

## 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, June 28, 2010 at 1:30 p.m.

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

Absent was **Keith Hedin**, Businessman Appointee (excused). Let the record show there is a vacancy for an Architect Appointee.

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

### 12:27:54 Call to Order

Chairman Suthard called the meeting to order and led all in the Pledge of Allegiance. The secretary called the roll, establishing that a quorum was present.

### 12:29:19 Attorney's Overview of Board Purpose and Procedures

Attorney Wayne Coment, Attorney for the Board, gave a brief overview of the procedures and purpose of the Code Enforcement Board.

### Approval of Minutes of May 24, 2010

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of May 24, 2010 as presented.**

### 1:53:55 Agenda Additions or Deletions, Consent Items

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, reported the following cases had either complied, been rescheduled, or were

recommended by staff for an extension of time on the Consent Agenda. Cases #2009090029, #2008050216, #2009120001, #2010010096, #2007120073, #2010020036, #2010030036 and #2009050187 – 30 day extension until July 23, 2010. Cases #2009070007, #2009090101 and #2010020034 – 60 day extension until August 20, 2010. Case #2010050072 was rescheduled.

In compliance were Cases #2010030070, #2009110042, #2010040161, #2010040002, #2010050027, #2010050029, #2010050030, #2010050060, #2010040191, #2010050051, #2010050052, #2010050054, #2010050069, #2010050110, #2010040090, #2009100090, #2010030034, #2010030035, #2010030059, #2010030088, #2010020131, #2010010108 and #2010060122.

Mr. DeBlois noted there was an Administrative Hearing and several Release of Lien Requests on the agenda, and requested these be heard at a time certain of 3:00 p.m.

12:40:22

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to accept the Consent Agenda with the revisions.**

Chairman Suthard 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 confer with their Code Enforcement Officer and the Board would accommodate their request.

12:40:53 **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.

12:41:28 **Case #2009110031 – Kenneth Beebe Jr.**

Mr. DeBlois related this Evidentiary hearing had to do with an unpermitted addition to a home. Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She recalled the Respondent had initially been cited in November, 2009 for enclosure of a porch and he had applied for an after-the-fact building permit; however the permit was never finalled out and the permit application had expired. Inspector Carter Solomon explained the Respondent needed to get a new permit

and have the improvement inspected and finalled out.

The Respondent testified he was having problems getting together with his engineer in a timely fashion in order to answer questions from the IRC Building Department staff.

Mr. DeBlois recommended the Board find the violation and grant an extension of 90 days, until September 24, 2010, for compliance.

12:48:19

**ON MOTION BY Mr. Owens, 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.

12:48:42 **Case #2010030128 – Frank Gallina**

Mr. DeBlois explained this was a zoning district use violation for conversion of a single-family residence to a duplex or rooming house without required building permits. Ms. Rose Jefferson, IRC Code Enforcement Inspector, submitted a photograph into evidence, which is on file in the Commission Office.

Mr. Shawn Doutrich, IRC Building Department, testified he had inspected the property and it appeared certain things were being done to build a separate living unit, including plumbing, so he issued a Stop Work Order, a copy of which is on file in the Commission office.

Mr. John Atao, a family friend representing the Respondent (12:55:35), stated the house had never been a rooming house or duplex and one of the tenants had put a temporary wall up because his room-mate was stealing his possessions. He added there was no bathroom addition and invited Mr. Doutrich to inspect the premises with the permission of the new tenant.

Mr. DeBlois recommended the Respondent be granted 60 days, until August 20, 2010, to verify with County staff the interior had not been modified as a duplex and either obtain permits for the partition or remove it.

12:59:42

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr.**

**Petrulak, 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.

1:00:29     **Case #2010040016 – Denise Armento (Suntrust Bank)**

Ms. Betty Davis, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office, and described overgrown weeds and junk, trash and debris on the premises. Mr. DeBlois recommended the Board find the violations and grant an extension of 30 days, until July 23, 2010, for compliance.

