

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, October 27, 2008 at 1:30 p.m.

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

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, Kelly Zedek and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:59:06 **Call to Order**

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

12:59:37 **Approval of Minutes of September 22, 2008**

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve the minutes of September 22, 2008 as presented.

12:59:46 **Attorney's Overview of Board Purpose and Procedures**

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

1:03:59 **Agenda Additions or Deletions, Consent Items**

Mr. Don Wixon, IRC 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 #2007100110, #2008040223,

#2008040188, #2007110074, #207060047, #2008040197, #2008050137, #2008070287, #2008070110, #2007090125, #2008040182, #2008070258, #2008080053, #2008070204, #2008070205, #2008070349, #2008080057, #2008070306, #2008080008, #2008070168, #2008080105, #2008080109 and #2008080065 - 30 day extension until November 21, 2008. Cases #2008060117, #2008040169, #2008040183, #2008070231 and #2008040191 - 60 day extension until December 19, 2008. Cases #2008060160 and #2008080079 – 90 day extension until January 23, 2009. Cases #2008070136, #2008080134, #2008090180, #2008090060, #2008090061, #2008090062, #2008080149, #2008090137, #2008090138, #2008090139, #2008090003, #2008080068, #2008090030 and #2008080092 were rescheduled.

In compliance were Cases: #2008080034, #2008080037, #2008070264, #2008070170, #2008070128, #2008080124, #2008080126, #2008080169, #2008090016, #2008090042, #2008090048, #2008090049, #2008090051, #2008090052, #2008080132, #2008080133, #2008080131, #2008090088, #2008080163, #2008080145, #2008090068, #2008090131, #2008090034, #2008090004, #2008070141, #2008070142, #2008050116, #2008040144, #2008060090, #2008060098, #2008050010, #2008070042, #2008050114, #2008060099, #2008070184, #2008070119, #2008070018, #2008070138, #2008070090, #2008060065, #2008080091 and #2008080099..

Mr. Wixon requested the Board hear Cases #2008090130 (Rooney), #2008080151 (43rd Avenue Investment Inc.) and Case #2008030056 (Simon) 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.

1:19:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to accept the Consent Agenda with the revisions and recommendations.

1:19:16 **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.

1:19:34 **Case #2008090130 – Daniel & Cassa Rooney**

Mr. Wixon related this Evidentiary hearing involved excavation and mining and site plan nonconformance violations on property owned by Respondents Daniel and Cassa Rooney (Rooney).

Ms. Kelly Zedek, IRC Code Enforcement Officer recapped back in 2003 the subject property was approved for a mining operation, and at that time Elmo Greer and Sons (Greer) went into an agreement with Rooney to mine fill out of the location and use it for State Road 60 improvements. Inspector Zedek continued around the middle of 2006 Greer advised her they were finished with mining at the pit and wanted a quick site inspection to make sure there were no major code enforcement issues connected with the site. It was her understanding the mine would stay active with Rooney still running it and Greer could still utilize the site in the event extra fill was needed for other projects along State Road 60.

Inspector Zedek submitted photographs into evidence, which are on file in the Commission Office. She confirmed the mine was not currently being used and was basically an abandoned site that had not been restored per the site plan or the permits, and was not in compliance at this time. Inspector Zedek summarized all the permits were still held in Rooney's name; however since Greer still held the compliance bond there was an issue of who was responsible for restoring the pit.

Mr. Mark Zans, IRC Senior Planner, described what had to be done to bring the property into compliance under Chapter 934 of the County code.

Attorney Fred Kretchmer, representing Respondent Rooney, stated the lease agreement provided Greer would do all necessary restoration for the sand mining operation by September, 2006, and at that time Greer spent approximately \$300,000 in the reclamation process on the site to alleviate all the major concerns with the property. He agreed there was still additional minor work to be done and the reason the renovations had not been completed was because of the possibility of Respondent Rooney utilizing the pit on future State Road 60 construction. He requested the County provide a specific list of what needed to be done and promised Respondent Rooney and Greer would work out a plan to finish restoration.

