

CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, September 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, and **Cliff Suthard**, Member-at-Large Appointee.

Absent was **John Owens**, Engineer 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, Rose Jefferson and Kelly Buck, Code Enforcement Officers. Attorney David Hancock, Attorney for the Board; and Darcy Vasilas, Commissioner Assistant District 3, Recording Secretary.

09:01:25 **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.

09:02:29 **Approval of Minutes of August 22, 2011**

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to approve the minutes of August 22, 2011 as presented.

09:02:44 **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.

09:10:42 **Agenda Additions or Deletions, Consent Items**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief,
CEB- Approved 1 September 26, 2011
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reported the following cases had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2011050233, #2011010082, #2010120013, #2010120014, #2011070162, #2011030142, #2011050034, #2011050078, #2011050226, #2011070080, #2011070089, #2011070093, #2011070102, and #2011080028 - 30 day extension until October 21, 2011. Cases #2010050118, #2011020073, and #2011050026 - 60 day extension until November 25, 2011. Case #2011020039 – 90 day extension until December 23, 2011. Cases #2011060218, #2011060142, #2011070196, #2011080097, and #2011090074 were rescheduled.

In compliance were Cases #2011070066, #2011070134, #2011070164, #2011070049, #2011060097, #2011060229, #2011070220, #2011070225, #2011070226, #2011070231, #2011080009, #2011080091, #2011080084, #2011080085, #2011080101, #2011080102, #2011080103, #2011080104, #2011070192, #2011070204, #2011070205, #2011080043, #2011080074, #2010120054, #2011030053, #2010020075, #2010110050, #2011050207, #2011070012, #2011040010, and #2011060236.

Mr. DeBlois announced there were several Lien Release Requests which he recommended to be heard at a time certain of 2:30 p.m.

09:20:02

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

09:20:16 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

EVIDENTIARY HEARINGS

09:22:43 **Case #2011070203 – Brian K. Horne**

Mr. DeBlois related a Notice of Hearing had been issued to the Respondent as well as Chase Home Finance, LLC for an overgrown weeds violation.

Ms. Vanessa Solomon, Code Enforcement Officer, testified she had received complaints from the neighbors concerning the overgrown weeds. The house has

been vacant for a long time. The property was in foreclosure and the Respondent had filed for bankruptcy. Just recently due to lack of prosecution the courts dismissed the foreclosure proceedings so the property was currently in limbo. She submitted two photographs and an Affidavit of Service into evidence.

Mr. Brian Horne stated the reason he came to this hearing was because he had not lived in the home for 29 months, he had filed for bankruptcy, and the bank had changed the locks in September, 2009. It was his understanding that once he filed for bankruptcy he had turned the house over to the bank and was no longer responsible for mowing the yard. Last year when a violation was put against him, he gave in and mowed the grass.

Ms. Solomon asked the Respondent if he had called the bank after she found out the foreclosure proceedings had been dismissed. Mr. Burke responded he had not. He agreed he would call the bank today and if he was required to clean up the property, he asked for some time to accomplish the work.

Chairman Hedin stated he felt sorry for the neighbors that have had to look at the property all this time.

Mr. DeBlois stated staff could support granting 60 days, until November 25, 2011, to allow the Respondent to get with the bank and if he was required to clean up the property, to take the necessary steps to make sure the property was brought into compliance.

Mr. Zimmermann recommended granting 30 days, until October 21, 2011, to bring the property into compliance.

09:32:03

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to grant the Respondent 30 days, until October 21, 2011 to make arrangements with the bank or bring the property into compliance himself.

The Respondent was present for this hearing.

09:34:13 **Case #2011080072 – Helena Debraun**

Mr. DeBlois recapped a Notice of Hearing was issued to the Respondent for

building of the business.

09:48:06

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to find the Respondent in compliance, and to impose a Continuing Order of an automatic fine of \$100 per reoccurrence per sign.

The Respondent was present for this hearing.

Chairman Hedin called for a break at 2:21 p.m. and the meeting resumed at 2:30 p.m.

LIEN RELEASE REQUESTS

09:52:05 **Case #2010080164 – US Bank NA (TRS)**

Mr. DeBlois recapped this was a residential property with violations of overgrown weeds and junk, trash, and debris. This case came before the Board October 25, 2010 under an Evidentiary Hearing. At that time the house had been foreclosed upon and staff was dealing with U.S. Bank, NA. The bank was given until November, 2010 to comply and in January, 2011, at a Compliance Hearing the Board found that while the grass had been cut, there was still the existing pile of wood and debris left on the property and a fine was entered with a start date of December 25, 2010.

