

extension of time on the Consent Agenda: Cases #2008020058 and 2008030099 - 30 day extension until June 20, 2008. Cases #2008020083, #2007030091, #2006110064 and #2008040103 - 60 day extension until July 25, 2008. Cases #2008030145, #2008020076, #2008040138, #2008040131, #2008040038, #2008040046, #2008040094, #2008030100, #2008040025, #2008040027 and #2008040045 were rescheduled. Case #2007110010 was a duplicate on the agenda.

In compliance were Cases: #2008020133, #2008030139, #2008040066, #2008040142, #2008040101, #2008030164, #2008040153, #2008040155, #2008040160, #2008040143, #2008040023, #2008020074, #2007080100, #2007030014, #2007110041 and 2007100141.

Mr. Wixon requested the Board hear Case #2008050050, Stephen & Tilde Lee, at the beginning of today's meeting in order for IRC staff to attend.

Chairman Petrulak advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

12:47:21

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions and recommendation.

12:47:44 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

12:48:00 **Case #2008050050 – Stephen & Tilde Lee**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, related this Evidentiary hearing involved removal of a specimen oak tree from a duplex property without a required tree removal permit. He reviewed Chapter 927 of the County's tree ordinance and noted an exemption allowed the removal of one tree from the subject property without a permit because of proximity to the residence; however the second oak tree was not within 10 feet of the house and did not qualify for any exemption.

Mr. Andy Sobczak, IRC Environmental Planner, showed an aerial photograph of the two trees originally on the site. He stated normally the structure would be approved and then it would be reviewed whether or not a permit was needed for the tree, but the problem was trees had been removed before there was approval for the structure. Mr. Sobczak testified he had observed the remnants of the trees which looked considerably larger than 10 to 12 inches in diameter, and in his opinion they were both specimens.

Mr. DeBlois explained how a fine would be configured under the ordinance, and recommended a fine of \$1,500.

The Respondent outlined what he felt were mitigating circumstances as detailed in a letter dated April 21, 2008 he had written to Mr. DeBlois, a copy of which is on file in the Commission Office. Mr. Kevin Brogan, an associate of the Respondent explained why he had advised him a permit was not necessary.

1:15:54

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann for discussion to find a violation and assess the fine at \$1,500.

Discussion followed about possible mitigation.

Attorney Vitunac suggested the Respondent be fined \$1,500 with an opportunity to purge up to a maximum of \$500 of the fine by planting a four inch diameter, same species tree within 60 days. Mr. Zimmermann suggested the County's Environmental Planner should be involved in certifying the quality and size of the tree before it was planted so there would be no disagreement after-the-fact.

1:23:39

ON AMENDED MOTION BY Mr. Suthard, AMENDED SECOND BY Mr. Zimmermann, the Board voted unanimously (6-0) to fine the Respondent \$1,500, with an opportunity to purge up to a maximum of \$500 by planting a same-species, four inch diameter tree within 60 days, by July 25, 2008.

It is noted for the record the Respondent was present for this hearing.

1:25:14 **Case #2008020100 – Jonathan & William Carroll**

Mr. Wixon related this Evidentiary hearing had to do with overgrown weeds and junk, trash and debris violations. Inspector Carter Solomon, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office. She confirmed the overgrown weeds violation was in compliance, but she wanted a Continuing Order, and the remaining issue was an old shed that was not secured and had debris inside.

The Respondent testified he had recently changed the schedule to have the grass mowed on a bi-monthly basis. He stated the shed was permitted and in good condition and submitted his own photographs, which are on file in the Commission Office. He explained he had taken the door off the shed to keep children from being caught inside it.

Mr. DeBlois recommended an extension of 30 days, until June 20, 2008, for the Respondent to either secure the shed so it was not an attractive nuisance or remove it from the property.

1:34:47

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, to approve staff's recommendation.

