

**Code Enforcement Board  
Minutes  
September 28, 2009**

The Wauchula Code Enforcement Board met Monday, September 28, 2009 at 5:30 P.M.

After the Pledge of Allegiance, Attorney Ables swore in new Board member Patricia Clark. Secretary Gibbs called roll with the following members present: Chairman Gerald Waldron, Sue Connor, Patricia Clark and Frank Notar. John Woodburn was absent. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, Secretary Gibbs, Community Development Director Olivia Minshew and City Manager Rick Giroux. Members of the audience were Aerial & Thomas Stanford, Pedro Granda, Jill Peve, Carmen Salazar & daughter, Donnie Selph, David & Catherine Baxley, Mrs. Jose Rivera, Dan Graham and other observers.

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

Notar made the motion, seconded by Clark to accept the minutes from the August 24, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

Jill Peve, E-911 Co-coordinator for Hardee County, came to the meeting to discuss the importance of having E-911 numbers on your residence that are visible and of contrasting colors. She asked that all persons present report to her any houses that they find which do not have E-911 numbers on them, whether in the county or city.

**REQUEST FOR FINE REMOVAL**

Linda Montanez, 908 W Main St, Wauchula, niece of Carol Knight, was present to represent this case. CEO Whaley gave testimony on behalf of Mrs. Knight and explained that her nephew, Miles Judah, had taken care of everything and that the CEO's were satisfied with the work. "I move that the Wauchula Code Enforcement Board forgive 100% of the fine in Case No. 09-044-L, NA." Conner made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried. Mrs. Knight came in late and Gibbs explained the outcome to her.

**NEW CASES**

**09-129-M – Eliberto Monroy/Alejandra Mendoza – 312 Ohio Avenue** – The defendants were not present to represent their case. CEO Whaley explained that she found out that they are in North Carolina. She stated that she and CEO Bergens had been posting the notices on the house and someone had been removing them so the CEO's assumed that it was the owners. The Police Department notified the defendants that they had squatters that had broken into their house. She stated that Mr. Monroy called C.E. the next day and stated that they would be back in two weeks and could they have an extension. "I move that the Wauchula Code Enforcement Board Case No. 09-129-M be continued and be heard at the October 26, 2009 Wauchula Code Enforcement Board meeting." Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-131-M – Kay McClelland – 202 S 8<sup>th</sup> Avenue** – The defendant was not present to represent her case. CEO Bergens stated that this case was opened on 7/7/09. The house has been posted with the notices and all letters have been returned to us and we have not had any response from

the owners. Someone has been mowing, which was also an issue, but no maintenance has been done. “I move that the Code Enforcement Board find Kay McClelland guilty of violating City Code Section Chapter 5, 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 corrections be completed on or before October 19, 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

**09-132-M - RR & Kathleen Polk – 513 W Orange Street** – Aerial & Thomas Stanford, 314 S 10<sup>th</sup> Ave, Wauchula, daughter & son-in-law of the Polk’s were present. CEO Bergens explained that CE had had no response from the owners until the last letter that was posted on the house. Mrs. Stanford explained that they had been renting out the house and the renters had not given them the mailed or posted letters so they didn’t know of the violations. The renters are no longer living there. Mrs. Stanford stated that they have cleaned up a lot of the accumulations, which was another case cited, but have not gotten to the repairs because they both have been out of work since April. They requested an extension for sixty days. “I move that the Wauchula Code Enforcement Board Case No. 09-129-M be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Conner made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

**09-146-L, NA – Jose Rodriguez & Genevieve Valdiviez – 405 Tulane Ave** – The defendants were not present. CEO Whaley stated that she believed the defendants were out of state. She and CEO Bergens had posted the letters on the property, along with mailing them and the letters being returned, and had not had any response. This is a repeat offense. The case had been opened in June and became compliant and had to be opened again. They were advised in June to have someone maintain the yard while they were gone and haven’t. “I move that the Code Enforcement Board find Jose Rodriguez & Genevieve Valdiviez, **Case #09-146-L**, guilty of a repeat violation of City Code Section 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 corrections be completed immediately, and as a repeat violator, Jose Rodriguez & Genevieve Valdiviez is ordered to pay a fine of \$300.00 per day for each and every day the violation continues past the date notice of said violation was given to the violators by the CEO, 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.

