

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

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

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, July 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 Jeannie Barlow, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, Sal Scrozzo and Jack Knowles, Code Compliance Secretary Shana Hunt, Nadine Porhowsky, George Vaso, Wendy Savage, Rick Allmond, Rodney Cumbus, Daniel Gray, Mike Iraklianos, Shehzad Rana, 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. 10-0410 – City vs. Shehzad Z. Rana (Repeat) - 12605 N. 51 Street - Section 25.760.2(a) – Parking on Non-Durable Surface.

Attorney O’Dowd introduced the case as a repeat violation 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 had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on February 23, 2010. Officer Knowles indicated that, upon inspection of the property, two vehicles were found to be parked on a non-durable backyard grass surface which was visible from the street. He commented that the Notice of Repeat-Violation had been issued on February 23, 2010. Officer Knowles submitted a copy of the initial violation, Case #09-1181, regarding a violation of Section 25.760.2(a), labeled Exhibit 1, which the Board accepted. Officer Knowles stated that the property owner had received the Notice of Violation on February 23, 2010, requesting an immediate corrective action to the violation. He submitted photographic evidence of the alleged subject violation, labeled Exhibit 2, establishing a repeat violation of Code Section 25.760.2(a), which the Board accepted.

Officer Knowles noted that, upon a re-inspection on March 22, 2010, he found the property to be in compliance, and he stated that the property continued to be in compliance as of this date. Officer Knowles submitted an Affidavit of Compliance, dated March 22, 2010, which the Board accepted. He commented that since this was a repeat violation, he was recommending that the Board establish a fine of \$625.00 for the 28 days in which the property was out of compliance. The respondent was present.

Board Member Ruyles questioned what was done to the property to bring it into compliance.

Officer Knowles responded that the vehicles had been removed from the backyard and parked on a 5'x4' cement pad on the property.

Board Member Urbas stated that it seemed to him that a number of warnings had been issued to the property owner. He noted that he was concerned that a repeat violation could occur and questioned Officer Knowles if he was convinced that the property owner would continue to be in compliance in this matter.

Officer Knowles indicated that he could not affirm for the record that a repeat violation would not occur, but he stated that the respondent had been in compliance since March, and, in his professional opinion, would remain in compliance.

Chairman Pogorilich questioned whether the concrete pad had always been on the property, and, if so, why he had not used it for parking his vehicles in the past.

Officer Knowles responded that, although the pad had always been on the property, he could not answer why it had not been previously used by the respondent. He noted that the respondent was present to answer any further questions.

Shehzad Rana, 12605 N 51st Street, who was duly sworn, approached the podium to address the Board. He explained that he had been in compliance since February because his family had vacated the premises, and he no longer had problems with the illegal parking situation. He noted that his teenagers, who had been living in the house, had not listened to his repeated requests to remove their vehicles from the backyard. He explained that they had since moved to Oregon to live with their mother, and he assured the Board that he would not have any further code violations.

Board Member Urbas wanted it clarified that Mr. Rana was the father of the teenagers in question.

Mr. Rana answered affirmatively, noting that they had not complied with his request to remove their vehicles from the backyard.

Board Member Lear queried as to the capacity of the driveway and garage areas.

Mr. Rana responded that the driveway was narrow (one car capacity), but the garage could store up to three vehicles. He explained that the garage had not been used for car storage because it had been more convenient for his children to park their cars in the backyard.

Board Member Lear stated that the genesis of this violation appeared to have been less of a garage capacity problem and more of a convenience issue for the family.

Board Member Urbas solicited Mr. Rana's opinion on Officer Knowles' recommendation to the Board to fine Mr. Rana \$625.00 for this repeat code violation.

Mr. Rana explained that he had lost his job last year as an air conditioning mechanic and noted, as a result, his house was in foreclosure. He explained that his unemployment benefits had expired and, therefore, he had no income.

Board Member Urbas questioned if a fine of \$625.00 would present a financial burden.

Mr. Rana responded affirmatively.

Board Member Urbas questioned Mr. Rana if he felt that he should pay any fine for this repeat violation.

Mr. Rana responded that he agreed the City had been accommodating, however, the situation had been beyond his control.

Board Member Urbas questioned Mr. Rana as to a reasonable fine amount.

Mr. Rana noted that he was unable to pay any fine, so he questioned how any fine amount would be reasonable for him in this instance. He reiterated that he had no income, and he would appreciate the Board's consideration of his financial condition. He also assured the Board that this code violation would not be repeated.

Board Member Urbas requested that Officer Knowles approach the podium. He questioned whether, after hearing Mr. Rana's testimony, Officer Knowles had any revisions to make to his recommendation to the Board.

