

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 27, 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. Attorney David Hancock, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

11:32:38 **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.

11:32:42 **Approval of Minutes of May 23, 2011**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve the minutes of May 23, 2011 as presented.

11:32:56 **Attorney's Overview of Board Purpose and Procedures**

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

11:40:52 **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 #2011020073, #2011030250, #2011020103, #2011040065, #2011040052, #2011010001, - 30 day extension until July 22, 2011. Cases #2010110072, #2011010031, #2011020089, #2011030053, #2010120013, #2010120014, #2009120074, #2010110050, #2011020019, #2011030210 - 60 day extension until August 19, 2011. Cases #2011050097, #2011050047, #2011060129, and #2011060107 were rescheduled. Case #2011040063 was removed as it was a duplicate.

In compliance were Cases #2011030219, #2011030102, #2011030120, #2011040162, #2011030120, #2011040162, #2011040159, #2011030194, #2011040109, #2011030264, #2011040086, #2011040209, #2011050172, #2011050174, #2011050175, #2011050179, #2011050003, #2011050110, #2011050112, #2011050113, #2011050114, #2011050117, #2011050118, #2011050139, #2011050128, #2011050164, #2011050072, #2011050052, #2011030110, #2011040037, #2010110129, #2010120077, #2011010112, #2011020080, #2010110030, #2011010032, #2011050231, #2011030236 (first tier only), #2011040113, #2011030187, #2011030201, #2011030229, #2011030205, #2011040023, and #2011060014.

Mr. DeBlois announced there were two cases he was requesting to be heard at the beginning of the meeting, Case #2010110018, Alonzo P. Sharpe, and Case #2011040172, Rafael Fonseca & Claudia Viladrosa. The Lien Release Requests were scheduled for a time certain of 3:00 p.m.

11:53:15

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

Chairman Hedin 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.

11:53:29 **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.

11:53:57 **Case #2010110018 – Alonzo P. Sharpe**

Mr. DeBlois recapped this was a Compliance Hearing relating to an Order Finding Violation entered by the Board November 22, 2010. The issues in violation were a zoning district use violation with using an accessory barn as a living quarters; alterations to the barn without required building permits; and miscellaneous junk, trash and debris on the property.

Mr. DeBlois continued the requirement of the zoning district use was to demonstrate the living area portion of the barn was part of a single housekeeping unit on the overall property; or obtain county site plan approval for use of the barn as servants' quarters; or cease use of the barn or a portion, thereof, as a living area. The second requirement was to obtain current building permits for the unpermitted structural changes and additions of a bathroom and bedroom to the barn and to modify the barn in accordance with the approved permits, or remove the modifications. The last requirement was to remove the accumulation of junk, trash, and debris from the property and dispose of it at an approved disposal facility.

From staff's perspective, the Respondent did comply by obtaining after-the-fact building permits and received approvals for the modifications to the barn which allowed him to have a bedroom and bathroom area. That issue has been determined to be in compliance. Also, staff acknowledges the junk, trash, and debris issue had been resolved. The remaining issue relates to demonstrating the living area portion of the barn was part of single housekeeping unit on the overall property. He explained the current zoning allows one single family residence on the property. If the barn was being used for servants' quarters or accessory type living, the Respondent would require site plan approval.

Mr. DeBlois worked with the County attorneys and came up with a Compliance Agreement that had been given to the Respondent and asked if he would sign it to demonstrate the single housekeeping unit. Staff felt if the Respondent was willing to sign the agreement, they would consider that sufficient demonstration of compliance and that aspect would be considered resolved. However, the Respondent did not want to sign the agreement and had consulted his attorney. A copy of this agreement was submitted into evidence.

Attorney Kevin Doty stated he was confused as to why his Respondent was at this hearing. His Respondent was compliance with all requirements and now the

burden of proof has been shifted to the Respondent and there was no evidence that he was not in compliance. On December 17, 2010, the Respondent applied for, and received an after-the-fact permit for the bedroom in the barn that was built to code. The kitchen was eliminated that the Board objected to and a bathroom was added. The Respondent asked his attorney if he should sign the Compliance Agreement and was advised that it was not necessary.

