

**Code Enforcement Board
City of Wauchula
Minutes 01/25/2010**

The Wauchula Code Enforcement Board met Monday, January 25, 2010 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 Vice-chairman Frank Notar. Patricia Clark was absent. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, and Secretary/Clerk Susie Gibbs and people in the audience.

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

Woodburn made the motion, seconded by Notar to accept the minutes from the December 28, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

Discussion – Donnie Selph wanted to discuss items that he had been written up for that are in his yard at 302 Diana Avenue. The discussion is about the status of his violations. There was discussion about disposing of or storing the items in his yard and dismissing the fines after the property becomes compliant.

CASES

09-198-M – Andres Sevilla & Marcela Mojica – 909 Louisiana St – Mr. Sevilla was present. Irene Braddock, Customer Service Clerk for the City of Wauchula, was present to interpret for Mr. Sevilla. CEO Whaley testified that this is an extension and that he had done some of the work, but had been given some wrong items at the hardware store. CEO Bergens testified that about 65% of the work has been done and explained what still needs to be done. After Mrs. Braddock interpreted, in Spanish, Mr. Sevilla was asked how much more time he needed to become compliant. Mrs. Braddock testified that he stated, a month, so a motion was made. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-198-M, Andres Sevilla & Marcela Mojica** to be heard at the March 22, 2010 Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-107-M – Pedro & Teresa Granda – 218 N 2nd Ave – The defendants were not present. CEO Whaley testified that this is a continuance to see what the Hardee County Community Redevelopment Council is going to do. She testified that she had talked to Shelley Massey and said that they do have enough money to demolish the house and build the Granda’s a new one. Notar asked if they could table any motion until a future time. “I move that the City of Wauchula Code Enforcement Board table **Case #09-107-M, Pedro & Teresa Granda.**” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-117-M – Juan & Carmen Salazar – 588 MLK Jr Ave – The defendant was not present. CEO Whaley testified that Mrs. Salazar is applying for a Hardee County Community Redevelopment Grant. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-117-M, Juan & Carmen Salazar** to be heard at the April 26, 2010 Code Enforcement Board meeting.”

Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-128-NA-vehicle – Jose Rivera Jr – 609 W Bay St – The defendant was not present. CEO Whaley testified that this is a case that has been on going since July 2009. CEO Whaley testified that Mrs. Rivera had come last month and said that they were going to file for storage liens and that she would provide us with copies of the documentation. They bought this vehicle without a title and were never given one. We have not heard from her since last month’s meeting. After further discussion about what to do regarding the vehicle and how to obtain the documentation, a motion was made. “In **Case # 09-128-NA-vehicle**, I move that the City of Wauchula Code Enforcement Board find Jose Rivera Jr, guilty of violating **City Code, Chapter 11, Article III, Section 11-56, Nuisance Accumulations on Private Property** and that he correct said violation, all of which is more particularly described in the CEO’s testimony received by the Board as evidence in this hearing, and that said correction be completed on or before February 15, 2010. If the violator does not comply with this order on or before that day, then in that event, the Code Enforcement Officers are authorized to abate said vehicle.” Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-136-M – Victory Investments – 217-221 E Main St – Gary Delatorre, owner was present. CEO Whaley testified that this case has been ongoing for a couple of years. Mr. Delatorre has been working on the building and wants to restore it to the historic value that they deserve. Delatorre testified that he had secured within the last couple of weeks because someone had been staying in there. Delatorre testified that they would keep working on the building, which is a sound structure, which has a new roof. There was discussion at the last meeting he attended about boarding up the windows, but he felt like it would look better to go ahead and change out the broken windows. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-136-M, Victory Investments** to be heard at the June 28, 2010 Code Enforcement Board meeting.”

Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-173-M – Mary Lou Hernandez – 310 Heard Bridge Road – The defendant was not present. CEO Whaley explained that they have done some work, but not all. We have mailed notices to her and posted the house, but there has been no communication from Mrs. Hernandez or her family members, that are living there also, since September of 2009. “In **Case # 09-173-M**, I move that the City of Wauchula Code Enforcement Board find **Mary Lou Hernandez**, guilty of violating **Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, and that she correct said violation, all of which is more particularly described in the CEO’s testimony received by the Board as evidence in this hearing, and that said correction be completed on or before February 15, 2010. If the violator does not comply with this order on or before that day, then in that event they are ordered to pay a fine of \$150.00 per day for each and every day the violation continues past the date set for compliance, but not more than 90 days. After three months from the filing of any lien which remains unpaid or is not in compliance, the City of Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien.” Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-173-NA – Mary Lou Hernandez – 310 Heard Bridge Road – The defendant was not present. “In **Case # 09-173-NA**, I move that the City of Wauchula Code Enforcement Board

find **Mary Lou Hernandez**, guilty of violating **Chapter 11, Article III, Nuisance Accumulations on Private Property**, and that she correct said violation, all of which is more particularly described in the CEO's testimony received by the Board as evidence in this hearing, and that said correction be completed on or before February 15, 2010. If the violator does not comply with this order on or before that day, then in that event they are ordered to pay a fine of \$150.00 per day for each and every day the violation continues past the date set for compliance, but not more than 90 days. After three months from the filing of any lien which remains unpaid or is not in compliance, the City of Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-173-F – Mary Lou Hernandez – 310 Heard Bridge Road - The defendant was not present. When asked, CEO Bergens testified that there has been no contact from the defendant. "In **Case # 09-173-F**, I move that the City of Wauchula Code Enforcement Board find **Mary Lou Hernandez**, guilty of violating **Unified Land Development Code Article 3, Section 3.02.05, Blocks-Yards-Lots-Fences**, and that she correct said violation, all of which is more particularly described in the CEO's testimony received by the Board as evidence in this hearing, and that said correction be completed on or before February 15, 2010. If the violator does not comply with this order on or before that day, then in that event they are ordered to pay a fine of \$150.00 per day for each and every day the violation continues past the date set for compliance, but not more than 90 days. After three months from the filing of any lien which remains unpaid or is not in compliance, the City of Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-173-L – Mary Lou Hernandez – 310 Heard Bridge Road – The defendant was not present. "In **Case # 09-173-L**, I move that the City of Wauchula Code Enforcement Board find **Mary Lou Hernandez**, guilty of violating **Chapter 11, Article II, Lot Maintenance**, and that she correct said violation, all of which is more particularly described in the CEO's testimony received by the Board as evidence in this hearing, and that said correction be completed on or before February 15, 2010. If the violator does not comply with this order on or before that day, then in that event they are ordered to pay a fine of \$150.00 per day for each and every day the violation continues past the date set for compliance, but not more than 90 days. After three months from the filing of any lien which remains unpaid or is not in compliance, the City of Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-181-M – Gabriel Arguelles Jr – 318 N 4th Ave – The defendant is not present. CEO Whaley testified that the defendant did call in today and that they had to go out of town and would like an extension. They have done some work, but money is tight and getting hiring someone to do the work is costly. CEO Bergens testified that they had tried to paint the shed, but the paint was the wrong kind and did not stick. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-181-M, Gabriel Arguelles Jr**, to be heard at the February 22, 2010 Code Enforcement Board meeting."

09-199-M – James & Judith A Murphy – 321 Pennsylvania Ave – Mrs. Murphy and her son were present. CEO Whaley testified that the defendant, James Murphy, has an illness and had been working to become compliant. Mr. Murphy has had to stop working because of his health. Mrs. Murphy testified that vinyl siding is on the outside and some needs to be replaced. Both of the CEOs asked that the Murphy's be given more time because of dealing with Mr. Murphy's

illness. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-199-M, James & Judith A Murphy**, to be heard at the July 26, 2010 Code Enforcement Board meeting.”

09-199-L – James & Judith A Murphy – 321 Pennsylvania Ave – Mrs. Murphy and her son were present. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-199-L, James & Judith A Murphy**, to be heard at the July 26, 2010 Code Enforcement Board meeting.”

OLD/NEW BUSINESS

Attorney Ables asked the Board to give the Code Enforcement Officers an opportunity to give testimony on each case, if multiple cases on an owner, before making a motion so that the testimonies can be recorded in the minutes.

There was discussion about the Chairman’s term being up. CEO Bergens commended Mr. Waldron on doing a great job.

ADJOURN

Susie Gibbs, Secretary/Clerk
Code Enforcement Board