

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

**Regular Meeting  
Wednesday, June 9, 2010  
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, June 9, 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, City Clerk Lisa Small, Deputy City Clerk Jeannie Barlow, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, and Jack Knowles, Code Compliance Secretary Shana Hunt, Suria Afiat, Rick Allmond, Wendy Savage, Daniel Gray, David Waters, Ann Sheller, Kevin Pate, 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:**

Noting the presence of interested parties, Chairman Pogorilich announced that cases would be taken out of order to accommodate respondents and witnesses present at tonight’s meeting.

**CASE NO. 10-0700 – City versus Andrzej Mrozewski – 7402 Heritage Hills Drive – Section 27.750(m)(6) – Minimum Standards for Stairs/Porches/Appurtenances and Section 27.750(1) – Minimum Standards for Electrical Systems.**

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 Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violators. He provided testimony regarding the alleged violation, noting that the violation had originated on March 31, 2010. He stated that his office had been working with agents of the apartment complexes to resolve outstanding issues. He stated that this particular property was in receivership and, as of today, it was at approximately fifteen percent occupancy. Code Compliance Director Gross explained that the lender’s position was to continue to phase out the occupants in part due to the poor condition of the complex. He noted that, due to this fact, the main priority of his office was to address safety issues in the complex which included damaged stairs, deteriorated porches, a damaged balcony, broken windows, exposed electrical components and debris accumulation. He commented that the Notice of Violation had been issued on April 8, 2010 and received April 13, 2010 by DLG Management Services, acting on behalf of the lender. He stated that the violation established a deadline of April 23, 2010.

Code Compliance Director Gross mentioned that it had been his intention to discuss this item at last month's meeting, but he explained that since a considerable amount of work had been performed on the property, an extension for compliance had been granted to the respondent. He explained that, in the interim, the respondents had addressed all of the violations except for a minor electrical matter and stair repair. He noted that he had inspected the premises today and had determined that only one electrical meter requiring a cover and minor work on the staircase remained. Code Compliance Director Gross stated that he felt all work could be completed by July 14, 2010.

Ms. Sharen Valenti, Area Manager, DLG Management, 611 West Bay Street, Suite A, Tampa, who was duly sworn approached the podium to address the Board. She explained that the contractor would commence work on the staircase on Monday, June 14, 2010 and would complete the work by June 18, 2010. She stated that the cause for delay was due to the angling of the stairs. She answered additional questions regarding pending work on the electrical cover to the satisfaction of Board members.

Based on the testimony of Code Compliance Director Gross and Ms. Valenti presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Schmidt, the Board **FOUND Andrzej Mrozewski, Registered Agent Heritage Hills, LLC, in Case No. 10-0700** to be **GUILTY** of violating Sections **27.750(m)(6) and 27.750(1)** of the City Code, and gave the respondents until July 14, 2010 to come into compliance with the code sections in question. If the property was not brought into compliance by that date, a fine of \$100.00 per day shall begin to accrue on July 15, 2010 and continue to accrue until the date that the violator provides the City with evidence that the property has been brought into full compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

**CASE NO. 10-0764 – City versus Paul and Renee Woulard and Suria Afiat – 409 Dunedin Avenue – Section 4.410 – Animal Disturbance; Section 4.425.2(e) – Bites and Rabies; and Section 14.190(b)(8) – Noise – Animals and Birds.**

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 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 explained that the genesis of the case was April 5, 2010 when his office had received citizen complaints regarding barking dogs and other disturbances at the respondents' residence. He noted that during his investigation he also discovered that several citations had been issued by Animal Services to the respondents for not having their dogs vaccinated and for lacking the required dog tags. He stated that a Notice of Violation had been served to the respondents on May 3, 2010 establishing a deadline for compliance on May 10, 2010. He noted that complaints from neighbors regarding dog barking and other disturbances continued through this process. He explained that although the pet owners had indicated that the dogs had received their vaccinations and tags from Animal Services, he explained that Animal Services had not been able to confirm this statement. He indicated that several of the respondents' neighbors were present tonight to address the Board regarding their concerns, and he noted that the respondents were also present and suggested that they might be able to offer solutions to assist in the resolution of this issue.

