

Wauchula Code Enforcement Board
Meeting Minutes
05/26/2009

The Wauchula Code Enforcement Board met Monday, May 26, 2009 at 5:30 P.M.

After the Pledge of Allegiance, Secretary Gibbs called roll with the following members present: Chairman Gerald Waldron, Sue Connor, John Woodburn and Frank Notar. Vice-Chairman Dewey Cowart was absent. Waldron declared a quorum. Also present were City Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina Bergens.

Attorney Ables swore in Code Enforcement Officers Whaley, Bergens and anyone testifying about the cases.

Notar made the motion, seconded by Conner to accept the minutes from the April 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

1. 09-044-NA, L Carol Knight 612-614 S 7th Avenue

Whaley explained that Mrs. Knight came into the office that morning and stated that she had another meeting and would not be able to attend the CE meeting tonight. Whaley stated that Mrs. Knight stated that she felt like what she had already done to the property was sufficient and didn't know why she had been written up. Whaley stated that Mrs. Knight wanted to postpone her case being heard tonight because it was not a good time for her and she didn't want an extension, but a chance for her to be heard. Whaley stated that there are three lots, one with a house, for this case. Notar asked if there had been any progress made at all. Whaley stated that they did mow with a bush hog, they removed the pallets and broken fence boards, but the fence is still down like before. There were some recliners, couches and household furniture that are gone. There is other lawn furniture that is on the vacant lot and Mrs. Knight says that she is not getting rid of that. While looking at the pictures, Notar asked Whaley if she was talking about the rusty table and chair? Whaley stated, yes, there are several sets of that rusty metal furniture. Conner asked about the pile of garbage and Whaley stated that is at the rental house which has not had anything done to it. Notar asked if these were the same violations that had been written up by Cpl Hill. Whaley stated that they were, but nothing had ever been followed through. Whaley stated that Mrs. Knight's house had burnt down in 2005 and she said that the things there were for when she built the house back. Conner asked when she plans to build the new house? Notar asked about a conversation Whaley had with Mrs. Knight stating that she would pile the stuff over the fence and let the City guys come and clean it up. Whaley stated that the first few conversations that she had with her, she was not very cooperative or cordial. She has been told specifically what she needs to clean up and remove from the property to become compliant. Woodburn made the motion, seconded by Notar to find Mrs. Knight guilty of **Chapter 11, Article III, Nuisance Accumulation** to be fined \$200.00 a day for each and every day the violation continues past the specified date of June 22, 2009. After three months from the filing of any lien, which remains unpaid or is not in compliance, the City Attorney is authorized to foreclose on the lien. Gibbs polled the Board. All were in favor. Motion carried.

On the second violation of **Case # 09-044**, which is **Chapter 11, Article II, Lot Maintenance**, Notar made the motion, seconded by Woodburn to find Mrs. Knight guilty of the violation with the same penalty. Gibbs polled the Board. All were in favor. Motion carried.

2. 09-032-M Gladys & Arthur Emerick 421 S Florida Avenue

Bergens stated that the Emericks, who live in Pompano Beach, had called and asked if they needed to attend the meeting. She told them since they are doing everything that has been asked of them and are about 85% compliant, due to running out of time, that she would ask the Board for the 30-45 day extension that they are requesting. The time they need depends on the rain because they need to paint. Whaley stated that they had hired a man to pressure wash and paint and he had created a hole in the side of the house. Bergens explained that Mr. Emerick is 71 years old and was on the roof trying to get the pressure washing done when he fell off. Woodburn made the motion, seconded by Conner to be continued until the July 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

3. 09-017-M Bessie Tillman 514 N 8th Avenue

Whaley explained that Mrs. Tillman is not present, but has representatives here from the Northside Baptist Church, which are doing the work for her. Whaley explained that when Mrs. Tillman was written up for the violations, they did not realize that she was well over 90 years old and by herself. She is a faithful member of Northside Baptist and when they became aware of the letter that had been sent to her from Code Enforcement, they have been doing phenomenal work at her property. Pastor Mitchell Landers stated that of the three violations against Mrs. Tillman, they are about 75% done with the work. They are volunteers and mostly can only do the work on Saturdays. There have been some delays due to the weather and recent events like that. He explained what they have done and that there is pressure washing and painting left to do. He stated that someone in the Church has volunteered to do regular lawn and house maintenance. Waldron stated that on behalf of the Board, he would like to thank them for helping her. When Waldron asked, Pastor Landers stated that they needed 30-45 days extension. Conner made the motion, seconded by Notar to give them until July 27, 2009 to bring Mrs. Tillman's property into compliance. Gibbs polled the Board. All were in favor. Motion carried. Mike Rouse asked if painting was all that was needed to become compliant? The Code Enforcement Officers stated that, yes, that was all and that everything else had been done. Waldron stated that since they were only working one day a week, if they needed more time to let the Board know. Since the Church members had been working with the Board, the Board would work with them.