A lengthy discussion ensued regarding previous statements had been made by the Respondent that he was living in the barn and renting out the house on the property raising the issue of possibly having two housekeeping units on the property. The Respondent testified that he rented out one room in his house and he lives in the house as well and sometimes sleeps in the barn.

Mr. DeBlois determined since there was one shared kitchen and living area in the house the Respondent could be considered to be in compliance.

12:09:01

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to determine the Respondent was in compliance of all violations.

The Respondent and his attorney were present for this hearing.

12:09:25 **Case #2011040172 – Rafael Fonseca & Claudia Viladrosa**

Mr. DeBlois explained this case had to do with a swimming pool maintenance violation; unsecured vacant structure; swimming pool enclosure violation; junk, trash & debris violation; and health and safety hazard/public nuisance violations in the form of a refrigerator with access available left on the patio of the vacant residence.

Ms. Vanessa Solomon, IRC Code Enforcement Officer, testified this complaint was received from the Home Owners Association of an abandoned home with a pool in the rear yard with a screened enclosure that had the screening ripped out leaving the pool accessible. The swimming pool was not being maintained so it was dirty; there was a refrigerator on the patio that was open and unsecured; there were household garbage bags that had been ripped open and garbage strewn about; and there was an open window on the upstairs level of the home. She had been in contact with both of the Respondents who had been joint owners of the home but had since separated and moved to different areas. At one point, Ms. Viladrosa had

stated she would go to the property and take care of the issues but to date, nothing had been done.

Inspector Solomon submitted photographs into evidence.

Ms. Claudia Viladrosa testified she went through a divorce from Mr. Fonseca in November, 2009. She was evicted from the home by the police on November 10, 2010 and the home was not left as shown in the pictures submitted into evidence. When she left the home everything was secured. When the Notice of Hearing was received, she was willing to clean up the violations and take care of her responsibilities which were half according to the Divorce Decree. She received an estimate of \$1,500 for someone to clear the violations and when the service person went to the home a neighbor called the police and asked the person to leave the property. The Respondent was not allowed on the property and she did not have keys and when she called the bank, no one was willing to talk to her because the house was in her former husband's name. She was willing to pay her half of the cleanup, \$750, but her former husband was not willing to pay his portion.

Inspector Solomon interjected when Ms. Viladrosa had called her the day the service person was turned away from the property she had called the president of the homeowner's association and advised them Ms. Viladrosa was trying to get the property cleaned up and not to call the police.

Ms. Viladrosa responded she had no way to get into the house and no one from the property owner's association had contacted her to inform her she could access the property. She added she had contacted the bank where a three way conversation was held with the bank and Mr. Fonseca, but he refused to send the keys.

Ms. Jessica Silver, representing BAC Home Loans, testified there had been a Final Summary Judgment entered on the home but they had not yet taken title. There was a foreclosure sale scheduled which was cancelled and not yet rescheduled and in light of what she was hearing today, she was going to advise her client that the foreclosure sale needed to be scheduled sooner rather than later so these violations could be resolved.

Mr. Zimmermann opined the best action for the Board to take in this case was to find the property not in compliance and establish the fine which then would motivate the bank to move forward and take possession and rectify the violations.

Mr. DeBlois recommended granting 48 hours to remove or secure access to the refrigerator; seven days to secure the pool; and 30 days, until July 22, 2011 to secure the residence and clear the junk, trash, and debris.

12:24:18

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

The Respondent and the Bank Representative were present for this hearing.

12:25:30 **Case #2011040063 – Barbara Jean Snay**

Mr. DeBlois related this case involved two issues; junk, trash, and debris and an overgrown weeds violation. The junk, trash, and debris had been resolved so the remaining issue was the overgrown weeds.

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified the Respondent was aware of the remaining violation but her lawnmower was not operational. She recommended granting 30 days, until July 22, 2011, to allow the Respondent to have the lawn mowed. Photographs were submitted into evidence.

