

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, April 25, 2011 at 1:30 p.m.

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

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, Rose Jefferson and Kelly Buck, Code Enforcement Officers; Shawn Doutrich, Building Inspector; Charles Vogt, Environmental Specialist III, Health Department; and Todd Tardif, Senior Stormwater Inspector/Enforcement Coordinator, Public Works. Others present: Attorney Wayne Coment, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

11:30:40 **Call to Order**

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

11:31:09 **Approval of Minutes of March 28, 2011**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve the minutes of March 28, 2011 as presented.

11:31:26 **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.

11:45:32 **Case #2010050118 – 45th Street Commerce Inv., LLC**

Mr. DeBlois noted the owner of the business, Mr. David Damerou, had requested a postponement of the hearing, but certified mail service had been received as of April 11, 2011 so from a staff perspective there was proper service to proceed. Mr. Damerou's reason for requesting the postponement was that his secretary had signed for the certified mail and he had already made other plans to be out of town for this meeting. His representative, Mr. James Staggs, General Manager, was present for the hearing. Staff recommended the case proceed to be heard at this meeting.

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to proceed as requested by Staff.

Mr. DeBlois recapped this case had to do with property that had two zonings: IG (General Industrial) and IL (Light Industrial). The issues cited in a Notice of Hearing was for restoration of buildings on the property without required building permits; health safety, public nuisance issues related to the accumulation of materials on the property that was not maintained in an environmentally safe manner; and use of establishment without site plan approval. He continued the property was a non-conforming salvage/junk yard because the IL zoning does not allow junk yards if they were newly established. In this case, the junk yard was established before the current zoning so it was considered a legal non-conformity.

Recently, from staff's perspective, there was an auto repair business use that had started up on the property, and that was a change in site plan use. In the IL zoning district, general auto repair was a permitted use but does require site plan approval, which is the issue cited in this case.

Ms. Kelly Buck, IRC Code Enforcement Officer, testified she received notice on the case April 14, 2011. She continued on May 25, 2010 she met with Todd Tardif, IRC Stormwater Inspector, and Shawn Doutrich, IRC Building Inspector, at this location. She submitted photographs into evidence showing structures where improvements had been done without permits.

Inspector Buck related she went back to the site on August 18, 2010, with Inspectors Tardif and Doutrich and doors had been put on the main structure with no

permits pulled. As of this morning, no permits had been pulled and she submitted pictures of the site showing its current state. A large pile of tires and empty propane tanks existed on the site.

As far as the auto repair business, Inspector Buck reported there were only a few cars on the site during the previous inspections and today there were 20-30 vehicles observed.

Inspector Doutrich was called to give an overview of his findings during the inspections of the property. Inspector Doutrich related today he found a hollow concrete block structure with no poured beams. There were step cracks in some of the corners where the blocks had shifted several inches and the joists to the roof system were rusted with numerous panels missing. The structure itself was in condemnable condition structurally. Doors had been installed and there were tools and cars in the building. The other structures on the site consisted of a modular unit with the roof missing and broken windows; there was also a covered roof section on the west side of the property where posts were missing. There was a trailer on the east side of the property that appeared to be in stages of being torn apart. He verified no permits had been pulled for any of the work.

Mr. DeBlois called Mr. Charles Vogt, Environmental Specialist III, IRC Health Department to the stand. Mr. Vogt testified he was the Compliance Inspector for the Health Department and he had been present on the site and attempted to issue a formal violation to Mr. Damerau.

Mr. Vogt addressed the piles of debris and tires on the site that were considered illegal solid waste disposal, and the rodent harborage issue caused by the dilapidated buildings.

Mr. DeBlois asked since this was a nonconforming junk/salvage yard property, did that allow having the debris and tires on the site. Mr. Vogt replied in this particular circumstance, the tires were partially buried and/or illegally disposed of on the site, thus creating the potential for mosquito breeding areas. As far as proper storage, the tires were required to be stored in a manner which that does not allow them to collect water.

