

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

**Regular Meeting
Wednesday, January 13, 2010
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, January 13, 2010 in the Council Chambers at City Hall.

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

ALSO PRESENT WERE: Attorney for the City Jenay Iurato, City Council Member Ron Govin, Deputy City Clerk Donna Spano, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, and Sal Scrozzo, Public Information Officer Michael Dunn, C.R. and Margaret Mitchell, Hollis Boggs, Dave Becher, Mary Moody, Mary Musto, Doug Meyer, Ralph Rowe, Rory Harding, Izdehar Qader, Samer Qader, T. Lumpkin, 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. 09-1565 – City versus C.R. and Margaret Mitchell - 11713 and 11717 Unicorn Road - Section 25.515 – Uses Permitted – Zoning.

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 the alleged violations were brought to the City's attention and served on the violator, as a result of complaints regarding reports of escalating intensity of commercial use on the subject property, specifically the ongoing assembly, testing, storage, shipping, and other activity related to the manufacture, storage, and shipping of generators from the site, pursuant to a contract with the military. He noted much of this activity takes place out of doors; the noise and fumes from outdoor testing is responsible for many of the complaints.

Chairman Pogorilich asked the Attorney for the City to comment on the packet of information received from the respondent, which included a request for a verbatim transcript.

The Attorney for the City explained that, in terms of the public record, the respondent can request a tape recording from this evening; if they wanted to hire a Court reporter to be here for purposes of the actual verbatim record, they could certainly do so. She said the City is only under an obligation, once a public records request is made, for purposes of the actual taping, to provide that tape to them.

The Code Compliance Director commented that in an effort to show the respondent's case, they included in the packet a copy of a letter prepared after he and the Community Development Director visited Mr. Mitchell's property; in that letter Mr. Mitchell explained the history of the property, as well as some of the time frames that the activity was expected to conclude. He continued with his testimony and submitted a zoning map of the property and surrounding area, an excerpt of Sections 25.530.4 and 25.530.9 of the City's Code of Ordinances regarding the permitted uses for the R-7 (Single family residential) zoning district, and photographic evidence of the alleged subject violations, labeled Exhibits 1 through 5, which the Board accepted, establishing a violation of Code Section 25.515.

Code Compliance Director Gross explained that he has spoken with the Mitchell's attorney, Marsha Rydberg, on December 17, 2009, and there is a chance the activity could be completed by this Board's next hearing. However, the Code Compliance Director said he wanted to make it clear that the operation with the generators is relatively new, having begun in 2008, and has intensified to its current point, which activity is inappropriate and exceeds the zoning allowances for that district.

The respondent, Charles R. (Bob) Mitchell, presented testimony, referencing the correspondence he submitted to the City Clerk's Office for the Board's review, which the Board received this evening. He summarized the information he had provided regarding the historical commercial use of the property and explained he did not believe there was a violation of the City Code, citing previous commercial uses, activities, and zoning designations on the property. He also testified that they were assured from the City of Temple Terrace that his business would have parallel zoning and anything that was allowed before could continue when the property was annexed a decade ago; they have been selling generators since 1968. He explained their operation, stating they are approximately 300 feet away from the neighboring residential properties and they do not manufacture any of the parts on site; they merely assemble and test the generators. He then detailed other commercial uses along Morris Bridge Road and to remedy the situation, they would like to build a 4,000 square foot building, with a sound-proof room, in which to assemble and test the generators, so the generators won't be seen or heard while testing.

Questions from the Board Members and Mr. Mitchell's responses were as follows:

- Is there a proposed timeframe for the building of the sound-proof room? Mr. Mitchell responded that if he had assurance he could do it, he would apply for the permit within two weeks.
- How many generators would be tested at a time – a minimum and maximum number? Mr. Mitchell responded that they are set up to test 15, 10 horsepower generators at a time; testing runs from about 8:00 a.m. until 4:30 p.m., and if behind, sometimes they are tested on a Saturday.
- How long ago did they first start assembling and testing them? Mr. Mitchell responded they have modified, assembled, tested, and sold generators for about the last 30 years; their current 3-year contract requires about 15 more workdays to finish. He noted that all of their generators now are heading to Afghanistan; 23 are picked up at a time.
- Has Mr. Mitchell investigated or researched being able to rezone the property to accommodate the present use? Mr. Mitchell responded that it never occurred to them that it was not correctly zoned. When they went to the City's hearings prior to the annexation, they were assured that whatever they were doing, they could continue to do.
- Were they testing 15 generators at a time at that point? Mr. Mitchell responded negatively; they were testing as needed and they were testing large 300-kilowatt generators on 3-axle trailers that were contracted by the County. Testing has occurred when needed.