12:28:17

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to find the junk, trash, and debris violation in compliance and to grant 30 days, until July 22, 2011, to bring the overgrown weed issue into compliance.

The Respondent was present for this hearing.

12:29:42 **Case #2011040199 – NAP Indian River II, LLC**

Mr. DeBlois recapped this related to property where a CVS Pharmacy was located with a site plan nonconformance violation involving dead and missing landscape required under the approved site plan; and a landscape maintenance violation.

Ms. Betty Davis, IRC Code Enforcement Officer, submitted photographs and a plat of the overall subdivision into evidence. She had been in contact with the owners and the Respondents had asked for 60 days to bring the property into compliance. She noted the irrigation well had gone dry and the Respondent had a well truck on site for a month then that broke down. Unfortunately, with the issues over the past few months, many of the plants and understory trees have died.

Mr. DeBlois recommended the Respondents be given 60 days, until August 19, 2011, to comply by replacing the dead or missing landscaping and repairing the irrigation system.

Mr. Shawn McIntyre, representing NAP Indian River II, LLC, has been working with the property owner and assured the Board the violations would be cured within the allotted 60 day timeframe.

12:34:23

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

The Respondent's representative was present for this hearing.

12:34:36 **Case #2011050046 – Marilyn M. Lind**

Mr. DeBlois explained this was agricultural property with violations of junk, trash, and debris related to hot tubs, pipes, and construction debris; junk vehicle violation; a zoning district use violation with an illegal construction and salvage business; and use of a recreational vehicle as a living quarters on the property.

Inspector Davis testified she received notice on Mr. Griffis, who held the mortgage on the property, and the property was posted on June 15, 2011. Photographs and an Affidavit of Service were submitted into evidence. There were numerous hot tubs throughout the property that had been disassembled, trash and garbage strewn about the property, and a recreational vehicle. Staff would recommend granting 60 days, until August 19, 2011, to bring the property into compliance.

The Respondent testified for the past 5-6 years she owned a business with her husband where he did spa repair work. They have separated and she did not

renew the business license. Everything had been in her name and she had been stuck with this mess. She added she brought nothing to the property, it was in her name, but the mortgage was in both names. She would like to do a Quit Claim Deed to remove her name from the property.

The Respondent claimed there was no business operating on the property, her husband had been bringing the materials currently existing on the property from the business they had in Melbourne, Florida. The recreational vehicle was being purchased by her husband from her mother. The other vehicle that was on the property was repaired and removed.

Mr. DeBlois recommended granting 30 days, until July 22, 2011 to have the issues resolved.

12:43:22

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

The Respondent was present for this hearing.

12:44:23 **Case #2011050004 – Clifford V. Ferguson & George Whitfield**

Mr. DeBois related this case had a violation of zoning district use by selling barbeque and having church assembly on residential property; junk, trash, and debris related to tree debris and tires; home occupation violation by having a tree and yard cleaning business and a junk vehicle issue by having an untagged vehicles on the property.

Ms. Kelly Buck, IRC Code Enforcement Officer, testified she visited the property on April 28, 2011. She had received information that the tenant, Mr. George Whitfield, was having church assembly or selling barbeque on the property. She submitted photographs into evidence. Mr. Whitfield had told her he had a tree trimming and yard business and was bringing some of the clippings back to the property. The tree trunks were being used for his barbeque and he did admit he was selling the barbeque on the property but promised he would cease that and remove all the debris.

Ms. Buck continued when she visited the site today, Mr. Whitfield had cleaned up 90-percent of the property and all that was left was the tent, the junk vehicle and

some smaller commercial pieces of equipment. Photographs were submitted into evidence.

Mr. DeBlois recommended granting the Respondent 30 days, until July 22, 2011 to bring the property completely into compliance.

Ms. Adonai Dillard testified the truck on the property would be removed today and the remaining tent was for recreational purposes and would be removed after the Fourth of July holiday. The barbecue business no longer existed, there was no church meeting on the property and all the debris had been removed.