4. 09-040-M Jerry Priest 605 S 10th Avenue

Whaley explained that Mr. Priest had called and requested a 30-day extension. He has completed 95% of the work. He has painted the house, put up skirting, trimmed the bushes and has patched and painted the shed in the rear. The only thing left is the door jams and thresholds. He has replaced the rotten wood and is securing the doors. He has run out of money and needs 30 more days to put in new thresholds. Notar made the motion, seconded by Conner to give Mr. Priest until the June 22, 2009 meeting to become compliant. Gibbs polled the Board. All were in favor. Motion carried.

5. 09-041-L, M, NA David Shelton & Freddie Phipps 824 S 10th Avenue

Whaley explained that this is an investment firm from Indiantown that bought this property at a foreclosure sale. At the time of the sale, they did not realize where the property was located and thought they were buying property in West Palm Beach. After being contacted, they did come and do some of the work. They are trying to get the property rented out or sold so that the property can be maintained. They mowed and cleaned up a lot of the trash in the yard. They are asking for an extension of 10 days. They tacked up the skirting and replace the rotten wood around the windows. They told Whaley that they are going to hire a lawn maintenance service on a weekly basis. Waldron stated that they immediately started cooperating and have shown results. Woodburn made the motion for **Case # 09-041-L, United Land Development Code Article 3, Section 3.02.05,**

Blocks-Yards-Lots-Fences, seconded by Notar to be continued and heard at the June 22, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

Woodburn made the motion for **Case #09-041-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, seconded by Notar to be continued and heard at the June 22, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

Woodburn made the motion for **Case #09-041-NA, Chapter 11, Article III, Nuisance Accumulation on Private Property**, seconded by Notar to be continued and heard at the June 22, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

6. 09-086-M Holiness Top Jehovah Church Inc 208 N Florida Avenue

Whaley explained that the pastor of the Church came in, but did not understand English and there was confusion on what needed to be done. His wife called after receiving the letter to come before the Board. She understood what needed to be done, but they needed at least a sixty-day extension because of only having two men in the Church with the rest being women. Notar stated that it seems like there is a communication problem and even if we are not required to do it, if we wrote the letter in Spanish, would that expedite matters? Whaley stated that they are actually Guatemalans not Spanish. Whaley stated that if we did that for one, we would have to do that for all languages. Gibbs stated that it is not that easy doing the letters in different languages and Ables stated that English is the official language. Notar stated that he is just trying to find a solution to this. Whaley stated that the woman she spoke to us this week did state that she understood. Conner asked if the woman could repeat what Whaley told her? Whaley, replied yes, and that she explained that on the side of the building that the aluminum enclosure that they made out of tin, needed to be a permanent structure and made out of materials that are sufficient for that project. The woman stated that they had done that because people are stealing the copper out of the air-conditioning unit. She stated that they would replace this with one made out of stucco like the Church. Woodburn made the motion, seconded by Conner to give the Church an extension and to be heard at the July 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

7. 08-058-M Elena Velasquez Ortiz 908 Seminole Street

Whaley explained that the Ortiz's had just purchased this property. The case had been opened by Cpl Hill in 2006. The house was in really bad disrepair because of the hurricanes, which had actually ripped off the front porch. When the Ortiz's purchased the house, they were not aware that there were any open cases with fines already in place on the property. There is no lien filed yet, but they are incurring \$200.00 a day and are up to about \$9,000.00 in fines. Since they bought the house, they have replaced the rotten wood, put new doors in, fixed the windows that were broken, patched the roof that was messed up and cleaned up the yard. Mr. Ortiz was working on the interior of the house when he got the letter to come before the Board. He needs to put skirting on and paint the house. Mr. Ortiz is asking that the Board dismiss the fines that were incurred by the previous owner, F M S & J Services and zero out the fines before a lien is attached because, Whaley stated, we are at the point now where we have to file invoices for the liens. He is also asking for a time extension to finish what he needs to get done. Waldron stated that the culprits are the previous owners, not these people. Notar asked if we have recourse against the previous owners, to which Waldron stated that he didn't think we do. Ables stated that they do, if they can find them. Whaley stated that the corporation has filed bankruptcy since then. When Waldron asked how the Board goes about giving them a continuance because they are doing what's right, doing what Code Enforcement is asking them to do and he doesn't think that they should be held liable. Ables stated that the Board has the authority to reduce or even eliminate fines. There was discussion about giving the Ortiz's a continuance now and work on the legal part at the next meeting. Woodburn

made the motion, seconded by Notar to continue and hear the case at the July 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