Mr. DeBlois explained part of the problem was there was an abandoned right-of-way that was considered part of the property where the junk, trash and debris was located. The bank, when having people mow the yard, did not understand the right-of-way was included and it never got cleared. That was why the fine was imposed.

Recently, the house had been sold, and the new owner contacted staff when finding the existing lien. The property was inspected and found to be in compliance.

Inspector Solomon testified she was not exactly sure of the compliance date of the trash removal, but it had been within the last couple of months.

Mr. DeBlois opined since there was miscommunication as far as interpreting

what was the compliance issue, and the response of the bank to try to comply diligently and a new owner who has been diligent in resolving the issues, staff would recommend the fine be rescinded and the lien be released.

09:58:26

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to rescind the fine and release the lien.

The Respondent was present for this hearing.

09:59:38 **Case #2009060204 – US Bank, NA (TRS)**

Mr. DeBlois indicated this was a related case to the previous property, but for a different violation. The owner at the time was Mr. Allen Holden then the property went into ownership of US Bank, NA, and most recently to Ms. Christy Pickerill. This case involved an enclosure of a carport or porch without required permits by the previous owner. The case came before the Board for an Evidentiary Hearing in January 25, 2010 at which time the Respondent was given until April 23, 2010 to comply by obtaining after-the-fact permits and complying with the permits. When the case came back for a Compliance Hearing on June 28, 2010, staff reported that the permits had not been obtained and as a result, the Board voted to impose a fine, effective June 26, 2010 at \$100 per day.

Mr. DeBlois continued under the new ownership, permits were obtained and this issue was addressed on August 22, 2011. Based on the timeframe, between June 28, 2010 and August 22, 2011, the flat fine that accrued would be \$42,200.

Ms. Christy Pickerill testified since she has purchased the property, she was getting the necessary permits to improve the property. The bank hired a contractor to remove the existing carport because it was holding up the closing. She asked the fines be rescinded and she would continue to go forward to make improvements.

Mr. Zimmermann questioned why the title company had not tried to clear the liens before the closing. The Respondent responded she had to sign a waiver stating she would take on the liens and resolve the violations in order to close on the property.

Mr. Zimmermann was concerned a precedent may be set with this case by allowing people to come in after-the-fact, and because they did not have

responsibility in the fact, the Board would be negating fines that should be collected for non-performance of the financial institution.

Mr. DeBlois clarified staff was not recommending rescinding this fine. In the previous case there had been some miscommunication between staff and the bank on the issue of compliance and that was why he could support rescinding that fine. In this case, however, it was clear as to what the issue was and the bank took the initiative to hire a contractor to resolve it. He felt at minimum, the fine should cover administrative costs.

Inspector Solomon interjected when the Respondent initially began looking at the property, she did come to the office and she was aware of the fines at that time. The problem was the bank was refusing at that time to pay someone to clear the violations. The Respondent was not the only person looking at the property because other people had inquired about the liens. The bank was the reason the closing continued to be postponed for Ms. Pickerill.

Mr. Petrulak asked who pulled the permit. The Respondent replied the bank pulled the permit to demolish the existing carport. She has since applied for a new permit to do the renovations.

Mr. DeBlois recommended setting the fine at \$2,000.

10:10:30

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted (4-1) to reduce the fine to \$2,000. Mr. Hedin opposed.

10:11:22 **Case #2011020090 – Forest & Linda Railey**

Mr. DeBlois recapped on March 28, 2011 there was an Evidentiary Hearing relating to this property with overgrown weeds and swimming pool maintenance violations. At that time Forest & Linda Railey was the owner and National City Bank was the foreclosing bank on the property. The case came back to the Board on May 23, 2011, the overgrown weeds issue had been resolved but the pool had not been cleaned and the Board imposed a fine of \$100 per day beginning on May 21, 2011.

Mr. Dennis Pearson stated he had contacted staff when he attempted to purchase this property and found there were liens. The closing was to take place on September 15, 2011 and he had rented his current home but it was postponed when

the liens were found and an open roofing permit from 1997. He has retained an attorney to try to get the deal back on the table by the resolution of this lien. The purchase is through a short sale and the bank wants a net proceed for the house. He needs to know what the cost of the lien was so he could determine if he should continue to pursue the sale.