Ms. Nadine Porhowski of 411 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. Ms. Porhowski indicated that she had moved away from the neighborhood three years earlier because of the disturbances caused by the dogs at the respondents' house. She noted that she had returned to the neighborhood several months ago and now was once again subjected to the disturbances caused by the respondents' two dogs. She explained that the dogs barked several times every hour, barked at any and all noises, and continued to bark all night long. She indicated that she had visited the respondents to request that they take action to quiet the dogs, but noted that they had explained to her that the dogs barked because they did not like her and because they were just barking dogs.

Ms. Ann Sheller of 407 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. She explained that she lived next door to the respondents and that she was subjected to the dogs barking at everyone for any activity that occurred in the neighborhood. She also noted that the dogs' feces were very odorous and affected her ability to enjoy her own property.

Mr. Kevin Pate of 405 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. He explained that his bedroom window faced the respondents' backyard. He explained that the barking dogs affected his ability to get an appropriate amount of sleep, noting that his quality of life had deteriorated due to the excessive noise caused by the dogs.

The respondent, Mr. Paul Woulard of 409 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. Mr. Woulard explained that although his dogs were current on their vaccinations and had the proper licensing, he admitted that they did bark constantly at any outside activity. However, he explained that he never realized it was a problem because his neighbors had not approached him with their concerns. He offered to install a privacy fence between his property and the properties of his affected neighbors to help resolve the issue.

Board Member Lear inquired as to the status of the current fence situation on the respondents' property.

Mr. Woulard responded that a chain link fence was currently on the perimeter of his property.

Board Member Lear inquired as to the breed of the dogs.

Mr. Woulard responded that he owned a German Shepherd and a Pit Bull mix.

Mr. Suria Afiat, owner of the property at 409 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. He explained to Board members that he would be willing to erect a six foot privacy fence on the property to help alleviate the barking dog problem.

Code Compliance Director Gross indicated that although he felt that a fence would help curb the barking dogs, he noted that he felt other means of silencing the dogs should be used.

Discussion ensued regarding other possibilities to curb the disturbances caused by the dogs. Chairman Pogorilich suggested that the dogs wear a shock collar to deter their desire to bark. He also noted that a fence could help alleviate the problem, but did not think it would offer a panacea to the issue.

Board Member Schmidt concurred with Chairman Pogorilich.

Based on the testimony of Code Compliance Director Gross and the respondents' neighbors, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Ruyle, the Board **FOUND Paul and Renee Woulard and Suria Afiat in Case No. 10-0764** to be **GUILTY** of violating Sections **4.410, 4.425.2(e) and 14.190(b)(8)** of the City Code, and gave the respondents until July 14, 2010 to come into compliance with the code sections in question. If the property was not brought into compliance by that date, a fine of \$100.00 per day shall begin to accrue on July 15, 2010 and continue to accrue until the date that the violator provides the City with evidence that the property has been brought into full compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

**CASE NO. 10-1027 – City versus Linda F. Brown, Owner and Moises D. Egozi, Registered Agent/Alaska Breeze Corporation – 9612 Overlook Drive – Section 8.830(a)(1) – Permits – Required.**

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 Barroni, 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 regarding the alleged violation, indicating that the case was initiated by the City's Building Inspector who issued a stop work order on April 7, 2010 to Alaska Breeze for work performed without a permit at Ms. Brown's residence on Overlook Drive. He stated that the case was forwarded from Community Development to Code Enforcement on May 3, 2010 due to a lack of response from both Alaska Breeze and the homeowner. He noted that a door hanger had been left at the residence on May 4, 2010 notifying the homeowner that she had until May 11, 2010 to come into compliance. He explained that Alaska Breeze had been notified of the violation through certified and first class mail and a notice had also been hand-delivered to Ms. Brown, indicating a re-inspection of the violation would occur on May 17, 2010. Code Compliance Officer Barroni explained that Ms. Brown had contacted his office to report that she had made repeated attempts to contact Alaska Breeze, albeit unsuccessfully. He stated that as of today's date, a permit still has not been issued to either the homeowner or Alaska Breeze for a/c work performed at the homeowner's residence. Code Compliance Officer Barroni also indicated that an e-mail he received today had affirmed that Alaska Breeze had been operating without a license in Hillsborough County. Code Compliance Officer Barroni stated that Ms. Brown was present tonight and had requested to address the Board.