Mr. DeBlois asked what issues, other than the tires, that were a concern from the health and safety standpoint. Mr. Vogt responded the cited violations were going to include solid waste violations, because they were not permitted as a solid waste disposal facility; the potential for leachate from unknown substances in the piles of debris could implicate contamination of the ground water. There were also issues

with the previous land use as on February 19, 2010 petroleum contamination was observed on the ground for which the Respondent was cited. He added there were obvious issues associated with the potential rodent harborage and as described, the tire piles were a concern for mosquito breeding.

Mr. Todd Tardif, IRC Stormwater Enforcement Coordinator, testified he first inspected the site along with Inspector Buck based on a complaint from a neighboring business. He found, as far as environmental concerns, the neighbor to the west had cut a ditch to drain his property off on his property line to use it as a containment ditch for his pollutants. All other business owners near the site have been working with him to come into compliance to get their small quantity generator license and their Department of Environmental Protection (DEP) permits updated.

Mr. Tardif continued there were no DEP permits issued for this site and he therefore notified the State of Florida who then came to perform an inspection of the site. Mr. Tardif received a report back from the state showing that according to their inspection, the site was not a working site and since it was inactive they were not going to require a permit unless work started on the site. Mr. Tardif in turn notified the state work had started on the site for auto repair and the state then determined a DEP permit would be required.

Mr. Tardif related he notified the Respondent a permit would be required which he eventually obtained. When a follow-up inspection was performed, the Respondent had done nothing toward reaching the goals of the permit such as posting a NOI (Notice of Intent); applying and conducting Stormwater Best Management Practices to stop the water from going to the neighboring facilities; a berm had not been built and no action had been taken to contain any runoff from the site.

Mr. Tardif noted both the DEP and St. Johns Water Management District have the site on the agenda for another follow-up inspection.

Mr. DeBlois showed the allowable uses for this zoning, one was for general auto repair, which was a permitted use and required site plan approval. Under another section of use there was a distinct category for junk/salvage yards and there was not an allowable use in IL zoning for a newly established use. From a staff perspective, there was a separate distinct use to have an auto repair business from a junk/salvage yard and their position was that if there was going to be an auto repair business it was a separate use and requires a separate site plan approval.

In summary, Mr. DeBlois indicated staff's main issues were the building repair without permits; health/safety issues due to the accumulation of tires; and the establishment of an auto repair business without site plan approval. Staff recommends 90 days, until July 22, 2011 to resolve the issues which would be to obtain permits; apply for, and make progress in the site plan approval process; and to clean up the property.

Mr. Petrulak inquired why it had taken almost a year for this to come before the CEB. Mr. DeBlois responded there was an issue that was appealed to the Planning & Zoning Commission on February 24, 2011 because from most appearances the non-conforming salvage yard use had ceased for a couple of years then there was activity starting up on the site which lead to the issues before the Board today. The main issue was once you have a non-conforming use that would not be allowed today, under our non-conforming ordinance, once a use ceases for a continuous period of one year or more than the use needs to cease. If a new use was found to be the case, then that would be an overriding issue on the use of the property. The Planning & Zoning Commission heard and tabled the case because of two main points of establishing the cessation of the use for a continuous period because there was testimony at that meeting the owner had periodically done business on the site and the issue of state licensing was questioned because it was found it appears not all state licenses were obtained to allow the junk/salvage yard use. However, the Respondent's attorneys and County attorney staff reviewed case law and in the end the conclusion was even though state licensing was required, it was a separate issue from determining compliance with local zoning regulations including non-conformities. In the end, that particular issue was withdrawn.

Mr. James Staggs, General Manager for the Respondent, testified the state license and DEP license were intact. He continued every junkyard repairs cars and he had contacted the IRC Building Department and was told he did not need a permit to repair the building to return it to the previous condition but he would need a permit to fix the roof.

Mr. Staggs stated he had been removing tires and was trying to conform to the requirements but had been having difficulty getting the necessary permits.

12:23:07

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation of granting 90 days, until July 22, 2010 to bring the property into

compliance.

The Respondent's representative was present for this hearing.

12:24:49 **Case #2010120082 – Roy & Ellen Spielman**

Mr. DeBlois explained the issue cited by staff for this case was use established without site plan approval; sign violation; and illegal vehicle parking in the right-of-way.

