

Code Enforcement Board Minutes
City of Wauchula
May 24, 2010

The Wauchula Code Enforcement Board met Monday, May 24, 2010 at 5:30 P.M.

After the Pledge of Allegiance, Secretary Gibbs called roll with the following members present: Chairman John Woodburn, Patricia Clark, Gerald Waldron, and Vice-chairman Frank Notar and Sue Conner. Woodburn declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, Joann Galipault and people in the audience.

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

Notar made the motion, seconded by Conner to accept the minutes with corrections from the April 26, 2010 meeting. Gibbs polled the Board. All were in favor. Motion carried.

CASES

09-003-M – Marilyn K Peterson – 320 Pennsylvania Ave – The defendant was not present. CEO Bergens testified that Ms. Peterson had called on May 21st and stated that she had been injured last December and has been out on Workman’s Comp and that she needs more time. As you can see she has done some work and is finished painting the front and one side of the house and the shed. Since it is such a big house, it is hard to do much with just one arm. CEO Bergens testified that on the day Ms. Peterson called, she stated that she had just been released to go back to work. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-003-M, Marilyn K Peterson** to be heard at the July 26, 2010 Code Enforcement Board meeting.” Conner made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

Attorney Ables told Chairman Woodburn that since the Board is sitting as a quasi-judicial body that each month he will ask before the actual agenda items begin if anyone has had any communication with anyone outside of this meeting about any case on the agenda. Vice-Chairman Notar stated that he had about four months ago at his place of employment. He and Mr. Cobb, a defendant tonight, had discussed what the Board had said the prior time that he, Cobb, had been before the Board. Notar stated that Cobb had asked questions about the Board and the extension that he had received, to which Notar explained. Ables stated that any communication outside of the meeting concerning the case had to be recorded. Conner asked Ables if someone asks them a hypothetical question, is it ok to discuss it with them. Ables stated that it only pertained to cases on the agenda for that night’s meeting.

09-161-M – Ricardo G Martinez – 712 N 9th Ave – The defendant was not present. CEO Whaley testified that this is a continuance. We have not heard from Mrs. Martinez since February. She is a single grandmother raising her grandson and the house was left to her to take care of. She is on a limited income and she had testified, in February, that she needed an extension until after she received her tax refund, but she has not repaired the shed or contacted the office. “In **Case # 09-161-M**, I move that the City of Wauchula Code Enforcement Board find **Ricardo G Martinez**, guilty of violating **City Code, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards** 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 June 21, 2010. If the violator does not comply with this order on or before that day, then in that event he is 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 wanted the CEOs to make sure this is not homesteaded property. There was discussion about the meaning of Homestead. Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-217-M – Joann & Wilbur Cobb Jr. – 703 Pennsylvania Ave – The defendants were present. CEO Whaley testified that this is an extension from March. She testified that Mr. Cobb had become compliant on his Lot Maintenance case and had received a closed letter. He called stating that he was under the impression that his case was closed and Whaley testified that she explained to him that the Maintenance Case was still open. There was discussion about the carport in the front of the house and the shed that was improperly built without a permit. There was discussion about Mr. Cobb needing to contact the Code Enforcement Officers and not other employees with the City for the proper regulations. After further discussion about what needed to be done, a decision 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 August 23, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

REQUEST FOR FINE REMOVAL – These two cases are being moved up, due to no more defendants being present and the attorney for these cases having to drive back to Miami tonight.

09-205-M – Deutsche Bank National Trust Co – 607 E Palmetto St – Joann Galipault, Attorney with Marshall Watson’s office, is present to represent this case. She testified that there is a new buyer for this property and they are asking for the fines to be removed. CEO Whaley testified that the fine for this case is for \$13,500.00. She testified that she had spoken with the new owners and they were told that if the property isn’t brought into compliance, a new case would be brought against them. “In **Case #09-205-M**, I move that the City of Wauchula Code Enforcement Board forgive the entire fine of \$13,500.00 of the fine imposed.” Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-205-L – Deutsche Bank National Trust Co – 607 E Palmetto St – Joann Galipault, Attorney with Marshall Watson’s office, is present to represent this case. She testified that there is a new buyer for this property and they are asking for the fines to be removed. CEO Whaley testified that the fine for this case is for \$13,500.00. She testified that she had spoken with the new owners and they were told that if the property isn’t brought into compliance, a new case would be brought against them. “In **Case #09-205-L**, I move that the City of Wauchula Code Enforcement Board forgive the entire fine of \$13,500.00 of the fine imposed.” Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

CASES – continued

09-221-UDB – Heirs of Mary Lois Revell – 125 E Townsend St – CEO Whaley testified that they are in the process of going through probate. The attorney had called on March 16th and that they have intentions of cleaning it up and selling it and he would start working on tearing down the other stuff and we would not see him back here again with the extension that we had given. The CEOs told what little else needed to be done and CEO Bergens stated that the lot had been kept mowed. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-221-UDB, Heirs of Mary Lois Revell** to be heard at the June 28, 2010 Code Enforcement Board

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

10-004-M – HSBC Bank USA Int’l Assn – 702 Louisiana St – The defendants were not present. CEO Whaley testified that she had talked to the handyman and the bank had only sent him \$35.75 and he was not going to do anything further for that amount of money. The CEOs stated that the Bank has been sent letters, but they have not heard anything from them. “In **Case #10-004-M**, I move that the City of Wauchula Code Enforcement Board find **HSBC Bank USA Int’l Assn**, 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 June 21, 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.

