

**Code Enforcement Board  
City of Wauchula  
Minutes 02/22/2010**

The Wauchula Code Enforcement Board met Monday, February 22, 2010 at 5:30 P.M.

After the Pledge of Allegiance, Secretary Gibbs called roll with the following members present: Chairman Gerald Waldron, Patricia Clark, John Woodburn, and Vice-chairman Frank Notar. Sue Conner 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 Clark to accept the minutes from the January 25, 2010 meeting. Gibbs polled the Board. All were in favor. Motion carried.

The Board held an election for Chairman and Vice-Chairman. Notar made the motion, seconded by Clark to nominate Woodburn as Chairman. Gibbs polled the Board. All were in favor. Motion carried. Clark made the motion, seconded by Waldron to nominate Notar as Vice-Chairman. Gibbs polled the Board. All were in favor. Motion carried.

**Discussion** – Pedro Granda was present. Granda testified that the county is going to demolish the old house and build his wife a new one, but that is being held up because the Planning and Zoning office will not do a sign-off until the Board makes the decision to continue with the maintenance case because of the Grandas not removing a semi-trailer that is being used for storage, which is a nuisance violation against code regulations. Granda testified that the maintenance case couldn't be remedied because of the nuisance case. CEO Whaley testified that there are two separate cases, maintenance and nuisance accumulation under the same parcel ID. Mr. Granda has not made any effort to clean up the nuisance accumulation, which is the trailer. Hardee County Office of Community Development has agreed to tear down the house. He has applied for a demolition permit, with the plans still to be reviewed; which is part of the process, but he needs to address the Board to find out if it is the Board's wishes to go ahead with the permit while the other case is still there with no effort made to remove it. Notar stated that the nuisance case has already been found guilty, this a completely different case from the house and Granda is making an effort to correct one of the cases and he doesn't see why the Board should stand in his way to get that case corrected. Ables stated that it is the same property and he has researched the issue both in the Florida Statutes and the City's codes. He stated that there is not anything specific addressing this issue, so it is the Board's decision at their discretion. Notar asked if the county's Community Development is doing anything else besides the demolition and rebuilding and Granda testified, yes, he has already talked to Shell Massey about putting a pod there. He testified that several conversations, mostly with Jerry Conerly, City Commissioner, has been that the City is going to have someone come in, tear the trailer down, haul it off for junk and leave him a bare lot. He testified that he has not heard anything back from the City since then. Notar asked him if it was the City or County and Granda testified that it was supposed to be the City. He testified that he agreed with Jerry that he would do that, what difference it makes whether it is his trailer or pod he doesn't have no idea; however, he agreed to that, but has not heard anything back. Who they are sending, when, what, he has no idea. He testified that he doesn't even have to move the stuff out of his trailer into the pod; the demolition people are

going to do that. Notar asked if any word from anyone has gotten out and the CEOs stated, no. CEO Bergens testified that it was mentioned to Mr. Conerly that the City could go and demo the trailer as abatement, but nothing else has been discussed. Granada testified that that is not what Jerry Conerly told him. Ables stated that he understands that Mr. Granda is under oath, but he has testified before about other things that Mr. Conerly has said, that Mr. Conerly stated that he did not say, so he has a concern about that. Notar stated that he doesn't think that the Board should stand in the way of the permit and that if they do they are just standing in the way of fixing one of the problems. Woodburn asked if anyone else had anything to add and CEO Bergens asked Granda if he and Mr. Conerly had signed anything stating that the pod was only a temporary one and not a permanent fixture? Granda testified that, no, he had not signed anything nor heard absolutely nothing from the City. He has talked to Conerly and to Connie Spieth which both were in agreement with the same story. Ables stated that this has not been discussed at any Workshop or Commission meeting. Granda testified that Jerry was down here Friday afternoon talking with Olivia, Community Development Director, and I don't know who else was here. Clark asked if he was saying that part of the demolition was for the trailer also and Granda testified that, no, no, Community Development is going to tear the house down. He testified that he is working on one thing at a time. He testified that he can and will move the trailer, but he can't do everything at once and he is not financially able to just hire a crew to come in and move it. Woodburn asked if the trailer is full and Granda testified that he has located all the stuff that was in the house to the trailer. Granda stated that he guessed if he moved it out of there and put the stuff under the patio, he would be written up for another violation, so what else is he supposed to do with it, he has no idea. Waldron asked if the time constraint on the trailer is still ongoing and the CEOs answered, no, that the invoice had gone out today. Waldron asked Granda if he understood that that would have no bearing on this; to which Granda stated, yes. Clark made the motion to allow the sign-off for a permit to take care of one of problems and let the other be ongoing. There was discussion about giving permission to let the sign-off be given to let the house be demolished and a new house built and the trailer being left there indefinitely for storage of the house contents. There was discussion about Granda signing an agreement to remove the trailer after the house was built. Granda stated that he would agree to signing an agreement and testified that after the house is complete the trailer will be gone in 90 days or less. CEO Bergens asked about when we would do the sign-off and it was agreed that both the sign-off and agreement would be signed at the same time. Ables stated that he would have an agreement written up. There was discussion about giving Granda 90 days from the date that the Certificate of Occupancy is written for the trailer to be removed. Notar made the motion, seconded by Waldron to direct the Code Enforcement Officers to sign off on the demolition and also direct the City attorney, Mr. Ables, to draft a legally binding contract between Mr. Granda and the City of Wauchula which states that he has 90 days from receipt of the Certificate of Occupancy to remove the trailer and that the sign-off be signed simultaneously between the Code Enforcement Officers and Mr. Granda. Gibbs polled the Board. All were in favor. Motion carried.