Ms. Vanessa Solomon, IRC Code Enforcement Officer, testified she had been working with the other business near the Respondent's and the vehicles were now being parked behind the fence off the right-of-way. She continued there was an auto repair business on the property which they have site plan approval for, but they are also operating a retail car sales business without approvals. In 2008, a former tenant applied for administrative approval to be allowed to sell cars in the IL (Light Industrial) zoning district. The zoning allows wholesale car sales only; not retail. The difference was that wholesale car sales were through a middleman and retail car sales were directly to the consumer. There were also flags, streamers and illegal signs on the property that had not been moved since the initial notice had been sent.

Mr. Spielman stated his tenant had a state license to sell cars but he does not have his county license. He had recently come in to complete an application but he would have to pay a \$350 application fee. Mr. Spielman appealed to the Board to reevaluate the situation to help his tenant, a small businessman, to allow him an opportunity to survive in the current economic climate.

Discussion was held regarding options that may be available to resolve the issue of selling cars as retail in the area.

Mr. DeBlois recommended granting a short time, 24 to 48 hours, for the removal of illegal signs and a longer term, 60 days, until June 24, 2011, to obtain sign plan approval or initiate rezoning.

12:41:21

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

The Respondent was present for this hearing.

12:42:14 **Case #2011020019 – Scott PA Hodges**

Mr. DeBlois related this case had to do with a residentially zoned property with violations of a fence on the property with a fence permit pulled but not final inspections performed; boat storage violation of more than one boat being stored in the front driveway; and general junk, trash and debris violation.

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified she had received several complaints regarding some of the properties located in the area and this address was one of the cases for junk, trash, and debris; several boats being kept on the property; and also the fence was dilapidated. The boat issue had been resolved as there was only one boat on the property as of this morning; but there still remained some issues as far as junk, trash and debris. She submitted photographs into evidence.

Inspector Jefferson noted she had spoken to the current tenant and explained even though a fence permit was pulled several years ago, it had expired and he needed to request a final inspection. Based on the condition of the fence, Inspector Jefferson opined it would not pass inspection.

Mr. Mark Treling testified he was the current tenant and had not lived on the property very long. The fence permit was pulled by the previous owner. He added the fence was never a complete enclosure of the backyard and did not go around the back yard or up the east side; there was only a 6-foot section that ran along the west side.

Mr. Treling agreed to clear the junk, trash and debris and Mr. DeBlois stated the records regarding the fence would be reviewed and if it appears the fence was generally located in the areas for which it was originally permitted staff would consider that issue resolved. He recommended 30 days, until May 20, 2011 to allow for the cleanup.

12:50:14

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

The tenant was present for this hearing.

12:53:10 **Case #2011030235 – Jared & Nikki M. Lyke Milliman**

Mr. DeBlois related this case involved a junk, trash and debris violation for yard debris by the mailbox near the road on vacant property. The home is currently in foreclosure.

Inspector Solomon testified someone cleaned up the property and left all the debris by the side of the road which has been sitting there for over two months.

Attorney Tracy Masters, representing Deutsche Bank National Trust, stated after his discussions with staff today, he agreed to have the debris cleared from the property within 30 days, by May 20, 2011.

12:55:45

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (6-0) to grant 30 days, until May 20, 2011 for bringing the property into compliance.

A representative for the bank was present for this hearing.

12:57:04 **Case #2011030167 – Wells Fargo Bank, NA (TRS)**

Mr. DeBlois related this limited commercially zoned property had a violation of the State Road 60 Corridor Plan sign regulations. The background color was white but the requirements were for an off-white background.

Inspector Zedek submitted photographs into evidence. She stated any of the stark white background on the sign needed to be changed to a different color.

Ms. Kathryn Moriarti, Property Manager for First Capital Property Group, testified she took the property over five months ago and just had the sign cleaned. She agreed to have the backgrounds changed and explained one of the companies, In-Tax would be leaving the center within a few months and she hated to ask them to pay for a new sign when they would be leaving August 31, 2011. She asked if they could be allowed to keep their current sign until their departure.

