

**Code Enforcement Board Minutes**  
**City of Wauchula**  
**June 28, 2010**

The Wauchula Code Enforcement Board met Monday, June 28, 2010 at 5:30 P.M.

After the Pledge of Allegiance, Secretary Gibbs called roll with the following members present: Patricia Clark, Gerald Waldron, and Sue Conner. Due to the Chairman being absent and not having a Vice-Chairman at the time, Clark made the motion, seconded by Conner to appoint Waldron as the temporary Chairman for the night. Gibbs polled the board. All were in favor. Motion carried. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, Don Chancey, Kay and Gerald McClelland, Gary Delatorre and Joey Alnendarez.

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

Clark made the motion, seconded by Conner to accept the minutes from the May 24, 2010 meeting. Gibbs polled the Board. All were in favor. Motion carried.

**08-038-M - Adela Chancey - 714 N 9<sup>th</sup> Ave** – Don Chancey was present. CEO Whaley testified that this had been a tabled case and that the Chanceys are in an insurance dispute on this property. Chancey testified that he had done everything that the City wanted, but the painting. He testified that within 30-45 days they should have resolution with the insurance company and that he is asking for the case to be tabled for 45 days and he would like to come back in 60 days, after the work is done, and ask for the fine to be reduced or whatever. After further discussion, a motion was made. “I move that the City of Wauchula Code Enforcement Board continue Case #08-038-M, Adela Chancey to be heard at the August 23, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**08-187-M - Adela Chancey - 623 Green St** – Don Chancey was present. CEO Whaley testified that this case is compliant and he would now like to ask for a fine forgiveness along with his other case at the same time. It was explained that if the fine on his case was not considered tonight, CEO Whaley could proceed with the lien because the fine has not been paid within the time limit. “In **Case #08-187-M**, I move that the City of Wauchula Code Enforcement Board forgive the entire fine of \$9,000.00 of the fine imposed.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**08-184-M – Roxanne Rodriquez – 620 Green St** – The defendant was not present. CEO Whaley stated that Ms. Rodriquez’s brother-in-law called and stated that he had school tonight and would not be able to attend the meeting. She testified that this case had been tabled and the reason that it was put on the agenda tonight was because of the office receiving complaints about this property. CEO Bergens testified that some of the work had been done and other cases against them had been closed. She stated that he told them that he had gotten a bid to fix the roof, but did not have the money right now. She stated that he couldn’t apply for a CRA grant because he is not the owner of the house. There was discussion about the owner of the house not contacting the office, letters being sent to her and returned and the fine opposed against the case. When Waldron asked what could be done, Ables replied that they could take it off the table and authorize Whaley to go forward with the lien. “I make the motion to take it off the table and go

forward with the lien.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-131-M - A. Kay McClelland – 202 S 8<sup>th</sup> Ave** – Kay & Gerald McClelland were present. CEO Bergens testified that the McClellands had tried to get assistance and ran into some problems, but have now purchased a demolition permit to demolish the house. She testified that the case had been tabled and now brought back for an update. Conner asked how long they thought it would be before they were finished and they replied, maybe 30 days because they are doing the demolition themselves. “I move that the City of Wauchula Code Enforcement Board continue Case #09-131-M, A. Kay McClelland to be heard at the August 23, 2010 Code Enforcement Board meeting.” Clark 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 was present. CEO Whaley explained that this case is an extension. Delatorre testified that he has not done anything else to the building because it is not feasible right now; there are too many square feet that have plumbing and electrical problems, but the structure is sound. He testified that there is a new roof and floor. The windows have not been replaced, but he does not want to board them up because it would cost about as much as putting in glass. There was discussion about another building behind this one and another property that he has purchased that he has been renovating. When asked by Waldron how much time he needs to bring this building into compliance, he testified that he wished he could tell him that and he doesn’t foresee how he can do that in the next 6 or 12 months because it is too big of a challenge. He testified that they did fix two storefronts and have tenants in those and the furthest west only needed cosmetic changes, but this one is about 10,000 square feet and the cost would be substantial. There was discussion about Delatorre doing some improvements between now and the December meeting and giving an update at that meeting. “I move that the City of Wauchula Code Enforcement Board continue Case #09-136-M, Victory Investments to be heard at the December 27, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**07-194-M – Brian & Betty Larimer – 508 S 7th Ave** – The defendants were not present. CEO Whaley testified that Mr. Larimer had called and stated that he was out of town and wouldn’t be at the meeting. Whaley testified that Larimer stated that he had just gotten his lawnmower back and he will continue to work on the problem. She testified that she and Bergens had gone out and taken pictures today and he has done some work. The CEOs testified that he has had health problems, but continues to work. “I move that the City of Wauchula Code Enforcement Board continue **Case #07-194-M, Brian & Betty Larimer** to be heard at the September 27, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-164-M – Jessica Shoop & Others – 810 Louisiana St** – Joseph Alnendarez, Jessica Shoop’s brother, was present. CEO Bergens testified that this is a continuance from February. Ms. Shoop and her brother inherited this property from their mother and they have continually worked on it. When asked by Conner, Alnendarez testified that it would take about a month. Bergens stated that they should go and do a walk-through with Alnendarez to let him know exactly what else needs to be done. Whaley testified that he found out that he can apply for a special permit to burn because of the large size of the dead tree that he has cut down because he is far enough away from his neighbors; which will help out a lot. They were hauling the pieces of wood to the county with just one small truck. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-164-M, Jessica Shoop & Others** to be heard at the