Ms. Linda Brown of 9612 Overlook Drive, who was duly sworn, approached the podium to address the Board. Ms. Brown explained that she had contracted with Alaska Breeze to perform air conditioning work at her residence. She commented that she had not been cognizant that the company had performed the work absent the proper permits until much later. She also explained that she had never been made aware that the company did not possess a Hillsborough County license. She stated that she had tried to contact the company several times but it has been to no avail. Ms. Brown indicated she rendered full payment to the company prior to commencement of work and apologized to Board members for having the work performed without a permit. She also noted that she would like to have this issue resolved to everyone's satisfaction.

Chairman Pogorilich inquired as to the status of the work performed.

Ms. Brown responded that the air conditioning was operational, but a pipe that had been damaged during the repair process had not yet been repaired. She also mentioned that the work had never been inspected.

Chairman Pogorilich asked Code Compliance Officer Barroni if he was seeking a finding against the owner as well as the air conditioning company.

Code Compliance Officer Barroni answered affirmatively and mentioned that he felt that the City would expect Ms. Brown to hire a licensed company to inspect the previous contractor's work.

Chairman Pogorilich questioned if the new company inspected the work, could the company then apply for a permit for the work performed by Alaska Breeze to satisfy code requirements?

Code Compliance Officer Barroni responded that, in his opinion, he did not foresee that any company would assume responsibility for work performed by another company.

Board Member Ruyle suggested that a mechanism to pursue in this respect would be for Ms. Brown to hire an engineer to inspect and certify that the air conditioning work was in compliance with City codes and then guide Ms. Brown through subsequent actions that would need to occur in order for her to comply with City requirements. He also requested that action be pursued against the contractor who seemed to be operating without a license. He noted that if the contractor did possess a license, then he felt that the licensing authority should be informed that the company had performed a service without pulling a City permit.

Based on the testimony of Code Compliance Officer Barroni and Linda F. Brown and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Ruyle, the Board **FOUND Linda F. Brown and Moises D. Egozi, Registered Agent/Alaska Breeze Corporation in Case No. 10-1027 to be GUILTY of violating Section 8.830(a)(1) of the City Code, and gave the respondents until July 14, 2010 to come into compliance with the code sections in question. If the property was not brought into compliance by that date, a fine of \$50.00 per day shall begin to accrue on July 15, 2010 and continue to accrue until the date that the violator provides the City with evidence that the property has been brought into full compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."**

**CASE NO. 10-0410 – City versus Shehzad Z. Rana – 12605 N. 51<sup>st</sup> Street – (REPEAT) Section 25.760.2(a) – Parking on Non-Durable Surface.**

Attorney O'Dowd introduced the case and indicated that the respondent had sent a letter dated June 2, 2010, to the City requesting a continuance because the respondent was out of town and unable to attend tonight's meeting. Attorney O'Dowd indicated that the City Clerk's Office had received the letter on Monday, June 7, 2010.

Upon motion of Board Member Gibson, seconded by Board Member Lear, the Board **POSTPONED** Case No. 10-0410, City vs. Shehzad Z. Rana, until the July 14, 2010 MCEB meeting. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

**CASE NO. 10-0680 – City versus Keon K. and Jae E. Lee, Mary Lou Jackson(Co-Trustee) and William A. Leheup (Co-Trustee) – 8916 N 56<sup>th</sup> Street – Section 25.760.7(b)(3) – Handicapped Spaces.**

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 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 regarding the alleged violation, indicating that the case originated on March 29, 2010 as the result of a citizen complaint regarding a substandard handicapped parking space which limited the citizen's access to a shopping center. Code Compliance Director Gross noted that on March 15, 2010 he met with a Certified Public Accountant who had a business in the shopping center and served as the property manager for the shopping center owners. He commented that specifications regarding handicapped parking spaces were provided to the property manager so that revisions could be made to the existing space in order for it to come into compliance with City codes. Code Compliance Director Gross commented that a Notice of Violation was sent to the property manager on May 14, 2010 establishing a deadline for compliance of May 21, 2010. Code Compliance Director Gross indicated that no change was detected upon re-inspection, and he submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, establishing a violation of Code Section 25.760.7(b)(3), which the Board accepted. However, he stated that upon a subsequent inspection of the premises, he had determined that the property now met Code requirements. Code Compliance Officer Gross submitted an Affidavit of Compliance, dated June 3, 2010, which the Board accepted. The Respondents were not present.