10-011-L – Robert Lee Jr & Hattie P Bryant – 303 W Eason Dr – The defendants were not present. CEO Whaley testified that this is a continuance from last month. Very little has been done and we have not heard from them since. “In **Case # 10-011-L**, I move that the City of Wauchula Code Enforcement Board find **Robert Lee Jr & Hattie P Bryant**, guilty of violating **City Code, Chapter 11, 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 June 21, 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.

10-011-M – Robert Lee Jr & Hattie P Bryant – 303 W Eason Dr – The defendants were not present. CEO Whaley testified that this is a continuance from last month. We have not heard from them since. “In **Case # 10-011-M**, I move that the City of Wauchula Code Enforcement Board find **Robert Lee Jr & Hattie P Bryant**, guilty of violating **City Code, Chapter 5, Article IV, Exterior Minimum 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 June 21, 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.” Clark made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried.

10-012-M – Robert Lee Jr & Hattie P Bryant – 305 W Eason Dr – The defendants were not present. CEO Whaley testified that this is a continuance from last month. We have not heard from them since. “In **Case # 10-012-M**, I move that the City of Wauchula Code Enforcement Board find **Robert Lee Jr & Hattie P Bryant**, guilty of violating **City Code, Chapter 5, Article IV, Exterior Minimum 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 June 21, 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." Conner made the motion, seconded by Waldron. Gibbs polled the Board. All were in favor. Motion carried.

REQUEST FOR FINE REMOVAL

09-140-M – Stanley Webb – 509 Heard Bridge Road - The defendant was not present. CEO Bergens testified that in last month's meeting, the Board found Mr. Webb guilty and we starting assessing fines. She testified that she had gotten a call from Mr. Webb's nurse and she stated that he was in the hospital. Bergens testified that she told the nurse that she could present the case to the Board and see if they would hold off on the fines. Notar stated that in his opinion and seeing results, no. The CEOs stated that the violation was getting worse. Ables stated that since the Code Enforcement Officers were the prosecuting officers, it was really not proper for them to bring a fine removal request on behalf of any defendants because you represent the City, the same as I represent the Board. It was stated that a follow-up letter would be sent to the defendant. Notar made the motion, seconded by Waldron to deny the request for fine removal on **Case #09-140-M – Stanley Webb – 509 Heard Bridge Road**. Gibbs polled the Board. All were in favor. Motion carried.

09-204-M – George M and Kimberly N Pierce – 618 Saunders St - The defendant was not present. CEO Whaley testified that this is a similar situation as the above case. It was stated that a follow-up letter would be sent to the defendant. After some discussion, Notar made the motion, seconded by Clark to deny the request for fine removal on **Case #09-204-M – George M and Kimberly N Pierce – 618 Saunders St**. Gibbs polled the Board. All were in favor. Motion carried.

09-204-L – George M and Kimberly N Pierce – 618 Saunders St - The same applies in this case as in the above case. Notar made the motion, seconded by Clark to deny the request for fine removal on **Case #09-204-L – George M and Kimberly N Pierce – 618 Saunders St**. Gibbs polled the Board. All were in favor. Motion carried.

LIENS TO BE FILED

Ables explained to the Board that these cases are going to be presented to them by the Code Enforcement Officers testifying that they are still not in compliance. The Board's duty is to approve the liens to be filed by the attorney.

07-095-UDB – Juan Ramon Gonzales – 325 Melendy St – The defendant was not present. CEO Whaley testified that all required notices have been sent and posted. She testified that they have not heard from anyone and the notices have been returned. Notar made the motion, seconded by Clark to approve the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-146-M – J Rodriguez and G Valdiviez – 405 Tulane Ave – The defendants were not present. CEO Whaley testified that all required notices have been sent and posted. She testified that Ms. Valdiviez had come before the Board and gotten a reduction of the fines, but she came in Monday stating that she didn't have the money to pay the fines and was going out of state to

work. CEO Bergens testified that this is a repeat. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-146-L – J Rodriguez and G Valdiviez – 405 Tulane Ave – The defendants were not present. The same applies in this case as in the above case. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-146-NA – J Rodriguez and G Valdiviez – 405 Tulane Ave – The defendants were not present. The same applies to this case as in the above case. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-216-L – Heirs of Edmund A Makowski – 210 N Florida Avenue – The defendants were not present. CEO Whaley testified that they had made contact one time and the defendants have not done anything. She testified when they were invoiced, the person stated that it would cost too much money and to do what we had to do. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-216-NA – Heirs of Edmund A Makowski – 210 N Florida Avenue – The defendants were not present. The same applies to this case as in the above case. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

09-216-UDB – Heirs of Edmund A Makowski – 210 N Florida Avenue – The defendants were not present. The same applies to this case as in the above case. Notar made the motion, seconded by Waldron to impose the lien. Gibbs polled the Board. All were in favor. Motion carried.

OLD/NEW Business

CEO Whaley wanted to get clarification on some of the cases that the Board had tabled for lien imposition a few months ago. What does it mean by tabling, because in every instance, they have gotten worse and one has even become a hazard to the people around it. Notar stated that they should be represented to the Board. Notar stated that when you table something, you come back to it where it was before it was tabled. It has been three months and when the Board tables something, we don't know for how long. Ables stated that when something is tabled, it should be brought back the next month and see if the Board wants to make a decision then.

Notar stated that being a quasi-judicial board that he did not like the foolishness going on and he would like to tender his resignation.

Gibbs asked if there was a difference between saying approve and impose when it came to making the motions concerning liens and was told, no.

Being no further business, the meeting was adjourned.

Susie Gibbs, Secretary/Clerk

