

**CITY OF TEMPLE TERRACE, FLORIDA
MUNICIPAL CODE ENFORCEMENT BOARD
MINUTES**

**Regular Meeting
Wednesday, December 9, 2009
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, December 9, 2009 in the Council Chambers at City Hall.

PRESENT WERE: Chairman David A. Pogorilich and Board Members Rick Gibson, Maura Lear, William Newkirk, James Ruyle, Michael Urbas, and Alternate Board Member Andy Ross.

ALSO PRESENT WERE: Attorney for the City Jenay Iurato, City Clerk Lisa Burns, Deputy City Clerk Donna Spano, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, and Sal Scrozzo, Public Information Officer Michael Dunn, Andre Ashmeade, Jack Ritter, William Holland, Jr., Rommel Sanchez, Christina Griffin, Dawn Ferry, Tammy Schueng, Brian Kraemer, and several other persons.

Chairman Pogorilich called the meeting to order at 7:00 p.m. and, following the Pledge of Allegiance to the flag, outlined the procedures the Board would follow. All persons wishing to give testimony were sworn in by the Deputy City Clerk.

Noting the presence of interested parties, Chairman Pogorilich confirmed with Attorney Iurato that cases with interested parties present would be heard first.

HEARINGS:

CASE NO. 09-2083 – City versus Estate of Cynthia D. Myers - 405 Belvedere Oval – Sections 11.120.9 – Duty to Keep Premises Clean and 25.755.10 – Duty to Maintain Pools.

Attorney Iurato introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violator. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violations was served to the alleged violator. He provided testimony and submitted photographic evidence of the alleged subject violations, labeled Exhibit 1, which the Board accepted, establishing a violation of Code Sections 11.120.9 and 25.755.10. The respondent was not present. Brian Kraemer, Remax Realty / listing broker for the property, 4030 Henderson Blvd., acknowledged and explained the circumstances resulting in the alleged violations.

Based on the testimony of Code Compliance Director Gross and Brian Kraemer, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **FOUND The Estate of Cynthia D. Myers in Case No. 09-2083** to be **GUILTY** of violating **Sections 11.120.9 and 25.755.10** of the City Code, and gave the respondent until **January 13, 2010**, to come into compliance with Code Sections 11.120.9 and 25.755.10. If the property does not come into compliance by that date, a fine of **\$100.00** per day shall accrue beginning **January 14, 2010**, until the date the violator provides the City with evidence that the property has been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2196 - City versus Steven Mezer, Registered Agent of Victoria Terrace Condo Assoc., Inc., & Raymond G. Bradley, Registered Agent of Raymow Enterprises, Inc. - 13000 Grandville Drive, Section 25.735.4(a)(1) – Unlawful Tree Removal.

Attorney Iurato introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation was served to the alleged violators. He provided testimony and submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, which the Board accepted, establishing a violation of Code Section 25.735.4(a)(1). Code Compliance Director Gross introduced an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Urbas, the Board **FOUND Steven Mezer, Registered Agent of Victoria Terrace Condo Assoc., Inc., & Raymond G. Bradley, Registered Agent of Raymow Enterprises, Inc. in Case No. 09-2196 to be GUILTY** of violating **Section 25.735.4(a)(1)** of the City Code, but because the property was brought into compliance before the date of this hearing, **NO FINE** was assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2245 – City versus Andre A. Ashmeade - 9843 N. 52nd Street, Section 27.750(m)(3) – Minimum Standards – Roofs.

Attorney Iurato introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violator. Code Compliance Officer Borroni, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation was served to the alleged violator. He provided testimony and submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, which the Board accepted, establishing a violation of Code Section 27.750.(m)(3). The respondent, Andre A. Ashmeade, 9843 N. 52nd Street, acknowledged and explained the circumstances resulting in the alleged violation.

Based on the testimony of Code Compliance Officer Borroni and Andre Ashmeade, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Lear, the Board **FOUND Andre A. Ashmeade in Case No. 09-2245 to be GUILTY** of violating **Section 27.750(m)(3)** of the City Code, and gave the respondent until **January 13, 2010**, to come into compliance with Code Section 25.750(m)(3). If the property does not come into compliance by that date, a fine of **\$50.00** per day shall accrue beginning **January 14, 2010**, until the date the violator provides the City with evidence that the property has been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2287 – City versus Rommel J. and Starla J. Sanchez – 9610 N. 55th Street, Section 11.135.1 – Sanitation – Grass/Weeds 150’.

