

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

**Regular Meeting
Wednesday, April 14, 2010
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, April 14, 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, and Michael Urbas.

ALSO PRESENT WERE: Attorney for the City Cathleen “Cate” O’Dowd, Alternate Board Member Andrew Ross, Deputy City Clerk Donna Spano, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, Jack Knowles and Sal Scrozzo, Code Compliance Secretary Shana Hunt, Wendy Savage, Rick Allmond, Daniel Drake, Dawn Ewing, Meghan Grauzus, David Waters, Ed Zeigler, Vincent Hernandez, 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.

HEARINGS:

CASE NO. 10-0004 – City versus Charles C. Adams II - 7806 River Ridge Drive - Section 25.760.2(a) – Parking on Non-Durable Surface.

Attorney O’Dowd introduced the case and stated she understood the respondent requested a continuance. Deputy City Clerk Spano provided a letter dated April 8, 2010, received from Barbara Reagan on behalf of Charles Adams, requesting a continuance, to the Attorney for the City, who submitted the letter to the Board, stating that although the letter did not request a specific date, the City would recommend a one-month continuance. Chairman Pogorilich called for a motion.

Upon motion of Board Member Lear, seconded by Board Member Newkirk, the Board voted to **CONTINUE Case No. 10-0004, City versus Charles C. Adams II, to May 12, 2010**, the date of the next Municipal Code Enforcement Board Meeting. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

CASE NO. 10-0010 – City versus Tak Kin Chiu, Proprietor, China One - 8747 Temple Terrace Highway - Sections 11.120.9 - Duty to Keep Premises Clean and 21.325.6(b)(1) – Facility Inspections.

Attorney O’Dowd 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 regarding the alleged violations, submitted photographic evidence of the alleged subject violations, labeled Exhibit 1, establishing a violation of Code Sections 11.120.9 and 21.325.6(b)(1), and submitted an Affidavit of Compliance, dated April 7, 2010, which the Board accepted. The Respondent was not present.

Board Member Gibson questioned whether this case is a Repeat Violation, to which Code Compliance Director Gross responded negatively; however, if the grease trap was to fall out of compliance in the future, the Respondent would be issued a Notice of Repeat Violation and could be sent to the Board; if that is the case, there would be a fine for each day it remains unclean.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Tak Kin Chiu, Proprietor, China One, in Case No. 10-0010, to be GUILTY** of violating **Sections 11.120.9 and 21.325.6(b)(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, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

CASE NO. 10-0158 – City versus Stuart J. Zook, Registered Agent, Normandy Acquisition LP– 11110 North 56th Street - Sections 8.815(b) – Florida Building Code; 8.830(a)(1) – Permits – When Required; 9.910(a) – Standards (NFPA) – Fire Prevention Code; 9.910(b) – Standards (Life Safety); 11.120.9 - Duty to Keep Premises Clean; 11.120.10 – Occupants and Owners of Abutting Property to Keep Parkways Clean and Sanitary; 25.750.5(b)(7) – Fences, Walls and Hedges on Residential Property; 25.780.5 – Maintenance; 25.780.12 – Fencing and Landscaping of Dumpsters; 27.750(m)(3) – Exterior and Interior of Structures – Roofs; 27.750(n)(1) – Minimum Standards – Fences/Walls; 28.840(d)(1) – Parking Lots and Walkways – Maintenance; 28.840(d)(2) – Parking Lots and Walkways – Surfaces; 28.840(h)(6) – Minimum Standards – Sanitation – Plumbing.

Attorney O’Dowd 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 regarding the alleged violations, submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 through 6, establishing violations of Code Sections **8.815(b), 8.830(a)(1), 9.910(a), 9.910(b), 11.120.9, 11.120.10, 25.750.5(b)(7), 25.780.5, 25.780.12, 27.750(m)(3), 27.750(n)(1), 28.840(d)(1), 28.840(d)(2) and 28.840(h)(6)**, which the Board accepted.

Code Compliance Director Gross detailed the inspections conducted and the violations present and explained to the Board that this case is not as bad as it appears from the list of violations on the agenda. He mentioned a precarious situation with one of the balconies, which was corrected almost immediately and issues regarding lack of house numbers on the electric meters, which was also remedied quickly. Code Compliance Director Gross stated there was an accumulation of debris at various locations, the swale in front of the property was not being maintained, and there were issues with the fences and walls throughout the site. He commented that the property owners and staff have been very cooperative and are working diligently to correct the issues. Code Compliance Director Gross submitted an Affidavit of Compliance, dated April 14, 2010, which the Board accepted, for compliance with Code Sections **9.910(a), 9.910(b), 11.120.9, 11.120.10, 25.750.5(b)(7), 25.780.12, 27.750(n)(1) and 28.840(h)(6)**.

Board Member Ruyle commented that Code Section 9.910(a) in the Violation detail listing should read “NFPA 101.”

Representing the Respondent, Normandy Park Apartments, Attorney Dan Drake, 156 E. Bloomingdale Avenue, Brandon, addressed the Board, stating that the first things Normandy Park addressed were those items considered safety issues. He explained that the main items remaining to be done, none of which are being contested by Normandy Park, are essentially “big ticket” items, including A/C work, which is quite expensive, and landscaping on which they are obtaining bids. He explained he has come before the Board to request additional time, reiterating that the remaining items are quite expensive and they will have to budget for the items, in that they do not have \$50,000 to put down. He said he believed Whitney Savage, the Community Manager, told him they have already spent roughly \$10,000 getting some of these things done, adding that the maintenance crew have also worked very hard to bring these items up to Code. He summarized it is a matter of needing more time so that they can budget for those items to bring them up to Code; there is no dispute that they need to be done.