Officer Knowles responded that, although Mr. Rana has been in compliance for three months, prior history would dictate that there have been continued parking problems on his property. He explained that, in his opinion, a fine should be assessed, but the amount of the fine would be at the Board's discretion.

Board Member Gibson confirmed that the property had been out of compliance for 28 days at \$250.00 per day for a total fine of \$7,000.00.

Officer Knowles answered affirmatively, commenting that his figure of \$625.00 had been based on \$250.00 per week divided by two.

Based on the testimony of Code Compliance Officer Knowles and Shehzad Rana, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Ruyles, the Board **FOUND Shehzad Z. Rana, in Case No. 10-0410** to be **GUILTY** of repeat violation Section **25.760.2(a)** of the City Code, and assess a fine in the amount of \$625.00 against the respondent for the days that the repeat violation had existed. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Schmidt voting "aye", and Chairman Pogorilich and Board Member Urbas voting "nay."

Prior to the vote on the above motion, Chairman Pogorilich explained to Mr. Rana, that, based on the outcome of the pending vote, Mr. Rana had the option to appear before the City Council to request a reduction of any fine assessed by the Board or Mr. Rana had the option to pay the fine.

CASE NO. 10-0930 – City vs. Gjergji Vaso and Edita Pojani - 6110 Soaring Avenue – Sections 8.830(a)(1) – Permit Application – When Required; 27.750(c) – Water Heating Facilities - Properly Installed; 27.750(1) – Minimum Standards – Electrical Systems; 27.726(f)(1) Single Family Definition; 27.750(m)(4) – Minimum Standards – Means of Ingress/Egress; and 27.750(g) – Minimum Standards – Smoke Detector 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 violations had been served to the alleged violators. He provided testimony regarding the alleged violations, noting that the violations had originated on April 19, 2010. He explained that, in response to a small fire in the home, firefighters had noticed several potential code violations regarding interior renovations that had been performed inside the residence. Director Gross stated that, upon an inspection on April 23, 2010 by Officer Knowles, the City's Building Inspector and the City's Fire Inspector, an unclean swimming pool, overgrown conditions, yard debris, unsafe wiring on a water heater and stove, lack of ingress and egress, and a faulty smoke detector were discovered. Director Gross indicated it appeared to inspectors that the single family home was being renovated into something similar to a duplex. He explained that a main concern involved the laundry room's renovation into a separate kitchen. Director Gross explained that this type of arrangement was not a violation in and of itself as long as the renovations complied with City Code. He explained that City representatives from the Building Department, Fire Department and Code Compliance spoke with the property owner and explained the proper process needed to meet code compliance.

Director Gross commented that the Notice of Violation had been issued on May 21, 2010, and had established a compliance deadline of June 1, 2010, which had been subsequently extended. He explained the homeowner took immediate action to address the problems, and, although work on the swimming pool and yard were completed by June 28, 2010, several other violations still existed which predicated its referral to a Code Board Hearing. However, Director Gross noted, that upon an inspection performed on July 9, 2010 by the City's Building Department, Fire Department and Code Compliance Department, the property now met Code requirements. Director Gross submitted an Affidavit of Compliance, dated July 9, 2010, which the Board accepted. The respondents were present.

Chairman Pogorilich questioned whether the original renovations were performed without a permit.

Director Gross answered affirmatively. He verified that all previous code violations had been rectified.

Board Member Gibson requested additional detail on the means of ingress and egress.

Director Gross explained that one of the bedrooms in the northeast corner of the house required a separate door, but explained that the cut-through performed in the main house satisfied the ingress/egress requirement needed for this bedroom.

Board Member Urbas questioned what was done to satisfy the requirements of Section 27.726(f)(1), single family definition.

Director Gross explained that the homeowners now understood that their residence could be occupied by no more than three unrelated people and several people have since moved out.

Board Member Ruyles expressed his concern with the status of two kitchens in one residence.

Director Gross confirmed that the residence now contained only one kitchen.

Based on the testimony of Code Compliance Director Gross 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 Urbas, the Board **FOUND Gjergji Vaso and Edita Pojani in Case No. 10-0930** to be **GUILTY** of violating Sections **8.830(a)(1), 27.750(c), 27.750(1), 27.726(f)(1), 27.750(m)(4), and 27.750(g)** but because the property was brought into compliance before the date of this hearing, no fine shall be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

CASE NO. 10-1206 – City vs. Mike S. Iraklianos, Owner – Vitina M. Adamo, Registered Agent/A & R Air Solutions - 9228 Kingsridge 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 Borroni, 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 May 26, 2010, when he had noticed an old air-conditioning compressor in the driveway of a residence during a routine inspection of the property. He continued that, after he notified the City’s Building Inspector of his discovery, the Building Inspector issued a Stop-Work Order on the property. Officer Borroni commented that he left a door hanger on the property establishing a compliance deadline of June 9, 2010. He indicated that a building permit still had not been issued by this deadline. He stated that, as a result, a Notice of Violation had been issued to the property owners on June 9, 2010 establishing a compliance deadline of June 23, 2010.