Attorney Iurato introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly

served on the violators. Code Compliance Officer Borroni, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation was served to the alleged violators. He provided testimony with regard to the alleged subject violation, establishing a violation of Code Section **11.135.1**. Code Compliance Officer Borroni introduced an Affidavit of Compliance, which the Board accepted. The respondent, Rommel J. Sanchez, 9610 N. 55th Street, acknowledged and explained the circumstances resulting in the alleged violation.

Based on the testimony of Code Compliance Officer Borroni and Rommel Sanchez, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Ruyle, the Board **FOUND Rommel J. and Starla J. Sanchez in Case No. 09-2287** to be **GUILTY** of violating **Section 11.135.1** of the City Code, but because the property was brought into compliance before the date of this hearing, **NO FINE** was assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2351 - City versus John and Pat Douglas - 12907 N. 53rd Street - Sections 11.120.9-Duty to Keep Premises Clean, 11.130.7(b) – Unauthorized Accumulation, 25.750.4 – Material and Equipment Storage, and 27.750(r)(2) – Minimum Standards – Sanitation.

Attorney Iurato introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. Code Compliance Officer Knowles, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violations was served to the alleged violators. He provided testimony and submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 through 13, which the Board accepted, establishing a violation of Code Sections 11.120.9, 11.130.7(b), 25.750.4 and 27.750(r)(2). The Respondents were not present.

Based on the testimony of Code Compliance Officer Knowles, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **FOUND John and Pat Douglas in Case No. 09-2351** to be **GUILTY** of violating **Sections 11.120.9, 11.130.7(b), 25.750.4 and 27.750(r)(2)** of the City Code, and gave the respondent until **January 13, 2010**, to come into compliance with Code Sections **11.120.9 11.130.7(b), 25.750.4 and 27.750(r)(2)**. If the property does not come into compliance by that date, a fine of **\$100.00** per day shall accrue beginning **January 14, 2010**, until the date the violators provide the City with evidence that the property has been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting “aye”, no “nay”.

Attorney Iurato asked that Case Numbers 09-0942 and 09-1492, listed under Unfinished Business / Prior Case Hearings, be taken out of order to accommodate the respondents present.

UNFINISHED BUSINESS/PRIOR CASE HEARINGS:

Status Report of Compliance/Non Compliance with previously issued ORDERS:

CASE NO. 09-0942 – City versus W. Bradley Munroe, Esq., Registered Agent CNLKOR River Chase, LLC - 6900 Aruba Avenue - Section 8.830(a)(1) – Permits.

Code Compliance Director Gross informed the Board that there have been 75 permits pulled, 25 buildings have passed inspection, and the applicants have 50 more buildings left to finish. He estimated it would take the applicants approximately six weeks to finish the project, adding the City supports extending the deadline to the Board's next hearing. Dawn Ewing Ferry, representing River Chase Apartments, 6900 Aruba Avenue, provided an update of the progress, answered questions from the Board, and requested another extension. Code Compliance Director Gross stated the City supports the additional extension.

Upon motion of Board Member Lear, seconded by Board Member Gibson, the Board **extended** the **compliance deadline** in **Case No. 09-0942** until **February 10, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting "aye", no "nay".

CASE NO. 09-1492 – City versus Norma D. Redding, Trustee - 730 Downs Avenue - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean, and 11.130.7(b) – Unauthorized Accumulation.

Attorney Iurato submitted an Affidavit of Non-Compliance dated November 13, 2009, which the Board accepted. Code Compliance Director Gross reviewed the circumstances of the case, reminding the Board that this was a vacant house which had been flooded. He continued that the fine is running at this point.

Christopher Scott Redding, 6421 Walton Way, representing the estate, provided an update on the circumstances surrounding the case, their progress, and answered questions from the Board.