Ms. Elizabeth Lee, representing Suntrust Bank (1:04:05), said she would try to arrange for a property management company to resolve the violations.

1:04:16

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

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

1:05:56     **Case #2010020009 – Paul Stauback**

Inspector Jefferson indicated she had received complaints about a junk vehicle, overgrown weeds and junk, trash and debris at the residence, and submitted photographs into evidence, which are on file in the Commission Office. She advised the junk vehicle violation was complied and there had been a lot of progress towards cleaning the place up.

Mr. DeBlois recommended the Board find the remaining two violations and grant an extension of 30 days, until July 23, 2010, for compliance.

The Respondent said he was working to come into compliance, but noted he lived on a cul-de-sac and people often dumped their trash on his property.

1:11:49





1:53:41

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, 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.

1:54:47      **Case #2010060040 – Abdool Khan (Countrywide Home Loans)**

Mr. DeBlois related this was a repeat violation of a case heard by the Board in July, 2009 for overgrown weeds. Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and said she had received numerous complaints from the neighbors.

Ms. Elizabeth Lee, representing the bank (1:57:44), confirmed the property was in foreclosure and asked for 30 days to get a property management team to resolve the violation.

Inspector Davis noted the Respondent owner had mowed the property after the previous violation.

2:00:09

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (5-0) to find the violation and grant an extension of 30 days, until July 23, 2010, for compliance.**

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

### **ADMINISTRATIVE HEARINGS**

2:01:19      **Case #2009070107 – Ralph Bentley**

Mr. DeBlois recapped this case had originally been to the Board on October, 2009 for boat/trailer storage and overgrown weeds violations, and after some extensions the Board had found noncompliance and the fine had been imposed

starting on February 20, 2010. He confirmed staff had verified compliance on May 12, 2010, which was 82 days for a flat fine of \$8,200.

Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and stated she just happened to be in the neighborhood and saw the boat had been removed on the above date.

Ms. Jennifer Anderson, representing the Respondent (2:05:01), testified her son had two boats and sold one to her neighbor in March, 2010 and got rid of the other one in April, 2010.

Mr. DeBlois noted one boat had been removed from the property in March, 2010, and it appeared efforts were made to comply. He recommended the Board acknowledge compliance and set the fine at \$500.

2:10:08

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

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

2:10:42      **Case #2008070164 – Racquel Humphrey-Irvin**

Mr. DeBlois reported this first went to the Board in October, 2008 for junk, trash and debris, and after finding noncompliance the Board had entered an Order Imposing Fine with a start date of November 22, 2008. Ms. Kelly Buck, IRC Code Enforcement officer, verified compliance as of June 24, 2009, which was 214 days for a flat fine of \$21,400.

Ms. Tammy Bogart, representing Deutsche Bank (2:14:37), testified the bank had taken possession of the property on March 15, 2010 and had continued maintaining it since that time.

Mr. DeBlois recommended the Board find compliance and reduce the fine to 10% of the flat fine, which would be \$2,100.

2:17:12

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr.**





were no classic cars stored on the property at present.

Mr. Steven Schlitt, representing the Respondent (2:30:50), testified the tenant, Mr. Don Taylor, no longer did auto repair and strictly did towing and sold tires. He acknowledged the tenant was required by law to temporarily store towed vehicles on the site and County staff had advised this was an allowed use. Mr. Taylor (2:34:00) confirmed he had assumed he was in compliance after the classic car renovation business left the property several years ago.

Mr. DeBlois noted it was difficult to pin down a time frame for compliance, and recommended the Board acknowledge compliance in this case and reduce the fine to \$2,500.

2:40:16

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, 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.

2:40:37      **Case #2008030056 – Jorge Simon & Amarilis Pupo**

Mr. DeBlois recapped this case had come for an Evidentiary hearing in May, 2008 for an home addition built without required building permits, and after several extensions the Board found noncompliance and imposed the fine with a start date of October 24, 2009. He confirmed compliance had been verified as of June 1, 2010, which was 220 days for a flat fine of \$22,000.