Based on the testimony of Code Compliance Officer Gross, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Keon K. and Jae E. Lee, Mary Lou Jackson(Co-Trustee) and William A. Leheup (Co-Trustee)**, in **Case No. 10-0680** to be **GUILTY** of violating **Section 25.760.7(b)(3)** 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. 10-0804 – City versus Ippollito Pietro/Sonkor LLC – 511 Montrose Avenue – Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; and Section 11.135.2 – Sanitation – Grass/Weeds.**

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 Knowles, 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 regarding the alleged violation, indicating that the case initiated on April 12, 2010. He stated that inspection of the premises revealed grass and weeds in violation of height requirements on the entire property.

Code Compliance Officer Knowles noted that a door hanger had been left on the front door, but an inspection of April 21, 2010 indicated the violation had not been corrected. He stated on May 5, 2010, the property owner had been notified through certified and first class mail that a Notice of Violation had occurred on his property. The notice was also posted on his property and at City Hall with a May 15, 2010 deadline for compliance. Code Compliance Officer Knowles stated that a re-inspection on May 21, 2010 indicated no change. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, dated May 21, 2010, establishing a violation of Code Sections 11.120.9 and 11.135.2 which the Board accepted. He indicated that an inspection today revealed that the property was now in compliance. Code Compliance Officer Knowles submitted an Affidavit of Compliance, dated June 7, 2010, which the Board accepted. The Respondent was not present.

Based on the testimony of Code Compliance Officer Knowles, and the documentary evidence received by the Board, upon motion of Board Member Schmidt, seconded by Board Member Urbas, the Board **FOUND Ippollito Pietro/Sonkor LLC in Case No. 10-0804 to be GUILTY** of violating Sections **11.120.9 and 11.135.2** 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. 10-0873 – City versus Enrique Marengo – 5401 Rainbow Drive – Section 11.135.2 – Sanitation – Grass/Weeds.**

Attorney O’Dowd introduced the case and indicated that this case was being pulled from the agenda due to lack of service.

**CASE NO. 10-0995 – City versus Louis Fernandez – 645 Gillette Avenue – Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; Section 11.135.2 – Sanitation – Grass/Weeds; and Section 25.755.10 – Pools – Duty to Maintain.**

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 Knowles, 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 regarding the alleged violation, indicating that the case was initiated on April 23, 2010. He stated that inspection of the premises revealed grass and weeds in violation of height requirements in addition to a dirty, secured pool. Code Compliance Officer Knowles noted that a door hanger had been left on the front door, but an inspection on April 28, 2010 indicated the violation had not been corrected. He stated on May 4, 2010, the property owner had been notified through certified and first class mail that a Notice of Violation had occurred on his property. The notice was also posted on his property and at City Hall with a May 11, 2010 deadline for compliance. He noted that a re-inspection of the property on May 21, 2010 revealed that property was still not in compliance. Code Compliance Officer Knowles submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, dated May 21, 2010, establishing a violation of Code Sections 11.120.9, 11.135.2 and 25.755.10 which the Board accepted. He stated that a re-inspection of the property today revealed that no change had occurred on the property. The Respondent was not present.

Code Compliance Officer Knowles indicated that he felt that the property had been vacated because daily inspections revealed the absence of any vehicles in the driveway, a collection of unopened phone books in the front yard, and overgrown vegetation along the front walk. He stated that the property was not in foreclosure, although the owner of the property resided in Tampa. Code Compliance Officer Knowles stated that a massive padlock locked the front gate to the residence and noted that although the pool was dirty, it remained secured.