Chairman Pogorilich encouraged Mr. Redding to inventory the damaged property and reminded him the fine is running. He explained the fine reduction process to Mr. Redding and encouraged him to continue to work with Code Compliance Director Gross.

Noting the presence of interested parties, Chairman Pogorilich confirmed that Case Numbers 07-0181 and 09-0098, shown on the agenda as New Business would be heard at this time.

NEW BUSINESS

Consideration of Lien Appeal: Case No. 07-0181 – City versus William M. Holland, Jr. – 228 Willowick Avenue – Lien Amount: \$77,800.00

Attorney Iurato introduced the case and asked that Mr. Holland be sworn in, since he was not present at the start of the meeting. Deputy City Clerk Spano administered the oath to Mr. Holland.

Mr. Holland, 228 Willowick Avenue, asked the Board whether they had received his correspondence and if they had any questions.

Chairman Pogorilich confirmed that the correspondence had been received; there were no questions from the Board at this time.

Mr. Holland stated the alleged violations are in compliance, and he is requesting that the lien be reduced from \$77,800 to \$2,500, as set forth in his letter. He expressed that he wants to be treated like

everyone else, citing cases, such as Gaspar's, where he believes other violators, with considerable liens, have been granted substantial reductions, and he would like the same consideration.

Mr. Holland then submitted a letter, dated December 9, 2009, to Attorney Iurato, seeking to preserve any and all due process rights afforded him. Attorney Iurato read an excerpt from the letter and stated the City has no objections to the letter being submitted into the record, without indicating whether the City agrees with what he is seeking with respect to his Constitutional rights.

Attorney Iurato referred to Mr. Holland's letters of November 23, 2009, and November 24, 2009, and clarified that Mr. Holland has made two requests. She explained that Mr. Holland has made the lien reduction request, and in addition, he has also requested that the City stay the action that is currently pending in the Thirteenth Judicial Circuit, in which case Shumaker, Loop & Kendrick is serving as counsel to the City. She requested that Mr. Holland address the November 24, 2009, correspondence, relative to staying the pending action, before taking any additional testimony.

Mr. Holland explained that the court stayed the foreclosure action until December 11, 2009, which was tied to mediation; they have agreed to extend the mediation hearing until all the administrative remedies have been exhausted. Therefore, he said the request is to extend the stay in the Circuit Court proceedings, pending the mediation. He noted there was an order entered setting the mediation for December 11, 2009, adding that was the intent behind the stay – to see if they could resolve it.

Chairman Pogorilich commented that although he did not attend the last City Council Meeting, he read the Minutes of that meeting, and he understands that the mediation was stayed simply because it would serve the same purpose as Mr. Holland appearing before this Board; if there was a reduction, it would serve the same goal as mediation. He asked the Attorney for the City if the Board does not recommend a lien reduction, whether the mediation would still go on.

Attorney Iurato responded negatively, explaining that the Court ordered the parties to mediation and for the mediation to occur within 60 days of that Court's order on October 10, 2009; the parties stipulated to mediating on December 11, 2009. She continued it was at that point that the parties agreed that the action should be stayed as of December 11, 2009, since the Court did not want the parties, either Mr. Holland or the City, to incur litigation costs relating to the underlying action until Mr. Holland had the opportunity to come before this Board and, ultimately, come before the City Council. Because of the manner in which Mr. Holland submitted his request, she said it could only come before the Board tonight, and it will not go before City Council until January 5, 2010. Therefore, Attorney Iurato reported that they stipulated to cancelling the mediation on December 11, 2009, to allow Mr. Holland to exhaust his remedies with this Board and the City Council; Mr. Holland agreed to mediate prior to February 28, 2010, and the attorneys agreed that was sufficient time for the City Council to consider whatever recommendations are made this evening.

Chairman Pogorilich questioned whether any action needed to be taken by the Municipal Code Enforcement Board on the request to Stay the Pending Action.

Attorney Iurato explained that the Board needs to consider Mr. Holland's request for an additional stay of the action, since the original stay is only in place until December 11, 2009. She stated their recommendation to the City would be to agree to stay the action pending the next mediation, reiterating that the Court ultimately represented to the parties that the Court wanted the parties not to incur additional fees or costs until the City Council and the Board consider the request.