- Have they ever measured the noise level when the generators were being tested? Mr. Mitchell responded they have not. He compared the noise as equivalent to a lawnmower, which is 23-horsepower and the generators are 10-horsepower gasoline engine.
- Would 15 lawnmowers sound pretty loud? Mr. Mitchell responded if one was in the middle of them; being 300 feet away, they would not notice them because of the interstate.

Board Member Urbas questioned whether Mr. Mitchell would be allowed to build the 4,000 square foot building he proposed without any variance or change in the current zoning. Chairman Pogorilich responded that he had spoken with the building department and he would have to submit the plans and specifications for that to be determined; they cannot speculate on what might or might not be built. Board Member Urbas surmised Mr. Mitchell may need a zoning change or variance.

Chairman Pogorilich stated that the purpose of this hearing is to determine whether there is a violation resulting from the current use of the property. Chairman Pogorilich recognized those persons in the audience, who were previously sworn in, to provide testimony.

Ralph Rowe testified that he has resided at 8614 Hibiscus Drive for about 30 years, in the neighborhood area known as Primrose Gardens, which was annexed into the City around 1990. He acknowledged Mr. Mitchell's business has existed for some time; however, there has never been the noise and smell that has been occurring over the last year, which is why he is here to testify tonight. He mentioned the County put in a sidewalk; however, the sidewalk in front of Mr. Mitchell's business is now destroyed. He mentioned the noise and tractor trailers that consistently drive around the block to get onto the Mitchell's property in the proper direction to unload generators. Mr. Rowe submitted photographs taken today, which he numbered 1 through 12, depicting a tractor trailer making a u-turn, running over a gas line on the edge of a road, to get to Mr. Mitchell's property. He testified that the tractor trailers have been going through their neighborhood on a constant basis, more than once a week; the road is not designed and equipped to handle tractor trailers. At the request of Attorney Iurato, Mr. Rowe provided copies of the photographs to Mr. Mitchell, the respondent.

Mr. Rowe submitted several additional photographs, which he briefly described, and stated his disagreement with Mr. Mitchell's testimony concerning other large, noisy business purported to be in the area. While Mr. Rowe acknowledged the other large, noisy businesses mentioned by Mr. Mitchell could be located further down Morris Bridge Road, he stated they are not in their neighborhood area. He expressed concern that the generators are fueled by a large fuel tank, which has many tubes running to the individual generators to provide the fuel to run the generators for testing, instead of putting the fuel into the tanks of the generators. He also questioned whether the multiple structures on the property are in compliance with the City Code, stating that they are closer than 300 feet and in view of the residential properties, one of which is a warehouse structure with temporary tarps thrown over the top. He concluded that he would like to see Mr. Mitchell succeed in his business, but at another location; he doesn't believe a sound-proof building will alleviate the noise of the constant tractor trailer traffic and generators being tested outdoors. He confirmed for Chairman Pogorilich that the truck traffic, noise, and smell are activities that have gotten out of hand over the last year.

Doug Meyer, who resides at 11724 Primrose Lane and works nights, testified to the loudness of the forklifts, stating he is only about 150 feet east of Mr. Mitchell's property and not 300 feet as claimed. With a sound conditioner in his bedroom, he said the noise was still so loud it woke him up.