Chairman Pogorilich questioned the Code Compliance Director as to whether any of the remaining items represent safety issues. The Code Compliance Director responded that for the most part, things like extinguishers missing, covers, etc., were taken care of; there may be some wiring associated with the air conditioning units that need to be “finaled.” In response to a question from Chairman Pogorilich, he said there were no downed trees or open holes.

Mr. Drake stated it was his understanding that maintenance has been working very closely with the Code Compliance Director and that the relationship has been positive so far. He said they are all working together; it is just that they do not have the money to make this happen tomorrow. In response to Chairman Pogorilich, Mr. Drake said that with the work on-going, building-by-building, with 13 buildings, he believed it would be, at tops, six months to complete the work, reiterating it just comes down to budget. He noted there are no safety violations; it is a matter of bringing the air conditioning units up to full Code compliance. He offered that if something should come up during that time that was considered to be a safety or health issue, it would be prioritized and taken care of immediately.

Chairman Pogorilich commented that while the Board understands budget constraints, he did not know whether they could support a six-month extension. He added that the fact that it is not a safety issue does not automatically give them a six-month extension, which he believes is not acceptable. He remarked that if it were a single-family home, the homeowner would likely be granted a month in which to comply. He suggested that Mr. Drake needed to come up with a more acceptable plan.

Mr. Drake countered that he understands the Board’s position, but they are talking about 23 air conditioning units estimated at a minimum of \$1,000 each.

Board Member Urbas questioned the nature of the electrical work that is remaining to be done, since it is apparently costly, but not aesthetically related; it is generally more safety related.

Reviewing the notes of the City’s Building Inspector, the Code Compliance Director responded that he believes a lot of it is related to copper line insulation, proper wire termination, use of conduit for electrical wire, and the proper pad under the condenser unit.

Chairman Pogorilich questioned whether that work has to be done by an electrician.

The Code Compliance Director surmised the maintenance staff, as qualified as they are, have extended beyond the limitations of what the Building Code permits. He continued that most of the electrical isn't electrical in the units; by allowing air conditioning units to be installed "in-house," some of these things were overlooked.

Chairman Pogorilich questioned whether the air conditioning units affect existing tenants. Mr. Drake responded negatively, adding they are all operational, but they were found to be not installed fully up to Code. He confirmed no one is without air conditioning or heat; it is not a comfort issue for the tenants.

Chairman Pogorilich expressed concern that if they are not insulating wires or the wires are not in conduit, there may be the possibility that a fire hazard from electrical shorts could exist. Mr. Drake acknowledged that is possible.

Chairman Pogorilich remarked that considering all of that together reinforces his opinion that six months is too much time. Mr. Drake questioned whether they could request four months.

Chairman Pogorilich responded that it is up to the entire Board. He explained that in the past they have granted a one-month extension, after which he would report to the Board the progress that has been made; the Board will look at the circumstances and make another ruling at that time. He cautioned that is not a guarantee the Board would grant an additional extension.

Chairman Pogorilich confirmed Mr. Drake's comment that the Board obviously wants to see great progress, and he reiterated that it is up to the entire Board as to the amount of time that would be granted for the extension. He emphasized he would never recommend granting a six-month extension.

Mr. Drake commented that he would agree with that, stating Normandy Park has already demonstrated continual progress, so he does not believe the Board will be disappointed when they hear from Normandy Park a month from now. He concluded he believes that is fair. Chairman Pogorilich commented that fairness is what the Board strives for.

Regarding the electrical issues, Board Member Ruyle questioned the number of incidents – whether it is one or two isolated issues or if the problems are across the Board. He expressed concern about the electrical situation.

The Code Compliance Director suggested he was remiss in not having the Building Inspector at the meeting. He continued that the Building Inspector provided him an extensive list of the air conditioning units that were put in without a permit, adding it doesn't necessarily mean that each of those units put in are not salvageable or not up to Code. He commented he could get a breakdown for the Board.

Board Member Ruyle responded that he would like to see priority given to the electrical work. He noted the gutter also looked precarious. The Code Compliance Director commented that some of the gutters have been repaired; however, there is still some soffit work to be done, so the roof portion of the Minimum Housing Code is still out of compliance.

Board Member Ruyle commented that the balcony did not look well from a structural standpoint, to which the Code Compliance Director responded the structural issue has been taken care of; however, the section under the Building Code has not been fully realized because it is another issue.

Board Member Ruyle confirmed with the Code Compliance Director that it is not an imminent safety issue.

Board Member Urbas expressed his opinion that in the next 30 days if they were to complete the electrical work and eliminated potential electrical safety hazards, he would be more understanding about the amount of time to be extended for some of the other items, because the hazard is not quite as great on the other items. Board Member Lear concurred.

Mr. Drake said he would ask the Code Compliance Director to please let them know if the Building Department has any electrical issues with the units, and if so, they would address those first, adding he believes that is more than fair. The Code Compliance Director concurred.

Chairman Pogorilich confirmed with the Code Compliance Director that the City has no problem with a one-month extension to the May 12, 2010, meeting.

Based on the testimony of Code Compliance Director Gross and Dan Drake, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Ruyle, the Board **FOUND Stuart J. Zook, Registered Agent, Normandy Acquisition LP, in Case No. 10-0158** to be **GUILTY** of violating **Sections 8.815(b), 8.830(a)(1), 9.910(a), 9.910(b), 11.120.9, 11.120.10, 25.750.5(b)(7), 25.780.5, 25.780.12, 27.750(m)(3), 27.750(n)(1), 28.840(d)(1), 28.840(d)(2), 28.840(h)(6)**, of the City Code, but because Sections **9.910(a), 9.910(b), 11.120.9, 11.120.10, 25.750.5(b)(7), 25.780.12, 27.750(n)(1) and 28.840(h)(6)** were brought into compliance before the date of this hearing, **NO FINE** was assessed on those violations; however, because **Sections 8.815(b), 8.830(a)(1), 25.780.5, 27.750(m)(3), 28.840(d)(1) and 28.840(d)(2)** remain out of compliance, the Board gave the Respondent until **May 12, 2010**, to come into compliance with said Code Sections. If the property does not come into full compliance by that date, a fine of **\$100.00** per day shall accrue beginning **May 13, 2010**, until the date that 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. 10-0166 – City versus Bi Y Jiang, Registered Agent – New Tung Tung Restaurant, Inc. - 10829 N. 56th Street – Sections 9.910(a) – Standards (NFPA) – Fire Prevention Code, 9.910(b) – Standards (Life Safety) – Life Safety Code.