8. 09-034-M Rodolfo Lopez 310 S 10th Avenue

Raul Juarez spoke for Mr. Lopez because of his lack of English. Bergens explained that Mr. Lopez had cleaned up the yard and the lot, so these violations are closed. Notar asked if Mr. Lopez has done any of the maintenance. Mr. Juarez explained that Mr. Lopez is low on money and has gone to the bank for a loan and is now waiting on an answer from them. Waldron asked if Mr. Lopez felt that a 60-day extension would be enough and the answer was, yes. Woodburn made the motion, seconded by Notar to give Mr. Lopez a continuation and be heard at the July 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

9. 08-102-M Leslie & Ralton Albritton Jr 412 N 7th Avenue

Bergens explained that this was originally Cpl Hill's case and was opened June 16, 2008. As of Friday, nothing much has been done. Bergens stated that Mr. Albritton had called and said that he was pressure washing the house and noticed some of the boards were rotten. He was supposed to have come to the previous meeting, but his wife had to have surgery and they could not be there, so it was extended until tonight. Mr. Albritton stated that the house has been pressure washed one time and needs to be scraped, but he has come to the conclusion that he is not sure whether he wants to paint it, put siding on it or have it stuccoed. He stated that this is his primary residence and wants to do whatever for the long run. He also wants to replace windows. He stated that he needs to get funds together. Waldron asked him how long he needs to make the decision and then correct it. Mr. Albritton wanted 180 days or until the first of November. Notar wanted Albritton to update the Board after 90 days. Albritton stated that he wanted until the first of November because that will get us through the rainy season and hurricane season. Notar stated that as long as he lets the Code Enforcement Officers know what is going on in 90 days, if he needs another extension we can always go from there. Notar made the motion, seconded by Woodburn to continue the case to be heard at the August 24, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

10. 09-031-M Mirella Rodriquez 609 N 8th Avenue

Whaley stated that this case was opened for nuisance accumulation and maintenance, but the nuisance accumulation has been closed. As far as the maintenance is concerned, they have painted the house. There still needs to be work done on the supports holding the roof up and the roof. Mrs. Rodriquez's son explained that he lives out of state and will be here for two weeks. He stated that she is requesting a 60-day extension. He stated that he would get with the Code Enforcement Officers and explain to his mother what needs to be done. Notar made the motion, seconded by Conner to continue the case to be heard at the July 27, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

11. 09-064-M Gray and Belva Vance 218 N 9th Avenue

Whaley explained that both of the Vance's had had some kind of surgery. Someone drove them to the office and they requested a 60-day extension to become compliant. Conner made the motion, seconded by Notar that this case be continued and heard at the June 22, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