Mr. DeBlois stated staff could support granting 90 days, until July 22, 2011, to

bring the sign into compliance, allowing the In-Tax sign to remain until they move on August 31, 2011.

1:05:12

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

A property management representative was present for this hearing.

LIEN RELEASE REQUEST

1:05:54 **Case #2010040201 – Mark W. Hall**

Mr. DeBlois summarized this was a request to resolve the lien against a residential property that was in foreclosure for swimming pool maintenance and enclosure violations. The fine was imposed August 21, 2010. He was recently contacted that the pool violations had been cleared and the house was pending sale; thereby there was a request for a reduction and release of the lien placed against the property.

Inspector Solomon testified she had visited the site on April 19, 2011 and the pool had been cleaned, the electric was on, and the screened enclosure had been repaired.

Mr. DeBlois estimated at 241 days at \$100 per day, the fine would total \$24,100.

Ms. Margo Sydnovich, listing agent for the property, testified she did have the home under contract and it was scheduled for closing tomorrow. She continued the bank took possession of the property on December 28, 2010.

Mr. DeBlois stated staff would recommend the fine be reduced to \$2,400.

1:15:38

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

A representative for the property was present for this hearing.

COMPLIANCE HEARINGS

1:17:25 **Case #2010060001 – Charles W. & Alice D. Lee, Jr.**

Mr. DeBlois recapped this property had a number of issues such as structure built without building permits; junk, trash, and debris; junk vehicle; and illegal recreational vehicle use.

Ms. Betty Davis, IRC Code Enforcement Officer, testified the structure was built on the south side of the home, approximately 12-feet by 25-feet and the Respondent had made a lot of progress in clearing the other violations.

Mr. Jamard Lee testified he had reduced the size of the structure to 10-feet by 10-feet and was saving up enough money to purchase the building permit. He asked for 60 days, until June 24, 2011 to obtain the permit.

Mr. DeBlois stated staff could support the 60 day extension.

1:20:21

ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant 60 days, until June 24, 2011 to bring the property into compliance.

The Respondent was present for this hearing.

1:20:25 **Case #2010060002 – Terence, Jamard, and Thaddeus Lee**

Mr. DeBlois related this case had similar issues to those of the previous case. The remaining case was a structure built without a building permit.

Mr. Jamard Lee testified this property was owned by his nephew who was away at college. The nephew had granted permission to tear down the structure but it was quite large and he would need some time to complete the work. The junk vehicle was removed from the property and he removed the junk, trash and debris.

Inspector Davis submitted photographs into evidence. Mr. DeBlois recommended granting 90 days, until July 22, 2011 to allow the Respondent to bring the property into compliance.

1:22:59

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

The Respondent was present for this hearing.

The Chairman called for a break at 3:20 p.m. and the meeting resumed at 3:33 p.m.

1:24:20 **Case #2011020089 – Old Orchid HOA**

Inspector Davis testified neighboring property owners complained regarding the landscape maintenance and a site plan nonconformance violation. She submitted photographs into evidence showing how the plants that were to provide a buffer have been trimmed causing open spots.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to meet the buffer requirements.

1:26:37

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

The Respondent was not present for this hearing.

1:26:47 **Case #2011020103 – Amerigas Propane LP**

Inspector Davis recapped this case involved a landscape violation. The front hedge was dead and missing which has been replaced and there was one understory bush to be replaced and a tree by the fence. There were also rusted propane tanks in the rear of the property that have been removed.

Mr. DeBlois recommended the Board grant the Respondent 30 days, until May 20, 2011 to bring the property into compliance.

1:28:14

ON MOTION BY Mr. Petrulak, SECONDED BY Mr.

Suthard, the Board voted unanimously (6-0) to approve staff's recommendation.

The Respondent was not present for this hearing.

1:28:25 **Case #2011020144 – Michael David & Rhonda J. Griffin**

Inspector Jefferson related this case involved a commercial vehicle stored at a residence. She submitted a photograph into evidence. The Respondent had informed her he had sold the commercial vehicle, a dump truck, and was waiting for the buyer to come pick it up.

Mr. DeBlois recommended 30 days, until May 20, 2011 to bring the property into compliance.

