Chairman.
 - Mr. Ashworth, Mr. Meyer, Mr. Viola and Mr. Schmidt voted for Mr. Schmidt for Chairman.
 - Mr. Schmidt was appointed Chairman by a majority vote. He then opened the floor for nominations for Vice Chairman.
 - Mr. Bailey NOMINATED Ms. Albers for Vice Chairman.
 - There were no other nominations.
 - Ms. Albers was appointed Vice Chairman by acclamation.

APPROVAL OF MINUTES

- A. Meeting of November 26, 2008
 - Mr. Meyer MOVED, Mr. Viola SECONDED approval of the November 26, 2008 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- City Attorney David Levin announced a new procedure relative to Board Orders would be implemented this date, explaining this would allow much more efficient, timely preparation and issuance of orders.
- Recording Secretary Kelly swore in all participants.
- A. 08-36249 - POLICE OFFICER - BRANDON JACOBSEN
 - Respondent: Simone Puccio
 - Address of Violation: 1200 West Retta Esplanade
 - Violation of Section 23-18(b), Parking spaces provided for certain disabled persons (PK #006396)
- Mr. Simone Puccio, respondent, entered a plea of not guilty.
- Officer Brandon Jacobsen stated on September 3, 2008, at approximately 5:45 p.m., while on regular patrol in the subject area, Fishermen's Village, located within the City limits, he observed a vehicle parked in the loading zone adjacent to a handicap parking space. He displayed a photograph of the violation, confirming same violated both City ordinance as well as Florida Statutes (FS). He explained he then determined ownership of the vehicle through Police Dispatch and issued a citation. He pointed out the loading zone was clearly marked as a no parking area by blue and white paint, including diagonal lines, on the ground, adding the area was intended for use by handicapped individuals to load/unload wheelchairs or scooters, for example.
- Ms. Albers MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Puccio stated he had parked in the space described by Officer Jacobsen twice in the past, adding the ground paint had apparently changed. He explained he owned a business near where he had been parked, contending he did not have the luxury of a rear loading/unloading area. He asserted the space had not been a handicap loading/unloading area until recently. He stated he had directed his wife to park in the subject location, acknowledging same had been a "No Parking" area. He mentioned he had been cited \$10 for parking in that spot in the past. He stated an employee of the Code Compliance Division contacted him with an offer to "take care of the ticket for \$25," adding he agreed to same; however, his \$25 was returned to him with a request to remit \$100. He noted he was also advised the above mentioned employee no longer worked for the City. He asserted the subject area was sufficient in size for two vehicles, adding he believed an exception should be made.
- Mr. Bailey asked what fine amount Mr. Puccio felt would be fair.
- Mr. Puccio reiterated he had been told \$25 would be sufficient.

- Mr. Viola confirmed Mr. Puccio had not obtained the employee's name.
- Mr. Schmidt asked if staff had any comment with regard to the identity of the employee.
- Mr. Randy Cole, Building Official, responded the Code Compliance Division had no involvement with parking violations other than placing same on the Board's agenda if contested.
- Officer Jacobsen reminded the Board if someone parked in a handicap parking space and neglected to display their placard, the City would impose a fine of \$25 for failure to display same; however, parking was never allowed in the loading/unloading zone adjacent to a handicap parking space even by a driver who had a handicap placard.
- Mr. Puccio asserted the space between his vehicle and the handicap parking space had been sufficient to load or unload handicap equipment; however, he stressed the fact that this had only been a "no parking" area in the past, reiterating he had directed his wife to park within same.
- Ms. Albers confirmed Mr. Puccio had been aware parking was not allowed in the subject area.
- Mr. Bailey clarified Mr. Puccio had directed his spouse to park in that location with the knowledge same was illegal and thinking he would be subject to a \$10 fine which he was willing to pay.
- Mr. Puccio agreed that was correct.
- Ms. Albers MOVED, Mr. Viola SECONDED to find the respondent guilty and to impose a fine of \$100 and Court costs of \$30. MOTION CARRIED UNANIMOUSLY.

