

**CODE ENFORCEMENT BOARD
MEETING
SEPTEMBER 26, 2018**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Trudi Baxter, William Brennan,
John Burrage, Timothy Heggan, Vic Poitras

MEMBERS ABSENT: Vincent Lanza

OTHERS PRESENT: Allen McDaniel, Code Compliance Officer
City Attorney David Levin
Lisa Hannon, Zoning Official
Nick Falkner, Code Compliance Officer
David McCarty, Code Compliance Supervisor

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. October 24, 2018

APPROVAL OF MINUTES

- A. August 21, 2018
- Mr. Burrage MOVED, Ms. Baxter SECONDED approval of the August 21, 2018 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Welch swore in all participants.
- A. 18-68493 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
Respondents: Larry & Sharon Couch
Address of Violation: 3866 Turtle Dove Boulevard
Violation of Chapter 9, Section 9-2 (a) Outdoor Storage
Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondents.
- Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a June 12, 2018, inspection found outdoor storage, bare soil throughout the landscaped areas and a utility trailer parked on the driveway. He reviewed the City's efforts to bring the property into compliance, noting reinspection on August 13, 2018, found the violations had been addressed except for continued outdoor storage. He stated reinspection on September 25, 2018, found the property was in compliance. He requested a Cease & Desist Order for future violations, submitting an invoice for case costs incurred in the amount of \$12.24.

- Mr. Poitras MOVED, Ms. Baxter SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras inquired as to the origin of this case.
- City Attorney Levin replied the home failed final inspection due to the outside storage of materials remaining from work on the property, requesting the Board make a finding of guilt and issue a Cease & Desist Order for future violations.
- Mr. Bauman inquired if bare soil during landscaping work was a violation.
- Ms. Lisa Hannon, Zoning Official, replied in the negative, explaining the permit had been pulled in 2015.
- Mr. Burrage MOVED, Ms. Baxter SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs incurred in the amount of \$12.24 within 10 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY – REPEAT VIOLATION

18-69199 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Sylvia Ware Longmire

Address of Violation: 520 Ida Avenue

Violation of Chapter 9, Section 9-2 (a); and

Violation of Chapter 26, Section 8.14 (b) Outside Storage, Debris, Junk Yard

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, reviewing the history of the Board’s actions regarding the property dating back to August 30, 2017. He announced the property was initially brought into compliance on September 22, 2017, noting an August 2018 inspection found outdoor storage on the property. He concluded reinspection on September 25, 2018, found the violations had remained for 42 days from August 15, 2018, to September 25, 2018. He then submitted an invoice for case costs incurred in the amount of \$32.96.
- Mr. Bauman MOVED, Mr. Burrage SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras MOVED, Mr. Burrage SECONDED to find the respondent in repeat violation, to impose a fine of \$4,200, representing a fine of \$100 per day for 42 days, and to require payment of total case costs incurred in the amount of \$32.96. MOTION CARRIED UNANIMOUSLY.

C. 18-69030 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Ronald B. & Georgena A. Davis

Address of Violation: 210 Di Vinci Drive

Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds

Violation of Chapter 9, Section 9-2 (a) Outdoor Storage

Violation of Chapter 26, Section 8.14 (b) Outdoor Storage

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondents.
- Mr. McDaniel requested Case #18-69030 be dismissed as the property was in compliance.
- Mr. Burrage MOVED, Mr. Bauman SECONDED to dismiss Case #18-69030. MOTION CARRIED UNANIMOUSLY.

D. 18-69180 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Michael L. & Anne M. Dull

Address of Violation: 527 Corto Andra

Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds

Violation of Chapter 9, Section 9-2 (a) Outdoor Storage

Violation of Chapter 26, Section 8.14 (b) Outdoor Storage

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondents.
- Mr. Falkner displayed several photographs of the subject property, located within City limits, stating an August 20, 2018, inspection found tall grass and/or weeds. He reviewed the City's efforts to bring the property into compliance, noting reinspection on August 28, 2018, found the initial violation remained and a new violation of outdoor storage. He concluded reinspection on September 26, 2018, found the violations remained, then submitting an invoice for case costs incurred in the amount of \$11.64.
- Mr. Poitras MOVED, Ms. Baxter SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Brennan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 14 days and to require payment of case costs incurred in the amount of \$11.64 within 14 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

E. 18-69094 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Simon & Sheina Jacobson

Address of Violation: 455 W. William Street

Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds

Violation of Chapter 26, Section 8.11 (e) Tall Grass and/or Weeds

Violation of Chapter 26, Section 8.11 (f) Tall Grass and/or Weeds Landscaped Areas

- Mr. Chalifoux announced the City had requested dismissal of Case #18-69094.
- Mr. Burrage MOVED, Mr. Bauman SECONDED to dismiss Case #18-69094. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

18-67917 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Frank & Katharine Gorman

Address of Violation: 2838 Deborah Drive

Violation of Chapter 6, Section 6-11 (a), (c) (1) (2) Storage of Boat

Violation of Chapter 9, Section 9-2 (a), (e) Storage of Boat, Unregistered Boat

- Mr. McDaniel displayed several photographs of the subject property, located within City limits, reviewing the history of the Board's actions regarding the subject vessel and property. He announced June 26, 2018, and July 30, 2018, inspections found the subject vessel remained tied to the dock and continued to encroach across the adjacent property line, adding the vessel remained unregistered and undocumented. He concluded reinspection on September 25, 2018, found the violation had remained for 91 days from June 27, 2018 to September 25, 2018, then submitting an invoice for case costs incurred in the amount of \$45.41.
- Mr. Burrage confirmed the vessel had been raised but sank again.
- Mr. Chalifoux inquired as to the next action to be taken.
- City Attorney Levin explained the case presented this date did not pertain to the vessel sinking again; however, as the boat was no longer upright, he would advise City Council of their statutory rights with respect to disposal of the apparently abandoned vessel. He reviewed the process which would be used to remove the vessel, noting the City could defray costs through liens issued against the subject property.
- Ms. Baxter questioned if the costs for removal of the vessel could be recovered.
- City Attorney Levin replied a lien process existed which could accomplish same.
- Discussion ensued regarding the condition of the vessel and the possible sale of same.
- Mr. Poitras MOVED, Mr. Burrage SECONDED to find the respondent in violation, to impose a fine of \$22,750, representing a fine of \$250 per day for 91 days, and to require

payment of total case costs incurred in the amount of \$45.41. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Mr. David McCarty, Code Compliance Supervisor, reviewed a list of liens recorded over the past three months, as delineated in the agenda material.

COMMITTEE/BOARD COMMENTS

- Mr. Poitras expressed dissatisfaction with the amount of case costs charged for Case #18-68493, requesting same be reviewed to reflect staff's time.
- City Attorney Levin replied the Second District Court of Appeal had determined staff time and efforts could not be included in case costs incurred.
- Mr. Burrage clarified only material costs could be recovered.
- Mr. Chalifoux suggested police officers be dismissed if no respondents appeared.
- Consensus was to do so.

ADJOURNMENT

- Meeting Adjourned: 9:50 a.m.

John Chalifoux, Chairman

Sara Welch, Recording Secretary