1:34:58

ON AMENDED MOTION BY Mr. Hedin, AMENDED SECOND BY Mr. Zimmermann, the Board voted unanimously (6-0) to approve staff's recommendation and issue a Continuing Order for any future recurrence of overgrown weeds.

It is noted for the record the Respondent was present for this hearing.

1:35:39 **Case #2008030056 – Jorge Simon & Amarilis Pupo**

Inspector Rose Jefferson, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office. She related the junk, trash and debris had been cleaned up; however there was still a porch addition built without permits.

Mr. DeBlois recommended 60 days, until July 25, 2008, for the Respondent to obtain a permit and an additional 60 days, until September 19, 2008, to obtain final inspection.

at 3:28 p.m.

2:24:07 **Case #2008040088 – Blair Burns**

Mr. Wixon related this Evidentiary hearing involved a junk vehicle and junk, trash and debris. Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office and stated the two vehicles now had tags but there were a lot of car parts in the front yard

The Respondent advised this was a rental property and he would make sure his tenants came into compliance. Mr. Wixon recommended an extension of 30 days, until June 20, 2008, for compliance.

2:28:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

2:30:20 **Case #2008050056 – Bert Ammons (Tr.)**

Inspector Betty Davis, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She testified she had received complaints from neighbors about repeated boat storage and construction debris.

The Respondent related there was only one boat on the property and he had permits for construction on the site. He described what he was doing to improve the site, which he said was an ongoing project.

Mr. Wixon recommended an extension of 30 days, until June 20, 2008, to resolve the junk, trash and debris violation with a continuing Order for the boat and trailer violation

2:39:20

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

2:40:34 **Case #2007060127 – Victor & Nilda Felipe**

Mr. Wixon related this Compliance case had originally come to the Board on August 27, 2007, at which time the Board had granted 120 days for the Respondents to obtain an after-the-fact building permit for an accessory structure by November 23, 2007, and to complete all the work and get final inspections by December 21, 2007. He noted the Board had subsequently granted additional extensions.

Inspector Carter Solomon testified a permit had been issued in October, 2007 and in March, 2008 an inspection of the shed was called for; however the inspector advised numerous changes had been made to the plan, as outlined in a copy of his report on file in the Commission Office.

The Respondent reviewed the issues contained in a letter dated May 15, 2008 she had written to the Board, a copy of which is on file in the Commission Office.

Mr. Wixon recommended an extension of 90 days, until August 22, 2008, for the Respondents to complete the shed in accordance with the plans and obtain final inspection.

2:48:46

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Stetser, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were present for this hearing.

LIEN RELEASE REQUESTS

2:49:42 **Case #2002030047 – Wal-Mart Stores Inc.**

Mr. DeBlois related this had to do with site plan noncomformance on the overall Wal-Mart and Sam's Club property. He recapped at the Evidentiary hearing in May, 2002, three Sam's Club representatives had been present, but the issues had not been resolved by the August, 2002 compliance date and the fine was imposed. Mr. DeBlois advised there was currently rebuilding going on at Sam's Club and a new landscape plan had been done for the overall property.

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office. She confirmed she had not received any calls requesting a

reinspection for compliance and there was still missing landscape on the site. Mr. DeBlois stated the fine amount was \$209,500 for 2,095 days of noncompliance.

Attorney Susan Motley, representing the Respondent, said the existence of the lien was unknown to anyone currently at Wal-Mart and Sam's Club and it was discovered because of the new construction and expansion of Sam's Club. She submitted into evidence an invoice from Southern Sun Maintenance Division dated December 21, 2002, a copy of which is on file in the Commission Office. Attorney Motley noted the amount of the invoice was for \$101,722 and maintained the Respondent was trying to comply but had not called for an inspection.

Attorney Motley related a new site plan for the expansion was approved on August 18, 2006, which included upgraded landscaping, but this would not be completed until the end of October, 2008.

Discussion followed about whether or not the site had ever come into compliance.