Discussion followed.

1:42:55

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to find a violation and grant an extension of 90 days, until January 23, 2009, for compliance.

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

1:43:23 **Case #2008080151 – 43rd Avenue Investment Inc.**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She testified the subject site consisted of a gas station/convenience store with an approved site plan dated November 17, 1994, which included an approved landscape plan, and she had received complaints about trees being trimmed excessively

Mr. Andrew Sobczak, IRC Environmental Planner, related his findings upon inspection of the property in September, 2008. He testified the trees in question were considered protected hardwood trees over four inches in diameter and there were fines connected with illegal removal, and confirmed ten trees had been severely trimmed to the point of destruction.

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief submitted a copy of the County's Tree Protection Ordinance into evidence, a copy of which is on file in the Commission Office. Inspector Carter Solomon added there were also some dead shrubs that needed to be replaced.

Respondent Mr. Neil Hassan, owner of 43rd Avenue Investment Inc., related he had hired a landscaper to trim the trees and had no idea he would be cutting them back to such a degree; however he maintained the trees were coming back and were still alive.

Mr. Zimmermann said based on the trunk diameters the trees were permanently destroyed as far as ever reestablishing themselves with any kind of appropriate canopy.

Mr. DeBlois recommended a \$1,000 fine be imposed for each of the 10 trees, for a total of \$10,000, with an Order requiring restoration of landscape in accordance with the approved site plan, to include replacement of the destroyed trees. He recommended an extension of 90 days, until January 23, 2009, for compliance.

2:02:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

Chairman Petrulak cautioned the Respondent to coordinate with County staff to make sure the correct size and grade trees were replanted.

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

2:05:02 **Case #2008030056 – Jorge Simon**

Mr. DeBlois recapped this was a Lien Release Request relating to an Order Imposing Fine entered on September 20, 2008 for a building addition erected without permits, and submitted a photograph into evidence which is on file in the Commission Office. He recapped this had originally come to the Board in May, 2008, at which time the Respondent was granted an extension of time to obtain an after-the-fact permit and complete all work in accordance with the permit or remove the addition. Mr. DeBlois confirmed a permit was approved on October 23, 2008 and issued today, which was 37 days for a total amount of \$3,700.

Mr. DeBlois noted there was a communication problem because the Respondent did not speak English and had certain physical ailments, along with a recent foreclosure action against the property. He recommended the fine be rescinded and asked the Board to grant an extension of 60 days, until December 19, 2008, for the Respondent to get final inspections. .

Mr. Jose Guanch, IRC Building Department, translated for the Respondent who stated her husband was not working due to illness and they did not have enough money to finish the house in 60 days. Mr. Suthard inquired when the Respondent might be able to come into compliance. The Respondent told Mr. Guanch they may be able to finish the work within the six month period the permit was active because her husband was living with her sister in Tampa where he was receiving medical treatment.

Discussion ensued about what remained to be done and how much time it

would take.

Attorney Vitunac suggested the Respondent call for an inspection within 60 days and if there was more work to be done, the Board could allow extra time for compliance.

2:17:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to rescind the fine and grant 60 days, until December 19, 2008, for the Respondent to obtain an inspection and six months from today, until April 24, 2009, to complete additional work if necessary and come into compliance.

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

2:20:13 **Case #2008060137 – Lillian Atteo (Henderson)**

Inspector Carter Solomon submitted a photograph into evidence, which is on file in the Commission Office, and related she had initially cited the Respondent on June 26, 2008 for a wooden privacy fence built without required permits. She continued when the Respondent applied for an after-the-fact permit it was discovered the fence was installed in the easement and she had to apply for and obtain a Declaration of Covenant. Inspector Carter Solomon confirmed the Respondent had obtained the Covenant, but now it was necessary for her to get an after-the-fact fence permit to resolve the issue.

Mr. Wixon recommended the Board find a violation and grant an extension of 30 days, until November 21, 2008, for compliance.