Based on the testimony of Code Compliance Officer Knowles, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Ruyle, the Board **FOUND Louis Fernandez in Case No. 10-0995** to be **GUILTY** of violating Sections **11.120.9, 11.135.2 and 25.755.10** of the City Code, and gave the respondents until July 14, 2010 to come into full compliance with the code sections in question. If the property was not brought into compliance by that date, a fine of \$200.00 per day shall begin to accrue on July 15, 2010 and continue to accrue until the date that the violator provides the City with evidence that the property has been brought into full compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

**CASE NO. 10-1001 – City versus Patricia Conote – 207 Forest Park Avenue – Section 25.755.10 – Pools – Duty to Maintain; Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; Section 11.120.10 – Sanitation – Abutting Property and Section 11.135.1 – Sanitation – Grass/Weeds; .**

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 Borrioni, 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 regarding the alleged violation, indicating that the case initiated on April 30, 2010. He stated that inspection of the premises revealed grass and weeds in violation of height requirements throughout the entire yard and in the gutter area along the street. He commented that further inspection revealed poor water conditions in an in-ground pool secured by a sturdy fence and evidence of trash and lawn equipment scattered in the rear yard. Code Compliance Officer Borrioni stated on that same date, the property owner had been notified through certified and first class mail that a Notice of Violation had occurred on his property. The notice was also posted on his property and at City Hall for ten days. He stated that a re-inspection of the property on May 14, 2010 revealed no change. Code Compliance Officer Borrioni then indicated that further inspection revealed that the property had been in foreclosure since February 23, 2009. He commented that he spoke with the homeowner on May 24, 2010 who assured him that she would have her son address the violations and bring the property into compliance. He explained that a re-inspection of the property on June 7, 2010 revealed that the property was now in compliance. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, dated May 21, 2010, establishing a violation of Code Sections 25.755.10, 11.120.9, 11.120.10 and 11.135.1 which the Board accepted. Code Compliance Officer Borrioni submitted an Affidavit of Compliance, dated June 7, 2010, which the Board accepted. The Respondent was not present.

Board Member Lear inquired as to what constituted securing a dirty pool.

Code Compliance Officer Borroni responded that homeowners were instructed to place 2'x4' boards and 2'x6' boards across the pool, cover the boards with chicken wire (or screen) and then lay a plastic tarp over the chicken wire to prevent mosquito infestation.

Code Compliance Director Gross explained that most homes in foreclosure lacked electric power, therefore, pool pumps were not operational. He commented that the aforementioned procedure was commonly used throughout the State to safely secure pools.

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 Patricia Conote in Case No. 10-1001 to be GUILTY of violating Sections 25.755.10, 11.120.9, 11.120.10 and 11.135.1 of the City Code, but because the property was brought into compliance before the date of this hearing, NO FINE was assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."**

**CASE NO. 10-1002 – City versus George Richard III and Tracie Schmelzer – 312 Belle View Avenue – Section 11.130.7(b) – Unauthorized Accumulation; Section 11.135.2 – Sanitation – Grass/Weed, Section 25.750.5(b)(7) – Fences – Appearance and Section 25.755.10 – Pools – Duty to Maintain.**

Attorney O'Dowd introduced the case and indicated that this case was being pulled from the agenda due to lack of service.

**UNFINISHED BUSINESS/PRIOR CASE HEARINGS:**

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

Noting the presence of interested parties, Chairman Pogorilich announced that cases would be taken out of order to accommodate respondents and witnesses present at tonight's meeting.

**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 O'Dowd introduced the case, stating that the compliance deadline had been extended to June 9, 2010 and stating that Code Compliance Director Gross would present an update on the case.

Code Compliance Director Gross indicated that fifty-one permits had been issued for work on this property and commented that all but three had been filed. He introduced Mr. Dave Waters to present a work progress update.

Mr. Dave Waters of 2014 East 151<sup>st</sup> Street, who was duly sworn, approached the podium to address the Board. He explained that work on two out of the three remaining air conditioning jobs had been completed. He explained that two of the leaking air handlers had been replaced rather than repaired and noted that the remaining job should be completed by this week or the middle of next week.

Upon motion of Board Member Gibson, seconded by Board Member Urbas, the Board **EXTENDED** the compliance deadline in **Case No. 09-0942, W. Bradley Munroe, Esq., Registered Agent, CNLKOR River Chase, LLC, to June 18, 2010.** Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

**CASE NO. 10-0158 – City versus Stuart J. Zook, Registered Agent, Normandy Acquisition LP– 11110 North 56<sup>th</sup> Street - Sections 8.815(b) – Florida Building Code - Applicability; 8.830(a)(1) – Permits – Required; 25.780.5 – Maintenance; 27.750(m)(3) – Exterior and Interior of Structures – Roofs; 28.840(d)(1) – Parking Lots and Walkways – Maintenance; 28.840(d)(2) – Parking Lots and Walkways – Surfaces.**

Attorney O’Dowd introduced the case, stating that the compliance deadline had been extended to June 9, 2010 and stating that Code Compliance Director Gross would present an update on the case.