Mr. DeBlois stated as of today, the flat fine would be \$12,800.

Discussion was held regarding the banks obligations in getting the liens cleared before a house finalizes a closing. It was not the buyers' obligation to clear the violations.

10:25:58

ON MOTION BY Mr. Petrulak, to set the fine at \$3,000 contingent upon the property being in compliance within 30 days. Mr. Zimmermann SECONDED THE MOTION for discussion.

UNDER DISCUSSION, Attorney Hancock opined was not sure it was best if the Board did a conditional order, he suggested a stipulation the County could do with respect of remediation of the fine once it closes to come back to the Board with a stipulation for the Board's approval. He felt it would be better if the Lien was released by the County. Attorney Hancock also pointed out Mr. Pearson did not have any standing in this case.

CHAIRMAN HEDIN CALLED THE QUESTION and the Recording Secretary polled the votes which were as follows: Mr. Zimmermann and Mr. Petrulak in favor; Chairman Hedin, Mr. Suthard and Mr. Garone against. The motion failed with a vote of (2-3).

The Respondent was not present for this hearing.

10:35:37 **Case #2010060242 – US Bank, NA**

Mr. DeBlois recapped the Respondents that had been cited at an Evidentiary Hearing on September 27, 2010 for violations of an unmaintained swimming pool were Larry Johnson as the land owner and also US Bank, NA as trustee. The Board gave the Respondents until November 19, 2010 to clean and maintain the swimming pool. When the case came back to the Board at the November 22, 2010

Compliance Hearing the pool issue had not been resolved and based on staff recommendation the Board imposed the fine of \$100 per day with a start date of November 20, 2010.

Mr. DeBlois continued the pool issue did come into compliance on January 3, 2011 and the total days that the pool was in noncompliance after the fine was set was 44 days, totaling \$4,400.

Inspector Solomon verified the day she inspected the pool was the January 3, 2011 date and she checked it again a few days ago and the pool was still in compliance.

Mr. Matthew Harrington, real estate broker for the property, stated there was a closing scheduled for a month ago but the title company sent over the lien that had been imposed by the Board. He contacted staff to try to clear the issue so the closing could proceed for later this week.

Mr. DeBlois recommended setting the fine at \$1,800 to cover administrative costs.

10:42:13

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard to set the fine at \$1,800. The Recording Secretary polled the votes which were as follows: Mr. Zimmermann, Mr. Suthard, Mr. Petruak, in favor. Chairman Hedin and Mr. Garone opposed. The motion passed (3-2).

The real estate broker for this property was present for this case.

10:42:53 **Case #2009070282 – Sylvia Zayas**

Mr. DeBlois related this was an issue of overgrown weeds that initially came to the Board in an Evidentiary Hearing in September, 2009. The Board gave the Respondent until October 23, 2009 to comply. The case came back to the Board in November, 2009 at which time the Board, based on staff recommendation because the property was not compliance, imposed a fine of \$100 per day with a start date of November 21, 2009.

Mr. DeBlois continued there was verified compliance of the overgrown weeds

on August 3, 2011 with a total of 620 days and a flat fine of \$6,200.

Inspector Davis verified she had confirmed the property was in compliance on August 3, 2011 when she observed the property when she was in the area. She had not received a call, so it was possible the property could have been brought into compliance sooner.

Ms. Christina Ripple, real estate broker for the property, related July 26, 2011 was the foreclosure sale date; August 2, 2011 was the date her office received the listing from the bank; and on August 3, 2011 the property came into compliance. She summarized within 8 days of the foreclosure the property came into compliance and they are set to close in three days.

Mr. DeBlois recommended setting the fine at \$6,200.

10:50:32

ON MOTION BY Zimmermann, SECONDED BY Mr. Petrulak to set the fine at \$6,200. The Recording Secretary polled the votes with the following results: Mr. Zimmermann, Chairman Hedin, Mr. Suthard, Mr. Petrulak, and Mr. Garone were all in favor (5-0).

The real estate broker was present for this hearing.