Attorney O'Dowd 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. Code Compliance Director Gross commented this violation is related to Case 09-1966, the 7-Eleven and Metro PCS shopping center case, where there has been a lot of progress; the hood system for the restaurant had remained a difficulty.

The Code Compliance Director provided testimony regarding the alleged violations, reviewing that in January they received a report from the renovation contractor that a stalemate had occurred between the property owner and the tenant, in regard to responsibility for the repair of the derelict roof-mounted hood system. He submitted photographic evidence of the alleged subject violations (before and after repairs), labeled Exhibits 1-2, establishing a violation of Code Sections **9.910(a) and 9.910(b)**, and submitted an Affidavit of Compliance, dated April 14, 2010, which the Board accepted. 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 Gibson, seconded by Board Member Newkirk, the Board **FOUND Bi Y Jiang, Registered Agent – New Tung Tung Restaurant, Inc., in Case No. 10-0166, to be GUILTY** of violating **Sections 9.910(a) and 9.910(b)** 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. 10-0194 – City versus Lydia T. Cuebas - 7601 Glades Court – Section 8.830(a)(1) – Work Without Required Permit.

Attorney O’Dowd 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 Scrozzo, 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 submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, establishing a violation of Code Section 8.830(a)(1), which the Board accepted. The Respondent was not present.

Board Member Ruyle inquired about the roof construction, to which Code Compliance Officer Scrozzo replied the roof is currently shingled, however, as he understands from the Building Department, that is a problem, since the roof does not have the necessary pitch.

In response to Mr. Ruyle’s inquiry regarding the status of the permit, Code Compliance Officer Scrozzo explained that the Respondent was issued a building permit but has yet to call for a final inspection.

Chairman Pogorilich pointed out that the structure would not pass the final inspection, and Code Compliance Officer Scrozzo confirmed that to be correct.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Lydia T. Cuebas in Case No. 10-0194 to be GUILTY** of violating **Section 8.830(a)(1)** of the City Code, and gave the Respondent until **May 12, 2010**, to come into compliance with the Code Section in question. If the property does not come into compliance by that date, a fine of **\$150.00** per day shall accrue beginning **May 13, 2010**, until the date that 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. 10-0313 – City versus Thomas J. Urbanczyk - 1113 North Riverhills Drive - Section 11.135.2 – Sanitation-Grass/Weeds, 11.130.7(b) Unauthorized Accumulation, and 25.745.2(o)(2) – Posting of Street Numbers.

Attorney O'Dowd 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 violations was served to the alleged violator. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 - 3, establishing a violation of Code Sections **11.135.2, 11.130.7(b), and 25.745.2(o)(2)**, which the Board accepted. Code Compliance Officer Borroni explained that Code Compliance Director Gross personally served the Notice of Hearing on the Respondent and, at that time, gave the Respondent the contact numbers and asked him to contact the Code Compliance Department. To date, Code Compliance Officer Borroni said the Respondent has failed to get in touch with anyone in the Code Compliance Department; therefore, he is recommending a 7 to 10-day time period in which to bring the property into compliance, rather than 30 days, believing the longer time period would simply prolong it. The Respondent was not present.

Chairman Pogorilich asked Code Compliance Director Gross to describe his encounter with the Respondent, to which the Code Compliance Director recounted that the Respondent was amiable, explaining that he had been in New York, and expressed a willingness to get in touch with the Officer to rectify the matter. The Code Compliance Director said he was disappointed that the Respondent failed to do as he had indicated he would do.

Based on the testimony of Code Compliance Officer Borroni, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **FOUND Thomas Urbanczyk in Case No. 10-0313 to be GUILTY of violating Sections 11.135.2, 11.130.7(b), and 25.745.2(o)(2)**, of the City Code, and gave the Respondent until **April 21, 2010**, to come into compliance with the Code Sections in question. If the property does not come into compliance by that date, a fine of **\$50.00** per day shall accrue beginning **April 22, 2010**, until the date that 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. 10-0324 – City versus Mona Al Rifai and Nasim Rifaie - 8110 River Mont Way - Section 8.830(a)(1) – Work Without Required Permit, and 25.530.11(e) – Compliance with Design Guidelines - Planned Development Zoning Regulations.

Attorney O'Dowd 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 Scrozzo, 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 regarding the alleged violations, submitted photographic evidence of the alleged subject violations, labeled Exhibits 1-4, establishing a violation of Code Sections **8.830(a)(1) and 25.530.11(e)**, and submitted an Affidavit of Compliance, dated April 7, 2010, which the Board accepted. The Respondents were not present.

Attorney O'Dowd noted that the Affidavit of Compliance only addressed Section 8.830(a)(1). Code Compliance Officer Scrozzo explained that he inadvertently omitted Section 25.530.11(e); therefore, he will prepare a corrected Affidavit of Compliance for the record.