Code Compliance Director Gross indicated that the respondent was in the process of resolving all outstanding non-compliance issues. He noted that the landscaping of the property had improved considerably. He explained that agents for the complex had hired a landscaping company to maintain and improve the grounds and add landscaping enhancements to the property. Code Compliance Director Gross indicated that since significant improvements had been made, he would support extending the compliance date for this case until next month. He noted that he felt that the entire project could be completed by either July or August. He mentioned that five additional permits had been pulled for air conditioning work on the premises. Code Compliance Director Gross indicated that the respondents were present at tonight’s meeting.

Chairman Pogorilich queried if the violations also included roof and parking lot repair.

Code Compliance Director Gross responded that several minor issues remained, which needed addressing, including painting one building and restoring pavers on a walkway area near the parking lot. He noted that he would probably be able to submit Affidavits of Compliance on most, if not all, of the outstanding issues by the Board’s July meeting.

Ms. Wendy Savage of 11110 North 56<sup>th</sup> Street, who was duly sworn, approached the podium to address the Board. She indicated that her company was making significant progress on all of the outstanding issues of non-compliance. She commented that the air conditioning units in two buildings were now in full compliance and five additional permits had been pulled for work on the remaining six buildings. She explained that a landscaping company had been hired to improve property grounds and felt that the property would show considerable improvements in the very near future.

Board Member Gibson questioned whether this case would need extensions each month if the landscaping company would be adding enhancements every month.

Code Compliance Director Gross responded that the enhancements would be added over and above what would be required to meet code requirements. He explained that he felt that the project could meet basic code requirements in the near future absent the additional enhancements.

Upon motion of Board Member Lear, seconded by Board Member Schmidt, the Board **EXTENDED** the compliance deadline in **Case No. 10-0158, Stuart J. Zook, Registered Agent, Normandy Acquisition LP, to July 14, 2010.** Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

**CASE NO. 10-0194 – City versus Lydia T. Cuebas - 7601 Glades Court – Section 8.830(a)(1) – Work Without Required Permit.**

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Officer Scrozzo dated May 13, 2010, for compliance with Section 8.830(a)(1), which the Board accepted.

**CASE NO. 10-0502 – City versus Willie J. MacArthur, Proprietor – Willie’s Tree Service – 214 Redwood Avenue – Section 25.735.4(a)(1) – Unlawful Tree Removal.**

Attorney O’Dowd introduced an Affidavit of Non Compliance, prepared by Code Compliance Director Gross dated May 27, 2010, confirming that the property was not in compliance with Section 25.735.4(a)(1), which the Board accepted.

Code Compliance Director Gross noted that the replacement trees required for this case had not materialized and indicated that the fine for non-compliance had accrued to the \$3,500.00 cap as of today’s date.

**CASE NO. 10-0635 – City versus James W. Hart, Jr., Registered Agent, Marbella Terrace Townhomes HOA – 11568 Morris Bridge Road – Sections 25.765.5(b)(2) – Prohibited Portable Signs; and 25.765.5(c)(3) – Non-Government Flag Prohibitions.**

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated May 18, 2010, for compliance with Sections 25.765.5(b)(2) and 25.765.5(c)(3), which the Board accepted.

**CASE NO. 10-0760 – City versus Cellular Touch Wireless, Inc., dba Metro PCS – 8753 Temple Terrace Highway – Section 13.155(a) – Failure to Pay Local Business Tax and Post Receipt for Same.**

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated June 9, 2010, for compliance with Section 13.155(a), which the Board accepted.

**OTHER BOARD ACTION:** There was no other board action at this time.

**NEW BUSINESS:** There was no new business before the Board for consideration and action.

**APPROVAL OF MINUTES:**

Upon **motion** of Board Member Gibson, seconded by Board Member Newkirk, and unanimously carried, the **MINUTES** of the May 12, 2010, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 8:10 p.m.

Submitted by,

Jeannie Barlow  
Deputy City Clerk