## **CASES**

**09-217-M – JoAnn & Wilbur Cobb Jr. – 703 Pennsylvania Ave** – Mr. Cobb was present. CEO Whaley testified that Mr. Cobb has a shed that he has attached to the fence and has a roof hanging over into the adjoining property which is of a height that is dangerous to people walking by, it was built without a City sign-off or permits to the best of our knowledge, and it does not meet zoning regulations. She testified that Mr. Cobb has been waiting on a call from the Mayor and that the CEOs had received a call from the Mayor to find out what is going on. The Mayor asked that Mr. Cobb be told that he is sorry for not getting back with him and that Mr. Cobb be given more time to come into compliance. There is also a temporary canvas covered carport in

the front of the property that is not in compliance with the regulations. Cobb explained about the carport and shed. He stated that he did not like the way things were being done notifying people and he questioned the experience of the CEO and that he was not the only person not in compliance with regulations. CEO Whaley testified that they have an inspection report from the previous building official that the shed is not safe and is dilapidated. Mr. Cobb denied this. After a heated discussion, a motion was made. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-217-M, JoAnn & Wilbur Cobb Jr.** to be heard at the March 22, 2010 Code Enforcement Board meeting." Notar made the motion, seconded by Clark Gibbs polled the Board. All were in favor. Motion carried.

**09-140-M – Stanley Webb – 509 Heard Bridge Road** – The defendant was not present. CEO Whaley explained that Mr. Webb had had a stroke and his son, who is working out of state, is doing the repairs when he is in town. CEO Bergens testified that the renter has also done some of the work. CEO Whaley testified that there had been four cases on this property and the son had already become compliant on three. The CEOs are asking for an extension on this case. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-140-M, Stanley Webb** to be heard at the April 26, 2010 Code Enforcement Board meeting." Clark made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried.

**09-164-NA – Jessica Shoop & Others – 810 Louisiana St** – Ms. Shoop was present. CEO Whaley explained that Ms. Shoop had inherited this property from her mother's estate and this is a continuance from November of 2009. She and her husband have done a lot of work, but there are still some things to be done. Ms. Shoop asked for an extension. CEO Whaley testified that the CEOs were going to meet with Ms. Shoop and point out what more needs to be done. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-164-NA, Jessica Shoop & Others** to be heard at the April 26, 2010 Code Enforcement Board meeting." Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-164-M – Jessica Shoop & Others – 810 Louisiana St** – Ms. Shoop was present. CEO Whaley explained that Ms. Shoop had inherited this property from her mother's estate and this is a continuance. CEO Bergens testified that Ms. Shoop has done a lot of work on the house. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-164-M, Jessica Shoop & Others** to be heard at the April 26, 2010 Code Enforcement Board meeting." Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-181-M – Gabriel Arguelles Jr – 318 N 4<sup>th</sup> Ave** – The defendant was not present. CEO Whaley testified that the defendant did call in today and stated that they were finished, but would like an extension until the next meeting so that the CEOs could go and inspect the property. "I move that the City of Wauchula Code Enforcement Board continue **Case #09-181-M, Gabriel Arguelles Jr,** to be heard at the March 22, 2010 Code Enforcement Board meeting." Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**07-194-M – Brian & Betty Larimer – 508 S 7<sup>th</sup> Ave** – The defendant was present. CEO Whaley explained that Mr. Larimer's wife had had to have emergency surgery and he had also been sick, but had done about 75% of the work. Mr. Larimer asked for a sixty-day extension. "I move that the City of Wauchula Code Enforcement Board continue **Case #07-194-M, Brian & Betty Larimer,** to be heard at the April 26, 2010 Code Enforcement Board meeting." Waldron