B. 08-36274 - POLICE OFFICER - BRANDON JACOBSEN

Respondent: Kevin Dillow

Address of Violation: 1200 West Retta Esplanade

Violation of Section 23-18(b), Parking spaces provided for certain disabled persons (PK #08058)

- Mr. Ryan Dillow, respondent's representative, entered a plea of not guilty, stating he had been driving the vehicle at the time the citation was issued.
- Officer Jacobsen stated on November 22, 2008, at approximately 7:30 p.m., while on regular patrol in the subject area located within City limits, Fishermen's Village, he observed a vehicle parked in a handicap loading zone in front of Harpoon Harry's. He explained he then issued a citation for this violation, displaying a photograph depicting same.
- Ms. Albers MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Dillow stated on the day the citation was issued, he had driven his vehicle behind his business, Salty Paws, displaying a photograph of their loading dock. He noted ground paint indicated the area was a Fire Zone, adding a police officer had advised him he could not park within same to unload; thus, he moved his vehicle to the location where he was eventually cited.
- Mr. Viola asked if parking was permitted in that location.
- Mr. Dillow opined same was dependent upon the day and the police officer's mood. He acknowledged the Fire Zone near his loading dock was clearly marked, including yellow stripes, reiterating he had parked within same in the past and not been issued a ticket.
- Mr. Bailey countered the latter did not make it legal.
- Mr. Dillow then stated a "Trolley Stop" sign was in place near the area where he had been parked. He displayed a list of nine names of individuals who had parked in the same space since the time he was issued the subject citation and not received a ticket. He continued displaying another list of individuals who had been issued \$25 tickets for parking at the Trolley Stop. He contended certain people would never be ticketed by the Police Department, citing Mr. Ron Evan as an example.
- Officer Jacobsen countered Mr. Evan had stood in Mr. Dillow's spot approximately one year earlier contesting the same type of violation. He acknowledged officers were logistically unable to observe and cite every violation.
- Ms. Albers pointed out Mr. Dillow had potentially obstructed a handicapped individual from accessing the area.
- Mr. Schmidt commented the above mentioned "Trolley Stop" sign had been the cause of much discussion, requesting same be removed in that the trolley was no longer operating.
- Officer Jacobsen responded he had met several times with Fishermen's Village security with that same request; however, he was advised Fishermen's Village was unwilling to install a "No Parking" sign and remove the "Trolley Stop" sign. He pointed out Mr. Dillow had not been driving a trolley.
- Mr. Viola interjected he believed the handicap loading/unloading area was clearly marked as same.
- City Attorney Levin added he did not believe the presence of the "Trolley Stop" sign was an invitation to park and thus should be considered irrelevant to Mr. Dillow's parking violation. He mentioned Mr. Cole had advised he would make every effort possible to have the sign removed.

- Ms. Albers MOVED, Mr. Viola SECONDED to find the respondent guilty and to impose a fine of \$100 and Court costs of \$30. MOTION CARRIED UNANIMOUSLY.
- C. 09-36370 - CODE COMPLIANCE OFFICER - DAWN LEWIS
 - Respondent: Punta Gorda Hotel LLC
 - Address of Violation: 300 West Retta Esplanade
 - Violation of Section 10-2, page 10-3, Nuisance grass/weeds; Section 10-8(a)(f), page 10-12, Garbage dumping/unlawful acts; Section 6A-1.5, pages 6A-1 & 6A-2, Definition of "Discharge"; Section 9A-11, page 9A-6, Definition of "Nuisance"; Section 9A-12(a)(f), Visual blight
- Mr. Patrick Fisher, respondent, entered a plea of not guilty.
- Ms. Dawn Lewis, Code Compliance Officer, stated on January 2, 2009, she was advised by another City employee of trash overflowing the dumpsters at the subject location, which was located within City limits, causing a strong odor, piles of rotting waste and puddles of stagnant water. She noted complaints continued to be filed, adding a representative of the restaurant at this location, Benedetto's, assured her they would be acquiring new dumpsters as well as contracting with a new waste disposal company. She announced the business was served with a Statement of Violation/Notice of Hearing on January 14, 2009. She displayed photographs of the property taken this date, observing no puddles of water, new dumpsters in place and the site in compliance.
- Ms. Albers questioned the length of time before compliance was attained.
- Ms. Lewis replied between January 2, 2009, and this date, January 28, 2009.
- City Attorney Levin asked if the property was inspected on January 13, 2009.
- Ms. Lewis replied affirmatively.
- City Attorney Levin asked if any violations were observed on that day.
- Ms. Lewis replied affirmatively, specifically violations of Section 10-2, 10-8(a)(f), 6A-1.5, 9A-11 and 9A-12(a)(f). She reiterated the violations as stated earlier, adding she also observed water draining into Charlotte Harbor.
- Ms. Albers MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Fisher commented one of the photographs was of the area in front of a grease trap, stating they had experienced a problem with a clog in the line which caused the trap to overflow; however, the problem had been rectified. He mentioned another problem relative to the septic tank, stating same would be relocated to the front of the building once their new building was constructed. He reported they would be obtaining a compactor from Charlotte County Waste Management to address the trash

