

CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, September 22, 2008 at 1:30 p.m.

Present were Chairman **Joe Petrulak**, Subcontractor Appointee; **John Owens**, Engineer Appointee; **Cliff Suthard**, Member-at-Large Appointee; **Joe Garone**, General Contractor Appointee; and **Dana Stetser**, Architect Appointee.

Absent were. **Karl Zimmermann**, Realtor Appointee (excused) and **Keith Hedin**, Businessman Appointee (unexcused).

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Don Wixon, Code Enforcement Coordinator; Betty Davis, Debbie Clifford, Vanessa Carter Solomon and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:55:32 **Call to Order**

Chairman Petrulak called the meeting to order and the secretary called the roll, establishing that a quorum was present.

12:56:04 **Approval of Minutes of August 25, 2008**

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve the minutes of August 25, 2008 as presented.

12:56:27 **Attorney's Overview of Board Purpose and Procedures**

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

12:59:52: **Agenda Additions or Deletions, Consent Items**

Mr. Don Wixon, Code Enforcement Coordinator, reported the following cases

had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda: Cases #2008050010, #2008050015, #2008060160, #2008040197, #2008060035, #2008060119, #2008070034, #2008050137, #2008070303, #2008070299, #2008070287, #2008070042, #2008050114, #2008050156, #2008060099, #2008040203, #2008060084, #2008070122, #2008070110, #2008070171, #2008070184, #2008070119, #2008030107, #2007090125, #2008040182 and #2008040191 - 30 day extension until October 24, 2008. Cases #2008050216 and #2006110064 - 60 day extension until November 21, 2008. Cases #2008060136, #2008070141, #2008070127, #2008070142, #2008070205, #2008070215, #2008040180, #2008080017, #2008080040, #2008080086, #2008080084, #2008080121, #20080900309 and #2008070077 were rescheduled.

In compliance were Cases: #2008070283, #2008070035, #2008070211, #2008070096, #2008060087, #2008040102, #2008060145, #2008070078, #2008070140, #2008070214, #2008070317, #2008070328, #2008070107, #2008080098, #2008070350, #2008080052, #2008070016, #2008080054, #2008080055, #2008080070, #2008080101, #2008070347, #2008080033, #2008080020, #2008080007, #2008070364, #2008070353, #2008080063, #2008070340, #2008080060, #2008080087, #2008080077, #2008030023, #2008030018, #2008030045, #2008030044, #20080030022, #2008050215, #2008060114, #2008070120, #2008060132, #2008070015, #2008070041, #2008070159, #2008070235, #2007120030 and #2007120026.

Mr. Wixon noted there were two additions to the agenda, those being a Release of Lien hearing for Case #2007060120, Francois Pelletier; and Case #2008050078, Gifford Gardens LLC (Tenant – Lenny Wells), for which he recommended under Consent a 30 day extension until October 24, 2008.

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.

1:13:48

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions and recommendation.

1:15:04 **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.

1:16:24 **Case #2008070090 – Willie McGriff**

Mr. Don Wixon, IRC Code Enforcement Coordinator, related this case had to do with junk vehicles and junk, trash and debris violations. IRC Code Enforcement Inspector Ms. Kelly Zedek, IRC Code Enforcement Office, confirmed the junk, trash and debris was in compliance, but there was still a junk vehicle on the property.

The Respondent’s son, Mr. Lester McGriff, stated the car was in running order but he could not afford to insure it. Mr. Wixon noted as long as the Respondent could prove the vehicle ran it could remain, and suggested Inspector Zedek confirm this fact with the Respondent. He recommended an extension of 30 days, until October 24, 2008 to resolve the issue.

1:18:41
ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

1:19:48 **Case #2008060038 – Lee & Kathleen Muschott**

Mr. Wixon advised this Evidentiary hearing was for a noise and/or vibration violation for a generator on the subject property. IRC Code Enforcement Inspector Ms. Rose Jefferson testified she had received complaints about a noisy household generator, and when the Respondent had met with IRC staff he was told he would need to obtain some additional permits.