12:50:01

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

A representative for the Respondent was present for this hearing.

12:50:41 **Case #2011050127 – Deborah Nicklaus**

Mr. DeBlois related this case involved an overgrown weeds violation; junk, trash and debris in the yard at this vacant residence.

Inspector Solomon reported this case came to her because neighboring property owners complained of the subject property as it was located on the corner of a busy street. The house had been vacant for quite awhile and there was grass 4 to 5 feet in height and large piles of junk, trash and debris. The property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. She submitted an Affidavit of Service and photographs into evidence.

Ms. Misty Sheets, representing Chase Home Finance, testified a Final Judgment on the home had been entered, the sale was cancelled but they received instructions to proceed, so they were in the process of motioning the court for a new sale date. She stated should the bank be the successful bidder, they would remedy the violations as soon as possible.

Mr. DeBlois stated staff could support granting 60 days, until August 19, 2011 to resolve the cited issues.

12:53:53

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

The bank representative was present for this hearing.

12:54:37 **Case #2011020039 – Alan & Kelli Walton**

Mr. DeBlois testified this had to do with issues cited by staff of an illegal structure located in County right-of-way; dumpsters in the public right-of-way; illegal vehicle parking in the right-of-way; and property use without site plan approval.

Inspector Solomon testified the Respondent was an electrician and he operates his business in a commercially zoned parcel. He was using the property for the outside storage of his materials and when he was initially cited he obtained a storage POD without site plan approval. The Respondent also paved the lot without site plan approval improving the impervious area. There was a dumpster and vehicle parking located in the County right-of-way. She submitted photographs into evidence.

Mr. DeBlois stated based on the testimony of Inspector Solomon, staff would recommend finding violations as noted, requiring the removal of the dumpster, cessation of parking in the right-of-way and obtaining site plan approval for the area paving and storage.

The Respondent, Mr. Alan Walton, stated the storage POD had been in place for approximately four years. He had purchased the piece of property to provide adequate parking. The lot was covered with pepper trees and he took action to clear the trees and was offered asphalt for paving the lot when a local road was being paved. He realized he should have taken the proper steps to get to where he was as far as obtaining the necessary permits.

Inspector Solomon offered to schedule a meeting with the Respondent and Mr. John McCoy, IRC Senior Planner, to review the actions needed to bring the property into compliance.

Mr. DeBlois recommended granting approximately 90 days, until September 23, 2011 for the Respondent to obtain after-the-fact site plan approval for the parking and storage improvements and comply with that approved site plan that would include removal of the dumpster and cessation of the parking in the right-of-way.

01:03:05

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

The Respondent was present for this hearing.

LIEN RELEASE REQUESTS

01:03:07 **Case #2010080028 – Stacey Tate**

Mr. DeBlois recapped this case involved an overgrown weeds violation dating back to November 22, 2010 and the fine was imposed effective February 26, 2011. Staff had been notified recently about the compliance of the property and compliance was confirmed as of May 3, 2011. This resulted in 67 days of noncompliance with a flat fine of \$6,700.

Ms. Veronica Price, Assistant to Helena Kennedy of Boca Executive Realty, testified the property was now bank owned and a Certificate of Title was recorded on June 2, 2011. The property was now being maintained bi-weekly.

Mr. DeBlois felt the fine could be reduced to \$1,800 to cover administrative costs.

01:09:06

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

The Realtor's representative was present for this hearing.

01:09:29 **Case #2009080177 – Marguely & Ariel Hidelgo**

Mr. DeBlois related this case involved an overgrown weeds violation coming before the Board initially October 26, 2009 and the fine being imposed effective

December 29, 2009. The property representatives have provided receipts showing as of March 3, 2010 the property had been routinely mowed and maintained. This resulted in 64 days the property was not in compliance with an accrued fine of \$6,400.

Ms. Lorraine Gartner, listing agent of the property, testified when she took over the listing after the bank took title of the property on July 30, 2010. At that time she visited the property and the lawn had been completely mowed. She found it had been mowed routinely since the March 3, 2010 date and she has ensured the mowing has continued.