10:51:15 **Case #2008040018 – Mark Curtis**

Mr. DeBlois recapped this property had violations of a junk vehicle on residential property and a home occupation violation consisting of a child care facility without permits. The case initially came before the Board in an Evidentiary Hearing on May 19, 2008. On June 23, 2008 at a Compliance Hearing, the junk vehicle was the only unresolved issue and the Board entered an Order Imposing Fine of \$100 per day with a beginning date of June 21, 2008. Staff verified compliance as of September 16, 2011.

Inspector Davis testified she received a call from the realtor requesting to come before the Board and request a reduction in the lien on September 16, 2011. She had not received a call from the bank or the previous owner they were in compliance prior to that.

Ms. Shannon Mundy, real estate broker from Sorenson Realty, related there

contract to purchase the property and that fell through so now he was going through with the process to have the four mobile homes demolished and the property cleared. They had requested 30 days to have the demolition and cleanup completed.

11:25:32

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, for the Respondent to have the four mobile homes demolished and the property to be brought into compliance.

The Respondent was not present for this hearing.

11:25:39 **Case #2011050169 – Reitano Enterprises, Inc.**

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified this was a Shell Foodmart with a landscape maintenance violation. She submitted a site plan and three photographs into evidence along with an Affidavit of Service as proof of posting on August 16, 2011.

Inspector Jefferson met with the owner and landscaper a couple of weeks ago and on Friday, September 23, 2011, the material was replaced around the retention area and along 27th Avenue. The only remaining issue was the materials planted along 27th Avenue were a little short and did not meet the 30-inch shrub height requirement.

Staff recommended granting 60 days, until November 25, 2011 to bring the property into compliance.

11:29:23

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann, to grant 60 days, until November 25, 2011.

UNDER DISCUSSION Chairman Hedin asked for clarification of what was left to complete compliance. Inspector Jefferson explained all the plantings had been installed, there were just some shrubbery that did not meet the height requirement so those would have to be replaced. She felt 30 days, until October 21, 2011 would be sufficient time to complete the work.

Mr. Petrulak amended his motion, Mr. Zimmermann amended his second, the Board voted (4-1) to grant 30 days, until October 21, 2011. Mr. Hedin opposed.

The Respondent was not present for this hearing.

11:31:10 **Case #20110701231 – Georgios & Melpomeni Varahidis**

Inspector Davis recapped this was a case of overgrown weeds. She posted the property on August 16, 2011 and submitted a photograph and an Affidavit of Service into evidence. Staff recommended granting 30 days, until October 21, 2011, to bring the property into compliance.

11:31:48

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, to bring the property into compliance.

The Respondent was not present for this hearing.

11:32:01 **KGP, LLC**

Mr. DeBlois recapped this was a business plaza with a sign violation for the business Chichi's Yogurt. The sign was put up on the subject business without all the necessary permits in place.

Inspector Buck testified she received service from the Respondent on this case September 7, 2011 and she received service from Chichi's Yogurt on September 7, 2011, but no service had been received from the sign company. She continued on October 8, 2010, Impact Signs had submitted a sign application for a wall sign for Chichi's Yogurt. On October 19, 2010 she reviewed the sign application and approved it for the Planning Division. The IRC Building Department Plans Examiner also did their review on October 21, 2010. She explained when the sign companies submit for a permit they pay \$200 up front for the building permit. Once all the reviews are done when they come pick up their permit, there was an additional fee for the zoning review. At this time, the fees were still pending for \$266 the contractor had not paid. No inspections had ever been called in for the wall signs and the sign permit and the license for the sign contractor have both since expired.

Inspector Buck stated she had spoken with both the property owner and Chichi's Yogurt and they reported they were not getting cooperation from Impact Signs so they were coordinating with another sign company to resolve the sign permit issue. A photograph was submitted into evidence.

Mr. DeBlois recommended the Board find the sign violation as cited, and grant the owner and business 60 days, until November 25, 2011, to resolve the after-the-fact permitting for the sign.

11:35:36

ON MOTION BY Mr. Suthard, SECOND BY Mr. Zimmermann, the Board voted unanimously (5-0) to grant 60 days, until November 25, 2011 to come into compliance.

The Respondent was not present for this hearing.

11:35:45 **Case #2011060219 – Vero Mall, LLC**

Mr. DeBlois related this was also a sign issue with a similar situation with the same sign contractor, Impact Signs, but a different business, Vittorio's Pizzeria.

Inspector Buck testified she received service on Vero Mall, LLC on September 8, 2011, and on Vittorio's Pizzeria on September 7, 2011. She did not get service on the sign company. A photograph was submitted into evidence.