Inspector Zedek submitted a notarized statement concerning a decibel reading she had taken on June 3, 2008 into evidence, a copy of which is on file in the Commission Office. She testified the reading was 75 to 80 decibels, which was above the allowable level of County Code Section 974.05. Mr. Wixon understood the generator ran on a daily basis for approximately 15 minutes.

Mr. Victor Lowth, owner of Hardwire Electric (1:30:01), confirmed the generator was fully permitted and approved when it was installed in 2006, although he acknowledged the rules had changed and perhaps it did not adhere to today's standards. The Respondent stated the generator ran for 12 to 15 minutes once a week in order to circulate the oil in the motor and charge the battery. He submitted evidence showing June 3, 2008 was a Tuesday and noted the generator did not run on a Tuesday, but only ran on Saturday when the Respondent and his wife were home. He submitted information showing decibel ratings for common household devices, a copy of which is on file in the Commission office.

Discussion followed.

Mr. DeBlois related aside from the noise issue, IRC staff had determined certain permitting was required and was working with the Respondent on permitting and possibly obtaining administrative approval of the decibel level as part of the process. He recommended the Board find a violation and grant an extension of 60 days, until November 21, 2008, for the Respondent to go through after-the-fact permitting, at which time IRC staff would look at addressing the noise issue.

1:53:09

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

1:56:12 **Case #2008080068 – Reina A. Pellicer**

Ms. Betty Davis, IRC Code Enforcement Inspector, submitted a photograph and an Affidavit of Service dated September 22, 2008 into evidence, which are on file in the Commission Office. She related there had been a home fire at the subject property and the Respondent was cited for health and safety hazard/public nuisance and structure exterior maintenance violations. Inspector Davis noted the overgrown weeds had been mowed and advised the Respondent's insurance company was in the process of coming to a settlement.

The Respondent stated she was in the process of getting together necessary information for submittal to the insurance company.

The Respondent's representative, Mr. Randy Thorton, asked for an extension to make sure the hedges came back or he would replace them. Mr. Wixon recommended an extension of 60 days, until November 21, 2008, for compliance.

2:12:42

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

2:14:01 **Case #2008080003 – Doyal & Dianna Cox**

IRC Code Enforcement Officer Ms. Vanessa Carter Solomon explained the Respondent had replaced a shed ruined by the 2004 hurricanes and had obtained permits, but had replaced it with a larger shed in a different location than the original. She submitted a copy of the initial survey into evidence, which is on file in the Commission Office. Inspector Carter Solomon stated the new shed was 10 foot by 20 foot and required a 20 foot setback in the rear yard, so it needed to be moved to meet the 20 foot setback and final inspections were necessary.

Mr. Wixon recommended the Board find a violation and grant an extension of 60 days, until November 21, 2008, for the Respondent to obtain all permits and move the shed.

2:24:37

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

2:28:56 **Case #2008090076 – Stephanie Wright**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and recapped the Board had initially entered an Order for overgrown weeds on October 22, 2007. She summarized the Respondent had mowed part of the property but insisted on letting some areas of her yard grow wild

with what she maintained were natural plants of up to three feet in height.

The Respondent said she was mowing her lawn and the area in question was a garden with herbs, wildflowers and other natural vegetation than served as a buffer from the street.

Discussion followed.

Mr. Wixon recommended the Board find a repeat violation and grant the Respondent 30 days, until October 24, 2008, to cut the yard down to 12 inches or less.

2:40:00

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Stetser, the Board voted unanimously (5-0) to approve staff's recommendation.

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

LIEN RELEASE REQUESTS

2:40:31 **Case #2002030047 – Wal-Mart Stores Inc.**

Mr. DeBlois recalled this case had last been before the Board on May 19, 2008 regarding a lien dating back to August 24, 2002, as outlined in the backup on file in the Commission Office. He reported as of September 19, 2008 the Respondent had come into compliance on the site plan nonconformance and landscape maintenance violations. Mr. DeBlois advised under the \$100 per day fine that had accrued since the Order was first entered in 2002, the fine would be \$221,800 for 2,218 days of noncompliance.