Board Member Ruyle inquired whether there was a zoning issue on this property. Code Compliance Officer Scrozzo responded there was a zoning issue regarding the original enclosure of the porch, because the zoning requires that 50% of the porch has to remain open. He referred the Board to Exhibits 3 and 4, which depict the solid walls were replaced with screens, so that it would be in compliance.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Lear, the Board **FOUND Mona Al Rifai and Nasim Rifaie**, in **Case No. 10-0324** to be **GUILTY** of violating **Sections 8.830(a)(1) and 25.530.11(e)**, 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. 10-0366 – City versus KMK Management, Inc., DBA Antonio's Pasta Grill - 11401 N. 56th Street, Suite 23 - Section 25.765.5(b)(2) – Prohibited Signs.

Attorney O'Dowd 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 violation was served to the alleged violator. He provided testimony regarding the alleged violation, which involved a large banner on display, and after being notified to obtain the proper permit or remove the banner, a permit was obtained; however, the banner remained after the permit had expired; he submitted photographic evidence of the alleged violation, labeled Exhibit 1, establishing a violation of Code Section **25.765.5(b)(2)**. The Code Compliance Director, after the most recent inspection, found the banner removed; therefore, he submitted an Affidavit of Compliance, dated April 6, 2010, which the Board accepted. 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 KMK Management, Inc., DBA Antonio's Pasta Grill**, in **Case No. 10-0366** to be **GUILTY** of violating **Section 25.765.5(b)(2)**, 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. 10-0410 – City versus Shehzad Z. Rana - 12605 N. 51st Street - (REPEAT Violation) - Section 25.760.2(a) – Parking on Non-Durable Surface.

Attorney O'Dowd introduced the case and stated she understood the Respondent requested a continuance because he will be out of the Country until May 19, 2010. Attorney O'Dowd pointed out that the Respondent's return date would be after the Board's next meeting and recommended the Board continue this case to the June 9, 2010, meeting. She continued that if the Board agrees to continue this case to the June meeting, the Notice of Violation should be re-issued since the continuance would be for more than one month.

Chairman Pogorilich inquired whether there are any safety issues involved, to which Code Compliance Officer Knowles confirmed there are no safety issues; however, Officer Knowles reiterated this is a REPEAT violation for illegal parking.

Chairman Pogorilich inquired whether the vehicles remain on the property, and, upon confirmation from Code Compliance Officer Knowles they had been removed, surmised that there were no imminent safety issues resulting from this repeat violation.

Code Compliance Officer Knowles confirmed with the Attorney for the City that the Notice of Hearing would have to be reissued for the June 9, 2010, Municipal Code Enforcement Board Hearing.

Upon motion of Board Member Urbas, seconded by Board Member Lear, the Board voted to **CONTINUE Case No. 10-0410 – Shehzad Z. Rana**, to the regularly scheduled Municipal Code Enforcement Board Meeting on **June 9, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

CASE NO. 10-0411 – City versus Karim Seryani, Registered Agent, Bulls Car Wash, Inc. - 5202 E. Fowler Avenue - Section 8.830(a)(1) – Permits Required, and Section 25.765.5(b)(2) – Prohibited Signs.

Attorney O’Dowd 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 were served to the alleged violator. He explained that they initially cited both the property owner and the tenant; however, as the case unfolded, it became clear that the tenant was responsible for the violations, and the owner, represented by Samir Mako, Registered Agent, for Tiffany Car Wash, Inc., is not a Respondent in this case, but the owner’s name and address were inadvertently sent to the Clerk’s office, instead of the tenants’ names. He provided testimony regarding the alleged violation, for the new car wash operation moving in, which involved a very large banner, installed and wrapped around the tower of this building.

The Code Compliance Director explained they researched the files, and found there had been a business change, for which no authorization was obtained. After visiting the car wash and issuing a warning on February 24, 2010, nothing changed; therefore, a Notice of Violation was issued. He submitted photographic evidence of the alleged subject violations, labeled Exhibit 1, establishing a violation of Code Sections **8.830(a)(1) and 25.765.5(b)(2)**. The Board accepted Exhibit 1, depicting the conditions as described. The Code Compliance Director continued that the large banner and flags were removed in the interim, once the Notice of Hearing was issued; however, an inflatable wind sock, and other signage appeared, so he returned to the business yesterday, met with the owner and explained what has to happen in order to achieve compliance. He said the owner took action; therefore, as of today, he said all the signage in question has been taken care of, and he submitted an Affidavit of Compliance, dated April 14, 2010, which the Board accepted. 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 Schmidt, seconded by Board Member Urbas, the Board **FOUND Karim Seryani, Registered Agent, Bulls Car Wash, Inc., in Case No. 10-0411 to be GUILTY** of violating **Sections 8.830(a)(1) and 25.765.5(b)(2)**, 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:

Noting the presence of interested parties, Chairman Pogorilich announced the cases would be taken out of order to accommodate those Respondents present.

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 reviewed that last month the momentum had slowed, but things picked back up this month; therefore, they had anticipated closure. He continued that in looking at the original list presented to the Respondent, and from dialogue with Community Development regarding what to prioritize, it appears the safety and wiring issues were put ahead of the permitting issues, similar to the previous case involving Normandy apartments. He deferred to the River Chase representatives to explain their dilemma and suggested resolutions.

Dawn Ewing, 4077 Harbor Drive, Palmyra, New Jersey, representing River Chase Apartments, presented an update on the progress, stating they are finished, with 13 buildings due for inspection tomorrow, and every one of the safety issues will be completed. She stated that when she spoke to the Code Compliance Director, she understood there were two parts to the original violation: 1) safety violations and 2) permitting. She explained that between 2008 and 2009, they had allowed their staff to install air conditioning units without permits or a licensed contractor, which resulted in the safety and permitting issues. Ms. Ewing testified that when she spoke to Community Development Director Charles Stephenson, he was most concerned about the safety issues and wanted them to complete those first; therefore, that part of it is done.