Inspector Buck continued Mr. Kelly from Impact Signs did come in to speak with the IRC Building Department and picked up his drawings on August 10, 2011 because the Building Department had not released the permit due to questions they had regarding the securing of the sign to the wall. The Building Department requires completely new drawings submitted by a different, licensed sign contractor because Mr. Kelly's license was now inactive.

Inspector Buck stated the business, Vittorio's Pizzeria, was working with Brister Signs and that company had contacted her and said they should have the

drawings in within the next week or two. She recommended granting 60 days, until November 25, 2011.

11:38:18

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 60 days, until November 25, 2011, to bring the property into compliance.

The Respondent was not present for this hearing.

11:38:24 **Case #2011070128 – Ann C. Jones, Joan R. Campbell, William Pryor**

Inspector Davis recapped this case involved an unsafe building, overgrown weeds, junk, trash, and debris violation. She did not receive service due to returned, unclaimed or refused mail on September 14, 2011 and subsequently posted the property on September 15, 2011. She submitted an Affidavit of Service and five photographs into evidence. Staff recommended granting 60 days, until November 25, 2011 for compliance.

11:39:43

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the members voted unanimously (5-0) to grant 60 days, until November 25, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

11:39:50 **Case #2011050201 – David L. Earle**

Inspector Jefferson testified this property had an overgrown weeds violation in the backyard and the property was posted on September 16, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and two photographs were submitted into evidence.

Staff recommended granting 30 days, until October 21, 2011, to bring the property into compliance.

11:41:47

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, to bring the property into compliance.

The Respondent was not present for this hearing.

11:41:55 **Case #2011060193 – Scott & Sharon Partin**

Inspector Jefferson related this case involved a boat trailer violation. There were two boats being stored on the property. She posted the property on September 14, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and two photographs were submitted into evidence and staff recommended granting 30 days, until October 21, 2011 for compliance.

11:42:41

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, to achieve compliance on this property.

The Respondent was not present for this hearing.

11:43:27 **Case #2011050255 – Vidal Gamez**

Inspector Davis related this case involved illegal land clearing, recreational vehicle illegal use as living purposes on agriculturally zoned property, and junk, trash, and debris. The property was posted on September 16, 2011, after attempts at certified and first class mail were unsuccessful. She stated the violations were cleared other than the land clearing debris remaining on the property.

An Affidavit of Service was submitted into evidence and staff recommended granting 60 days, until November 25, 2011, for compliance.

11:44:57

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 60 days, until November 25, 2011 to bring the property

into compliance.

The Respondent was not present for this hearing.

11:45:01 **Case #2011070193 – Salem Y. Abdelhameed & Sumai Elhuni**

Inspector Solomon testified this property was posted on September 16, 2011 after attempts at certified and first class mail were unsuccessful. Service was received on Wells Fargo Bank on September 15, 2011. An Affidavit of Service and two photographs were submitted into evidence.

The cited violations were overgrown weeds and junk, trash and debris. The property has been vacant for a number of months. Staff recommended granting 30 days, until October 21, 2011 for compliance.

11:46:24

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

11:46:34 **Case #2011080006 – Jon Wagstrom**

Inspector Solomon testified this property was posted on September 16, 2011 after attempts of certified and first class mail were unsuccessful. She did receive service on Wells Fargo on September 15, 2011. An Affidavit of Service and a photograph were submitted into evidence.

This is a vacant residence cited with violations of overgrown weeds and a health and safety hazard/public nuisance from a large dead oak tree in the front yard. When Inspector Solomon contacted the bank the overgrown weeds were mowed by the bank but the tree remains. Staff recommends granting 30 days, until October 21, 2011 for the violation to be corrected.

11:47:57

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Petrulak, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

11:50:04 **Case #2011070232 – Alberta L. Snider**

Inspector Davis recapped this case involved a vacant home with overgrown weeds, swimming pool enclosure violation, property maintenance violation, and a health and safety hazard/public nuisance. She posted the property on September 16, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and five photographs were submitted into evidence.

Staff recommended 30 days for compliance, until October 21, 2011, and 7 days, until October 3, 2011, for the securing the fencing of the pool.

11:51:42

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, for compliance and 7 days, until October 3, 2011, for securing the fencing of the pool.

The Respondent was not present for this hearing.