Mr. DeBlois recommended the Board conditionally set the fine at \$10,000 contingent on the Respondent coming into full compliance with the revised landscape plan by the October 27, 2008 CEB meeting, and if compliance was not achieved the fine would revert to the original amount.

Discussion ensued.

3:14:14

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, to approve staff's recommendation.

Mr. Suthard said he had a problem at this time setting aside a \$200,000+ fine for \$10,000 and would like to make that decision in October, 2008. Chairman Petrulak agreed, noting the Board had never considered setting a fine for something that was not in compliance. Mr. Zimmermann wondered if it made sense to require the Respondent in the midst of construction to bring people in the updated part of the site and then come back again, especially when the whole site would probably be redesigned for irrigation. He thought it might be better to set the fine at \$10,000 with the idea of reviewing it at the end of the construction. Mr. Hedin did not understand why staff was recommending a reduction of the fine when the Respondent admitted the property was never in compliance.

Attorney Motley said she understood the concerns and had no problem with

She added a sign permit had been issued in October, 2000, but in researching computer records she did not see any requests for CO inspections.

Mr. DeBlois related staff had difficulty finding a copy of the actual scanned approved site plan; however there were indications the site plan was approved with some remaining issues as of February 6, 2001. He noted using that date, there would be 108 days of noncompliance for a total fine of \$10,800.

Attorney Jennifer Van Hughes, representing the Respondent, asked Inspector Zedek if she had any recollection of a February 6, 2001 inspection. Inspector Zedek said she did not recall the exact date, but around that time she had physically inspected the site and found some issues involving the landscaping and parking.

The Respondent testified on November 21, 2000 Inspector Zedek came out to the property and there were two palm trees in and he advised two oak trees would be delivered the following week. Inspector Zedek had told him to contact her when the oak trees had been planted and she would schedule an inspection. The Respondent stated he had called Inspector Zedek for an inspection and as far as he knew everything was taken care of and he was in compliance.

Mr. DeBlois stated the November 27, 2000 minutes indicated the Respondent was still missing a required handicapped sign and some landscaping, and if this was resolved it would have been after that date.

Attorney Van Hughes noted the Respondent had testified he was in compliance within a week of the November 21, 2000 visit by Inspector Zedek and there was some confusion as to whether or not a CO had been issued. She confirmed the Respondent had been operating his business in compliance since 2000, as evidenced by a 2002 sign permit that had been reissued. She asked for leniency from the Board in resolving this matter.

Mr. DeBlois recommended setting the fine at \$2,000 to cover administrative costs, conditional of final inspection by IRC Traffic Engineering staff to find current compliance.

3:48:15

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Stetser, the Board voted (5-1) to approve staff's recommendation. Mr. Suthard in opposition.

It is noted for the record the Respondent was present for this hearing.

3:49:33 **Case #2008020165 – Ronald Jason MacMillan (Tr.)**

Inspector Jefferson reported she had not received service on this case.

3:49:52 **Case #2008030141 – Donald Sangbush**

Inspector Carter Solomon stated there was no service.

3:50:07 **Case #2008010026 – George Blanton Jr.**

Inspector Carter Solomon reported she had not received service.

3:50:20 **Case #2008030068 – Bert & Geraldine Newton**

Mr. Wixon related this Evidentiary hearing involved overgrown weeds and junk, trash and debris. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office.

Mr. DeBlois inquired if there was any food matter included among the junk, trash and debris, and Inspector Jefferson said she thought there was. Mr. DeBlois recommended an extension of 30 days, until June 20, 2008, and if the case was not resolved during that time frame the Board could consider a public nuisance determination.

3:52:50

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Stetser, the Board voted (5-1) to approve staff's recommendation. Mr. Hedin in opposition.

It is noted for the record the Respondents were not present for this hearing.

3:53:14 **Case #2008020131 – William Nazco & Mirna Barranzo**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated May 9, 2008 into evidence, which are on file in the Commission Office, and testified the overgrown weeds were still on the site. Mr. DeBlois recommended 30 days, until June 20, 2008, for compliance.

