

**Code Enforcement Board
Meeting Minutes
November 23, 2009**

The Wauchula Code Enforcement Board met Monday, November 23, 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. Patricia Clark was absent. Waldron declared a quorum. Also present were Attorney Cliff Ables, Code Enforcement Officers Kathleen Whaley and Raina H Bergens, City Manager Rick Giroux and Secretary Gibbs. Present in the audience was Olga Sambrano, Andres Sevilla, Marilyn Peterson, Gabriel Arguelles, Jr. and several others who did not testify.

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

Waldron turned the floor over to City Manager Giroux. He presented a plaque to retired Vice-Chairman Dewey Cowart to thank him for his years of service to the Code Enforcement Board and the City of Wauchula. Cowart stated that the Code Enforcement Board makes a big difference and told the existing members to keep up the good work.

Woodburn made the motion, seconded by Conner to accept the minutes from the October 26, 2009 meeting. Gibbs polled the Board. All were in favor. Motion carried.

REQUEST FOR FINE REMOVAL

Oscar and Olga Sambrano were present. Whaley explained that Oscar and Olga Sambrano had been given a fine, by former CEO Hill for non-compliance, in the amount of \$19,800. Since the date of the invoices, they have been making double payments each month without missing a payment. Mrs. Sambrano has come down with an illness that made it very hard to make payments now. After Waldron asked about the amount left owing, Whaley explained that it was \$17,000+. Whaley stated that they are the only customers that have actually been making payments. When asked by Conner if everything was in compliance now, Whaley stated, yes. Waldron commended the Sambranos for making payments and recommended to the Board to rescind the balance due. Woodburn asked if there was a case number? Whaley stated, no, and that the file had been lost between the move from the Police Department and the Historic City Hall. The payments were made at the Administrative Complex and all they have is an invoice to go by. "I move that the Wauchula Code Enforcement Board forgive the balance of the fine for Oscar & Olga Sambrano." Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor.

DISCUSSION

Whaley explained that the discussion for 325 Melendy Street had been removed from the agenda.

CASES

09-142-L – Penelope & Charles Nicholson – 225 E Oak St – The defendants were not present. Whaley explained that the lot is located by the Ace Hardware store and that they had partially mowed it, but has done nothing else. This is the second time for this lot to be written up. Whaley stated that she met with Mr. Roberts, an employee of Ace Hardware and he stated that he would keep it mowed and control the weeds. There were questions about who would take care of maintaining the lot and the answer was, the owners unless they had made arrangements with their renters, but the case would still be against the owners. “I move that the City of Wauchula Code Enforcement Board find Penelope and Charles Nicholson, **Case #09-142-L**, 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 December 21, 2009, and 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 \$200.00 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.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-208-L – John M & Virginia K Ullrich and Ullrich’s Water Cond Serv – 409 Goolsby St – The defendants were not present. CEO Whaley explained that we have received the green card back and the Ullrichs are aware of the violation. CEO Bergens testified about this case. “I move that the City of Wauchula Code Enforcement Board find John M & Virginia K Ullrich and Ullrich’s Water Cond Serv, **Case #09-208-L**, 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 December 21, 2009, and 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 \$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 City of 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.

09-196-UDB – Angela Desai & Raj Irdia – 714 Seminole St – The defendants were not present. CEO Bergens explained that this property had a rental house that burned a couple of months ago and is considered unsafe. She stated that the owners have abandoned the mortgage and the mortgage company has also abandoned the mortgage. She stated that they had received numerous calls about kids playing there and it being unsafe. Cliff asked about demolition of the house to which CEO Whaley stated that they had talked to the City Manager and he would rather not do this, but would rather enforce fines and foreclose on a lien before doing anything else. There was discussion about who would be foreclosed on because of the owner and the mortgage company abandoning the property. The answer was, the owner. “I move that the City of Wauchula Code Enforcement Board find Angela Desai & Raj Irdia, **Case #09-196-UDB**, guilty of violating **City Code Chapter 5, Article V, Unsafe or Dilapidated Buildings**, 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 December 21, 2009, and 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 \$200.00 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.”

Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-198-M, NA, N – Andres Sevilla/Marcella Mojica – 909 Louisiana St – Mr. Sevilla was present, but did not speak English or bring an interpreter. “I move that the City of Wauchula Code Enforcement Board Case, **#09-198-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, be continued and be heard at the December 28, 2009, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

“I move that the City of Wauchula Code Enforcement Board Case, **#09-198-N, Hardee County Ordinance Number 95-03, E-911, House Numbers**, be continued and be heard at the December 28, 2009, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

“I move that the City of Wauchula Code Enforcement Board Case, **#09-198-NA, Chapter 11, Article III, Nuisance Accumulations on Private Property**, be continued and be heard at the December 28, 2009, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

CEO Whaley speaks enough Spanish to let Sevilla know that the Board continued his cases until the December 28, 2009 meeting.