Chairman Pogorilich clarified that this Board only makes recommendations to the City Council and Council makes the final decision. He commented that this Board can certainly recommend to City Council that there be an additional stay until after the January 5, 2010, City Council meeting, but sometime before February, acknowledging that it makes sense for Mr. Holland to exhaust all of his administrative remedies first. He detailed for the Board that at the end of this hearing, there would need to be two motions - one for the stay and one for the request for reduction of the fine.

Attorney Iurato clarified, for the record, the City Attorney's position - that they do not have a problem with the stay up through February 28, 2010. She said they do not want to continue to delay the foreclosure proceedings, and they are only in agreement with the stay until February 28, 2010, because they believe that the request will not be heard by Council until late December or early January.

Jack Ritter, 227 Willowick Avenue, spoke against granting the lien reduction. He cited his previous service on this Board, commenting that he understands the Board and its function. He detailed the violations he believes have occurred at Mr. Holland's house over the last ten years and mentioned various construction projects taking place during that timeframe. Mr. Ritter then described his recollections of the chain of events that occurred since Mr. Holland's violation in 2007, stating that he had not seen any work to correct the violations until the City started foreclosure proceedings. He also described the current condition of Mr. Holland's property, alleging that more violations now exist. Mr. Ritter stated that Mr. Holland is ruining their neighborhood and their property values, and that he continues to use delay tactics. He mentioned that Mr. Holland owns at least 16 other properties, so he believes money is not an issue. He implored the Board to deny Mr. Holland's request for a lien reduction.

Board Member Urbas asked Mr. Ritter whether he believes that Mr. Holland is still out of compliance, to which Mr. Ritter replied that Mr. Holland is now in compliance with this particular violation, however; he believes there are other violations on the property for which Mr. Holland has not yet been cited.

Chairman Pogorilich commented that the Board is accommodating to everyone; however, he does not believe Mr. Holland deserves any more accommodation because he believes Mr. Holland has not been truthful with the Board and has only given excuses over the last two years. Chairman Pogorilich added he does not believe Mr. Holland did anything with this property until he realized that the foreclosure was going to proceed.

Mr. Holland asked Chairman Pogorilich to explain to him where he was not truthful with the Board.

Chairman Pogorilich reviewed Mr. Holland's letter and detailed what he believes were inconsistencies in Mr. Holland's statements.

A discussion ensued regarding the delivery of supplies, hiring of contractors, the length of time taken to complete the roofing project, and whether or not Mr. Holland did, in fact, attempt to deceive the Board.

Board Member Ruyle then called a point of order.

Chairman Pogorilich explained that the Board will vote; however, he does not support the lien reduction. He then gave Mr. Holland the opportunity to conclude his testimony.

Mr. Holland commented that he believes Mr. Ritter was not accurate in his comments, and he stated that Code Compliance Director Gross can verify all the permits pulled for this property, including current permits for the garage roof.

Chairman Pogorilich explained that current projects and permits are not issues before this Board; therefore, the Board can't discuss those items at this hearing.

For the record, Attorney Iurato requested that Mr. Holland be afforded the opportunity to provide comments that extend beyond three minutes, since the comments from the public extended beyond three minutes. Attorney Iurato also recommended that Mr. Holland be allowed to provide his comments following questions from the Board.

Mr. Holland commented that he believes his request is reasonable, and he cited other cases where he believed considerable fines were reduced or waived entirely. He again reiterated that he does not believe Mr. Ritter's statements were accurate. He also introduced a list he prepared which cites properties in close proximity to his property with the same type of roofing.

Attorney Iurato stated that although she has not seen this document previously, she has no objection to it being submitted to the Board for its consideration. She advised the Board the document contains twenty properties that Mr. Holland is claiming are Temple Terrace addresses within a few blocks of his property that have rolled roofing.

Board Member Lear recalled the Board issuing a subpoena to appear to Mr. Holland in 2008, adding that Mr. Holland did not appear for the original subpoena. Mr. Holland subsequently appeared before the Board and advised that he expected to be in full compliance by March 2009. Board Member Lear commented she believes it is extreme when the Board has to issue a subpoena. She then asked the Code Compliance Director what the City's expenses are in this case to date, and asked Mr. Gross to give a brief summary of the communications his office has had with Mr. Holland since the issuance of the lien.