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

**07-194-L – Brian & Betty Larimer – 508 S 7<sup>th</sup> Ave** – The defendant was present. CEO Whaley testified that Mr. Larimer has been working on the house and shed and has not had time to work on the lot yet. He has removed several cars, but there is a large job to do on the lot. Mr. Larimer is keeping the immediate lot and weeds mowed, but he is doing the larger part a little at a time. “I move that the City of Wauchula Code Enforcement Board continue **Case #07-194-L, Brian & Betty Larimer**, to be heard at the June 28, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**09-209-M – Bette B Cortez & Debra Cortez – 801 S 10<sup>th</sup> Ave** – The defendants were not present. CEO Bergens testified that Ms. Cortez had called and stated that she had cleaned the mold away, but it had come back. After discussion about why the Cortez’s did not attend the meeting and her cleaning the mold away again, a motion was made. “In **Case # 09-209-M**, I move that the City of Wauchula Code Enforcement Board find **Bette B Cortez & Debra Cortez**, guilty of violating **City Code, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards** and that they 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 March 15, 2010. If the violators do 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 Waldron. Gibbs polled the Board. All were in favor. Motion carried.

**09-209-L – Bette B Cortez & Debra Cortez – 801 S 10<sup>th</sup> Ave** – The defendants were not present. CEO Bergens testified that at the time they opened the case, in October 2009, there were trash bags thrown into the back yard. As of the 19<sup>th</sup> there are still bags in the back yard. Whether they are the same ones or new ones, we don’t know. “In **Case # 09-209-L**, I move that the City of Wauchula Code Enforcement Board find **Bette B Cortez & Debra Cortez**, guilty of violating **City Code, Chapter II, Article II, Lot Maintenance** and that they 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 March 15, 2010. If the violators do 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 Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-161-M – Juan G Martinez – 712 N 9<sup>th</sup> Ave** – The defendant was not present. CEO Whaley testified that this is a continuance from October 2009. This is a single woman raising a disabled grandson. She told us that when she received her tax refund, that she would do the repairs and needs an extension. There were four cases open and she has become compliant with three of them. She and her husband are separated and she is taking responsibility for the violations to be

fixed. The shed needs quite a bit of work. She has taken care of the repairs to the house. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-161-M, Juan G Martínez**, to be heard at the May 24, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**09-224-M – Robert Lopez – 367 E Eason Dr** – The defendant was not present. CEO Whaley testified that Mr. Lopez called and let them know that he has pressure washed, but would have to get help to paint the upper part of the townhouse. He would like an extension. CEO Bergens testified that he has done about 75% of the work and will need about 60 days to finish the work because of doing shift work. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-224-M, Robert Lopez**, to be heard at the April 26, 2010 Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-224-L – Robert Lopez – 367 E Eason Dr** – The defendant was not present. CEO Whaley testified that Mr. Lopez called about this violation and the one for maintenance. He would like an extension. CEO Bergens testified that he has a few things that still need to be done. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-224-L, Robert Lopez**, to be heard at the April 26, 2010 Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

