

## **Code Enforcement Board**

### **Minutes**

**August 24, 2009**

The Wauchula Code Enforcement Board met Monday, August 24, 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. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens. Members of the audience were Erica & Anthony Scheipsmeir, Miles Judah, Carol Knight, Michelle Rabon, Pedro Granda, Brian Larimer, Chet Huddleston, Steven Spinks and Chip Ballard.

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

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

### **REQUEST FOR FINE REMOVAL**

Anthony & Erica Scheipsmeir, Lexan Investments LLC, were present. "I move that the Wauchula Code Enforcement Board forgive the total amount fined in Case No. 09-083-L." Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

### **NEW CASES**

**09-128-Z, 09-128-NA, 09-128-NA-vehicle – Rivera – 609 W Bay St** – The defendant was not present. Michelle Rabon was present to represent this case because the defendants were out-of-state working, but Attorney Ables stated that it had to either be the owner or their attorney to represent them. Before and after pictures were presented in this case. CEO Whaley explained that she had talked to Mrs. Rivera earlier this afternoon. "I move that the Code Enforcement Board find **Jose Rivera, Jr., 09-128-NA** guilty of violating City Code Section Chapter 11, Article III Nuisance Accumulation, 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 corrections be completed on or before September 3, 2009, and if the violator does not comply with this order on or before that day, then in that event the Code Enforcement Officer is authorized to abate property to bring into compliance. After three months from the filing of any lien which remains unpaid or is not in compliance, the 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. "I move that the Wauchula Code Enforcement Board Case **No. 09-128-NA-vehicle** be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting." Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried. "I move that the Wauchula Code Enforcement Board Case **No. 09-128-Z** be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting." Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-117-M – Salazar – 588 MLK JR AVENUE** – The defendant was not present. CEO Whaley explained that Mrs. Salazar had called and stated that she was out-of-state for a funeral. Whaley stated that she had been working and had complied with a lot of the violations. Mrs. Salazar

asked Whaley if she could ask the Board for an extension for her. "I move that the Wauchula Code Enforcement Board Case No. 09-117-M be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting." Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**09-129-NA-vehicle – Monroy/Mendoza – 312 Ohio Avenue** – The defendants were not present. CEO Whaley explained that we had not gotten any responses from them. "I move that the Wauchula Code Enforcement Board Case No. 09-129-NA-vehicle be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting." Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-121-L – Cortez – 315 S Florida Avenue** – The defendant was not present. CEO Whaley and Bergens gave testimony on this case. They stated that letters have been returned by the Post Office and that there has been no response by this defendant after a copy of the letter had been posted on the house. Before and after pictures were presented in this case. "I move that the Code Enforcement Board find Israel Cortez guilty of violating City Code Section Chapter 11, Article II Lot Maintenance, 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 corrections be completed on or before August 25, 2009, and if the violator does not comply with this order on or before that day, then abate the property. After three months from the filing of any lien which remains unpaid or is not in compliance, the 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.

**09-110-M – DeLoera – 518 W Main Street** – The defendant was not present, but CEO Whaley explained that she had a call stating that Mr. DeLoera was in Mexico. She stated that Ralph Arce, handyman, had also called about talking to Mr. DeLoera and the work was going to be done. "I move that the Code Enforcement Board find Salvador De Loera guilty of violating City Code Section Chapter 5, Minimum 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 corrections be completed on or before September 28, 2009, and 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 continued 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 Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Notar made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

**09-132-NA – Polk – 513 W Orange Street** – The defendants were not present. Before and after pictures were presented in this case. Both CEOs gave testimony about this case and that there has been no response from the defendants. "I move that the Code Enforcement Board find R.R. & Kathleen Polk guilty of violating City Code Section Chapter 11, Article III 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 corrections be completed on or before September 25, 2009, and 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 \$100.00 per day for each and every day the violation continued past the date set for compliance, but not more than 90 days. After three months from the filing any lien, which remains unpaid or is not in compliance, the Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien. Conner made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

## **CASES PREVIOUSLY GRANTED EXTENSIONS**

**09-107-NA – Granda – 218 N 2<sup>nd</sup> Avenue** – Pedro Granda was present. He raised the issue of non-conformities and of his trailer being grand-fathered in because of a 2004 Ordinance. Testimony was given by the CEOs. “I move that the Wauchula Code Enforcement Board Case No. 09-107-NA be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**07-194-M – Larimer – 508 S 7<sup>th</sup> Avenue** – Mr. Larimer was present. CEOs Bergens and Whaley gave testimony about this case. Mr. Larimer asked for an extension. “I move that the Wauchula Code Enforcement Board Case No. 07-194-M be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**09-117-NA – Salazar – 588 MLK Jr Avenue** – The defendant was not present. CEO Whaley explained that Mrs. Salazar had called and stated that she was out-of-state for a funeral. Whaley stated that she had been working and had complied with a lot of the violations. Mrs. Salazar asked Whaley if she could ask the Board for an extension for her. “I move that the Wauchula Code Enforcement Board Case No. 09-117-NA be continued and be heard at the September 28, 2009 Wauchula Code Enforcement Board meeting.” Conner made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

**09-044-M – Knight – 612-614 S 7<sup>th</sup> Avenue** – Carol Knight and nephew, Miles Judah were present. Mr. Judah and CEOs Whaley and Bergens gave testimony in this case. They explained what had already been accomplished and what more needed to be done. “I move that the Wauchula Code Enforcement Board Case No. 09-044-M be continued and be heard at the November 23, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

**08-102-M – Albritton – 412 N 7<sup>th</sup> Avenue** – The defendants were not present. Before and after pictures were presented in this case. Both CEOs gave testimony about this case and stated that there has been no response from the defendants and nothing has been accomplished. “I move that the Code Enforcement Board find Leslie & Ralton Albritton Jr. guilty of violating City Code Section 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 corrections be completed on or before September 25, 2009, and 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 continued 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 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.

### **OLD/NEW BUSINESS**

A letter of resignation was presented to the Board from Vice-Chairman Dewey Cowart effective as of that night.

### **PUBLIC COMMENTS**

None

### **ADJOURN**