In response to Board Member Lear, Code Compliance Director Gross replied that the Code Compliance Department expenses to date are \$3,367.00. He also reported that communications with this respondent have been equal to or more than most, adding that Mr. Holland did notify the City that he could not appear for the subpoena due to his attendance at another court hearing. He summarized that there was consistent contact but not much action for a while. Director Gross summarized the permit and work schedule and noted that Mr. Holland was in compliance as of late September; there are no open cases on the property.

Upon motion of Board Member Ruyle, seconded by Board Member Gibson, the Board **RECOMMENDED** to the City Council to **DENY** the request to reduce the lien in Case No. 07-0181 **City versus William M. Holland, Jr.**, 228 Willowick Avenue, and that the fine assessed in Case No. 07-0181 remain at \$77,800.00. Vote on the motion being: Chairman Pogorilich, and Board Members Gibson, Lear, Newkirk, Urbas, Ruyle, and Ross voting "aye", no "nay".

Prior to the vote on the above motion, Board Member Ruyle commented that Mr. Holland took a long time to install a roof, stating the roofing used is commonplace. He added that while Mr. Holland's documents mention many things, they do not establish any reason for the delay. Board Member Ruyle stated he cannot find anything unusual in this case that would substantiate granting a lien reduction.

Board Member Lear echoed Mr. Ruyle's comments, stating the project didn't take long once they finally got Mr. Holland's attention. She also commented that this was not an unusual project; it is standard business for a roofing contractor. She commented that this is a testament to the Code Compliance Department.

Board Member Urbas stated he was not aware of any liens that were totally dismissed and inquired whether there had been any such cases. He added that he believes there should be some consistency in order to be fair to everyone.

Chairman Pogorilich explained the Board must deal with each case individually. He continued that this Board did not recommend a lien reduction in the Gaspar case; however, City Council granted a reduction.

Board Member Urbas agreed that each case must be handled individually; however, he expressed that he believes there are precedents set when decisions are made, to which Chairman Pogorilich interjected the Board does not set precedent.

At this point, the vote on the above motion was taken, with the Board unanimously voting to deny the request for a lien reduction.

Chairman Pogorilich called for a motion on the stay of the mediation issue.

Upon motion of Board Member Lear, seconded by Board Member Urbas, the Board **RECOMMENDED** to the City Council to GRANT an additional stay beyond December 11, 2009, to a date no later than February 28, 2010, in the pending action in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County styled: City of Temple Terrace, Plaintiff, vs. William Marion Holland, Jr., et. al, Case No.: 09-CA-15815 for foreclosure and damages. Vote on motion being: Chairman Pogorilich, and Board Members Gibson, Lear, Newkirk, Urbas, and Ross voting "aye", and Board Member Ruyle voting "nay".

Consideration of Lien Appeal: Case No. 09-0098 – City versus Iran E. and Gladys E. Rodriguez (Following foreclosure, property sold to US Bank National Association, Trustee c/o Bank of America, represented by Christina Griffin, Listing Agent, Coldwell Banker.

Attorney Iurato introduced the case, stating that it is a request for a lien reduction.

Ms. Christina Griffin, 70 Deer Path, Oldsmar, Realtor for Bank of America, stated the bank is asking for a lien reduction. She explained the bank's process with respect to properties in foreclosure. She stated she began the process of obtaining bids and submitting them to the bank for approval immediately upon learning of the code violation; this process took two to three weeks. She added that Bank of America tries to be a good neighbor, and that they currently have a contract on the property. She stated Bank of America is asking that the Board take into consideration the bank's efforts, noting that the violations occurred prior to their ownership.

In response to Chairman Pogorilich's inquiry regarding when the closing is planned to occur, Ms. Griffin explained the closing was postponed but will take place as soon as this issue is finalized.

In response to Chairman Pogorilich's question regarding contact from Ms. Griffin, Code Compliance Officer Knowles explained there were numerous emails and phone calls from Ms. Griffin immediately and any work needed was completed almost instantaneously. He commended Ms. Griffin for her promptness and efforts.