Ms. Danita Bell, representing the present owner HSBC Bank (2:45:44), testified the addition had been removed on June 1, 2010.

Mr. DeBlois recommended the fine be reduced to \$2,200.

2:46:12

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

It is noted for the record the bank's representative was present for this



Mr. DeBlois recommended the Board acknowledge compliance on Case #2008100113 for property at 1075 11<sup>th</sup> Street, Vero Beach and set the fine amount at \$3,600 as a 10% fine, and in a separate action do a partial release of lien for 1170 6<sup>th</sup> Avenue, Apartment 12D.

Mr. Zimmermann wondered why the Board would set the fine for a certain amount when the only thing being done was acknowledging compliance, because if it went out of compliance staff would have to start on a new case. In addition, he observed no matter what the fine was set at somebody representing an interest in the property would at some point be asking to have the amount reduced.

2:58:03

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to acknowledge compliance in Case #2008100113 and set the fine at \$36,000; and release the property at 1170 6<sup>th</sup> Avenue, Apartment 12D, Vero Beach.**

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

2:58:36 **Case #2009050152 – Bank of New York (Trs)**

Mr. DeBlois noted the original Respondents in this case were Jacqueline and Julius Reason and the property had since been foreclosed on. He summarized the Board had entered an Order Imposing Fine as of October 24, 2009 for noncompliance in a junk vehicle violation.

Inspector Clifford submitted into evidence a letter stating the junk vehicle had been removed from the property on October 27, 2009, a copy of which is on file in the Commission office. Mr. DeBlois recommended the Board acknowledge compliance and set the fine amount due at \$300.

3:01:47

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

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



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

3:07:30 **Case #2010030082 – Brian Pickerill & Tiffany Frankenfield**

Inspector Jefferson reported there was no service on this case.

3:07:42 **Case #2010040071 – John Kester III**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and photographs into evidence, which are on file in the Commission Office, and described overgrown weeds on an abandoned property. Mr. DeBlois recommended an extension of 30 days, until July 23, 2010, for compliance.

3:08:18

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, 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.

3:08:29 **Case #2010040102 – Jimmie McCullers (Harris Bank NA)**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and photographs into evidence, which are on file in the Commission Office, and described overgrown weeds at a single-family residence in foreclosure. Mr. DeBlois recommended an extension of 60 days, until August 20, 2010, for compliance.

3:09:07

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:09:21 **Case #2010020004 – St. Lucie Development Corp.**

Inspector Jefferson reported the junk, trash and debris violation was in compliance; however the Respondent had installed a fence without a permit. She recommended an extension of 30 days, until July 23, 2010, for compliance of the







come into compliance.

3:20:12

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (5-0) to find the violations and grant an extension of 30 days, until July 23, 2010, for compliance.**

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

3:20:24      **Case #2010050039 – KRG Indian River LLC**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and described dead and missing landscape on the property. Mr. DeBlois recommended the Board find a landscape maintenance violation and grant an extension of 30 days, until July 23, 2010, for compliance.

3:21:17

**ON MOTION BY Mr. Petrulak, 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.

3:21:24      **Case #2010050040 - Indian River Mall Associates Ltd.**

Inspector Davis reported she had cited the Respondent as owner of the property to the west of Wendy's restaurant on a health and safety hazard/public nuisance violation for dead trees overhanging the parking lot. Mr. DeBlois recommended an extension of 30 days, until July 23, 2010, to remove the dead trees adjacent to Wendy's parking lot.

3:22:58

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, 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.

3:23:04      **Case #2010040244 – Kelly Ann McMann**

Inspector Davis testified this case was referred to her by IRC Animal Control for non-commercial kennel or animal boarding violation and junk, trash and debris. She submitted photographs into evidence, which are on file in the Commission Office, and described pigs, rabbits, roosters, dogs and assorted debris on the property. Mr. DeBlois recommended the Board find the violations and grant an extension of 30 days, until July 23, 2010, for compliance.