Attorney Susan Motley, representing the Respondent, noted back in May, 2008 Mr. DeBlois had recommended a flat fine of \$10,000 contingent on the Respondent coming into full compliance with the revised landscape plan by October 27, 2008, and if compliance was not achieved the fine would revert to the original amount. She related the final determination was to continue the hearing and the Respondent could apply for reduction of the fine when compliance was achieved. Attorney Motley reminded the members when the Respondent was first cited for the landscape violations, they had spent over \$100,000 in trying to correct the situation; however nobody had gotten a final sign-off for the work done in 2002. She urged the

Board to consider a flat fine of \$10,000.

Mr. Greg Fieffer, the general contractor for the Respondent (2:50:51), stated the initial start date of the expansion project was October 24, 2007, with the actual building construction beginning on February 4, 2008. Mr. Suthard opined it was difficult for him to support a mere \$10,000 fine when this issue had been going on for seven years. He noted if the Board took the initial start date of the expansion it was about 12 months worth of fine, which would be in the neighborhood of \$30,000.

Discussion ensued.

3:03:37

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to find compliance and reduce the fine to \$30,000.

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

Mr. DeBlois related at this time he had a request for an addendum regarding another Release of Lien, and distributed backup information which is on file in the Commission Office.

3:06:13 **Case #2008040105 – Kenneth D. Gibbs, Jr. (Trustee)**

Mr. DeBlois summarized this case was initially before the Board on June 23, 2008 for an accumulation of lumber and junk, trash and debris stored on the subject property, with an Order Imposing Fine entered on July 25, 2008. He referenced an e-mail dated September 12, 2008 from the Respondent, a copy of which is on file in the Commission Office. Mr. DeBlois concluded the property came into compliance on September 4, 2008, which would be 40 days for a fine of \$4,000.

The Respondent testified he had some tenants on his property and thought everything was in compliance before he left town for a business trip; however upon his return he realized this was not the case and immediately hired someone to clean up the site.

Discussion followed.

Mr. DeBlois recommended the Board find compliance in this case and reduce

the fine to \$1,500 for administrative costs.

3:15:06

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:15:28 **Case #2004010035 – Ben James Licardi, Jr.**

Mr. DeBlois advised this was an administrative and clerical issue he would like to resolve. He explained the property had come into compliance for an unlicensed trailer and junk, trash and debris and there was currently a recorded lien for a flat fine of \$100; however IRC staff had recently discovered the legal description on the Order did not match up with the address or the parcel number. He recommended the Board authorize staff to resolve the clerical error and release the lien, and re-record it so it tied to the correct legal description.

3:17:30

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:17:43 **Case #2007060120 – Francois Pelletier**

Mr. DeBlois stated the Respondent had been present earlier but had to leave, and recommended the Board proceed with this hearing. He recapped this case had been to the Board in July, 2008 for a determination of public nuisance warranting County abatement, and which time the Board had concluded the site was a potential threat in hurricane season and directed IRC staff to move forward with abatement if the issue was not resolved within 30 days. He confirmed there was an Order Imposing Fine starting on August 25, 2007, prior to the public nuisance determination, and confirmed the violations had now been resolved and it was not necessary to resort to the County entering the property to clean it up.

Mr. DeBlois related there was 359 days of noncompliance for a fine amount of \$35,900, and recommended the Board formally acknowledge compliance and set the fine at \$35,900.

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

3:24:37 **Case #2008070018 – Virginia Thompson**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and confirmed the junk vehicle and overgrown weeds violations were in compliance but there was still junk, trash and debris on the property. Mr. Wixon recommended the Board find the violations and grant 30 days, until October 24, 2008, for compliance.