“I move that the Code Enforcement Board find Jose Rodriguez & Genevieve Valdiviez, **Case #09-146-NA**, guilty of a repeat violation of City Code Section Chapter 11, Article III Nuisance Accumulations on Private Property 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 immediately, and as a repeat violator, Jose Rodriguez & Genevieve Valdiviez is ordered to pay a fine of \$300.00 per day for each and every day the violation continues past the date notice of said violation was given to the violators by the CEO, 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 Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-154-L, NA-vehicle – Brian & Betty Larimer – 508 S 7<sup>th</sup> Avenue** – The defendants were not present. CEO Whaley explained that the Larimers were out of town. She stated that they had talked to Mr. Larimer and he had to go out of town and would not be back for tonight. He had recently lost his job and is out of work right now. He has been keeping in touch and is working diligently to clean up his property. He sold one of his vehicles and is going to store another one so he is compliant on that. He is asking for an extension. CEO Bergens stated that he is about 30% compliant. “I move that the Wauchula Code Enforcement Board Case No. 09-154-L be continued and be heard at the November 23, 2009 Wauchula Code Enforcement Board meeting.” Conner made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-156-NA, Z – Donnie & Judith Selph – 302 Diana Avenue** – Mr. Selph was present. CEO Whaley stated that Mr. Selph has done a significant job so far. Mr. Selph asked several questions about how the Code Enforcement worked, which were answered. He stated that he had closed his business, a citrus store, and had several pieces of agricultural equipment for sell that he had to bring to his property. He had prospective buyers, but nothing has come through yet because of the economy. “I move that the Wauchula Code Enforcement Board Case No. **09-156-NA** be continued and be heard at the December 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. **09-156-Z** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-164-NA – Jessica Shoop – 810 Louisiana Street** – The defendant was not present. CEO Bergens explained that Ms. Shoop had come in and stated that she was working to clean up the nuisance. Bergens stated that she is about 50% compliant. “I move that the Wauchula Code Enforcement Board Case No. **09-164-NA** be continued and be heard at the November 23, 2009 Wauchula Code Enforcement Board meeting.” Conner made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-168-NA, NA-vehicle, Z – David & Catherine Baxley – 515 S 8<sup>th</sup> Avenue** – Mr. & Mrs. Baxley were present. CEO Whaley stated that Mrs. Baxley had called the office today and stated that the vehicles were registered. She stated that the campers were hooked up. It was reported to us that the trailers had people living in them. Mrs. Baxley explained that they had used the campers and had just come back from a camping trip. She stated that they had been hooked up because she had been cleaning them out. There are five people in her family and all of the vehicles are tagged and registered, but one, which will be used by her youngest son who turns 16 in November and that will be tagged and registered then. Whaley stated that some of the nuisance accumulation had been cleaned up and disposed of. Mrs. Baxley stated that her husband had been in an accident and had injured his hand and could only work slowly. “I move that the Wauchula Code Enforcement Board Case No. **09-168-NA** be continued and be heard at the December 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. **09-168-NA-vehicle** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

After discussion about the Baxley’s not having anyone living in their campers and only having them hooked up to clean after having been on a camping trip, a motion was made. “I move that the Wauchula Code Enforcement Board find David & Catherine Baxley, Case No. **09-168-Z**, not guilty of violating City Code Section Article 2, Section 2.05.02.04, and that this case be dismissed.” Notar made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

**09-173-NA, L, F, NA-vehicle – Mary Lou Hernandez – 310 Heard Bridge Road** – The defendant was not present. CEO Whaley explained that Mrs. Hernandez’s daughter had called in August to let her know that Mrs. Hernandez was in ICU with pneumonia in both lungs. The daughter stated that they needed an extension. Another daughter called the first of September and stated that Mrs. Hernandez has been moved to another hospital and stated that they still need an extension. Conner stated that she could verify that she has been moved to another hospital. Whaley stated that they have done some of the work, but more needs to be done. “I move that the Wauchula Code Enforcement Board Case No. **09-173-NA** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. Waldron, Clark and Notar were in favor. Conner abstained. Motion carried.

“I move that the Wauchula Code Enforcement Board Case No. **09-173-L** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. Waldron, Clark and Notar were in favor. Conner abstained. Motion carried.

“I move that the Wauchula Code Enforcement Board Case No. **09-173-F** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. Waldron, Clark and Notar were in favor. Conner abstained. Motion carried.

“I move that the Wauchula Code Enforcement Board Case No. **09-173-NA-vehicle** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. Waldron, Clark and Notar were in favor. Conner abstained. Motion carried.

**07-195-UB – Juan Gonzales – 325 Melendy Street** – The defendant was not present. Ables explained this case is before the Board to approve a resolution to have the unsafe building demolished. Notar made the motion, seconded by Clark to approve Resolution 2009-01 for Case #07-195-UB. Gibbs polled the Board. All were in favor. Motion carried.