Chairman Pogorilich inquired whether the majority of the fine occurred prior to Bank of America's ownership to which Code Compliance Officer Knowles responded affirmatively.

Code Compliance Officer Knowles explained that this was a case where a holding company owned the property then turned it over to the bank, adding Bank of America already shows as being the owner of record with the Property Appraiser, so he concluded this was fast work.

Attorney Iurato stated, for the record, the lien was actually filed May 26, 2009, and the compliance date was October 12, 2009.

In response to Chairman Pogorilich's prior question regarding contact, Ms. Griffin checked her records and confirmed that she began corresponding with the Code Compliance Department on or around September 4, 2009.

Code Compliance Director Gross stated the Code Compliance Department has expended \$725.00 in this case.

Chairman Pogorilich commented that there are probably legal fees associated with this case also, to which Attorney Iurato explained legal fees will not be considered in this case; they will be considered by City Council.

In response to Mr. Urbas' inquiry, Code Compliance Officer Knowles confirmed that the lien was placed and the bulk of the fine/lien was incurred prior to Bank of America's ownership.

Based on the approximate date that Bank of America took ownership and the \$100.00 per day fine, Mr. Urbas calculated the fine that accrued since Bank of America's ownership to be approximately \$3,800.00.

Upon motion of Board Member Urbas, seconded by Board Member Ruyle, the Board **RECOMMENDED** to the City Council that the fine in Case No. 09-0098 – City versus Iran E. and Gladys E. Rodriguez (property sold to US Bank National Association, Trustee, c/o Bank of America, represented by Christina Griffin, Listing Agent, Coldwell Banker), 6419 Jacqueline Arbor Drive, be reduced from **\$17,900.00 to \$3,800.00** contingent upon the fine being paid on or before **30 days** of approval by the City Council; otherwise, the fine will **revert back** to the original amount of **\$17,900.00**. Vote on the motion being: Chairman Pogorilich, and Board Members Gibson, Lear, Newkirk, and Urbas voting "aye", Board Member Ross voting "nay".

Prior to the vote on the above motion, Board Member Ross suggested that they simply recommend recouping the City funds of \$725.00.

Chairman Pogorilich explained that there is a motion and a second on the floor so the Board must vote on that motion. For the benefit of new Alternate Board Member Ross, the Chairman also explained that this Board makes a recommendation and only City Council has the authority to actually grant a lien reduction.

At this point, the vote on the above motion took place, passing on a vote of six to one, with Board Member Ross casting the dissenting vote.

Noting no more interested parties wishing to be heard, Chairman Pogorilich resumed the agenda order.

UNFINISHED BUSINESS/PRIOR CASE HEARINGS - CONTINUED

Status Report of Compliance/Non Compliance with previously issued ORDERS:

CASE NO. 01-0062 – City versus John P. and Deanne B. Klose - 9202 Knights Branch Street - Sections 25.750.5(b)(7) – Maintenance of Fences, Walls & Hedges, and 27.750(n)(1) & (3) – Minimum Standards - Fences and Walls.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted. Attorney Iurato also informed the Board the City Council authorized foreclosure proceedings on November 3, 2009, and that action is pending.

CASE NO. 05-0557B – City versus Jeffrey L. & Verneka L. Rhodes - 708 Grand Circle - Sections 11.120.9-Duty to Keep Premises Clean, and 25.755.10-Pools – Duty to Maintain.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 05-1536 – City versus Nina Iacovella and Joseph H. Ficarrota - 11710 N. 51st Street-Section 25.780.8(a)(b)(c) - Required Buffering-Commercial.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 06-0432 – City versus Hamdan Abdul - 10318 Councils Way - Sections 27.750(m)(2)-Minimum Housing-Exterior Walls, and 27.750(m)(3)-Minimum Housing-Roofs.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 07-1492 – City versus Jenae R. Smith - 104 Mission Hills Drive - Section 27.750(m)(8)-Minimum Housing-Windows & Exterior Doors.

Attorney Iurato submitted an Affidavit of Compliance dated December 8, 2009, which the Board accepted.