3:24:49

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:24:56 **Case #2008070138 – David Conran**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She advised the boat/trailer storage was in compliance and the remaining issues were a junk vehicle and junk, trash and debris. Mr. Wixon recommended the Board find the violations and grant 30 days, until October 24, 2008, for compliance.

3:25:47

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:25:53 **Case #2008030145 – Bank of America**

Attorney Vitunac recommended this case be rescheduled and the property posted in order to get the property owner involved.

3:27:40 **Case #2008070258 – Modabi Homes of Florida City LLC**

Inspector Carter Solomon submitted a photograph into evidence, which is on

file in the Commission Office, and described overgrown weeds on the property. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:28:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:28:28 **Case #2008070146 – James & Nicole Collins**

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

3:28:46 **Case #2008070204 – Robert & Nancy Foreman**

Inspector Jefferson submitted a photograph and a letter she had received from P.R. Smith Law Group into evidence, which are on file in the Commission Office. She noted the attorney's letter stated the Respondent had filed for Chapter 7 bankruptcy; however there was bank foreclosure taking place.

Discussion ensued about who was responsible for the overgrown weeds.

Attorney Vitunac recommended Inspector Jefferson call the attorney and ask if a stay had been issued, and in the meantime the Board could issue an Order providing it stated if a bankruptcy stay had been issued the Order would be null and void. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:32:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:32:50 **Case #2008070306 – William Carroll**

Inspector Jefferson submitted a photograph into evidence, which is on file in

the Commission Office. She related the overgrown weeds violation was in compliance but there was still a zoning district use violation for outside storage, along with junk, trash and debris. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:33:52

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:33:58 **Case #2008080013 – James Rifenberg**

Inspector Davis submitted a photograph and an Affidavit of Service dated September 22, 2008 into evidence, which are on file in the Commission Office. She advised this involved a sign violation and zoning district use violation involving more than three garage sales in one year. Inspector Davis noted the property was currently in compliance but she wanted a Continuing Order for future violations.

3:34:50

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to find compliance and enter a Continuing Order.

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

3:35:04 **Cases #2008080043 – Frederick & Rita Mensing**

Inspector Davis stated she had received a complaint from a neighbor about an occupied recreation vehicle (RV) on the subject property, and the individual had since moved out of the RV and into a dilapidated mobile home that was to be removed off of the site. She submitted aerial photographs and an e-mail from Mr. Glenn Schuessler of the IRC Environmental Health Department into evidence, which are on file in the Commission Office.

Mr. Wixon recommended the Board find the violation and grant 60 days, until November 21, 2008, for the Respondent to remove the dilapidated mobile home and cease any living quarters in the RV, and obtain required permits and inspections for a new mobile home.

3:38:06

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:38:13 **Case #2008080057 – Abdool Khan**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and advised the home was in foreclosure with an issue of overgrown weeds. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:38:57

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:39:01 **Case #2008080065 – Dennis & Marydonna Rifenberg**

Inspector Davis testified this was an overgrown weeds violation and recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:39:29

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:39:29 **Case #2008080079 – James & Mary Barnes**

Inspector Davis submitted a photograph and an Affidavit of Service dated September 22, 2008 into evidence, which are on file in the Commission Office. She related this case involved overgrown weeds and junk, trash and debris violations and

recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:40:22

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:40:39 **Case #2008080099 – Dorcel & Jeanette Thompson**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and explained there had been a fire in the home and the Respondent was in the process of settling with the insurance company. Mr. Wixon recommended the Board find the structure exterior maintenance, health and safety hazard/public nuisance and junk, trash and debris violations and grant 30 days, until October 24, 2008, for compliance.

3:40:03

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:41:05 **Case #2008080105 – Hayward Coleman**

Inspector Davis submitted a photograph and an Affidavit of Service dated September 22, 2008 into evidence, which are on file in the Commission Office. She stated this was an overgrown weeds violation for a property that was in foreclosure, and Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:41:35

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

the Commission Office, and related this involved an unpermitted fence. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:44:43

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:44:58 **Case #2008080021 – Chris Moore**

Inspector Carter Solomon advised she had not received service on this case.