Mr. Meyer testified the noise has greatly increased over the last eight or nine months and on four occasions his cable television and telephone lines were knocked out by the semi trucks, leaving him without service until BrightHouse could make the necessary repairs and finally increase the height of the overhead wires. He expressed concern that if the zoning is changed to allow this manufacturing activity to continue it will lower their property values and he confirmed that the other commercial uses, cited by the respondent, are not in this immediate area. Mr. Meyer explained that he did not believe a sound-proof building would remedy the situation and urged the Board to take the action necessary to remove this activity from their neighborhood.

Hollis Boggs, a 12-year resident of 11726 Primrose Lane, where her mother has lived for 38 years, testified that the increased noise began about a year ago, which she described in detail. Even with the air conditioner running in their home, she stated they can hear the huge diesel tow motor running early in the morning and continuing at various times throughout the day; in the fall when their windows are open, it sounds as though it is in their home. She testified to hearing the motor running on weekends, including Sundays; she has also recently heard the generators running in the rear yard of the property, adjacent to the residential properties, on the weekends. Ms. Boggs confirmed the sidewalk is broken into pieces from the heavy commercial traffic, and the smell of diesel fuel and oil is overwhelming by the building where he sold the generators, near Unicorn Lane.

Ms. Boggs continued her testimony, stating that semi trucks park on the shoulder of the road, rather than on Mr. Mitchell's property, and are ruining the road. Ms. Boggs requested and received permission from the Attorney for the City to play a sound recording of the trucks from this morning, recorded from inside her kitchen, using her cell phone. As she played the sound recording, she noted the variances in the noise occur when the engines rev up.

At the request of Attorney Iurato, Chairman Pogorilich gave Mr. Mitchell the opportunity to respond.

In response, Mr. Mitchell acknowledged the large fork lift is loud and even bothers him in his office. He said they would be willing to use a smaller forklift that they recently purchased. He explained the property layout and that he had calculated the 300-foot distance to Primrose Lane. He explained that he had no idea the tractor trailers were using Primrose Lane, adding that the sidewalk has been in poor condition for about two years, which is before they started this operation; however, they pieced it back together this past weekend. Mr. Mitchell commented that they are part of the neighborhood also, and had the neighbors made him aware of their concerns, he would have done anything in his power to remedy the situation; he would never intentionally do anything to disturb his neighbors.

Mr. Mitchell elaborated on the building he proposed to build, with a sound-proof room within the building, stating his belief that it would be an attractive addition to his commercial property. He explained the property was re-zoned in the late 1970s, to Highway Commercial (Hillsborough County), which allows some very intense uses, such as service stations, wrecking yards, motels, garages, etc., so that he could build the existing structure. In response to Board Member Gibson, Mr. Mitchell stated he would need approximately one month from now, or 15 working days to complete the current order, test, and ship out the last of the generators; of the 1605 ordered, they have about 180 remaining and are able to do 15 per work day. He added they have about 50 generators due to come in January 26, and he expressed willingness to stop using the large forklift immediately.

There being no further persons wishing to speak on this matter, Chairman Pogorilich closed the public hearing.

A motion by Board Member Lear that the Board **FIND C.R. and Margaret Mitchell**, in **Case No. 09-1565** to be **GUILTY** of violating **Section 25.515** of the City Code, and give the respondent until **February 10, 2010**, to come into compliance with Code Sections 25.515, and if the property does not come into compliance by that date, a fine of **\$50.00** per day shall accrue beginning **February 11, 2010**, until the date the violator provides the City with evidence that the property has been brought into compliance, **DIED** for lack of a second.

Based on the testimony of Code Compliance Director Gross, C.R. Mitchell, the three nearby residents of Primrose Gardens, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Urbas, the Board **FOUND C.R. and Margaret Mitchell** in **Case No. 09-1565** to be **GUILTY** of violating **Section 25.515** of the City Code, and gave the respondent until **January 31, 2010**, to come into compliance with Code Section 25.515. If the property does not come into compliance by that date, a fine of **\$200.00** per day shall accrue beginning **February 1, 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, Schmidt, and Urbas voting “aye”, no “nay”. Board Member Ruyle did not vote, stating a conflict of interest due to the fact that the Mitchells are clients of his at his architectural firm.