CASE NO. 07-1668 – City versus Geoffrey M. Heard and Georgette Trelles – 513 Broxburn Avenue - Sections 27.750(m)(3)-Minimum Standards-Roofs, and 27.750(1)-Minimum Standards-Electrical Systems.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted. Attorney Iurato also informed the Board that the City Council authorized foreclosure proceedings, which are being filed this week.

CASE NO. 08-0292 – City versus Christopher B. York - 7604 Leon Avenue - Sections 27.750(m)(2)-Minimum Housing Standards-Exterior Walls, and 27.750(m)(3)-Minimum Standards-Roofs.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 08-0707 - City versus Beach Rex Trustee - 645 Gillette Avenue - Sections 11.120.10 - Sanitation - Abutting Property, 11.135.1 - Sanitation - Grass/Weeds 150', 11.135.2 - Sanitation - Grass/Weeds, 11.120.9 - Sanitation - Duty to Keep Premises Clean, and 25.755.10 - Pools - Duty to Maintain.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 08-1496 - City versus Jenae R. Smith - 104 Mission Hills Avenue - Sections 11.135.1-Sanitation - Grass/Weeds 150', 11.135.2 - Sanitation - Grass/Weeds, 25.755.10 - Pools - Duty to Maintain, and 11.120.9 - Sanitation - Duty to Keep Premises Clean.

Attorney Iurato submitted an Affidavit of Compliance dated November 16, 2009, which the Board accepted.

CASE NO. 08-1708 – City versus Arthur T. and Bette Ann Human - 9608 N. 55th Street - Sections 11.120.9 – Sanitation- Duty to Keep Premises Clean, 11.130.7(b) – Unauthorized Accumulation, and 27.750 (r)(2) Minimum Housing Standards – Sanitation – Disposal of Garbage.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

Chairman Pogorilich called for a brief recess, at the request of Attorney Iurato, so she could confer briefly with Mr. Holland, who was leaving the Chambers.

CASE NO. 08-1787 – City versus Eleno G. and Marta Sibrian - Sections 11.120.9 - Sanitation – Duty to Keep Premises Clean, 25.755.10 – Pools – Duty to Maintain, and 25.750.5(b)(7) – Fences – Appearance.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 08-1811 – City versus Michael L. and Martine B. Miller - 610 Courtney Drive - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 08-2106 – City versus Wade P. Behnke - 9616 Overlook Drive - Sections 11.120.9 – Sanitation – Duty to keep Premises Clean, and 25.755.10 – Pools – Duty to Maintain.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted. Code Compliance Director Gross informed the Board there was a judgment found for the bank, and the property will be auctioned on December 14, 2009. He added the Rotary Club recently cleaned the property.

In response to Chairman Pogorilich's inquiry regarding what will happen to the City lien in this case, Attorney Iurato explained the City lien would be foreclosed out; however, if there is a surplus of funds, the City could apply for their portion. She added that surplus funds are unlikely in this case.

Code Compliance Director Gross commented they will start the process anew with the new owner.

CASE NO. 09-0441 – City versus Delatorro L. McNeal, II, and Nova McNeal - 7717 Gulf Court Violations – Sections 27.750(m)(3) – Minimum Housing Standards – Roofs, and 11.130.7(b) – Unauthorized Accumulation.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1156 – City versus Chris and Tamra Valdez, and Frantz DeRose - 5312 Terraza Court - Section 25.640(g) – Final Site Plans – Conditions.

Attorney Iurato submitted two (2) Affidavits of Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1328 – City versus Luis Osorio and Gretel Diaz - 9853 Morris Glen Way - Sections 11.135.2 – Sanitation – Grass/Weeds and 25.755.10 – Pools – Duty to Maintain.

Attorney Iurato submitted an Affidavit of Compliance, dated September 24, 2009, for violations to Section 11.135.2 and an Affidavit of Continuing Non-Compliance dated December 9, 2009, for violations to Section 25.755.10, which the Board accepted.

CASE NO. 09-1352 – City versus Robert B. and Zoe L. McIlwain - 402 Dunedin Avenue - Sections 25.755.10 – Pools – Duty to Maintain, and 11.135.2 – Sanitation - Grass/Weeds.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1361 – City versus David F. and Teresa E. Murphree - 330 Bahamas Avenue - Sections 11.135.2 – Sanitation-Grass/Weeds, and 25.755.10 – Pools-Duty to Maintain.