3:45:22 **Case #2008070349 – Roosevelt Banks & Carrie Copeland**

Ms. Debbie Clifford, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office, and described overgrown weeds on the property. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:45:42

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:45:51 **Case #2008070337 – Everett & Nicol Vangaasbeck**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office, and pointed out there were overgrown weeds in a swale. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:46:38

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to

approve staff's recommendation.

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

3:46:44 **Case #2008070338 – RBC Bank (USA)**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. She confirmed the Respondent had mowed the grass on the subject property but had done an unsatisfactory job and left large clumps of overgrown weeds. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance.

3:47:21

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:48:22 **Case #2008070168 – Miriam Barreta**

Inspector Jefferson submitted a photograph and an Affidavit of Service dated September 12, 2008 into evidence, which are on file in the Commission Office, and said she had received several complaints about overgrown weeds and grass on the site. Mr. Wixon recommended the Board find the violation and grant 30 days, until October 24, 2008, for compliance in this case.

3:48:57

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:49:10 **Case #2008050190 – Salvatore & Mary Ann Digregorio**

Mr. Wixon advised this case had originally come to the Board on July 28, 2008, at which time a 60 day extension was granted for the Respondent to obtain the required permits, and allowing 120 days to complete the construction per approved plans and permits or remove the structure. Inspector Davis confirmed

nothing had been done and Mr. Wixon recommended the fine be imposed.

3:50:28

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:50:39 **Case #2008060157 – Leal & Lidia Martin**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and stated this Compliance hearing involved overgrown weeds at an abandoned home. Mr. Wixon noted the case had originally been heard on August 25, 2008 when a 30 day extension was granted, and recommended the fine be imposed.

3:51:18

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:51:27 **Case #2008070191 – Jon Wagstrom**

Mr. Wixon recapped this case had first come to the Board on August 25, 2008, at which time the Respondent was granted seven days to repair a broken gate and resolve a swimming pool enclosure violation. Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and testified nothing had been done. Mr. Wixon recommended the fine be imposed.

3:52:07

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

Under discussion, Inspector Carter Solomon confirmed the home was in foreclosure and she had no contact with the Respondent owner, but had advised Wells Fargo bank of the proceedings.

3:54:21

ON AMENDED MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to determine this violation constituted a public nuisance warranting County abatement.

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

3:54:30 **Case #2008070074 – Paul & Mary Ellen Lathim**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office. She recapped this case had been to the Board last month as a repeat violation for junk, trash and debris and the Respondent was not in compliance.

3:55:24

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to impose \$100 per day fine.

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

3:56:23 **Case #2008070093 – Gifford Gardens LLC**

Inspector Zedek submitted a photograph into evidence, which is on file in the Commission Office. She noted the Respondent had made some attempt to board up the unsecured vacant structure, but the neighborhood children were breaking out the windows and there was still junk, trash and debris on the property and the front door was wide open. Inspector Zedek said she had spoken to Mr. Josh Perez, the registered agent for the Respondent, after the August 25, 2008 meeting and he told her he would take care of it, but basically nothing had been done. Mr. Wixon recommended the fine be imposed.

3:57:34

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve

staff's recommendation.

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

3:57:41 **Case #2008040201 – Citi Mortgage Inc.**

Inspector Jefferson reported this case was in compliance.

3:58:06 **Case #2008030056 – Jorge Simon**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and noted the junk, trash and debris violation was in compliance. Mr. Wixon related this case had originally come to the Board on May 19, 2008 and the Respondent had been granted 60 days to obtain after-the-fact permits for a building addition, and subsequently additional extensions were granted. He confirmed nothing had been done and recommended the fine be imposed.

3:59:44

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to approve staff's recommendation.