3:24:27

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:24:35      **Case #2010040229 – Susan & Jonathan Rich**

Inspector Davis submitted an Affidavit of Service dated June 15, 2010 and a photograph into evidence, which are on file in the Commission Office. She advised this case involved a newly-built home she had cited for stormwater drainage violation because the Respondents had planted vegetation in the easement. She recommended an extension of 30 days, until July 23, 2010, for compliance.

3:26:01

**ON MOTION BY Mr. Zimmermann, 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.

3:26:16      **Case #2010050053 – Vete Derisse**

Mr. DeBlois related this was an issue of a commercial vehicle at a residence, and Inspector Buck submitted photographs into evidence, which are on file in the Commission Office. Mr. DeBlois recommended an extension of 30 days, until July 23, 2010, for compliance.

3:27:21

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







She advised this was a vacant lot and the Respondents apparently had some trees removed, but there was a great deal of debris left after the work was done by the contractor. She recommended an extension of 30 days, until July 23, 2010, for compliance.

3:42:23

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:42:31 **Case #2010050010 – Tamra & Dole Carlsward**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and a photograph into evidence, which are on file in the Commission Office. She stated a house had been demolished on what was now a vacant lot and neighbors complained the Respondents were living in tents on the property. Mr. DeBlois submitted into evidence County zoning code 911.04 (2)(c), a copy of which is on file in the Commission office, and explained living in a tent on a vacant lot within a subdivision was considered an accessory use of a property without a principal use. He recommended an extension of 30 days, until July 23, 2010, for the Respondents to cease the camping and remove the tents.

3:44:30

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:44:35 **Case #2010050077 – Christopher Parker (J.P. Morgan Chase Bank)**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and submitted photographs into evidence, which are on file in the Commission Office. She testified the Respondent had moved out of the residence some time ago and left miscellaneous junk, trash and debris on the property, and the neighbors were complaining. Inspector Carter Solomon recommended an extension of 30 days, until July 23, 2010, for compliance.

3:45:54

**ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, 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.

3:46:00     **Case #2010050090 – Thomas & Dawn Brightsen (Deutsche Bank National Trust)**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and photographs into evidence, which are on file in the Commission Office, and described overgrown weeds on a property in foreclosure. She recommended an extension of 60 days, until August 20, 2010, to coordinate with the bank to try and gain compliance.

3:46:43

**ON MOTION BY Mr. Petrulak, 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.

3:46:50     **Case #2010050092 – Jose Taboada**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and photographs into evidence, which are on file in the Commission Office. She advised the house was currently vacant and the grass exceeded the 12 inch height requirement, and recommended 60 days, until August 20, 2010, for compliance.

3:47:27

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, 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.

3:47:37     **Case #2010030096 – Myriam Barreto (National City Bank)**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15,





Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office. She noted she had cited the Respondent several times in the past for overgrown weeds and junk, trash and debris, and recommended an extension of 30 days, until July 23, 2010, for compliance.

3:50:37

**ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, 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.

3:50:46 **Case #2010020110 – Keith Allen Sammons**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and a photograph into evidence, which are on file in the Commission Office. She testified the Respondent had a junk vehicle and even though it was not there at the moment, he kept removing it when he received a citation and brought it back onto the property after a couple of weeks. She asked for a Continuing Order from the Board in the event of a recurrence of the violation.

3:51:31

**ON MOTION BY Mr. Zimmermann, 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.

3:51:42 **Case #2010050119 – Lynn & Suzanne Akerley**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and a photograph into evidence, which are on file in the Commission Office. She advised the junk, trash and debris and vehicle parking obstruction of sidewalk and overgrown weeds violations were in compliance; however there were still two junk vehicles on the property. She recommended an extension of 30 days, until July 23, 2010, for compliance on the junk vehicles.