issue; however, additional trash cans would be utilized in the meantime. He concluded standing water would no longer be a problem as they were not rinsing the trash cans outside. He assured the Board of his desire to abide by City Code.

- Ms. Albers MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order for any future violations and be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

D. 08-36182 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Robert N. McQueen

Address of Violation: 3500 Bal Harbor Boulevard

Violation of Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance grass/weeds over 12 inches

- Board Attorney Polk disclosed he had represented the respondent, Mr. Robert McQueen, in the past, stating he believed same presented a conflict in this particular case. He then recommended the Board including findings of fact in their motions.
- City Attorney Levin concurred.
- 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.
- Ms. Lewis stated on November 25, 2008, she observed tall grass and weeds at the subject location, which was located within the City limits, adding she provided the respondent's spouse with a Courtesy Notice at that time. She reported a Statement of Violation/Notice of Hearing was issued on December 11, 2008, adding a re-inspection on January 11, 2009, showed the property was in compliance.
- Ms. Albers asked if this was a repeat violation.
- Ms. Lewis replied it was not.
- Mr. Meyer confirmed the property was not buildable.
- Mr. Cole commented the grass at the subject property exceeded 12 inches in height quite often.
- Ms. Albers MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Stevens MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order for any future violations and be subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

E. 08-36222 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Elizabeth S. Kramer

Address of Violation: 2803 Sancho Panza Court

Violation of Section 26-8.11(c,e,g), Standards of property maintenance; Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance grass & weeds over 12 inches; Section 26-3.13(m) Fences/walls/hedges; Section 9A-12(a), page 9A-8, Visual blight

- Mr. Schmidt confirmed the respondent was not present.
- Ms. Albers MOVED, Mr. Stevens SECONDED to enter a not guilty plea on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.
- Ms. Lewis stated on December 4, 2008, she observed tall grass and weeds over 12 inches in height, overgrown landscaping, dead palm fronds and ground debris at the subject property located within City limits. She noted the hedges and shrubs were excessively tall and located less than ten feet from the rear of the property, adding the boat dock was damaged and rusty. She mentioned the property was a vacant lot. She announced she sent a Statement of Violation/Notice of Hearing on January 3, 2009, after which she received several telephone calls from the property owner, assuring her the violations would be eliminated prior to this hearing. She advised the property was included in the City's lot mowing program effective December 15, 2008, concluding all violations had been eliminated and the property brought into compliance as of this date.
- Ms. Albers MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Meyer MOVED, Mr. Bailey SECONDED to issue a Cease & Desist Order for any future violations and a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

Note: Unfinished Business was heard following Item E.

Note: Item F was heard following Item B, Old Business.