1:29:00

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

The Respondent was not present for this hearing.

1:29:09 **Case #2011020027 – Edward Doleo**

Inspector Jefferson recapped this case involved junk, trash, and debris consisting of wood and plastic pipe being stored in the rear yard. She had no contact with the property owner but had posted the property on April 15, 2011 and submitted an Affidavit of Notice to Appear and a photograph into evidence.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:30:25

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

The Respondent was not present for this hearing.

1:30:32 **Case #2011020080 – Robert & Nilia Barber**

Inspector Jefferson related this case was posted on April 15, 2011 which was a home in the process of foreclosure with violations of junk, trash and debris. She submitted photographs into evidence. The Respondent contacted her this morning and said she would have someone remove the remaining debris and maintain the property until the bank takes full possession.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:32:01

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

The Respondent was not present for this hearing.

1:32:10 **Case #2011020162 – Jeffrey Stewart**

Inspector Buck testified this case came from a complaint made by a next door neighbor because the Respondent had a number of pit bulls on the property and the smell from the dog feces was overwhelming. Animal Control visited the site and reported there were seven pit bulls and 20 pigeons on the property. The Respondent reported to her today that he was down to four dogs and he was in the process of getting rid of the pigeons.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:34:28

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

The Respondent was not present for this hearing.

1:34:38 **Case #2011020082 – Stepanek Auto Sales & Service, Inc.**

Inspector Buck related this case had violations of an illegal vehicle parking in the right-of-way; sign violation; site plan nonconformance; and a landscape maintenance violation. All violations had been cleared except the site plan nonconformance violation.

Inspector Buck stated the Respondent was working on putting in landscaping to conform with the site plan and could have it completed within 60 days.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to allow the Respondent to finalize the landscaping.

1:35:51

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

The Respondent was not present for this hearing.

1:36:02 **Case #2011020073 – Dennis Moore**

Inspector Buck testified this case involved illegal signage in the right-of-way; sign violation; site plan nonconformance violation; and a landscape maintenance violation. She submitted photographs into evidence and stated the Respondent was working with a sign company to obtain the necessary permits and the site plan violation relates to equipment being displayed in the parking lot. He is working with Community Development staff on the number of parking spaces required for his business and there may be some area available for the equipment. The final issue was landscaping and he had been adding some plants to see if they fill out; if not, more landscaping will be done.

Mr. DeBlois recommended, based on testimony, the Board grant 60 days, until June 24, 2011 to obtain compliance.

1:37:26

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

The Respondent was not present for this hearing.

1:37:36 **Case #2011030053 – Samantha & Daniel Crisafulli**

Mr. DeBlois related this was a residential property with a porch addition without building permit violation.

Inspector Davis submitted a photograph into evidence and testified she had received service on the case and had spoken with the Respondent who informed her he had applied for a building permit.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to bring the property into compliance.

1:38:36

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

The Respondent was not present for this hearing.

1:38:45 **Case #2011030054 – Patricia Burke**

Inspector Davis recapped this case involved a utility shed existing on residential property that was in place when the Respondent purchased the property but had never had a building permit. The Respondent was now responsible for obtaining an after-the-fact permit and the shed was located within the setbacks so she is working on either obtaining a covenant or removing the shed.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to allow for the covenant process.

1:39:32

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

The Respondent was not present for this hearing.

1:39:42 **Case #2011030055 – Nelson & Mae Nellia Davis**

Mr. DeBlois related this case involved no building permit for re-roofing and siding and junk, trash and debris.

Inspector Davis testified she had spoken with Mrs. Davis who had come in to obtain an after-the-fact building permit for the re-roof and siding work. The junk, trash, and debris had been removed.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to allow for obtaining of permits and final inspections for all work previously completed on the home.

1:41:10

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

The Respondent was not present for this hearing.

1:41:14 **Case #2011030079 – MW Partners, LLC**

Inspector Davis recapped this was an abandoned house with health and safety hazards; overgrown weeds; and property maintenance violations. She submitted photographs into evidence and stated the owner was initially going to have the house demolished but his realtor has convinced him to let the house stay. The property needs to be mowed and cleaned up with repairs made to the stairs and shed in the back yard. She recommended granting 60 days, until June 24, 2011 to bring the property into compliance.