11:51:48 **Case #2011040210 – Terry H. & Rhonda D. Drum**

Inspector Davis related this involved an abandoned property not in foreclosure with an overgrown weeds violation. She posted the property on September 16, 2011 after attempts at certified and first class mail were unsuccessful. An Affidavit of Service and a photograph were submitted into evidence. There was also a separate fine running for the pool which was not being maintained. Staff recommended 30 days, until October 21, 2011, to bring the property into compliance.

11:52:47

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

and safety hazard/public nuisance violation along with overgrown weeds, junk, trash, and debris, and a structure exterior maintenance violation. Service was received from JP Morgan Chase Bank on September 2, 2011 and the property was posted on September 16, 2011 for service on Mr. Johnson. An Affidavit of Service along with two photographs were submitted into evidence. Staff recommended granting 30 days, until October 21, 2011, to bring the property into compliance.

12:00:20

ON MOTION BY Mr. Zimmermann, SECONDED BY Mr. Suthard, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011 to bring the property into compliance.

The Respondent was not present for this hearing.

12:00:30 **Case #2011080087 – Sylvester Moore**

Mr. DeBlois recapped this case involved an overgrown weeds violation.

Inspector Buck testified she posted the property on September 14, 2011 after attempts at certified and first class mail were unsuccessful. She submitted an Affidavit of Service along with two photographs into evidence. The property at this time was not in foreclosure and she had not had any contact with the Respondent. Staff recommended granting 30 days, until October 21, 2011, for the Respondent to resolve the weed violation.

12:02:04

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, to resolve the weed violation.

The Respondent was not present for this hearing.

12:02:21 **Case #2011080118 – Alhambra Investment Properties, LLC**

Mr. DeBlois recapped this was a lot within residential property with a violation of overgrown weeds.

Inspector Davis testified she received service on September 11, 2011. She

pool maintenance violation into compliance.

The Respondent was not present for this hearing.

12:08:40 **Case #2011090075 – Stephanie Wells**

Inspector Solomon testified the property was posted on September 16, 2011, after attempts at certified and first class mail were unsuccessful. This was a vacant residence with cited violations of overgrown weeds and a swimming pool maintenance violation. She noted there was a previous case regarding this property and the Respondent quickly mowed the grass and drained the swimming pool but it was not covered so rainwater was now collecting in the swimming pool. An Affidavit of Service and three photographs were submitted into evidence. Staff recommended granting 30 days, until October 21, 2011 for the cited violations to be brought into compliance.

12:10:02

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to grant 30 days, until October 21, 2011, to bring the violations into compliance.

The Respondent was not present for this hearing.

COMPLIANCE HEARINGS

12:10:10 **Case #2011050046 – Marilyn M. Lind**

Mr. DeBlois recapped this case involved junk, trash, and debris, junk vehicle, zoning district use and recreational vehicle illegal use violations. The case initially came to the Board in an Evidentiary Hearing on June 27, 2011 and extensions of time were given trying to work with the land owner to allow the property to be brought into compliance. Ms. Lind, the owner of the property, was moving out of the area and her former husband was living on the property and was responsible for the number of hot tubs and pipes and other debris.

Inspector Davis testified she inspected the property on September 23, 2011 and there had been no progress, and in fact the situation was worse. She added

property into compliance. Upon inspection of the property it was found to still be in violation so staff recommended the \$100 per day fine be imposed with a start date of September 24, 2011.

12:15:47

ON MOTION BY Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to impose the fine of \$100 per day with a start date of September 24, 2011.

The Respondent was not present for this hearing.

12:16:02 **Case #2011070144 – Judith & Larry Vail**

Inspector Solomon related this was a vacant residence that came to the Board on August 22, 2011 for an Evidentiary Hearing at which time the Board found a violation of overgrown weeds. The Respondents were given 30 days, until September 23, 2011 to bring the property into compliance. Upon inspection, the property was found to still be in violation and staff recommended the \$100 per day fine be imposed with a start date of September 24, 2011. Two photographs were submitted into evidence.

12:16:59

ON MOTION BY Mr. Suthard, SECONDED BY Mr. Zimmermann, the Board voted unanimously (5-0) to impose the fine of \$100 per day with a start date of September 24, 2011.

The Respondent was not present for this hearing.

12:17:05 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Zimmermann the Board voted unanimously (5-0) to authorize the Notices to Appear for cases leading up to the October 24, 2011 meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:55 p.m.