Ms. Ewing expressed concern that the 48 or 49 air conditioning units, for which they did not pull permits, at this point, in order for them to be up to Code, will cost them an exorbitant amount of money. She continued that they have spent close to \$150,000 to-date to correct the safety issues. Ms. Ewing explained the problem is that the air handlers that need to be replaced are no longer made, which would require that they change out the entire unit – condenser and air handler – at about \$2,000 per unit, which would be about another \$100,000, which would be financially devastating to this property. She requested that if there are no safety issues, they be allowed to work with Code Enforcement, as they have been, to pull the permits on these units to get them up to Code. She noted that had they pulled the permits when they originally replaced the units, they would have been in compliance with the current units they have, adding they simply cannot afford to go through and replace the entire system. She mentioned that her HVAC contractor is present to answer any technical questions the Board may have.

Chairman Pogorilich questioned Ms. Ewing as to why they failed to pull permits for these 49 air conditioning systems when they were originally installed. Ms. Ewing responded that they honestly did not realize that permits were required because their maintenance staff installed the systems in-house.

Chairman Pogorilich asked whether the 49 remaining units were part of the original violation, to which Code Compliance Director Gross responded affirmatively. He remarked that, due to the nature of this case, the Building Department and River Chase have been communicating, and priority lists have been going back and forth; the Building Department certainly knew what the priority was; it was not until this week that everyone involved realized that the permitting of these air conditioning units had been overlooked.

Chairman Pogorilich commented that, essentially, River Chase has just found out that they must pull 49 more permits, and in order to do so, the air handlers must be removed. Ms. Ewing interjected that, at this point, both the air handlers and the condensers must be replaced, since they have to be matched.

Chairman Pogorilich surmised that in Ms. Ewing's mind, these were new violations, since she was not aware of them before. Ms. Ewing interjected that she would not say she did not know about it; they were aware of this problem originally, but they did not anticipate having to change out entire systems. She continued that in her conversations with the Building Department, the Building Department wanted to make certain that the safety violations were corrected first. She said she did not realize that this second part of the project would be so costly.

Chairman Pogorilich asked for further detail regarding the problem with the air handlers, to which Ms. Ewing reiterated that, had permits been pulled at the time of installation, the units would have met the Code, and there would be no problem. She continued that there are no safety issues; the seers on the condensers and air handlers simply don't match. She added that the air handlers they need are no longer manufactured, which complicates the matter further.

For clarification, Chairman Pogorilich summarized that had permits been pulled a year ago, there would have been no problems; now the Respondents cannot get the proper air handlers to match the seer rating, so they must replace both the air handler and compressor. Ms. Ewing concurred.

Board Member Ruyle questioned what the Board is being asked to do in this case. Chairman Pogorilich said he believes they are being asked to grant more time to allow them to get the funding together, or on a piece-meal basis, replace the air handler and compressor for each of the units in question. Ms. Ewing interjected that Community Development Director Stephenson, with whom she has been working, is on vacation this week, and she doesn't know whether he would allow them an opportunity to pull a permit and be "passed" based on when the units were installed under Code requirements in place at that time.

Chairman Pogorilich said he would have no idea how the Community Development Director would respond to that request. Assuming the best case scenario for Ms. Ewing would be for them to be allowed to pay for the permits and the units to be inspected as if it was last year, he said in that case, it would be a matter of paperwork. Ms. Ewing reiterated it would be financially devastating if they are required to replace both the air handler and compressor for all 49 units.

Chairman Pogorilich asked if it was known when the Community Development Director would return from vacation; the indication from staff members was that he would return next week.

Board Member Ruyle empathized with what Ms. Ewing is up against, adding that the Community Development Director would likely be able to offer her some good advice. He said this is a touchy issue, with the law revolving around the change in allowable refrigerant, suggesting that it may have to go to the County Boards for a determination. He expressed concern that they cannot let this issue ride through. He suggested an approach may be for them to work with Community Development Director Stephenson to see if there is any sort of variance, because the Code is very specific about not allowing that.

Board Member Urbas commented that basically because they did not originally apply for the permits, they find themselves in a time where there are new standards which they cannot meet. Chairman Pogorilich concurred that if they had pulled the permits a year ago, there would not be an issue.

Board Member Ruyle said his understanding is that they cannot get the refrigerant now, so that is a difficult issue to overcome. He suggested perhaps a good faith effort to start a replacement program or see if it is possible to obtain a variance to the Code.

In conclusion, Ms. Ewing reiterated there are 13 buildings remaining, which will be inspected tomorrow, and they have corrected every safety issue in their 70 buildings. She stated it has been a long road, and she thanked the Board and staff for their help and patience.

Code Compliance Director Gross interjected he stated last month that, due to a lull in progress, the City was not in support of further extensions; however, in light of the new developments, and the need to get Community Development Director Stevenson involved, the City would not be adverse to extending the compliance date to the Board's next hearing, and possibly beyond.

Board Member Ruyle asked for confirmation that there are no electrical problems on this property, which Ms. Ewing confirmed there are not; the issue is the seers on the air handlers and condensers do not match. She reiterated that the air handlers they need are not being manufactured anymore, and concluded that while the matching air handlers are very difficult to come by, they will continue to search for them.

Upon motion of Board Member Gibson, seconded by Board Member Lear, the Board **EXTENDED** the **compliance deadline** in **Case No. 09-0942, CNLKOR River Chase, LLC**, to the next Municipal Code Enforcement Board Meeting on **May 12, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

CASE NO. 09-2432 - City versus Natalie Anderson - 105 Deer Park Avenue - Section 8.830(a)(1)- Permits - When Required, 11.120.10 - Owners of Abutting Property to keep Rights-of-Way Clean and Sanitary, 25.755.10 – Duty to Maintain Swimming Pools, and 11.120.9 - Duty to Keep Premises Clean.

Attorney O'Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Officer Borroni dated March 10, 2010, for compliance with Section 11.120.10, which the Board accepted.