Mr. DeBlois recommended reduction of the fine to \$1,800 to cover administrative costs.

01:12:56

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

The listing agent was present for this hearing.

01:13:35 **Case #2011060115 – Dayton Hudson Corp, #T-1050**

Mr. DeBlois explained this was a case of a repeat violation with the violator being Waste Pro. The issue had to do with the illegal use of commercial containers of 15 cubic yards or more. Unless the waste hauler has a franchise with the County, there was a limitation of the size of commercial containers that entity or business can use to under the 15 cubic yards limit. The Board ordered the Respondent on October 25, 2010 to cease the use of commercial containers 15 cubic yards or more in any location in the unincorporated county.

Mr. DeBlois continued the reason for this violation was information was received that a Waste Pro container larger than 15 cubic yards was located the Target shopping plaza parking lot for at least one day.

Inspector Buck testified on June 8, 2011 she received an e-mail from Todd Westover, Treasure Coast Refuse, notifying her of the Waste Pro dumpster location. When she visited the site on June 9, 2011 the dumpster was no longer there and replaced with a smaller one. To date, there were no longer any dumpsters located on the property.

Mr. DeBlois recommended the Board find the Respondent in violation of having an oversized dumpster on the property for one day and impose the \$250 fine.

Mr. Chris Schulle, representing Waste Pro, stated he was aware of the restrictions on having dumpsters no larger than 15 cubic yards, however, the contractor had requested a 10 cubic yard dumpster for construction debris and then he asked for a 20 cubic yard dumpster for clean concrete which the hauler interpreted as recyclable material. There was not a limit on the containers used for recyclable material. The dumpster was placed where the contractor requested which happened to be a handicapped parking space.

Discussion was held regarding the difference between containers for construction debris and recyclable material. Upon investigation of County Codes a determination could not be readily found so the Board decided to table the case until the next Board meeting scheduled for July 25, 2011.

01:25:32

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to table this case until the next Board meeting scheduled for July 25, 2011.

The Respondent's representative was present for this hearing.

The Chairman called for a break at 3:26 p.m. and the meeting resumed at 3:36 p.m.

EVIDENTIARY HEARINGS

01:26:27 **Case #2011030103 – Russell J. Mantz**

Inspector Jefferson testified she posted the property on June 17, 2011 after attempts at certified and first class mail were unsuccessful. She submitted photographs and an Affidavit of Service into evidence and stated the issue was an overgrown weeds violation.

Mr. DeBlois recommended the Board find an overgrown weeds violation and grant 30 days, until July 22, 2011 for compliance.

01:28:17

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.

01:28:28 **Case #2011040167 – Patrick E. & Margarete Collins**

Inspector Solomon testified the property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and a photograph were submitted into evidence. The issue was a swimming pool maintenance violation in a vacant home. Mr. Collins was deceased and Mrs. Collins was currently in a nursing home.

Inspector Solomon showed the pool was enclosed by a screened enclosure but has not been maintained. The Respondent's son, Scott Collins, had contacted her and stated he would go to the home this week and start the process of cleaning the pool and requested 30 days, until July 22, 2011, to bring the property into compliance.

01:29:40

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (6-0) to grant 30 days, until July 22, 2011, for the property to be brought into compliance.

The Respondent was not present for this hearing.

01:29:50 **Case #2011040134 – Scott & Sharon Partin**

Inspector Jefferson related she posted the property on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and photographs were submitted into evidence. The cited violations were junk, trash and debris; overgrown weeds; and a junk vehicle. The junk, trash and debris violation had been cleared.

Inspector Jefferson stated she spoke to the Respondent this morning and was told the vehicle needed repairs and she was trying to get them taken care of.

Mr. DeBlois recommended granting 30 days, until July 22, 2011 to bring the other two violations into compliance.

01:31:41

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.

01:31:49 **Case #2011040170 – Stephanie Wells**

Inspector Solomon testified this property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and a photograph were submitted into evidence. This was a vacant residence with cited violations of overgrown weeds and a swimming pool maintenance violation.