12. 09-083-L Lexan Investment LLC Vacant Lot – N 8th Avenue

Ables swore-in Erica Scheipsmeir who is part owner of lot. Whaley explained that this is a vacant lot that is located between two developed lots and is across the street from Oak Street Park. We have received numerous complaints against the lot because it has people that are sleeping in it and leaving lots of garbage. The homeless people that are living there are going over and using the restroom in the neighbor's yard. They have just built a brand new house there this year. The people are peeing in their potted plants in the front yard. They are leaving toilet paper there, also. They are also having trouble with kids that are meeting there to fight. Mrs. Scheipsmeir stated that they had bought this property about two years ago. She stated that she had received a call from a lady asking why they had not cleaned the lot up and she called the City and was not sure who she talked to, but was told that since it was an unimproved lot that she was not required to improve it. Mrs. Scheipsmeir stated that she didn't think there were as many problems back then as now with the lot. They are trying to sell the lot, but so far do not have a contract on it. She stated that she doesn't have a problem going in and cleaning up the trash. She stated that she understands that it is causing a nuisance for the neighbors, but she does need some clarification on what is going to be required for them to do. She stated that there is only a small section that you can even walk on because it is so thick with brush and that there is only one small space that you can walk in to. She stated that she doesn't really want to go in and clean up the entire lot because they can't put any more money into the lot because of the substantial expense it will cost. She stated that thankfully, we have gotten really busy at our business and the staff hasn't had time to get there and figure what we are going to clear out. She stated that she didn't know how much the Board would expect them to clean out because of the expense. Whaley stated that she had talked to the Community Development Director, Olivia Minshew, and asked her if anyone in the office had told Mrs. Scheipsmeir that it didn't need to be improved because of it being an unimproved lot and the answer was no. Whaley stated that she had also contacted the previous City Administrator who had been over this department and he stated that neither he nor his staff would have told anyone that. The Land Use Development states that the lot has to be cleared of all but the trees when it is next to a developed lot. Mrs. Scheipsmeir stated that it was definitely not Susie or Olivia that told her that because she knows both of them. She doesn't know whom she had spoken to, but she had been told that since it was an unimproved lot that it did not need to be cleared. She stated that she understands that there is a nuisance and she understands that there are homeless people in our town. She stated that a City Official had told her, that the homeless go and shut off the irrigation because they sleep on the benches at the City Park. She stated that it is not only because they are living on this lot, that they are in this area. She stated that she feels if they put up No Trespassing signs and clean up the trash, that it is not her and her husband's responsibility, if the homeless are going on the neighbor's property. She stated that she will do whatever the Board tells them to do, but it will be a huge expense to them. She stated that it is so thick that you can't even see the house on the other side. Bergens stated that some of the neighbors' complaints, including the RMCA and people at the park, were that because of all the thickness they can't see if kids are over there playing or if someone grabs a kid and pulls them in there, what are they going to do to them? Whaley stated that there is trash on all four sides of the lot. Whaley stated that the City police have been called out four times because of people in the brush. Scheipsmeir stated that she felt it was not her responsibility if she put up signs and people were trespassing; it's no different from anybody else's property. Woodburn stated that it needs to be cleaned up. Notar asked Scheipsmeir if she had addressed the homeless issue with the police department. She stated, no, because until she got the first letter, she was not aware of it. She stated that she will definitely go and talk to them if she needs to do that. Notar stated that he thinks that is the first step that needs to happen, secondly, that the trash needs to be cleaned up and third, he stated that the thick underbrush is creating a nuisance. Notar stated that he thinks that is part of the problem with the homeless and the kids going in there. He stated that this could be a good project for a group, such as the Boy Scouts. He stated to Scheipsmeir that there are options to go with. Notar stated that he knows they are busy. Scheipsmeir stated that it has really just been in the last few months...it's our staff and it's not so much...this has been on their schedule and I kept telling them that we need to get down there and at least start and it hasn't

happened. She stated that she would really like an extension at least for the trash part of it. Notar wants to continue this for one month and in that time; he suggests that she start exploring some of the different avenues. Notar stated that he wants her to at least address the problem and make some progress and the Board will work with her. Woodburn made the motion, seconded by Notar that this case be continued and heard at the June 22, 2009, meeting. Gibbs polled the Board. All were in favor. Motion carried.

13. 08-221-F, M Staton Inc 606 S 10th Avenue

Whaley stated that this case is compliant. She stated that this had been the Livingston property and Mr. Staton had bought it and brought it into compliance.

New Business:

Dawn Atkinson-Jones stated that she is with a non-profit organization called the Hardee County Youth Coalition in conjunction with other organizations that she is involved with in the community. She stated that they are interested in trying to build a relationship with the Code Enforcement Board. She stated that one of things that they do is work with the County, the Probation Officers, for both youth and adults, and sometimes they are handed projects from different people to help them with their community service hours. We are originally derived from the Department of Juvenile Justice. It was the Juvenile Justice Board and we have reformed it as the Hardee Co Youth Coalition. We are interested with cases like with Mrs. Scheipsmeir who has a huge problem on her hands. We might have some people come through us that are assigned to get some community service hours done and we might be able to help out with situations like hers. We also have a faith-based section to the Youth Coalition where we actually have community service days that we do. They have been really successful. We are not sure how all of this will work, but I wanted to bring this to your attention that we are here and available. Woodburn asked Ables if we could recommend people and Ables answered probably through the Officers. Whaley stated that they had already been told, no, they couldn't. Ables told Atkinson-Jones that if they wanted to have someone attend the Board meetings they could talk to the people that needed and wanted this help.

Being no further business, the meeting was adjourned.

Susie Gibbs
Code Enforcement Secretary