Code Compliance Officer Borroni reviewed the particulars on the case stating that, while there has been some progress, only two of the four original violations have been brought into compliance, and he believes the Respondent is here to request an extension.

Chairman Pogorilich clarified that this case involves enclosing a carport without a permit and the Respondent's options were to obtain the proper permit or to remove the carport wall that was illegally installed.

The Respondent's son, Vincent Hernandez, 105 Deer Park Avenue, who was not present at the beginning of the meeting, was sworn in by the Deputy City Clerk. He explained that he believes all the violations have been corrected, with the exception of one remaining carport wall that was installed without a permit. He explained that he has had funding problems, but he has spoken with some contractors and has the plans with him this evening. He commented that his mother is here now, and she is willing to help him, so he would like more time to go through the proper channels to rectify the situation and save the existing wall.

Chairman Pogorilich confirmed with Mr. Hernandez that he has a set of drawings and it is just a matter of taking them to the Building Department, paying the fee, and getting the permit. Mr. Hernandez added that because of the money situation, he needs a little more time. He reiterated his is going forward; to fine him would prevent him from going forward.

Chairman Pogorilich confirmed Mr. Hernandez believes the drawings will be acceptable to the Building Department. Mr. Hernandez acknowledged that he has not been to the Building Department to present the drawings, because he had to first deal with contractors and pricing to determine which avenue to pursue. He said it will be a garage used for storage, which will minimize the cost. In response to the Chairman's question as to an anticipated schedule, Mr. Hernandez said he was requesting about a month to pull the permits and try to rectify the wall situation, but he was unsure whether he could have the project completed within that timeframe.

Chairman Pogorilich clarified the issue is not completion of the project; the issue is that one wall. He asked the Code Compliance Director whether Mr. Hernandez would be in compliance if he pulled the necessary permits.

The Code Compliance Director responded that this is a case where the work has been done without a permit, and Mr. Hernandez may have to make some changes to it, if it is unacceptable. The Code Compliance Director said their issue has been, in cases such as this, which they are hearing fairly often, that they generally only see activity 24 hours before the Hearing.

Chairman Pogorilich inquired about the average turnaround time to obtain a permit.

The Code Compliance Director responded that it is not very long; however, it also requires when the application is submitted that things are true and complete and meet the expectations of the Department, and he said he cannot speak to that, relative to this case. He continued that assuming all things are correct, it could be as quickly as two weeks.

The Code Compliance Director cautioned there may be other outstanding issues that Code Compliance Officer Borroni needs to address.

Code Compliance Officer Borroni explained that while Mr. Hernandez appears to be trying his best, the front grass is mowed, but the rear yard is two feet high. He stated that Mr. Hernandez told him today that his lawn mower broke; however, he had not heard from Mr. Hernandez in 29 days. Regarding the wall, he understands that the Building Inspector advised Mr. Hernandez to remove the wall, because they are not sure how it was actually constructed.

In light of that, Chairman Pogorilich surmised that there is still a possibility the wall will have to be removed, even if Mr. Hernandez receives a permit; in addition, without verification of proper construction, there could be safety issues. Code Compliance Officer Borroni concurred on both counts.

Mr. Hernandez stated the issue on the timing of the permit is hiring the right contractor; several contractors are looking at the job, and they are going to pull all the necessary permits to do the job properly. As far as the wall goes, he said if it is determined that the wall has to be knocked down, he will need some time since there is a lot of rubbish.

Chairman Pogorilich responded that Mr. Hernandez has already had roughly 60 days. He asked Mr. Hernandez how much more time he would expect the Board to give him.

Mr. Hernandez stated he is at the Board's mercy, and if he has to remove the wall, he will; however, to save money, he would like to save the wall, if there is any way to properly do so. He said it is his understanding from the contractor that the wall can be corrected.

Chairman Pogorilich confirmed with Mr. Hernandez that he believes the one wall can be salvaged, based on information he has received from licensed contractors.

Board Member Urbas questioned whether Mr. Hernandez's plans address whether the wall can be saved or if it has to come down, and whether he needs a permit to take the wall down. A brief discussion among the Board Members ensued, with a consensus that a permit would not likely be required to take down something illegally constructed. Board Member Urbas commented that there is a lot of work to be done, and things should be happening immediately; if Mr. Hernandez has plans ready, he could go to the Building Department before the end of the week. Chairman Pogorilich interjected that Mr. Hernandez testified he has drawings; he would hope the drawings identify the existing wall that Mr. Hernandez wants to salvage. Mr. Hernandez responded affirmatively and explained in detail the measures needed to bring the wall into compliance, which are addressed in the drawings.

Chairman Pogorilich questioned Mr. Hernandez about the overgrown grass and how long it would take to get the mower operational and bring the yard into compliance, to which Mr. Hernandez responded it is a very small area and should only take a few days. Chairman Pogorilich questioned whether the City has a problem with granting the Respondent an additional month to bring the property into compliance.

The Code Compliance Director responded it appears there has been some progress, though there is disagreement as to whether the wall can be salvaged; they do not want the case to continue on and on.

Chairman Pogorilich expressed concern to Mr. Hernandez that there were promises made to the Board the last time he was here, and while the Board tries to be reasonable, Mr. Hernandez needs to take action.

Board Member Schmidt questioned whether Mr. Hernandez's plans have been signed and sealed by an architect. Mr. Hernandez responded negatively, explaining that if certain things have to be changed, such as the wall being required to be taken down, the plans would have to be changed; it will be a back and forth effort to obtain the permit. Board Member Schmidt briefly explained why he had asked the question, stating that the architect's signature and seal would ensure the plans were Code compliant. Mr. Hernandez responded that goes back to the issue of money.

Board Member Ruyle concurred with Board Member Schmidt's explanation of the process; however, he said Mr. Hernandez commenced construction and the City does not know what is there. He briefly explained the procedure that is likely to occur when he submits the plans to the City.