Attorney Iurato submitted an Affidavit of Compliance dated December 3, 2009, which the Board accepted.

CASE NO. 09-1480 – City versus Wade P. and Amanda B. Behnke - 708 East River Drive - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Iurato submitted an Affidavit of Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1531 – City versus Ibrahim Mostafa - 10373 Councils Way - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean, and 27.750(u) – Minimum Standards – Mold and Mildew.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1622 – City versus Sandra Cuddeback - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean and 8.830(a)(1) - Permits – Application when Required.

Attorney Iurato submitted an Affidavit of Continuing Non-Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1764 – City versus Marie A. Richardson - 5402 Rainbow Drive - Sections 11.135.2 – Sanitation – Grass/Weeds, 27.750(m)(3) – Minimum Standards – Roofs, and 11.130.7(b) – Unauthorized Accumulation.

Attorney Iurato noted the compliance deadline is December 09, 2009, and she confirmed with Code Compliance Director Gross that there is no Affidavit to submit.

CASE NO. 09-1811 – City versus Feliciano L. Zamudio and Nilka R. Samilian, Trustee - 517 Terrace Hill Drive - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean and 25.755.10 - Pools – Duty to Maintain.

Attorney Iurato noted the compliance deadline is December 09, 2009, and she confirmed with Code Compliance Director Gross that there is no Affidavit to submit.

CASE NO. 09-1923 – City versus Kim C. Chandler - 405 Deer Park - Section 25.750.4 - Material and Equipment Storage.

Attorney Iurato submitted two (2) Affidavits of Compliance dated December 9, 2009, which the Board accepted.

CASE NO. 09-1966 - City versus Fadi Mubarak, Registered Agent, Metro Tampa, LLC - 10821 N. 56th Street - Sections 11.120.9 - Sanitation - Duty to Keep Premises Clean, 11.130.7(b)- Unauthorized Accumulation, 28.840(a)(10) - Minimum Standards - Accessory Structures, 28.840(a)(11) - Minimum Standards - Miscellaneous Elements, 28.840(b)(1) - Minimum Standards - Exterior Storage, and 28.840(d)(2) - Minimum Standards - Parking Lot Surface.

Attorney Iurato noted the compliance deadline is December 9, 2009; therefore, there is no Affidavit to submit.

Code Compliance Director Gross explained this is a case involving the rear alley and back portion of the shopping center attached to the 7-Eleven. He said representatives from the Fire Department and the Building Department, and he met with the contractor, reviewed the plans and permits have been issued to begin the work. Code Compliance Director Gross mentioned that in addition to correcting all the violations, the contractor will be making significant upgrades. For the record, he read and submitted a letter from the respondent's agent requesting an extension to bring the property into compliance by January 13, 2010, explaining that the City will support said extension.

Upon motion of Board Member Gibson, seconded by Board Member Urbas, the Board **extended** the **compliance deadline** in **Case No. 09-1966** until **January 13, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ross, Ruyle, and Urbas voting "aye", no "nay".

OTHER BOARD ACTION:

Liens List Review

Attorney Iurato directed the Board's attention to the following case:

- 00-14 – City versus Barbara Clark Britt. Attorney Iurato reported this Board recommended their office send this to City Council to review for foreclosure proceedings, and they will do so in January. Subsequent to this Board's order, she said the attorneys for the City found some additional concerns, which they are currently researching.

Code Compliance Director Gross was pleased to announce that with the Affidavits of Compliance submitted this evening, four or five of the cases may be removed from the lien list, or at least be removed from those cases for which fines continue to accrue.

APPROVAL OF MINUTES:

Upon **motion** of Board Member Gibson, seconded by Board Member Lear, and unanimously carried, the **MINUTES** of the October 14, 2009, regular meeting were **APPROVED**.

Upon **motion** of Board Member Lear, seconded by Board Member Gibson, and unanimously carried, the **MINUTES** of the November 12, 2009, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 8:53 p.m.

Submitted by,

Donna M. Spano
Deputy City Clerk