

Code Enforcement Board
Meeting Minutes
10/26/2009

The Wauchula Code Enforcement Board met Monday, October 26, 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, Patricia Clark, Frank Notar and John Woodburn. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, Secretary Gibbs. Members of the audience were William Webb, Jessica Shoop, Marilou Smith, Naomi Guzman, Janet Hendry, Andres Sevilla, Rodolfo Lopez, Carmen Valdez, Mr. Obregon and other observers.

Attorney Ables swore in Code Enforcement Officers Whaley, Bergens and anyone testifying about a case.

Woodburn made the motion, seconded by Conner to accept the minutes from the September 28, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

NEW CASES

09-140-M – Stanley Webb – 509 Heard Bridge Road – CEO Whaley explained that Mr. Webb owns this rental house. He has had a stroke and needs an extension. Mr. Webb's son, John, explained that he is working in California right now and that he needs a four-month extension in order to finish the work on his father's rental house. "I move that the Wauchula Code Enforcement Board Case #09-140-M be continued and be heard at the February 22, 2010 Wauchula Code Enforcement meeting." Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-146-M – Jose R Rodriquez/GenevieveValdiviez – 405 Tulane Avenue – The defendants were not present to represent their case. CEO Whaley stated that 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. There is a Foreclosure sign posted on the property. This is a repeat violation since 2007. "I move that the Code Enforcement Board find Jose Rodriquez and Genevieve Valdiviez, Code Enforcement Board Case #09-146-M, guilty of a repeat violation of 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 immediately, and as a repeat violator, they are so ordered to pay a fine of \$250.00 per day for each and every day the violation continues past the date notice of said violation was given to the repeat violator(s) 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." Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-161-M – Ricardo M Martinez – 712 N 9th Ave – CEO Whaley explained that this single lady has a disabled child that she cares for and could not attend tonight. She is requesting an extension until the March meeting. CEO Whaley stated that Ms. Martinez has already taken care of two other violations, but ran out of money to fix the house and will do that when her income

tax refund comes back. “I move that the Wauchula Code Enforcement Board Case #09-161-M be continued and be heard at the February 22, 2010 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 – CEO Bergens explained that Ms. Shoop has had several cases and has been working to become compliant. Ms. Shoop stated that this had been her mother’s house. Her mother passed away and they are trying to get everything done, so she needs an extension. “I move that the Wauchula Code Enforcement Board Case #09-164-M be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-178-M – Marilou Smith – 218 N 1st Ave – CEO Whaley stated that the Smith’s were in the middle of painting their house, when a compliant was registered against them. As you can see, the Smith’s keep their yard and house immaculate. They also need to replace a couple of boards, so they are asking for an extension. “I move that the Wauchula Code Enforcement Board Case #09-178-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.

09-181-M – Gabriel Arguelles Jr – 318 N 4th Ave – CEO Whaley explained that there were three cases opened on this property. Within a few days, all but the maintenance was done. They have done the maintenance on the house and the shed is all that needs to be done. Naomi Guzman stated that they need an extension. “I move that the Wauchula Code Enforcement Board Case #09-181-M be continued and be heard at the November 23, 2009 Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-184-M, NA-vehicle – Camilo & Rosa Morillo – 405 E Main St – This case is compliant.

09-188-M – Lawrence & Mary K Martell – 206 Rust Ave – CEO Whaley explained that the Martells are not here tonight. Mr. Martell is a traveling construction person for Freedom Pipeline. He purchased this property for his workers to stay in while working here. He had a caretaker, but he left the house open and the house got trashed. He has taken care of two of the cases, but he has to get permits and is requesting a continuance until December. “I move that the Wauchula Code Enforcement Board Case #09-188-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.

09-190-M – Janet Hendry – 314 Heard Bridge Rd – CEO Whaley explained that this roof was damaged by a recent tornado that went through. Mrs. Hendry explained that they have tried to get someone to do this job, but they want an arm and leg. This damage is on the apartment only and not the whole house. “I move that the Wauchula Code Enforcement Board Case #09-190-M be continued and be heard at the January 25, 2010 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Clark. Gibbs polled the Board. All were in favor. Motion carried.

09-191-L – Roxanne Rodriguez – 620 Green St – CEO Whaley explained that Ms. Rodriguez owns this property, but that her sister and brother-in-law live here. She explained that after the case was written up it became compliant and after a couple of weeks became non-compliant

again. A new case had to be opened at that time because of a complaint being received. Mr. Obregon stated that his wife had gone to buy new fencing today and he would replace it the next day. He stated that he should have everything compliant within a couple of weeks. "I move that the Code Enforcement Board find Roxanne Rodriguez, Code Enforcement Board Case #09-191-L, guilty of violating of City Code Section Chapter 11, Article II, Lot Maintenance 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 December 28, 2009, and if the violator does not comply with this order on or before that day, then in that event they are so ordered to pay a fine of \$100.00 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 Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Conner made the motion, but because of lack of a second, the motion died. There was discussion about the motion dying because of lack of a second. "I move that the Wauchula Code Enforcement Board Case #09-191-L be continued and be heard at the December 28, 2009 Wauchula Code Enforcement Board meeting." Notar made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

09-195-NA, L – Carl & Heather Lee – 508 S 8th Ave – The defendants were not present. CEO Whaley stated that they have had to post the property every time because the letters were always returned, unclaimed. No work has been done on any of the cases. Mrs. Lee called and was quite irate about us writing them up. Notar stated that they have basically told the CEO's that they are not cleaning this up and CEO Whaley replied, yes. "I move that the Code Enforcement Board find Carl & Heather Lee, Code Enforcement Case #09-195-NA, guilty of violating of 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 November 16, 2009, and if the violators do not comply with this order on or before that day, then in that event they are so 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 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.