09-199-M, L – James & Judith Murphy – 321 Pennsylvania Ave – The defendants were not present. CEO Bergens explained that Mr. Murphy had come into the office when the case was first opened. He stated that he did not have the money and he was dealing with health issues. He stated that his intentions are to fix the house up and for him and his wife to move there. At this time, he has done nothing. Conner asked about him getting a grant and CEO Bergens stated that they would see what could be done. CEO Whaley stated that they have a son, that lives out of state, that has been helping them since Mr. Murphy has been sick, but he will not be able to do any more work until after the first of the year. “I move that the City of Wauchula Code Enforcement Board Case, **#09-199-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, be continued and be heard at the January 25, 2010, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

“I move that the City of Wauchula Code Enforcement Board Case, **#09-199-L, Chapter 11, Article II, Lot Maintenance**, be continued and be heard at the January 25, 2010, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-200-M – James & Laura Singleton – 606 Tennessee St – The defendants were not present. CEO Whaley stated that this property is in foreclosure, lis pendens has been filed and no one has returned any calls. When asked if she knew who is foreclosing, she stated, yes, HSPC Bank. There were questions and answers about foreclosures. Attorney Ables asked if the Board would continue the case until the December meeting, so that he can do some research on the property. “I move that the City of Wauchula Code Enforcement Board Case, **#09-200-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, be continued and be heard at the December 28, 2009, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-205-M, L, NA – Amparo Adeliada Murrilo – 607 E Palmetto St – The defendant was not present. CEO Whaley stated that the day they received their certified letter, someone called and stated that they refused to do anything, they were not going to do anything and that they were stopping making payments on the place. Conner asked if anyone was living there? CEO Whaley stated, no, but that the windows are busted out and people are going in and out. “I move that the City of Wauchula Code Enforcement Board find Amparo Adeliada Murrilo, **Case #09-205-M**, guilty of violating **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 January 18, 2010 and 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 \$200.00 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.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

“I move that the City of Wauchula Code Enforcement Board find Amparo Adeliada Murrilo, **Case #09-205-NA**, guilty of violating, **City Code Chapter 11, Article III, Nuisance Accumulations on Private Property**, 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 January 18, 2010 and 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 \$200.00 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 Woodburn. Gibbs polled the Board. All were in favor. Motion carried.

09-003-M – Marilyn K Peterson – 320 Pennsylvania Ave – Mrs. Peterson was present. CEO Whaley explained that this is a previous case that had been granted a three-month extension. Mrs. Peterson presented a list of all the repairs that she has completed. CEO Whaley stated that Mrs. Peterson has done quite a bit of work. Chairman Waldron asked Mrs. Peterson how much more time did she need to complete the work? The Board had given her a six-month extension at the May, 2009 meeting, but she needed more time because of not being able to paint during the rainy time that we had. She stated that she would like another six months. Notar asked the CEOs if they were satisfied with what had been done and they replied, yes. “I move that the City of Wauchula Code Enforcement Board Case, **#09-003-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, be continued and be heard at the May 24, 2010, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Conner. Gibbs polled the Board. All were in favor. Motion carried.

09-154-L – Brian & Betty Larimer – 508 S 7th Avenue – Mr. Larimer was present. Mr. Larimer stated that he had economic, as well as, health problems, but has done a lot of work. CEO Bergens explained that Mr. Larimer has a lot of underbrush. CEO Whaley stated that he also owns the entire lot and has a large job to do. He asked for a 90-day extension. “I move that the City of Wauchula Code Enforcement Board Case, **#09-154-L, Chapter 11, Article II, Lot**

Maintenance, be continued and be heard at the February 22, 2010, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-164-NA – Jessica Shoop – 810 Louisiana Street – The defendant was not present. CEO Whaley explained that Ms. Shoop had called today and stated that she couldn’t be here and she was sorry that she couldn’t attend the last meeting either. She is out of town and would like a continuance. “I move that the Wauchula Code Enforcement Board Case, **#09-164-NA, Chapter 11, Article III, Nuisance Accumulations on Private Property**, be continued and be heard at the December 28, 2009, City of Wauchula Code Enforcement Board meeting.” Woodburn made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

09-181-M – Gabriel Arguelles, Jr – 318 N 4th Ave – Mrs. Gabriel Arguelles, Jr was present. CEO Whaley explained that they came before the Board last month and they have done a significant amount of work. There is a little amount of work to be done on the shed and there are skirting issues, but that is all. The money is extremely tight right now. Mrs. Arguelles stated that her husband’s best friend is helping to do a lot of the work on the shed. There was discussion about what has been done and what is left. “I move that the City of Wauchula Code Enforcement Board Case, **#09-181-M, Chapter 5, Article IV, Minimum Exterior Property Maintenance Standards**, be continued and be heard at the January 25, 2010, City of Wauchula Code Enforcement Board meeting.” Conner made the motion, seconded by Notar. Gibbs polled the Board. All were in favor. Motion carried.

OLD/NEW BUSINESS

PUBLIC COMMENTS

ADJOURN

Susie Gibbs, Secretary Code Enforcement Board