3:53:51

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:54:04 **Case #2008020057 – Leonard & Loreen Napier**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated May 9, 2008 into evidence, which are on file in the Commission Office, and testified the junk, trash and debris violation was not in compliance. Mr. DeBlois recommended the Board find a violation and grant an extension of 30 days, until June 20, 2008.

3:55:02

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were not present for this hearing.

3:55:14 **Case #2008010083 – Dale & Kathryn Curtis**

Inspector Jefferson submitted photographs and an Affidavit of Service dated May 9, 2008 into evidence, which are on file in the Commission Office. She testified the boat/trailer storage violation was in compliance but there was still junk, trash and debris on the property. Mr. DeBlois recommended 30 days, until June 20, 2008, for compliance.

3:56:23

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were not present for this hearing.

3:56:34 **Case #2008030167 – Ethel Gordon**

Inspector Carter Solomon related this was a swimming pool maintenance

violation; however it was not a health and safety hazard because the pool was secure. Mr. DeBlois recommended 30 days, until June 20, 2008, for compliance.

3:57:16

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:57:34 **Case #2008040006 – William & Racheal Buchanan**

Inspector Solomon testified the property was currently in compliance, but she wanted a Continuing Order as she had cited the Respondents several times in the last year.

3:57:54

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find current compliance and issue a Continuing Order in the event of recurrence of the violation for junk, trash and debris.

It is noted for the record the Respondent was not present for this hearing.

3:58:05 **Case #2008040064 – John Kone**

Inspector Carter Solomon reported there was no service on this case.

3:58:14 **Case #2008040137 – Myriam Barreto**

Inspector Carter Solomon related this case had to do with overgrown weeds in the rear yard. Mr. DeBlois recommended an extension of 30 days, until June 20, 2008, for compliance.

3:58:45

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:02:52 **Case #2007120088 – Kenny Holmes**

Inspector Zedek explained this case was turned over to her by the IRC Sheriff's office for an illegal rooming house, and upon inspection she had found nine individual rooms. The Respondent had written a note promising there would be no more than four unrelated people in the house and he would keep it as a single-family residence; however Inspector Zedek wanted a Continuing Order in case of recurrence. She added there was still an untagged vehicle in the driveway and a garage had been enclosed without permits.

Mr. DeBlois stated because Inspector Zedek had not reinspected the property it was to be assumed a violation still existed. He recommended an extension of 30 days, until June 20, 2008, for the Respondent to comply with the cessation of rooming house use and the junk vehicle, and 90 days overall, until August 22, 2008, to resolve the unpermitted enclosure issue.

4:03:36

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:03:47 **Case #2008040018 – Mark Curtis**

Inspector Davis related this involved a child care business being operated out of a home and junk vehicles. Mr. DeBlois recommended 30 days, until June 20, 2008, for compliance.

4:04:36

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

4:04:42 **Case #2008040033 – John A. Luke**

Inspector Davis advised there was no service on this case.

4:06:50 **Case #2008020035 – David & Elinor Feriend**

Inspector Jefferson reported she was at the site this morning and the overgrown weeds and junk, trash and debris were still on the property. Mr. DeBlois recommended the fine be imposed.

4:07:18

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Stetser, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were not present for this hearing.

4:07:25 **Case #2008020053 – Brian Rawinski & Cynthia Giannattasio**

Inspector Jefferson said the overgrown weeds were still on the site. Mr. DeBlois recommended the fine be imposed.

4:07:47

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were not present for this hearing.

4:07:59 **Case #2008030055 – Vance & Vanessa Brinkerhoff**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and described junk, trash and debris on the site. Mr. DeBlois recommended an extension of 30 days, until June 20, 2008, for compliance.

4:09:03

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondents were not present for this hearing.

4:09:11 **Case #2007080055 – Leslie & Khalaf Majid**