1:42:36

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

The Respondent was not present for this hearing.

1:42:42 **Case #2011030080 – MW Partners, LLC**

Inspector Davis testified this was an abandoned mobile home adjacent to the previous case. She submitted photographs into evidence. The owners had indicated they would have the mobile home removed from the property and the overgrown weeds needed to be mowed.

Mr. DeBlois recommended 60 days, until June 24, 2011, to bring the property into compliance.

1:43:40

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

The Respondent was not present for this hearing.

1:43:50 **Case #2011030124 – Richard T. Vaeth**

Inspector Davis related this case concerned a large tree that had blown over onto a neighboring property. There were also issues of overgrown weeds, junk, trash, and debris. The owner had come down from up north and cut the tree but fell and was hurt so was requesting additional time to get the property cleared.

Mr. DeBlois recommended granting 60 days, until June 24, 2011, to allow for compliance.

1:44:31

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

The Respondent was not present for this hearing.

1:44:43 **Case #2011030126 – George & Ruth Fogarty**

Inspector Solomon related this residential property was in foreclosure and she received service on PNC Bank on April 14, 2011. The cited violations are junk, trash, and debris; overgrown weeds; and an unsecured vacant structure. The Respondents live here in town and have been responsive in the past, but she has

had no contact with them recently. She submitted photographs into evidence.

Inspector Solomon recommended granting 30 days, until May 20, 2011 to bring the property into compliance.

1:46:13

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

The Respondent was not present for this hearing.

1:46:24 **Case #2011030134 – Fogarty Enterprises, Inc.**

Inspector Solomon testified this property was posted on April 14, 2011. It was also a vacant house owned by the Respondents from the previous case. The grass is overgrown and staff recommends granting 30 days, until May 20, 2011, to bring the property into compliance.

1:47:06

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

The Respondent was not present for this hearing.

1:47:14 **Case #2011030085 – Mary Rice**

Inspector Solomon recapped this property was posted on April 14, 2011. It was a vacant residence with a violation of overgrown weeds. Staff recommended granting 30 days, until May 30, 2011, to bring the property into compliance.

1:47:57

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

The Respondent was not present for this hearing.

1:48:02 **Case #2011030105 – Pieter & Kellie Van Dalen**

Inspector Solomon related this residential property was posted on April 14, 2011 and cited with violations of junk, trash, and debris; health and safety hazard; and unsecured vacant structure.

She continued as of today, the health and safety hazard issue, an underground tank that was leaking had been temporarily capped until it can be repaired and was now in compliance. The unsecured structure violation had been resolved by the bank coming in to board and lock the open door. The property was now secured but there was a lot of trash remaining.

Staff recommended granting 30 days, until May 20, 2011, to allow the bank to finish cleaning up the property.

1:49:30

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

The Respondent was not present for this hearing.

1:49:42 **Case #2011030108 – Church of God COL**

Inspector Buck testified she posted the property on April 7, 2011 which was a vacant lot with a violation of junk, trash, and debris. There were three vacant lots next to each other in the Gifford area and had become a dumping ground.

Mr. DeBlois recommended 30 days, until May 20, 2011, to bring the property into compliance.

1:50:55

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

The Respondent was not present for this hearing.

1:51:03 **Case #2011030111 – Robert O. Green**

Inspector Buck related she had posted the property on April 8, 2011 which was another vacant lot with a violation of junk, trash and debris. There had been no contact with the owner.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:51:32

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

The Respondent was not present for this hearing.

1:51:45 **Case #2011030115 – Gifford Gardens, LLC**

Inspector Buck testified she posted the property on April 7, 2011 with no contact with the owner who is refusing all correspondence. She submitted photographs into evidence and stated this is a vacant lot that is being used as a hangout with junk, trash and debris violations.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:52:22

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

The Respondent was not present for this hearing.