Inspector Solomon reported when she inspected the property today the overgrown weeds violation had been resolved; however, there was an unmaintained swimming pool in the back yard. The pool was enclosed by a 4-foot fence so access was not an issue. Staff recommended 30 days, until July 22, 2011, to bring the violation into compliance.

01:32:59

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.

01:33:07 **Case #2011030025 – Miguel Gonzalez & Anai Palermo**

Inspector Soloman testified she received service on this case with a cited violation of junk, trash, and debris. She submitted photographs into evidence and noted the Respondents had been cited previously for the same violations. Staff was requesting 30 days, until July 22, 2011, to bring the property into compliance.

01:34:23

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.

01:34:29 **Case #2011050011 – Chase Home Finance, LLC**

Inspector Solomon recapped she received service on this case with cited violations of an unsecured vacant structure and a health and safety hazard/public nuisance. Initially when the Respondent's were cited the garage door was hanging but it has since fallen and is lying in the garage leaving the house accessible. She submitted a photograph into evidence. Staff recommended granting 30 days, until June 22, 2011, to bring the property into compliance.

01:35:17

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.

01:35:43 **Case #2011050178 – John T. Reilly, Jr.**

Inspector Davis testified she received a complaint on this property regarding junk, trash, and debris. She had received service on the bank and posted the property on June 15, 2011. She submitted an Affidavit of Service and photographs into evidence. Staff recommended granting 30 days, until July 22, 2011 to bring the property into compliance.

01:36:26

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.

01:36:38 **Case #2011050192 – Jose A. & Laura P. Schleusz**

Inspector Davis testified this property was posted on June 15, 2011 after no

response to certified and first class mail. She submitted photographs and an Affidavit of Service into evidence. The violation cited was junk, trash, and debris. Staff recommended granting 30 days, until July 22, 2011, to bring the property into compliance.

01:37:06

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.

01:37:15 **Case #2011050109 – Felipe A. Olivella**

Inspector Davis testified she posted the property on June 15, 2011 citing an overgrown weeds violation. An Affidavit of Service and a photograph were submitted into evidence. Staff recommended granting 30 days, until July 22, 2011, to bring the property into compliance.

01:37:40

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

The Respondent was not present for this hearing.

01:38:30 **Case #2011050140 – William Thornton**

Inspector Davis related she posted this property on June 15, 2011 and submitted an Affidavit of Service and photographs into evidence. The violations cited were no building permit for sheds at the rear of the property; and junk, trash, and debris. Staff recommended granting 30 days, until July 22, 2011, for compliance.

01:39:26

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

The Respondent was not present for this hearing.

01:39:39 **Case #2011050206 – Sarah E. Degroot**

Inspector Solomon testified this property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and photographs were submitted into evidence. The violations cited were overgrown weeds and junk, trash, and debris. The overgrown weeds had been cleared and staff recommended granting 30 days, until July 22, 2011, for compliance.

01:40:37

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.

01:40:41 **Case #2011040177 – Stephen Burke**

Inspector Solomon testified this property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and photographs were submitted into evidence. The violations cited were swimming pool maintenance; overgrown weeds; and junk, trash and debris. Upon inspection today the overgrown weeds violation had been brought into compliance with the remaining issues of junk, trash, and debris and the pool maintenance. Staff recommended granting 30 days, until July 22, 2011, to allow the property to be brought into compliance.

01:42:05

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.

01:42:16 **Case #2011040171 – Guy Tenenbaum**

Inspector Solomon testified this property was posted on June 17, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and a photograph were submitted into evidence. The violations cited were

swimming pool maintenance and swimming pool enclosure. The pool was not accessible from the outside as the fence was now locked, but the pool has not been maintained. The house was not in foreclosure and was fully paid for, but the Respondent had not done anything to remedy the violations. Staff recommended granting 30 days, until July 22, 2011, to bring the property into compliance.

01:43:29

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.