F. 08-35745 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Mary Rogner

Address of Violation: 7513 South Blue Sage

Violation of Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance grass & weeds over 12 inches; Section 26-8.14(b), Standards structures/uses; Section 26-8.11(c,f), Standards of general applicability

- 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. Lewis stated the subject property was located within the City limits, adding she first left a Courtesy Notice on August 12, 2008. She noted the violations remained as of August 19, 2008, October 15, 2008, and January 9, 2009. She announced the

Statement of Violation/Notice of Hearing was served on January 15, 2009, concluding the violations were eliminated as of this date, and the property was in compliance.

- Mr. Meyer MOVED, Ms. Albers SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Ms. Albers MOVED, Mr. Viola SECONDED to issue a Cease & Desist Order for future violations and a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

G. 08-36154 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Ronald Wicke

Address of Violation: 321 West Grace Street

Violation of Section 26-8.11(c,e), Standards of property maintenance; Section 10-1.1, page 10-2, Stagnant water

- Mr. Schmidt confirmed the respondent was not present.

- Ms. Albers MOVED, Mr. Meyer SECONDED to enter a plea of not guilty on behalf of the respondent. MOTION CARRIED UNANIMOUSLY.

- Mr. Randy Wright, Code Compliance Officer, stated on November 18, 2008, he observed tall weeds and grass and stagnant water in the pool at the subject property located within the City limits. He noted a Statement of Violation/Notice of Hearing was served on January 16, 2009, and the property was posted at that time. He advised as of this date, a large patch of weeds remained in the rear of the property, displaying a photograph attesting to same. He reported the pool violation had been corrected.

- Ms. Albers MOVED, Mr. Stevens SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Viola MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order for future violations and a fine of up to \$250 per day.

- VOTING AYE: Albers, Ashworth, Meyer, Stevens, Viola, Schmidt.

- VOTING NAY: Bailey.

- MOTION CARRIED.

H. 08-36201 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Ralph Kendall Jr. Successor Trustee

Address of Violation: 414 Boca Grande Boulevard

Violation of Section 7-38, page 7-22, Requirement for safe buildings & structures

- 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.

- Mr. Wright displayed several photographs of the subject property located within City limits, stating on December 4, 2008, he observed the roof was incomplete and siding

was missing. He noted he issued a Statement of Violation/Notice of Hearing in December 2008; however, there was no change in the condition of the property. He explained another Statement/Notice was issued on January 12, 2009, confirming receipt of same by the respondent. He reported no permits had been pulled nor had any repairs been made to the structure as of this date.

- Ms. Albers asked if the structure was occupied.
 - Mr. Wright replied it was not.
 - Ms. Albers MOVED, Mr. Bailey SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Viola MOVED, Ms. Albers SECONDED to issue a Cease & Desist Order for future violations, the property to be brought into compliance within 30 days and a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.
- I. 08-36283 - CODE COMPLIANCE OFFICER - RANDY WRIGHT
- Respondent: Michael & Vincenza Brust
Address of Violation: 417 Vitex
Violation of Section 10-1 & 10-1.1, pages 10-1 & 10-2, Nuisance grass & weeds over 12 inches; Section 26-8.11(c)(e), Standards of property maintenance
- Mr. Schmidt confirmed the respondents were not present.
 - Mr. Meyer MOVED, Mr. Viola SECONDED to enter a plea of not guilty on behalf of the respondents. MOTION CARRIED UNANIMOUSLY.
 - Mr. Wright stated this property, which was located within the City limits, was first inspected on December 12, 2008, at which time he observed tall weeds and grass, weeds in the landscaping and stagnant pool water. He reported no change in the condition of the property as of January 15, 2009; thus, he issued a Statement of Violation/Notice of Hearing. He concluded no action had been taken as of January 27, 2009.
 - Mr. Meyer asked if the house was occupied.
 - Mr. Wright replied it was not.
 - Ms. Albers MOVED, Mr. Viola SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Viola MOVED, Mr. Stevens SECONDED to issue a Cease & Desist Order for future violations, to require the property to be brought into compliance within 5 days and a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

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

UNFINISHED BUSINESS

A. 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; Section 26-8.11(a)(g), page 26-89, Standards of property maintenance