### **Request For Fine Removal**

**09-131-M – A Kay McClelland – 202 S 8<sup>th</sup> Ave – Invoice # 2799** – Mrs. McClelland and her husband Gerald were present. CEO Whaley testified that the house was damaged by the hurricanes. The McClellands have had health problems. Their plans are to tear the house down and have it rebuilt if they can get a grant from the Hardee Co Community Development. Clark asked if they were living in the house and the answer was no. Waldron stated that he felt it would be premature to for the Board to make a decision until a decision was made on what to do with the house. Mrs. McClelland was asked if she had talked to the county and she replied, no, but it was their desire to get rid of the house. She stated that her husband had talked to the Fire Chief about burning it for training, but he hadn’t gotten back with them. Notar asked if there was a lien on the property. Cliff stated that it was scheduled for a lien to be approved tonight. After further discussion, it was decided to table the matter for a later time. “In **Case # 09-131-M – A Kay McClelland – 202 S 8<sup>th</sup> Ave – Invoice # 2799**, I make a motion to table this current case.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-116-M – Haysar Admad & Rafik Ahmad Abdelhalin – 1168 Downing Circle – Invoice #2782** – The defendants were present. CEO Whaley testified that this is for an invoice that is to be voted on later. Mr. Ahmad came in and talked to them after he was sent an invoice. Mr. Ahmad was overseas when we started this case and he has worked on the property. We did get the certified letters back, but were signed by young children that were in the house. He is asking that the fines be removed. Notar stated that, like Mr. Waldron stated in the previous case, it is premature to deal with the fines until he is compliant and we should table the case until then. Mr. Ahmad testified that his uncle had gotten the notice and he didn’t get it until after a month. He has completely cleaned the mobile home, but the mold has come back. CEO Bergens testified that she is not sure if that is a stain or not, but when they opened this case, the renters had left the place in bad shape. “In **Case # 09-116- M – Haysar Admad & Rafik Ahmad Abdelhalin – 1168 Downing Circle – Invoice #2782**, I make a motion to table this matter.”

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

**09-110-M – Salvador DeLoera – 518-520 W Main St – Invoice # 2780** – The defendant was present. CEO Whaley testified that Mr. DeLoera had hired a man to do the repairs for him and that he had partially did the repairs and gave Mr. DeLoera the understanding that that was all he needed to do and that we couldn't enforce anymore and left it at that. Mr. DeLoera was aware that he had more to do and came in to meet with us. He wanted to know what else he needed to do. He wants to restore the apartments to what they were and has also hired a manager to manage them and keep them nice. He is requesting more time and for us not to impose the lien. Waldron stated until it is in compliance, the Board needs to table the case. “In Case # **09-110-M – Salvador DeLoera – 518-520 W Main St – Invoice # 2780**, I make a motion to table this matter.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

### **Permission To Proceed With Liens**

**06-152-M – G06W05717 – Carl Douglas – 604 S 8<sup>th</sup> Ave** – The defendant was not present. CEO Whaley testified that we have a lien that we can impose for an amount of \$4,500.00. This case has been ongoing and was found guilty October 22, 2007. Mr. Douglas has made no effort to contact Code Enforcement. This is a rental property, so CEO Whaley testified that it could be foreclosed on. Ables stated that the Statutes requires that the owner be given notice that the Board is now going to impose a lien because they have not complied nor have they paid the fine. He stated that the Board is authorizing the CEOs to record a lien against this property. Notar asked what the G06W05717 was and CEO Whaley stated that this case had started when the Wauchula Police Department was in charge of Code Enforcement and was just now being completed. “I make a motion to file the lien on **06-152-M.**” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**06-152-F – G06W05717 – Carl Douglas – 604 S 8<sup>th</sup> Ave** – The defendant was not present. CEO Whaley testified that this lien is in the amount of \$4,500.00. Whaley testified that nothing has been done and the fine has not been paid. “I make a motion to file the lien against this property.” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried. The CEOs testified that the defendant had been sent a certified letter and the properties had been posted.