3:52:29

**ON MOTION BY Mr. Petrulak, 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.

3:52:37      **Case #2009060204 – Allen Holden**

Mr. DeBlois related this Compliance hearing involved an after-the-fact building permit requirement for a carport enclosure, and it originally came to the Board in January, 2010, with several extensions granted since that time. Inspector Carter Solomon testified there had been no progress and the Respondent had not applied for a building permit. Mr. DeBlois recommended the fine be imposed

3:53:56

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:54:07      **Case #2009080007 – Laura Michelle Turner (Property Asset Management Inc.)**

Inspector Carter Solomon submitted an Affidavit of Service dated June 15, 2010 and photographs into evidence, which are on file in the Commission Office. She stated a fine had been running since November 13, 2009 and the property had been in foreclosure since 2007; however the neighbors wanted to know if it could be deemed a public nuisance warranting County abatement because the grass was very overgrown. Inspector Carter Solomon testified the owner did not respond to her inquiries, and mail to Property Asset Management was being returned.

Mr. DeBlois did not see the weeds as a serious threat to health/safety warranting County abatement and was concerned about this setting a precedent, but said he told the neighbors he would bring it to the Board for their consideration. He recommended the fine continue to run as imposed and staff would continue to try to

work with Property Asset Management Inc. to have the site mowed.

3:58:30

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

3:58:47 **Case #2010030095 – William & Rachael Buchanan (Bank of New York)**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office. She recapped this case came to the Board last month for an Evidentiary hearing and all of the violations with the exception of the Recreational Vehicle storage and the junk vehicle had been brought into compliance. She indicated the tenants had since moved out and left the junk vehicle and junk, trash and debris on the property and kicked in the garage door. Inspector Carter Solomon recommended the Board impose the fine for the junk vehicles.

3:59:49

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

#### **ADMINISTRATIVE HEARING**

4:00:29 **Case #2009060086 – Vista Golf LLC**

Mr. DeBlois recalled this was a case where the Board had entered an Order finding public nuisance warranting County abatement on the Vista Gardens golf course, and it had gone back to the Board of County Commissioners (BCC) on several occasions for follow-up mowing. He referred to Section 973.06 of the Public Nuisance Ordinance, a copy of which is on file in the Commission office, specifying if the nuisance recurred it did not have to come back to the CEB, but the BCC could directly proceed to again correct the nuisance.

Mr. DeBlois submitted into evidence purchase orders indicating mowing had been done twice since the last time, copies of which are on file in the Commission

office. He recommended the Board approve and adopt the draft Order on page 56 of the backup for the cost of the abatement plus administrative costs, for a total of \$2,310.

4:04:39

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

### **LIEN RELEASE REQUESTS**

4:04:54 **Case #2010030019 – John Swearingen**

Mr. DeBlois related the flat fine in this case amounted to \$3,200 for 32 days of noncompliance, and recommended the Board acknowledge compliance and accept the flat fine amount of \$3,200.

4:05:38

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, 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.

4:05:51 **Case #2009040059 – Schmidt & Farrow & Funk Investments**

Mr. DeBlois summarized he had received correspondence from the Respondent dated June 1, 2010, contained in the backup on file in the Commission office, regarding occupancy without a Certificate of Occupancy (CO). He noted the fine had been running since September 26, 2009 and compliance was verified as of June 16, 2010, for a total of 263 days or \$26,300. Mr. DeBlois recommended the Board acknowledge compliance and reduce the fine to \$5,000, since the property was in pre-foreclosure and a short sale was in progress.

4:08:47

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to**

**approve staff's recommendation.**

Mr. Petrulak requested IRC staff make sure the house was actually demolished by the new owners to make sure the home would not be occupied again without a CO. Mr. DeBlois agreed to follow-up on his request.

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

4:11:12 **Authorization for Notices to Appear**

**ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to Authorize Notices to Appear for July, 2010.**

There being no further business, the meeting was adjourned at 5:25 p.m.