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

3:59:53 **Case #2008050162 – Donald Arlo Bess**

Inspector Carter Solomon reported the Board had first heard this case on July 28, 2008, at which time First Horizon Home Loan had already taken possession and an Order was entered against the bank to mow the overgrown weeds. She continued a 30 day extension was granted in August, 2008, but nothing had been done.

4:00:33

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to impose the fine.

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

4:00:39 **Case #2008020052 – Natalie Geisler**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and advised the commercial vehicle violation had been resolved; however there was still junk, trash and debris on the property. Mr. Wixon recapped an Evidentiary hearing had been held on April 28, 2008, with three extensions being granted. He recommended the fine be imposed.

4:02:14

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:02:22 **Case #2008040068 – Jamie Lyn Rouse & Steven Cocchia**

Mr. Wixon advised this case had first been before the Board on May 19, 2008 for junk, trash and debris, and since nothing had been done towards compliance he recommended the fine be imposed.

4:03:08

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:03:41 **Case #2008050130 – Mike Oliver (Deutsche Bank Trustee)**

Inspector Davis related the Board had granted several extensions for the junk, trash and debris and overgrown weeds violations; however no progress had been made and she recommended the fine be imposed.

4:04:04

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:04:31 **Case #2008040054 – Milton Moreno**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. She advised the Board had granted a 30 day extension last month for the Respondent to remove the dead pine trees and nothing had been done.

4:04:55

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to impose the fine.

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

4:05:10 **Case #2008050085 – Deutsche Bank**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. She recalled the Board had granted a 30 day extension on August 25, 2008 to resolve the junk, trash and debris and residential solid waste disposal violations, and she had not heard from either the bank or the property owner. She added one dumpster had been removed but there was still one remaining.

4:05:55

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to impose the fine.

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

4:06:07 **Case #2008060065 – Samuel & Marie Raymond**

Mr. Wixon recapped this case was first heard on July 28, 2008 when the Respondent was granted 30 days to get final inspection for a fence erected with an expired permit, with a subsequent 30 day extension being granted. He recommended the Board grant a 30 day extension, until October 24, 2008, during which time Inspector Jefferson would make sure the Respondent understood what

needed to be done for compliance.

4:09:30

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:09:39 **Case #2008060057 – Toma Fettig**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and related this had to do with a zoning district use violation for items stored on a vacant lot. Mr. Wixon recapped this case had originally started off at the July 28, 2008 meeting and extensions had been granted but nothing had been done, and recommended the fine be imposed.

4:10:46

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:10:55 **Case #2008050017 – Toma Fettig**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. Mr. Wixon noted this was the same Respondent as the previous case and involved overgrown weeds on another lot. He recalled the Respondent was present at the Evidentiary hearing on July 28, 2008; however nothing had been done towards compliance and he recommended the fine be imposed.

4:11:43

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve staff's recommendation.

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

4:11:52 **Case #2008040132 – EMC Mortgage Corp.**

Mr. Wixon stated this case was originally heard at the July 28, 2008 meeting, at which time the Board granted a 30 day extension for an overgrown weeds violation, with a subsequent 30 day extension being granted at last month's meeting. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and reported nothing had been done.

4:12:50

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to impose the fine.

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

4:12:59 **Case #2008120040 – Michael Snodgress**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and advised the Respondent was cited for a swimming pool enclosure violation. She continued the Respondent had applied for a Declaration of Covenant, and had subsequently been granted three extensions but the IRC Building Division would not final the inspection because an incorrect type of latch was used. Mr. Wixon noted this had originally come to Board at the March 24, 2008 meeting, and due to the fact there was not a proper latch and the next door neighbors had children, he recommended the Board find a determination of public nuisance warranting County abatement.

4:16:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to impose the fine and find a health and safety/public nuisance violation warranting County abatement.

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

4:16:55 **Authorization for Notices to Appear**

ON MOTION BY Mr. Owens, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to approve Authorization for Notices to Appear for October, 2008.

There being no further business, the meeting was adjourned at 5:10 p.m.