1:53:24 **Case #2011030117 – Ezekiel & Eveline Fennell**

Inspector Buck testified she posted the property on April 7, 2011 and obtained service of Notice of Code Violation that initially went out. This case was the same as the previous vacant lots with violations of junk, trash and debris being dumped. In addition, tires were being dumped on this lot.

Mr. DeBlois recommended granting 30 days, until May 20, 2011, to bring the property into compliance.

1:54:00

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to

approve staff's recommendation.

The Respondent was not present for this hearing.

1:54:22 **Case #2011010114 – Gifford Gardens, LLC**

Inspector Buck recapped she posted the property on April 7, 2011 after attempts of regular and certified mail were refused. There was previously a structure on the property that the previous tenants came back and demolished but the debris was left on the property.

Mr. DeBlois recommended 30 days, until May 20, 2011 to bring the property into compliance.

1:55:05

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

The Respondent was not present for this hearing.

1:55:25 **Case #2011040111 – Forest & Linda Railey**

Inspector Solomon reported the property was posted on April 14, 2011 after attempts at certified and regular mail were unsuccessful. The vacant residence was in foreclosure and had been on the agenda for the March 28, 2011 Board meeting for a violation of overgrown weeds but was withdrawn because the property had been mowed in anticipation of a short sale. The sale apparently had not gone through and the yard was again extremely overgrown. Staff requested 30 days, until May 20, 2011, to bring the property into compliance.

Mr. Zimmermann expressed his frustration with how long it takes to get progress made with the mowing.

1:59:27

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted (5-1) to approve staff's recommendation. Mr. Zimmermann opposed.

The Respondent was not present for this hearing.

1:59:48 **Case #20100110095 – Cecial Clark**

Mr. DeBlois recapped this was a Compliance Hearing relating to a structure with overgrown weeds and junk, trash and debris violations. At the Evidentiary Hearing February 28, 2011, the Respondent was given 60 days, until April 22, 2011 to mow the grass and to remove any debris related to the unsafe structure.

Inspector Buck testified as of today, the property was in the same condition. She coordinated with the IRC Building Department to make an inspection of the structure and they had condemned the structure, posted the property as such, and given the Respondent 30 days to contact the Building Department and 60 days to make any repairs to the structure, running concurrently. If those timeframes were not met, the structure would be demolished.

Mr. DeBlois recommended the fine be imposed.

2:02:47

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

The Respondent was not present for this hearing.

2:02:58 **Case #2010100045 – John Kone**

Inspector Solomon testified this was a residential property with a swimming pool maintenance violation and no building permit for a fence that was put up to enclose the pool. It appeared someone was living in the home but no contact had been made and nothing had been done. She recommended the fine be imposed.

2:03:51

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine.

The Respondent was not present for this hearing.

2:04:05 **Case #2011010035 – Eric & Gayle Winer**

Inspector Solomon recapped this was a vacant lot with violations of overgrown weeds, junk, trash and debris. Nothing has been done, all mail is being returned unclaimed, and there has been no contact with the Respondents. Staff recommends the fine be imposed.

2:04:44

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to impose the fine.

The Respondent was not present for this hearing.

2:04:56 **Case #2011020110 – Stephanie L. Visaggio**

Mr. DeBlois related this case involved overgrown weeds and pool maintenance violations.

Inspector Solomon testified there had been no progress and staff had no contact with the Respondents or the bank, therefore staff recommends the fine be imposed.

2:05:46

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to impose the fine.

The Respondent was not present for this hearing.

2:06:00 **Case #2010090207 – Curlie V. Davis**

Inspector Jefferson related this property was charged with an overgrown weed violation. No contact had been made with either the Respondent or the bank and there had been no change. Staff recommends the fine be imposed.

2:06:34

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the members voted unanimously (6-0) to impose the fine.

Inspector Jefferson testified this case had a violation of junk, trash and debris with an extension granted of 30 days on March 28, 2011. No contact had been received from either the property owner or the bank. She was at the site this morning and no action had been taken to bring the property into compliance. Staff recommends the fine be imposed.

2:10:34

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine.

The Respondent was not present for this hearing.

Authorization for Notices to Appear

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the May 23, 2011 meeting.

There being no further business, the meeting was adjourned at 4:21 p.m.