2:24:21

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

2:28:47 **Case #2008050015 – East Coast Tile & Terrazzo Supplies**

Mr. Wixon recapped this Compliance hearing had to do with a case that

originally came to the Board on July 28, 2008 for landscape maintenance and site plan nonconformance violations, with subsequent extensions being granted. Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office, and reported some of the replacement material appeared to be in shock and dead.

The Respondent, Mr. Sam Adams, President of East Coast Tile & Terrazzo Supplies, said he had planted 15 new shrubs but the County was doing road work in front of his property and part of the damage done to his landscaping was due to equipment used to move the power lines and install drainage improvements.

Discussion followed.

Mr. Wixon recommended the Board grant 30 days, until November 21, 2008, for Inspector Jefferson to coordinate with the IRC Public Works Department to find out what road work was being done and how long it would take, and bring the case back at that time.

2:37:13

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted (6-1) to approve staff's recommendation. Mr. Suthard opposed.

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

2:39:04 **Case #2008090076 – Stephanie Wright**

Mr. Wixon recalled this case was being heard as a repeat violation, and on September 22, 2008 the Respondent was granted 30 days to mow overgrown weeds on her property. Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and confirmed there was no compliance. She reported this had been going on for over a year and neighbors were complaining.

The Respondent described herbs and other vegetation she had planted and stated her family and pets ate some of what was growing in her front yard. She insisted she had mown part of the property and she wanted the rest of it to grow naturally the way nature had intended, and blamed her problems on her next door neighbor.

Inspector Jefferson compared a picture of an overgrown yard at an abandoned house with pictures of the Respondent's yard, and observed it was the same type of vegetation and was more than 12 inches tall.

After lengthy discussion, Mr. Wixon recommended the Board find noncompliance and impose the fine.

2:53:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

Chairman Petrulak called a recess at 3:27 p.m. and reconvened the meeting at 3:35 p.m.

LIEN RELEASE REQUESTS

2:54:44 **Case #2008030109 – James & Diane Hersh**

Mr. DeBlois recalled the Board had entered an Order Imposing Fine starting on August 23, 2008 for a shed built without required permits. He reported a permit had been pulled on June 19, 2008 but the final inspections had not been done until September 22, 2008, which meant a fine had accrued for 30 days for a total of \$3,000.

The Respondent, Mr. Donald Dickey, said he thought everything had been taken care of.

Discussion ensued.

3:04:42

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to reduce the fine to administrative costs in the amount of \$1,500.

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

3:05:14 **Case #2007100136 – Countrywide Homes Loans Inc. (Wells Fargo Bank)**

Mr. DeBlois requested the Board proceed with this hearing even though the Respondent was not present. He related this case had originally come to the Board on January 28, 2008 for a fence constructed in an easement without permits, and explained a Declaration of Covenant and after-the-fact permit were necessary. Mr. DeBlois noted a covenant was applied for and approved by a previous owner but it was never finalized, and in the meantime the bank had taken over the property. He further stated records indicated a fence permit was issued on September 5, 2008 with final inspection on done on September 16, 2008.

Mr. DeBlois continued the fine amount was 143 days or \$14,300; however there was still a lingering issue because although a fence permit had been issued and finalled, the fence Covenant agreement was never finalized or signed and recorded. He recommended the Board reduce the fine to administrative costs of \$2,000, conditional upon the Respondent following through on the Declaration of Covenant within 30 days by November 21, 2008, and if this was not done the fine would revert to \$14,300 minus \$1,100, which would be 13,200.

Mr. Zimmermann observed it appeared the Order was not entered properly and the Respondents had not been instructed to get the covenant.

3:11:56

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted (6-1) to approve staff's recommendation. Mr. Suthard opposed.

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

3:13:48 **Case #2008060146 – James Thatcher & Robin Burkner**

Inspector Carter Solomon advised the zoning district use violation had been complied. She explained the Respondents needed to apply for a home occupation permit because they were operating an e-bay business from the residence, and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:15:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr.

Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:15:28 **Case #2008040180 – James Bristol**

Ms. Debbie Clifford, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She advised the junk vehicle was in compliance; however there was still junk, trash and debris on the property, and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:17:11

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:17:27 **Case #2008080039 – Markin LLC**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and described dead and missing landscape and a sign in the right-of-way. She recommended the Board find the violations and grant 30 days, until November 21, 2008 for compliance.

3:18:14

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:18:21 **Case #2008070167 – Sylvester Moore**

Inspector Zedek said the property was in foreclosure and she had service on the mortgage holder on October 10, 2008, but had not received service on the Respondent. She submitted a photograph into evidence, which is on file in the Commission Office, and noted the overgrown weed violation was complied but there

was still junk, trash and debris on the property. Mr. Wixon recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:20:07

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:20:14 **Case #2008070164 – Racquel Humphrey-Irvin**

Inspector Zedek submitted an Affidavit of Service dated October 8, 2008 and a photograph into evidence, which are on file in the Commission Office. She related there was a pile of debris in the rear yard of a vacant homes and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:21:01

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:21:07 **Case #2008070098 – Jerry & Anthony Baker**

Inspector Zedek submitted an Affidavit of Service dated October 8, 2008 and photographs into evidence, which are on file in the Commission Office, and stated she had cited the Respondents for overgrown weeds and an unsecured vacant structure. Mr. Wixon noted Inspector Zedek was going to meet with the IRC Sheriff's office and walk around the property to verify it was unsecured, and Attorney Vitunac advised her to drop that specific charge until it could be confirmed. Mr. Wixon recommended the Board find a violation for overgrown weeds and grant 30 days, until November 21, 2008 for compliance.

3:21:51

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:22:01 **Case #2008070265 – Vannie & Ernestine Webb Williams**

Inspector Zedek submitted photographs into evidence, which are on file in the Commission Office, and advised the overgrown weeds violation was in compliance. She noted the broken windows and doorways needed to be secured and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:23:36

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:23:44 **Case #2008070248 – Suzanna Chapter No. 63 OES**

Inspector Zedek submitted a photograph into evidence, which is on file in the Commission Office. She reported the overgrown weeds violation had been complied but there was still the issue of an unsecured vacant structure. Mr. Wixon recommended the Board find a violation and grant 60 days, until December 19, 2008 for compliance.

3:24:33

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

Chairman Petrulak said he was not comfortable granting that much time for something that could be a health and safety violation. Mr. Wixon recommended 15 days to secure the first floor of the residence and 60 days for Respondent Gloria Tory to get title of the property so compliance could be achieved.

3:25:18

ON AMENDED MOTION BY Mr. Zimmermann, AMENDED SECOND BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's amended recommendation.

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

3:25:37 **Case #2008070148 – Eugene Cobb**

Inspector Zedek submitted an Affidavit of Service dated October 8, 2008 and a photograph into evidence, which are on file in the Commission Office, and described overgrown weeds on a vacant lot.

3:26:16

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation and grant 30 days, until November 21, 2008 for compliance.

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

3:26:27 **Case #2008070150 – Margaret Lee Webb**

Inspector Zedek submitted a photograph into evidence, which is on file in the Commission Office, and advised this was an unsecured vacant structure with overgrown weeds. She recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:27:04

ON MOTION BY Mr. Owens, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:27:32 **Case #2008070161 – Wells Fargo Bank NA**

Inspector Zedek submitted a photograph into evidence, which is on file in the Commission Office. She said she had spoken with a representative of the bank who told her they had hired someone to cut the overgrown weeds, and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:28:00

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:28:07 **Case #2008080026 – Joseph & Shay Ragen**

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

3:28:24 **Case #2008060018 – Donnini Enterprises Inc.**

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

3:28:31 **Case #2008070321 – Michael & Amanda Baker**

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

3:28:42 **Case #2008070319 – Danny Beyer**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and described overgrown weeds and a swimming pool violation at an abandoned home. She stated the service was against the foreclosing bank, and recommended an extension of 30 days, until November 21, 2008 to allow the bank to comply.