- Mr. Herbert Bosh announced he was present to interpret for the respondent, Mr. Rafael Mirabal.
- City Attorney Levin reminded the Board this case was heard at their November 26, 2008 meeting, stating the purpose of this hearing was essentially for a status report.
- Mr. Bosh commented favorably on the progress being made by Mr. Mirabel.
- Mr. Wright displayed several photographs of the property, stating a pad in the rear had been poured. He noted the front of the home was complete with the exception of the roof and two pillars. He explained the respondent was granted 60 days to make as much progress as possible, stating that 60 day period expired this date. He asked the Board to consider how much time they wished to allow for completion of all work and elimination of all violations.
- Mr. Bosh explained expense was the only matter stopping Mr. Mirabel from completing the entire project; thus, he asked the Board to allow the originally requested six months, providing a detailed description of the work remaining.
- City Attorney Levin interjected the Board's November 2008 Order required the visual blight to be eliminated within 60 days, which had been accomplished, adding all remaining violations must be eliminated within 6 months from November 2008; thus, the respondent still had 4 months to attain compliance.
- Mr. Bosh clarified he was asking for six months from this date, i.e., an additional two months beyond the above mentioned four month period.
- Through Mr. Bosh, Mr. Mirabel stated the remaining work was the most difficult and physically demanding; however, he opined he would be able to complete everything within six months from this date.
- City Attorney Levin recommended the Board make no change in their existing order out of respect for the respondent's neighbors, stating staff would place this case on the Board's agenda 30 days prior to the deadline for a status report. He pointed out the Board could weigh how much progress had been made and perhaps extend the deadline at that time.

- Mr. Bosh expressed disagreement with same, stating 30 days prior to the deadline would allow only 3 months.
- City Attorney Levin countered the respondent requested and was granted six months at the Board's November 2008 meeting, pointing out four months remained. He explained the City wished to see the roof work completed before the start of hurricane season.
- Mr. Schmidt clarified the City's goal was not to fine Mr. Mirabel but rather to simply gain compliance.
- Mr. Bosh reiterated his request for an additional six months from this date.
- Ms. Albers commented she felt the existing timeline should be maintained. She questioned what specific violation(s) remained.
- Mr. Wright replied the violations were relative to the roof and pillars.
- Ms. Albers clarified the pillars were not required but rather they were something Mr. Mirabel wished to construct. She confirmed the pillars should be considered an improvement, not a violation.
- Mr. Wright agreed, stating if Mr. Mirabel fixed the roof, no violations would remain.
- City Attorney acknowledged the respondent had other projects/improvements he wished to complete; however, he reiterated the City was placing a deadline only on the roof.
- Mr. Bosh countered the pillars were necessary to support the roof.
- City Attorney Levin clarified the pillars were necessary to support a roof extension.
- Mr. Bosh agreed, stating they did not wish to eliminate the pillars. He requested clarification of the roof violation as there was a permit in place, acknowledging same had been extended several times.
- Mr. Wright responded the City continued to receive numerous complaints from Mr. Mirabel's neighbors, stating same had begun four years earlier.
- Through Mr. Bosh, Mr. Mirabel stated his neighbors had complimented him on his work.
- Mr. Cole explained a building permit could be cancelled or revoked without constant, constructive progress. He asserted the respondent's roof was unsecured and hand rails had not been installed on the front porch, both of which constituted hazards to the neighborhood. He clarified the house was not intact. He opined the City had shown good faith, asking Mr. Mirabel to do the same.
- Mr. Bosh stated every effort had been made to stay within the guidelines of the permit.
- City Attorney Levin reiterated this was simply a status report, noting all requirements of the previous 60 day period had been met. He explained staff was asking for another

status report in three months, thirty days prior to expiration of the full six month period.

- Ms. Albers MOVED, Mr. Ashworth SECONDED to continue Case #08-36130 to April 22, 2009, for a status report. MOTION CARRIED UNANIMOUSLY.

Note: A 10 minute recess was held at 10: 35 a.m.

Note: Item 2, Old Business, was heard following Unfinished Business.

OLD BUSINESS

A. Hearing Imposing Penalties

Note: Item 1 was heard following New Business.