### **CASES PREVIOUSLY GRANTED EXTENSIONS**

**07-194-M – Brian & Betty Larimer – 508 S 7<sup>th</sup> Avenue** – The defendant was not present. CEO Whaley explained that Mr. Larimer was out of town, but was working on becoming compliant. “I move that the Wauchula Code Enforcement Board Case No. **07-194-M** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**08-217-NA – Charles & Mary McClenithan – 111 N 10<sup>th</sup> Avenue** - The defendants were not present. CEO Whaley explained that this case has been given several extensions, but that Mr. McClenithan has had another stroke since the last one and has not been able to do anything. There was discussion about getting help for the McClenithans. “I move that the Wauchula Code Enforcement Board Case No. **08-217-NA** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-107-NA, M – Pedro & Teresa Granda – 218 N 2<sup>nd</sup> Avenue** – Pedro Granda was present. CEO Whaley refreshed the Board’s memories on what this case involves. Attorney Ables stated that he had also sent copies of Ordinances to Mr. Granda. After a lengthy discussion, a decision was made by the Board. “I move that the Code Enforcement Board find, **Case No 09-107-NA**, Pedro G & Teresa M Granda guilty of violating City Code Section Chapter 11, Article III, Nuisance Accumulations on Private Property, 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 November 23, 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 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.” Conner made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried. There was discussion about the Grandas applying for a Community Development Grant to do the maintenance on the house. CEO Whaley stated that she had talked to Mrs. Bragg, who works for Janet Gilliard, Director of Community Development for the County, and that the application had been denied the first time because of Social Security and it was denied the second time because Mr. Granda no longer lives there and will lose its homestead exemption status because he carries the mortgage. Whaley was told that there is not enough income to keep the mortgage going with just Mrs. Granda living there and the Hardee County Community Development is afraid that if they put up the money and Mrs. Granda can’t pay the mortgage, then she will lose the house and they will also lose the money that the county paid to do the repairs. Notar asked Granda if he was aware of that and he stated no. He stated that the papers that he received from the judge stated that he is to pay the mortgage. Ables suggested to Granda that he take the divorce decree and talk to Mrs. Gilliard to straighten this matter out. After further discussion, a motion was made. “I move that the Wauchula Code Enforcement Board Case No. **09-107-M** be continued and heard at the December 28, 2009 Wauchula Code Enforcement meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-117-M – Juan & Carmen Salazar – 588 MLK Jr Avenue** – The defendant and her daughter were present. CEO Whaley explained that Mrs. Salazar had been working and had complied with a lot of the violations. Mrs. Salazar asked the Board for an extension. “I move that the Wauchula Code Enforcement Board Case No. **09-117-M** be continued and be heard at the October 26, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-128-NA-vehicle, Z – Jose Rivera Jr – 609 W Bay Street** – Mrs. Rivera was present. CEO Whaley refreshed the Board memories. She stated that they had moved a crew bus, gotten rid of other vehicles and are having trouble getting rid of one car because of a getting a title from the person that sold them the vehicle. “I move that the Wauchula Code Enforcement Board Case No. **09-128-NA-vehicle** be continued and be heard at the December 28, 2009 Wauchula Code

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

CEO Whaley explained that the Rivera’s had bought the property thinking that it was allowed to have apartments to rent out. The property is not zoned for multi-families. The Riveras are planning to apply for a re-zone. Community Director MinsheW explained what the process would be and the time required for a re-zone. “I move that the Wauchula Code Enforcement Board Case No. **09-128-Z** be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

**09-129-NA-vehicle – Eliberto Monroy & Alejandra Mendoza – 312 Ohio Avenue** – The defendants were not present. CEO Whaley explained that she had talked to the defendants and they stated that they would be back, from N.C. where they are working, in two weeks and take care of the problem. “I move that the Wauchula Code Enforcement Board Case No. **09-129-NA-vehicle** be continued and be heard at the October 26, 2009 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

### **OLD/NEW BUSINESS**

Attorney Ables had a discussion about the Board not judging cases on what they may hear or see before a Board meeting takes place. City Manager Giroux made a statement that he was impressed with the way the binders are arranged, he talked about maybe having more Amnesty Days for the City and getting laptop computers for the cases to be presented.

### **PUBLIC COMMENTS**

None

### **ADJOURN**

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Susie Gibbs, Secretary Code Enforcement Board