"I move that the Code Enforcement Board find Carl & Heather Lee, Code Enforcement Case #09-195-L, guilty of violating of City Code Section Chapter 11, Article II, 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 16, 2009, and if the violators do not comply with this order on or before that day, then in that event they are so ordered to pay a fine of \$250.00 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 Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien." Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-196-L – Desai/Irdia – 714 Seminole St – Case compliant.

09-198-N, NA – Andres Sevilla/Marcela Mojica – 909 Louisiana St – CEO Whaley stated that Mr. Sevilla is present with an interpreter. She stated that he has been out of state working. He mowed the lot and she felt like he might not have understood about the numbers and nuisance. "I move that the Wauchula Code Enforcement Board Case #09-198-N be continued and be heard

at the November 23, 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 there are five vehicles in the yard that all have expired tags or are inoperable. It was explained that the owners were out of state working and would be back in two weeks to remove the vehicles. “I move that the Wauchula Code Enforcement Board Case No. **09-198-NA** be continued and be heard at the November 23, 2009 Wauchula Code Enforcement Board meeting.” Clark made the motion, Notar seconded by. Gibbs polled the Board. All were in favor. Motion carried.

09-173-M – Mary Lou Hernandez – 310 Heard Bridge Road – The defendant was not present. CEO Whaley explained that Mrs. Hernandez just got out of the hospital and could not make the meeting tonight. There are nine adults living in this house. Very little has been done, but they are working on getting it compliant. “I move that the Wauchula Code Enforcement Board Case #**09-173-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.

CASES PREVIOUSLY GRANTED EXTENSIONS

09-034-M – Rodolfo Lopez – 310 S 10th Ave – Mr. Lopez and friend were present to represent this case. CEO Whaley stated that there had been three cases opened on this property. He is compliant on two, but had to try and get a loan for the maintenance. He is working on fixing the house. He is asking for an extension. “I move that the Wauchula Code Enforcement Board Case #**09-034-M** be continued and be heard at the January 25, 2010 Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-102-NA, M – Gregorio & Julia Mejia – 222 Short St – The Mejias are not present. CEO Whaley stated that they posted this property. She stated that this is an extension and that they told her that they would be back last month and finish the work before renting it out again, but it is still not compliant. CEO Bergens stated that they have also rented it out already. “I move that the Code Enforcement Board find Gregorio & Julia Mejia, Code Enforcement Board Case #**09-102-NA**, guilty of violating of City Code Section Chapter 11, Article III, Section 11-56 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 16, 2009, and if the violators do not comply with this order on or before that day, then in that event they are so 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 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.

“I move that the Code Enforcement Board find Gregorio & Julia Mejia, Code Enforcement Case #**09-102-M**, guilty of violating of City Code Section Chapter 11, Article IV 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 16, 2009, and if the violators do not comply with this order on or before that day, then in that

event they are so 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 Wauchula Code Enforcement Board authorizes the City Attorney to foreclose on this lien.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-117-M – Juan & Carmen Salazar – 588 MLK Jr Avenue – The defendant was 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. Whaley stated that she had applied for Community grants to rehab the house, but was denied because of not having homeowner’s insurance. She also received a letter that she owes back taxes and if not paid, she will be foreclosed on. She and a friend are working on this getting the taxes, homeowner’s insurance and reapplying for a grant. “I move that the Wauchula Code Enforcement Board Case #09-117-M be continued and be heard at the January 25, 2010 Wauchula Code Enforcement Board meeting.” Notar made the motion, seconded by Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

09-136-M – Victory Investments – 217-221 E Main St – Gary Delatorre was present. He explained that they have not made a lot of progress, but have been cleaning up outside. They have not replaced the windows, but he has talked to several window people and they tell him that the whole structure needs to be replaced which is a large expense. Delatorre stated that they would probably keep the casings, keep the older look and still make it look like a historic building. CEO Bergens stated that the Community Development Director would like to see the bottom windows at least boarded up or painted over so that they can stop being broken. Delatorre stated that he could put up plywood, but would rather put new glass in the bottom windows instead. “I move that the Wauchula Code Enforcement Board Case #09-136-M be continued and be heard at the January 25, 2010 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

Notar brought up the subject of a Vice-Chairman since Cowart had resigned. Woodburn made the motion, seconded by Clark to nominate Notar as the new Vice-Chairman. Gibbs polled the Board. All were in favor. Motion carried.

PUBLIC COMMENTS

None

ADJOURN

Susie Gibbs, Secretary Code Enforcement Board