1. 08-35586 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: James Huden

Address of Violation: 206 Yucca

Violation of Section 26-8.11(e,f), Standards property maintenance; Section 10-1 Nuisance weeds/trash/water; Section 9A-12(d), Visual blight

- City Attorney Levin announced a bank now owned the subject property, stating there appeared to be a gap in State Statutes with respect to code enforcement actions when a home was being foreclosed. He requested the Board table this case to allow staff to notice the bank of these violations.
- Mr. Stevens MOVED, Ms. Albers SECONDED to table Case #08-35586 indefinitely. MOTION CARRIED UNANIMOUSLY.

Note: Item 2 was heard following Unfinished Business.

2. 09-36347 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Douglas & Leslie Hershkowitz

Address of Violation: 3415 Tripoli Boulevard

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

- Ms. Lewis displayed photographs of the property which had been shown at the original hearing, providing a detailed review of the Board's findings made at the October 2008 meeting. She reported observing the same bags of mulch in the driveway on January 7, 2009, as had been present at the time of the last meeting. She noted the bags of mulch remained as of this date along with a pile of dirt.
- City Attorney Levin clarified the City was seeking penalties on a portion of the original violations, adding Ms. Lewis observed new violations this date; however, the Board was not being asked to consider the latter. He asked Ms. Lewis to delineate the original violations.

- Ms. Lewis replied outside storage of lawn equipment, gas cans and mulch bags, adding all violations had been corrected with the exception of the mulch bags.
- City Attorney Levin questioned the number of days the violations had existed.
- Ms. Lewis replied 99 days. She then asked the Board to impose a daily fine for that period of time, suggesting consideration of the following: \$250/day, \$24,750; \$100/day, \$9,900; \$50/day, \$4,950.
- Mr. Ashworth MOVED, Mr. Viola SECONDED to impose a fine of \$100 per day for 99 days for a total of \$9,900.
- VOTING AYE: Ashworth, Meyer, Viola, Schmidt.
- VOTING NAY: Albers, Bailey, Stevens.
- MOTION CARRIED.

Note: Item 3 was heard following Item 1.

3. 08-35827 - CODE COMPLIANCE OFFICER - DAWN LEWIS

Respondent: Weyman Wheeler

Address of Violation: 241 Capri Isles

Violation of Sections 10-1 & 10-1.1, pages 10-1 & 10-2, Tall grass and weeds; Sections 26-8.11(c) and 26-8.11(g), Property maintenance

- Ms. Lewis stated this case was heard by the Board on September 24, 2008, adding the property was in foreclosure at this time. She advised the City was maintaining the property. She put forth the following for consideration of a fine: \$250/day, \$25,750; \$100/day, \$10,300.
- Mr. Viola MOVED, Mr. Meyer SECONDED to impose a fine of \$100 per day for 103 days for a total fine of \$10,300.
- VOTING AYE: Albers, Ashworth, Meyer, Stevens, Viola, Schmidt.
- VOTING NAY: Bailey.
- MOTION CARRIED.

D. 08-34600 - CODE COMPLIANCE OFFICER - RANDY WRIGHT

Respondent: Douglas Joyce

Address of Violation: 1309 Casey Key Drive

Violation of Section 26-3.13(j), page 26-27, Parking of camping trailers

- Mr. Wright stated this case was brought before the Board on March 26, 2008, for parking a motor home in the driveway in violation of City Code. He noted a neighbor contacted him on January 6, 2009, to advise the motor home was once again parked in the driveway. He reported the motor home remained in the driveway in violation for 15 days until January 20, 2009.

- Ms. Albers MOVED, Mr. Stevens SECONDED to impose a fine of \$250 per day for 15 days of non-compliance for a total of \$3,750.
- VOTING AYE: Albers, Ashworth, Meyer, Stevens, Viola, Schmidt.
- VOTING NAY: Bailey.
- MOTION CARRIED.

ADJOURNMENT

- Meeting Adjourned: 11:27 a.m.

Heinz Schmidt, Chairman

Mary Kelly, Recording Secretary