August 23, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-164-NA – Jessica Shoop & Others – 810 Louisiana St** – Joseph Alnendarez, Jessica Shoop’s brother, was present. CEO Whaley testified this is the same situation as the above case. “I move that the City of Wauchula Code Enforcement Board continue **Case #09-164-NA, Jessica Shoop & Others** to be heard at the August 23, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-221-UDB – Heirs of Mary Lois Revell – 125 E Townsend St** – CEO Whaley testified that the attorney for the estate, Mr. Nunez, had called in February and that some work had been done. Then another attorney, Mr. Wilkerson, called and explained that there are problems in the court hearings and no one was allowed to touch anything that was on the property at that moment. They have now sold the steel, etc. on the property to Darwin McLeod and he will start working on it. The estate will be finished at the end of this month and turned over to Mr. Revell. Mr. McLeod is going to move everything, grade and sod the lot, so Mr. Wilkerson is asking for more time. “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 September 27, 2010 Code Enforcement Board meeting.” Clark made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**10-016-M – Moran C & Sabrina Schneider – 1148 Downing Circle** – The defendants were not present. CEO Whaley testified that we have had no contact with them and they have done minimal work. The certified letters were returned and the property was posted. After further discussion, a motion was made. “In Case # 10-016-M, I move that the City of Wauchula Code Enforcement Board find Moran C & Sabrina Schneider, 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 July 26, 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 Conner. Gibbs polled the Board. All were in favor. Motion carried.

**10-016-L – Moran C & Sabrina Schneider – 1148 Downing Circle** – The defendants were not present. CEO Whaley testified that they did mow the bulk of the yard, but there are weeds that about 4 1/2’ tall all around the house. After further discussion, a motion was made. “In Case # 10-016-L, I move that the City of Wauchula Code Enforcement Board find Moran C & Sabrina Schneider, 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 July 27, 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 Conner. Gibbs polled the Board. All were in favor. Motion carried.

CEO Whaley testified that the last three cases on the agenda were compliant.

## OLD/NEW Business

Pedro Granda, who is not on the agenda, was present to ask what the statuses of his cases were. He stated that he has not received anything stating that he has been released. He stated the number of days that each case had been compliant. Gibbs told Mr. Granda that it was his responsibility to let the Code Enforcement ladies know when each case was compliant, which he had not done and that Olivia Minshew, Community Development Director, told him that the case would be on next month's agenda for discussion. Granda stated that a former Board member was going to let the others know that the trailer was gone, which he had not done. CEO Bergens stated that we know the trailer is gone and Granda wanted to know, "Then what's the problem"? CEO Whaley told Granda that Minshew told him that the agenda had to be sent to the newspaper ahead of time, that we can't change or alter it after the fact and that he would be put on the next agenda. Granda stated that he didn't understand why he had to come and address the meeting; that a simple letter would do. Attorney Ables stated that there is a fine imposed and he would have to be on the agenda to come before the Board and ask for removal of the fine. He stated that there is an agreement with Granda and the City, but he still has to come before the Board for it to be an official act and he had to be on the agenda to do that. Ables stated that Granda came tonight acting like he was being mistreated and that he had been told that he would be on the agenda next month. Granda stated that he guessed he would just have to take more time to come down here and sit. Ables told him that he didn't have to come and sit tonight and that had been his choice. Granda stated that his purpose here tonight was because nothing had to be voted on. Ables told him, "yes it does" because it has to be an official act by the Board to forgive the fine. Granda stated that he had called in plenty of time to be on the agenda, but obviously not enough. Gibbs told Granda that the agenda had to go to the newspaper ten days before the meeting and that she had to get it in there a couple of weeks ahead of time and that he didn't call till last week. Granda stated, yes, that he had given four days notice. Gibbs stated, yes, but I have to have it in the newspaper ten days ahead of time and the agenda was already in the newspaper. Waldron told Granda that's it, he was not on the agenda and that things had to follow precedence and that he would be notified when he was on the agenda.

Being no further business, the meeting was adjourned.

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Susie Gibbs, Secretary/Clerk