3:29:39

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:29:48 **Case #2008070290 – Irasema Cantu & Jose Raya**

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

3:30:01 **Case #2008070124 – Mixnus Inc.**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and said the out-of-town owner was trying to locate a local company to mow the overgrown weeds. She recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:30:34

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:30:43 **Case #2008070044 – Barry Clyde & Mary Brock Helton**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and reported this case involved a health and safety hazard for dead pine trees. She recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:31:13

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:31:24 **Case #2008070128 – Raymond & Donna House**

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

3:31:35 **Case #2008090216 – Lewis Barton**

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

3:32:44 **Case #2008080127 – Jim Smith & Brenda Campbell**

Ms. Betty Davis, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She testified this was an

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

3:37:31 **Case #2008090185 – Charlie Jones**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and reported this was a case of overgrown weeds, junk vehicles and junk, trash and debris on the property. She recommended the Board find the violations and grant 30 days, until November 21, 2008 for compliance.

3:38:43\

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:38:47 **Case #2008080017 – Nancy Rees**

Inspector Carter Solomon submitted an Affidavit of Service dated October 17, 2008 and photographs into evidence, which are on file in the Commission Office, and described overgrown weeds on the property. Mr. Wixon recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:39:19

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:39:28 **Case #2008090115 – Ewars Queen**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and advised the junk vehicles were in compliance but there was still overgrown weeds and junk, trash and debris on the site. She recommended the Board find the violations and grant 30 days, until November 21, 2008 for compliance.

3:40:03

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to

approve staff's recommendation.

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

3:40:08 **Case #2008090045 – James & Rhonda Anderson**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office. She noted the swimming pool enclosure and commercial vehicle violations were in compliance; however there were still junk, trash and debris, overgrown weeds and boat/trailer storage violations on the property. She recommended the Board find the violations and grant 30 days, until November 21, 2008 for compliance.

3:41:36

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:41:47 **Case #2008080152 – Norman Burbine**

Inspector Clifford submitted a photograph into evidence, which is on file in the Commission Office. She reported the junk vehicle violation and overgrown weeds had been taken care of but the tenants had moved out and left junk, trash and debris on the property.

3:41:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation for junk, trash and debris and grant 30 days, until November 21, 2008 for compliance.

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

3:42:32 **Case #2008090109 – HSBC Bank USA National Association**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She confirmed the overgrown weeds and junk, trash and debris violations had complied, but there was still an issue of an unsecured vacant structure that people were breaking into.

3:45:47

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation for an unsecured structure and grant 14 days, until November 10, 2008 to secure the building.

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

3:46:03 **Case #2008090002 – Vilma Comas**

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

3:46:34 **Case #2008070127 – Alvaro Alarcon**

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

3:46:46 **Case #2008070146 – James & Nicole Collins**

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

3:46:53 **Case #2008030145 – Bank of America**

Inspector Clifford advised she had posted this property on October 9, 2008 and this case had been going on a while because she previously did not have proper service. She described overgrown weeds and junk, trash and debris violations on the property and said she had verbally informed the bank of the violations approximately three weeks ago. Mr. Wixon recommended the Board find the violations and grant 30 days, until November 21, 2008 for compliance.

3:48:11

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:48:20 **Case #2008080086 – Shannon Cook & Robert Kahn**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office. She described overgrown weeds on the property and recommended the Board find a violation and grant 30 days, until November 21, 2008 for compliance.

3:48:44

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:48:52 **Case #2008100144 – Michael Hooker**

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

3:49:06 **Case #2008040141 – Larry Studstill & Shirley Bishop**

Inspector Carter Solomon testified this Compliance case had initially been before the Board on June 6, 2008 for a shed built without permits, and after two extensions the property was still not in compliance. Mr. Wixon recommended the fine be imposed.