COMPLIANCE HEARINGS

01:43:52 **Case #201000168 – Mary N. Satterfield**

Mr. DeBlois recapped this case involved building additions without permits. The Respondents were required to obtain the permits for the house and barn additions. There was also junk, trash, and debris violations initially that were cleared. The remaining issue is obtaining an after-the-fact permit for the unpermitted house and barn additions.

Inspector Davis testified there had been no improvement to the property. She had spoken with the son and daughter-in-law of the Respondent, who was now deceased, and they did not feel the family was going to put the money into taking care of the addition that was built by removing it. Staff would therefore recommend imposing the fine.

01:45:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, the Board voted unanimously (6-0) to impose the fine of \$100 per day with a start date of June 25, 2011.

The Respondent or representative was not present for this hearing.

01:46:28 **Case #2010060001 – Charles W. & Alice D. Lee, Jr.**

Mr. DeBlois recapped this case involved violations of a shed on the rear of the

property without permits; junk, trash, and debris; junk vehicle; and recreational vehicle illegal use. There had been numerous extensions granted.

Inspector Davis testified at the April 25, 2011 meeting the Respondent was given until June 24, 2011 to comply. At the meeting he had asked for time to get money for the permit. To date, there had been no action taken. Staff would recommend the fine be imposed.

01:48:02

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to impose the fine of \$100 per day with a start date of June 25, 2011.

The Respondent was not present for this hearing.

01:48:25 **Case #2011030235 – Jared & Nikki M. Lyke Milliman**

Inspector Solomon stated this was a vacant home which initially came to the Board for an Evidentiary Hearing on April 25, 2011 at which time the Board entered an order requiring the Respondents to remove a pile of yard debris placed by the side of the road. At that meeting an attorney representing the bank was present and assured the Board the property would be brought into compliance. At the May 23, 2011 CEB meeting a 30 day extension was granted. Upon inspection on June 23, 2011, the property was still not in compliance as evidenced by a photograph submitted into evidence.

Staff recommended the fine be imposed at \$100 per day with a start date of June 25, 2011.

01:49:20

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

The Respondent nor the bank representative were present for this hearing.

01:49:36 **Case #2011030105 – US Bank National Association**

Inspector Solomon testified this was a vacant residence that the bank took

possession of in May, 2011. The case had come to the Board initially on April 24, 2011 for an Evidentiary hearing at which time the Board granted 30 days for the junk, trash, and debris to be removed from the property. The other issues of an unsecured vacant structure and health and safety hazard had been resolved. The Board granted one 30 day extension at the May 23, 2011 meeting to resolve the remaining violation and to date nothing had been done. She submitted two photographs into evidence.

Staff recommended the \$100 per day fine be imposed with a start date of June 25, 2011.

01:50:30

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.

01:50:46 **Case #2011020114 – Patrick Oliver**

Inspector Solomon related this was a vacant residence which came to the Board on May 23, 2011 for an Evidentiary hearing relating to a swimming pool maintenance violation. The house had been vacant for quite some time and the pool had not been maintained. The Board granted 30 days for the Respondent or the bank to bring the property into compliance. A photograph was submitted into evidence dated June 23, 2011 showing no progress had been made.

Staff recommended the fine of \$100 per day beginning June 25, 2011 be imposed.

01:51:39

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.

01:51:48 **Case #2011030209 – Charlene Persuad**

Inspector Solomon recapped this case initially came to the Board on May 23, 2011 for an Evidentiary hearing with cited violations of overgrown weeds; junk vehicle; swimming pool maintenance violation; an unsecured vacant structure; junk, trash and debris; health and safety hazard/public nuisance. The Board granted 30 days for the Respondent or the bank to bring the property into compliance. She submitted two photographs into evidence dated June 23, 2011 showing no action had been taken on clearing the violations.

Staff recommended imposing the \$100 per day fine beginning June 25, 2011.

01:52:55

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.

Authorization for Notices to Appear

01:53:11

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to authorize the Notices to Appear for cases leading up to the July 25, 2011 meeting.

There being no further business, the meeting was adjourned at 4:04 p.m.