Natalie Anderson, Mr. Hernandez's mother, requested the opportunity to testify, and was sworn in by the Deputy City Clerk.

Mrs. Anderson testified that her son has rheumatoid arthritis and works when he is able. She explained there was a wall there already, part of which was a planter. She explained that all Mr. Hernandez did was expand the wall from the halfway point to the top. She said he has taken apart everything that was not there before, adding that it would take longer than a week to get the rest of it removed. She stated she spent \$300 today to get someone draw up some plans that are tentative at best, and they still need a contractor who will go forward with the project. Now, she said, there is termite damage, which had nothing to do with her son putting the wall up; she could not afford termite control. She said they are doing their best; she is working, but there is no way she can come up with an enormous amount of money in a week just because they say so. She continued that she did not understand the problem if the wall is taken down to where it was originally and will not be enclosed now; therefore, she feels very pressured, since neither of them have much money with which to go forward.

Chairman Pogorilich responded that it was unfortunate she has come in at this late point and he assured her they are not trying to pressure her; the Board has been dealing with this issue for over 60 days.

Board Member Urbas commented it sounds as though they are now back to not going ahead with closing in the garage, but taking it back to the original state. He questioned at what point was this property not in violation with the Code. Chairman Pogorilich questioned whether they would need a permit if the wall comes back down to where it was before. He explained to Mrs. Anderson that 30 days ago Mr. Hernandez was given the option of getting the permit or taking down the wall where the air conditioner is located; 30 days later the wall is still standing. Chairman Pogorilich said the Board doesn't care which option is taken, but one of those things needs to happen; the Board has been trying to work with him for 60 days. Mr. Hernandez interjected he would need a week to get the wall down.

Upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **EXTENDED** the **compliance deadline** in **Case No. 09-2432** , **Natalie Anderson**, until **May 12, 2010**. Vote on the motion being: Board Members Lear, Newkirk, Ruyle, Schmidt, and Urbas voting "aye", and Chairman Pogorilich and Board Member Gibson voting "nay."

Prior to voting on the above motion, Board Member Urbas commented that he would make the motion, provided Mr. Hernandez would get the issues resolved and not come back at the May meeting and be no further along than he is today.

Chairman Pogorilich reminded the Board that while they want to be reasonable, they have been dealing with this problem 60 days and the Code Compliance Department has been dealing with it longer than 60 days, with the options of getting the permit and doing it right, or removing the structure, always on the table. He continued that today, by the Respondent's own admission, the Respondent arranged to get drawings made that will likely not be sufficient for permitting, because they don't have the solution on the drawings; the whole reason for getting the drawings is to show the Building Department how that wall can be salvaged. By the Respondent's own admission, that is not on the drawing, he said, adding that he is not confident that in another 30 days Mr. Hernandez will be any further along than he is today; there have been a lot of promises that have never come to fruition. For that reason, he said he cannot support the extension.

Board Member Lear questioned Mr. Hernandez as to whether he was the one who had issues with the TECO overhanging power lines in his backyard. Mr. Hernandez responded affirmatively, stating the supervisor has still not returned his phone calls. He reviewed how long he has been waiting, and concluded that obviously they are not in compliance either, nor have they met their promised deadlines.

CASE NO. 10-0036 - City versus Edgar D. and Perla V. Ziegler - 9228 Overlook Drive – (REPEAT VIOLATION) Sections 25.750.4 - Material and Equipment Storage in Residential Zoning Districts and 11.120.9-Duty to Keep Premises Clean.

Attorney O'Dowd presented an Affidavit of Compliance, dated April 12, 2010, prepared by Code Compliance Officer Borroni, which the Board accepted.

The Respondent, Edgar Ziegler, 9228 Overlook Drive, thanked the Board for being patient and giving him time to correct the violations and thanked his friend for assisting him with the cleanup.

Attorney O'Dowd noted that the Affidavit of Compliance did not include Section 11.120.9 and asked for clarification, since this Section was listed on the Agenda. Code Compliance Officer Borroni explained that the violation of Section 25.750.4, dealing with an unregistered vehicle, was brought into compliance last month, and remains in compliance as of this date.

Noting no more interested parties present and wishing to be heard under Unfinished Business/Prior Case Hearings, Chairman Pogorilich resumed the agenda order.

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 O'Dowd commented that the Council authorized foreclosure proceedings on November 3, 2009; she confirmed this matter is pending with outside Counsel, due to the conflict of interest with her firm. She reported that she attempted to obtain an update from the outside Counsel, David Linton, but he is out this week; she will report to the Board at a later date.

Attorney O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, confirming non-compliance with Sections 27.750.5(b)(7) and 27.750(n)(1), dated April 14, 2010, which the Board accepted.

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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated April 14, 2010, 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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated April 14, 2010, 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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated April 14, 2010, 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 O'Dowd presented an Affidavit of Continuing Non-Compliance, dated April 14, 2010, prepared by Code Compliance Officer Knowles, which the Board accepted. As a point of information, Attorney O'Dowd reported that at Council's direction her firm filed a Complaint on December 14, 2009, against Mr. Heard and Ms. Trelles; the deadline for them to respond was January 5, 2010, and they did not respond. She said a Motion for Default was filed on January 20, 2010, and they are in the process of preparing a Motion for Order on Default, confirming the foreclosure proceedings are moving forward.

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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated April 14, 2010, which the Board accepted.

CASE NO. 08-0707 – City versus Rex Beach, 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 O'Dowd deferred to Code Compliance Director Gross to report on this case. Code Compliance Director Gross stated that in preparing for the Hearings, they check all of the cases with the Property Appraiser to ensure there have been no changes; they found that this property now shows a different owner. He continued that when they checked the sales history, it appears that the transfer took place in November of 2009, which seemed odd, because they monitor this activity routinely. He reported he checked with the Property Appraiser to find out what triggered the change of ownership and learned that while the transfer of ownership did occur in November, it was not recorded until February, 2010.