**07-108-M – G06W05717 – Carl Douglas – 604 S 8<sup>th</sup> Ave** – The defendant was not present. CEO Whaley testified that this lien is in the amount of \$9,000.00. Whaley testified that nothing has been done and the house has gotten worse. “I make a motion to file the lien against this property.” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**07-115-NA – 07W03599 – Ricardo Sosa – 340-342 MLK Jr Ave** – The defendant was present. CEO Whaley testified that this case was opened in 2007. The invoice was for \$13,500.00. Mr. Sosa came before the Board and asked that it be reduced, which it was reduced to \$511.64. No payments have been made. When the notice was served on Friday, Whaley testified that Mrs. Sosa stated that they had no information about this and had never been served. Notar stated that

since the fine had been reduced, someone had come before the Board. The CEOs stated that this is a duplex. When Waldron asked if anybody else would have come before the Board on this matter, Mr. Sosa stated that he had. He misunderstood about when he had to pay the amount. When asked how long he needed to pay the amount, he stated 30 days. “In Case # 07-115-NA, I make a motion that we direct the Code Enforcement Officers to delay filing this lien until March 31, 2010.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**08-038-M – CE08W01674 - Adela Chancey – 714 N 9<sup>th</sup> Ave** – Don Chancey, the defendant’s husband was present. CEO Whaley testified that this lien is for \$6,000.00. Mr. Chancey stated that his wife could not be there because of working. He stated that in 2007-08, that they had had a “perfect storm” scenario. Chancey stated that they had done some work on this building. They have been working with a lawyer against their insurance company because of them not wanting to pay the money for the hurricane damage. When the property was in a foreclosure process, they stopped working because he felt that if they were going to lose the property, they were not going to fix the house. They now have paid off all the debts and have only one mortgage. He stated that they wanted to fix the vinyl and then come to the Board to ask for removal or reduction of the fines. CEO Whaley asked Chancey if he had been to the house in the last couple of weeks and he stated that he had collected rent two weeks ago. He was shown pictures of the trash that had been there for a very long time. He stated that he would talk to the tenants about this. Chancey stated that he is not asking that the lien be waived, but just put off until he can get it resolved. Then he will be glad to come. “I make a motion that, in **Case #08-038-M – CE08W01674 - Adela Chancey – 714 N 9<sup>th</sup> Ave**, be tabled until he can get further information about his foreclosure.” Clark made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried.

**08-187-M – CE 08W04571 – Adela Chancey – 623 Green St** - Don Chancey, the defendant’s husband was present. CEO Whaley testified that this lien is for \$9,000.00. The violations on this property were all corrected, but one small border on the gable end. Chancey testified that he had to put a new roof on the house and when he put the air-conditioner in the front, it drains down, but he will take care of that. He stated that he is just asking for time to get the issues resolved. “I make a motion that, in **Case #08-187-M – CE08W04571 - Adela Chancey – 623 Green St**, be tabled.” Clark made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried.

**08-184-M – G08W04570 - Roxanne Rodriquez – 620 Green St** – Mr. Obregon, brother-in-law and resident of this address, was present. CEO Whaley testified that the lien for this property was in the amount of \$18,000.00. She testified that Mr. Obregon lives in the house and is assuming the mortgage for Ms. Rodriquez. He has done some work on the building, but there were quite a bit of issues for him to work on. Mr. Obregon testified that he is working on the house as he can because he works and also goes to school. The insurance has paid him some money from the hurricanes. There was discussion about him being to work on the house more when he finishes school in September. “I make a motion that, in **Case #08-184-M – CE08W04570 – Roxanne Rodriquez – 620 Green St**, be tabled until he has more time to work on it.” Clark made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried. Clark asked Obregon to let the CEOs know when he had made any kind of progress. Obregon agreed to do that.

Ables stated that the Code Enforcement Officers need to stay on the cases that are being tabled to make sure that they are making progress.

The last three cases on the agenda, **09-110-M, 09-116-M and 09-131-M**, had already been discussed at the beginning of the meeting and tabled until a later time.

### **OLD/NEW BUSINESS**

Attorney Ables stated that he had gone to a Sunshine Law seminar in Tallahassee and he wanted to let the Board know some things that he had learned. The requirement for notice of meetings is that it be a sufficient notice to enable those who may want to attend the meetings to know what they are about. He stated that he is going to send a letter to the City Manager and Commissioners to let them know. He stated that this Board's agenda will need to be published each month to let people know when, where and what is going to be brought before the Board in case someone wants to come and speak at the meeting. There was discussion about when to place the agenda in the newspaper. Woodburn thanked Waldron for serving as Chairman on the Board.

### **ADJOURN**

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Susie Gibbs, Secretary/Clerk  
Code Enforcement Board