Noting the presence of interested parties, Chairman Pogorilich confirmed that Case No 09-2374 would be taken out of order and heard at this time.

CASE NO. 09-2374 – City versus Izdehar Abdel Qadar - 10383 Councils Way - Section 8.830(a)(1) – Permits – When Required.

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 with regard to the alleged subject violation, labeled Exhibit 1, which the Board accepted, establishing a violation of Code Section **8.830(a)(1)**.

Deputy City Clerk Spano administered the oath to Samer Qadar, 10383 Councils Way, the respondent’s representative. Mr. Qadar acknowledged and explained the circumstances resulting in the alleged violation and answered questions from the Board. He informed the Board that they have found and secured a state licensed contractor who will pull the necessary permits and install the roof properly.

Based on the testimony of Code Compliance Director Gross and Samer Qadar, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Urbas, the Board **FOUND Izdehar Abdel Qadar** in **Case No. 09-2374** to be **GUILTY** of violating **Section 8.830(a)(1)** of the City Code, and gave the respondent until **February 10, 2010**, to come into compliance with Code Section 8.830(a)(1). If the property does not come into compliance by that date, a fine of **\$50.00** per day shall accrue beginning **February 11, 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, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2226 – City versus Richard J. Scofield, Trustee - 10047 N. 53rd Street - Sections 11.120.9 – Duty to Keep Premises Clean and 25.750.5(b)(7) – Fences, Walls & Hedges on Residential Property.

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 and submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, which the Board accepted, establishing a violation of Code Section 25.750.5(b)(7). 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 11.120.9. Code Compliance Officer Borroni introduced an Affidavit of Compliance, which the Board accepted. The respondent was not present.

Based on the testimony of Code Compliance Officer Borroni, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Richard J. Scofield, Trustee, in Case No. 09-2226 to be GUILTY** of violating **Sections 11.120.9 and 25.750.5(b)(7)** 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, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2304 - City versus Richard J. Scofield, Trustee - 10060 N. 53rd Street - Section 25.750.5(b)(7) – Fences, Walls and Hedges on Residential Property.

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 Exhibits 1 through 3, which the Board accepted, establishing a violation of Code Section 27.750.5(b)(7). Code Compliance Officer Borroni introduced an Affidavit of Compliance, which the Board accepted. The respondent was not present.

Based on the testimony of Code Compliance Officer Borroni, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Richard J. Scofield, Trustee, in Case No. 09-2304 to be GUILTY** of violating **Section 25.750.5(b)(7)** 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, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2527 – City versus Christie-Ann and Carl C. Kirchendorfer - 11309 Linbanks Place - Section 25.750.4 – Material and Equipment Storage in Residential Zoning Districts.

Attorney Iurato introduced the case and explained that the City Attorney’s Office has determined that they may have a conflict in prosecuting this case, with respect to the respondent, and asked that the Board continue the case to allow the attorneys time to research the matter further.

Upon motion of Board Member Lear, seconded by Board Member Newkirk, the Board **VOTED TO CONTINUE Case No. 09-2527, City versus Christie-Ann and Carl C. Kirchendorfer**, to the next meeting of the Municipal Code Enforcement Board, which will be held on **February 10, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

CASE NO. 09-2558 – City versus Elvira L. Machado - 12609 N. 52nd Street - Section 25.750.3(b) and (c) – Recreational Vehicles, Boats and Trailers and 25.750.4 - Material and Equipment Storage in Residential Zoning Districts.

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 violations 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 Sections 25.750.3(b) and (c) and 25.750.4. The Respondent was 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 Gibson, the Board **FOUND Elvira L. Machado in Case No. 09-2558** to be **GUILTY** of violating **Sections 25.750.3(b) and (c) and 25.750.4** of the City Code, and gave the respondent until **January 27, 2010**, to come into compliance with Code Sections **25.750.3(b) and (c) and 25.750.4**. If the property does not come into compliance by that date, a fine of **\$100.00** per day shall accrue beginning **January 28, 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”.