Therefore, Code Compliance Director Gross said the Code Compliance Department is in the process of initiating a new case against the new owner for the violations presented. He concluded the City Attorney's office is researching how to bring closure against the case now pending against the current Respondent listed. He confirmed for Chairman Pogorilich that there were liens filed in this case, which is part of why they are researching how to bring closure.

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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated April 14, 2010, 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 O'Dowd presented an Affidavit of Continuing Non-Compliance, submitted by Code Compliance Officer Scrozzo, dated April 14, 2010, 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 O'Dowd introduced the case and deferred to Code Compliance Director Gross to report on this case. Code Compliance Director Gross reviewed that it had appeared there was a purchaser "in the wings" for this foreclosed property; the new owner immediately started work under the direction of Officer Borroni, and that case opened and closed with all violations rectified. He said they are, therefore, again in the situation where this case will not be on the agenda in the future, but they may see it on the Lien list, although he believes the lien may have been extinguished by the foreclosure.

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

Attorney O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated April 14, 2010, which the Board accepted.

CASE NO. 09-1328 – City versus Luis Osorio and Gretel Diaz - 9853 Morris Glen Way - Section 25.755.10 – Pools – Duty to Maintain.

Attorney O'Dowd presented an Affidavit of Continuing Non-Compliance, submitted by Code Compliance Director Gross, dated April 14, 2010, 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 O'Dowd presented an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated April 14, 2010, which the Board accepted.

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

Noting this case was not listed on the Agenda, Attorney O’Dowd presented an Affidavit of Continuing Non-Compliance, dated April 14, 2010, prepared by Code Compliance Officer Scrozzo, 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 O’Dowd presented an Affidavit of Continuing Non-Compliance, dated April 14, 2010, prepared by Code Compliance Director Gross, which the Board accepted.

CASE NO. 09-1622 – City versus Sandra Cuddeback - 106 Deer Park Avenue – Section 8.830(a)(1) – Permits Not Obtained.

Attorney O’Dowd deferred to Code Compliance Director Gross for an update on this matter. Code Compliance Director Gross stated that the property was being handled by Code Compliance Officer Borroni, which involved interior renovations and outside maintenance. He reviewed that at the last hearing Officer Borroni submitted an Affidavit of Compliance for the outside maintenance (Section 11.120.9). He continued that ownership changed, effective March 12, 2010, so ownership is now in the name of a bank. He stated that, as in the other case mentioned, the City Attorney’s office will research to determine whether the pending lien is still valid; if so, it will appear on the Lien list, but it will no longer appear under Unfinished Business.

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 O’Dowd introduced the case and presented two Affidavits, prepared by Code Compliance Officer Scrozzo, dated April 14, 2010; the first was an Affidavit of Compliance for Section 11.135.2, which the Board accepted; the second was an Affidavit of Continuing Non-Compliance regarding Sections 27.750(m)(3) and 11.130.7(b), which the Board also accepted. The Code Compliance Director confirmed for Chairman Pogorilich this property has a roof issue and is also vacant and pending foreclosure; the pool area has been secured.

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 O’Dowd introduced the case and presented an Affidavit of Continuing Non-Compliance with Sections 11.120.9 and 25.755.10, prepared by Code Compliance Director Gross, dated April 14, 2010, which the Board accepted.

CASE NO. 09-1966 – City versus Fadi Mubarak, Registered Agent, Metro Tampa, LLC - 10821 N. 56th Street - Sections 28.840(a)(11) – Minimum Standards – Miscellaneous Elements, and 28.840(d)(2) – Minimum Standards – Parking Lot Surface.

Attorney O'Dowd introduced the case and presented an Affidavit of Compliance evidencing the property is now in compliance with Sections 28.840(a)(11) and 28.840(d)(2), which the Board accepted. Code Compliance Director Gross commented this is the "sister" case to the New Tung Tung Restaurant case heard earlier. He stated the remaining Sections listed on the Agenda were resolved at the last hearing; therefore, this Affidavit of Compliance brings closure to this case.

CASE NO. 09-2699 – City versus Waldemar F. Kissel, Jr. – Registered Agent - Boardwalk at Morris Bridge, LLP - 8800 Boardwalk Trail Drive - Sections 9.910(f) - Standards – Fire Department Connections and 25.745.8 – Street Name Signs.

Attorney O'Dowd introduced the case and presented an Affidavit of Compliance dated April 14, 2010, prepared by Code Compliance Director Gross, confirming the property is now in compliance with Sections 9.910(f) and 25.745.8, which the Board accepted.

CASE NO. 10-0033 - City versus Margie N. King - 7603 Gulf Court - Section 25.760.2(a) – Parking on a Non-Durable Surface.

Attorney O'Dowd introduced the case and presented an Affidavit of Compliance dated March 12, 2010, prepared by Officer Scrozzo, which the Board accepted.

OTHER BOARD ACTION:

Liens List Review:

Chairman Pogorilich questioned whether there were any significant items to be brought to the Board's attention.

The Code Compliance Director commented there was a substantial lien paid since the last Hearing in Case No. 06-1413 (Page 2), in the amount of \$6,950.00; the other lien paid since the last review was in Case No. 09-0098, which had been reduced to \$3,800.00. There were no further questions or comments on the Liens List.

NEW BUSINESS: None.

APPROVAL OF MINUTES:

Upon **motion** of Board Member Gibson, seconded by Board Member Ruyle, and unanimously carried, the **MINUTES** of the March 10, 2010, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 9:21 p.m.

Submitted by,

Melissa E. Small, MMC
City Clerk