3:50:15

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:50:26 **Case #2008060035 – Floyd Ray Taylor**

Inspector Carter Solomon stated this was a Compliance case for overgrown weeds at a property in foreclosure that had initially been to the Board on August 25, 2008 with two subsequent extensions, and nothing had been done.

3:51:39

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to impose the fine.

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

3:51:44 **Case #2008060119 – Nathan & Kristi Shellen**

Inspector Carter Solomon advised this case had originally been before the Board on August 25, 2008 for overgrown weeds; however the property was not in compliance and she recommended the fine be imposed.

3:52:16

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:52:23 **Case #2008070034 – Robert Wallis**

Inspector Carter Solomon reported this case of overgrown weeds and storage of a commercial vehicle at a residence was before the Board as an Evidentiary hearing on August 25, 2008. She confirmed no progress had been made and recommended the fine be imposed.

3:53:14

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Zimmermann, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:53:46 **Case #2008070303 – Maria Marinko**

Inspector Carter Solomon testified this Compliance hearing was for a swimming pool maintenance case that was initially before the Board on August 25, 2008, and although the pool was basically secured it still needed to be cleaned. She recommended the fine be imposed.

3:54:36

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve staff's

recommendation.

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

3:54:46 **Case #2008070299 – Eric & Mona Rollins**

Inspector Carter Solomon recapped an Evidentiary hearing was held on August 25, 2008 for overgrown weeds, with subsequent extensions being granted. She confirmed the grass was now approximately four feet high and recommended the fine be imposed.

3:55:20

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:55:43 **Case #2008040203 – Steven & Kristina Wilton**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and recapped this case had originally been to the Board on August 25, 2007 when the Respondents were granted a 60 day extension. She advised fence/wall and building permit violations had been resolved; however boats were still being stored in the rear yard. Mr. Wixon added it appeared the Respondents had some type of boat or engine repair business because different boats would come and go over time, and recommended a fine be imposed.

3:58:24

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

3:59:13 **Case #2008060084 – Michael & Amanda Zaniewski**

Mr. Wixon recapped this Compliance hearing involved no building permit for a fence, overgrown weeds and junk, trash and debris violations for a case heard by the Board on August 25, 2008, with an extension being granted. Inspector Jefferson

submitted photographs into evidence, which are on file in the Commission Office, and reported no progress had been made.

4:00:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to impose the fine.

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

4:00:59 **Case #2008070122 – Odalvis & Odalis Furones**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and stated this was a Compliance hearing for overgrown weeds. She recapped this case had first been to the Board on August 25, 2008 with a subsequent 30 day extension, and since nothing had been done she recommended a fine be imposed.

4:01:19

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:01:37 **Case #2008070171 – Sixto Alejandro Diaz**

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and testified this was a Compliance hearing for overgrown weeds at an abandoned home. She confirmed the case was still not complied and recommended a fine be imposed.

4:02:02

ON MOTION BY Mr. Hedin, SECONDED BY Mr. Suthard, the Board voted unanimously (7-0) to approve staff's recommendation.

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

4:02:17 **Case #2008070006 – Gil Martin Dees**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She reported the junk vehicle, overgrown weeds and zoning district use violations were in compliance but there was still junk, trash and debris on the property.

4:03:17

ON MOTION BY Mr. Hedin, SECONDED BY Owens, the Board voted unanimously (7-0) to impose the fine.

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

4:03:38 **Case #2008050078 – Gifford Gardens LLC**

Inspector Clifford recalled the father and son who reside on the property had attended the Evidentiary hearing for this case in July, 2008 and she had spoken to them several times since, but nothing had been done.

4:04:25

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Hedin, the Board voted unanimously (7-0) to find a violation and impose the fine.

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

4:04:35 **Authorization for Notices to Appear**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (7-0) to approve Authorization for Notices to Appear for November, 2008.

There being no further business, the meeting was adjourned at 4:45 p.m.