Prior to the vote on the above motion, Board Member Lear inquired about the timeframe in which the applicant would be notified of the finding, to which Deputy City Clerk Spano explained that the order would be sent by certified mail the following day; however, many times the respondents do not pick up their certified mail. Code Compliance Director Gross suggested the order be sent by both certified mail and hand delivery, stating that he would deliver the document in person.

CASE NO. 09-2677 – City versus Gabriel Gomez and Edith Zamudio - 5404 Rainbow Drive - Section 25.750.4 – Material and Equipment Storage in Residential Zoning Districts.

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 violations 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 25.750.4. 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 Gibson, seconded by Board Member Urbas, the Board **FOUND Gabriel Gomez and Edith Zamudio in Case No. 09-2677 to be GUILTY** of violating **Section 25.750.4** 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, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

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.

Attorney Iurato stated the compliance deadline is February 10, 2010; therefore, there are no Affidavits to submit, adding that progress continues to be made on this property and it appears to be on track to meet the February deadline.

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 Continuing Non-Compliance dated January 13, 2010, which the Board accepted.

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 Compliance dated December 22, 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 submitted an Affidavit of Non-Compliance dated December 10, 2009, which the Board accepted.

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 submitted an Affidavit of Non-Compliance dated December 10, 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 that Code Compliance Director Gross would like to give an update on this case. Code Compliance Director Gross explained this case involves the shopping center adjacent to the 7-Eleven. He stated extensive work is under way at this property, and they have made tremendous progress in correcting the violations; however, due to the nature of the renovation, many of the violations cannot be brought into full compliance yet. He requested the compliance deadline be extended until the Board's next meeting on February 10, 2010.

Upon motion of Board Member Gibson, seconded by Board Member Schmidt, the Board **extended the compliance deadline** in **Case No. 09-1966** until **February 10, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting "aye", no "nay".

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 submitted an Affidavit of Compliance dated January 13, 2010, which the Board accepted.

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

Attorney Iurato stated the compliance deadline is January 13, 2010; therefore, there are no Affidavits to submit.

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 noted the compliance deadline is January 13, 2010; therefore, there are no Affidavits to submit, however, Code Compliance Director Gross would like to give an update. Code Compliance Director Gross reminded the Board that this case involved an unoccupied residence with pets inside. He stated while some of the violations have been corrected, they are still in violation of Section 25.750.4. He informed the Board that he had a conference call with the social worker assigned to this case and she is retaining a company to perform the clean up work, which should take approximately three weeks. Code Compliance Director Gross asked that the compliance deadline be extended until the Board's next meeting on February 10, 2010.

Upon motion of Board Member Gibson, seconded by Board Member Lear, the Board **continued Case No. 09-2351** until the **next Board Meeting (February 10, 2010)**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting "aye", no "nay".

C. **OTHER BOARD ACTION:** None.

D. **NEW BUSINESS:**

Prior to the Election of Officers for 2010, Chairman Pogorilich recognized City Council Member Ron Govin, who serves as the liaison to this Board, and was present in the audience.

Chairman Pogorilich also recognized newly elected Board Member Richard Schmidt, recently reappointed Board Member William “Bill” Newkirk, and Alternate Member Andrew Ross, who was present in the audience.

1. Election of Chair and Vice - Chair.

Chairman Pogorilich opened the floor for nominations to the Chair and Vice - Chair seats.

Upon **motion** of Board Member Lear, seconded by Board Member Urbas, **David A. Pogorilich** was re-elected **Chairman**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

Prior to the vote on the above motion, Chairman Pogorilich explained that while he would be happy to serve as Chairman again, he plans to run for City Council this November, which would cut his Chairmanship short. He inquired whether, in light of this, the Board still wished him to serve as Chairman, to which the Board unanimously agreed.

Upon **motion** of Chairman Pogorilich, seconded by Board Member Urbas, **Rick Gibson** was re-elected **Vice-Chairman**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting “aye”, no “nay”.

APPROVAL OF MINUTES:

Upon **motion** of Board Member Gibson, seconded by Board Member Ruyle, and unanimously carried, the **MINUTES** of the December 9, 2009, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 8:37 p.m.

Submitted by,

Donna M. Spano
Deputy City Clerk