Officer Borroni commented that on June 25, 2010, a representative from the City’s Building Department notified Officer Borroni that on this day, a building permit had been issued to A & R Air Solutions for work at this residence. Officer Borroni submitted one Affidavit of Compliance for the property owner (dated June 29, 2010) and one Affidavit of Compliance for the business (dated July 14, 2010), which the Board accepted. The respondents were present.

Board Member Ruyles questioned whether a licensed contractor was on the job, to which Officer Borroni responded that the City’s Building Department would only issue a building permit to a licensed contractor.

Board Member Ruyles reiterated his question as to whether there was a licensed contractor on the job.

Director Gross noted that it was the responsibility of the City's Building Department, and not Code Compliance, to verify licenses. He explained that if a permit was issued, Code Compliance must rely upon the fact that it was issued properly.

Ms. Vitina Adamo, representing A & R Air Solution, 2616 Queen Alberta Drive, Valrico, who was duly sworn, approached the podium to address the Board. She explained that her company used Quality Breeze for installation work because that company has licensed contractors to perform the necessary work. Ms. Adamo noted that her company had been waiting for paperwork from Quality Breeze.

Chairman Pogorilich questioned why her company had proceeded with work prior to receiving a City permit.

Ms. Adamo clarified that her company was the selling agent and Quality Breeze performed the installation service.

Chairman Pogorilich confirmed that Quality Breeze had performed the work without a City permit. He requested clarification that once A & R Air Solutions sold a job, the company's liability concluded.

Ms. Adamo commented that her company was liable to the customer, and noted that her company was in partnership with Quality Breeze.

Chairman Pogorilich questioned who scheduled the installation.

Ms. Adamo responded that her company contacted Quality Breeze to schedule the job.

Chairman Pogorilich reiterated his question of how the work was performed without a City permit.

An unidentified gentleman with Ms. Adamo explained that confusion existed because the contractor from Quality Breeze mistakenly believed that Temple Terrace was in Tampa, and, therefore, did not realize that a bond needed to be issued and Quality Breeze needed to be registered in Temple Terrace prior to any permits being pulled.

Board Member Ruyles confirmed that A & R Air Solutions did not have a licensed contractor on staff.

Ms. Adamo submitted backup paperwork to the Board.

Board Member Ruyles requested the name of the licensed contractor who performed the installation work for this particular job.

Ms. Adamo indicated that Jesus Espuela pulled the permit for Quality Breeze.

Attorney O'Dowd clarified for the record that Jesus Espuela pulled the permit, application #10-803, dated June 25, 2010. She cited an invoice from Quality Breeze to A & R Air Solutions, dated June 26, 2010, for permit fees in the amount of \$542.52 and cited additional paperwork, including billing between Quality Breeze and A & R Air Solutions. She noted that it was her understanding the Board's concern regarded the arrangement between Quality Breeze and A & R Air Solutions, which could be investigated by the Hillsborough County Licensing Board with respect to licensing issues.

Attorney O'Dowd verified with Ms. Adamo that she wished the back-up documents be made a part of City record. Ms. Adamo responded affirmatively and submitted the back-up documents, which the Board accepted.

Based on the testimony of Code Compliance Officer Borroni and Vitina M. Adamo, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Mike S. Iraklianos, Owner, and Vitina M. Adamo, Registered Agent/A & R Air Solutions** in **Case No. 10-1206** to be **GUILTY** of violating Section **8.830(a)(1)** of the City Code, but because the property was brought into compliance before the date of this hearing, no fine shall be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

CASE NO. 10-1357 – City vs. Rodney J. Cumbus – 6313 Jacqueline Arbor Drive – Sections 11.120.9 – Duty to Keep Premises Clean; and 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 violator. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violations had been served to the alleged violator. He provided testimony regarding the alleged violations, noting that the violations had originated on June 9, 2010 due to a citizen complaint regarding an unclean swimming pool and overgrown weeds and vines growing up the sides of the respondent's residence. He commented that the Notice of Violation had been issued on June 10, 2010 and received on June 13, 2010 establishing a compliance deadline of June 21, 2010.

Director Gross indicated that, upon re-inspection, it was noted that the lawn had been mowed, the vines cleared, and although the swimming pool had been cleaned, he noted debris remained at the bottom of the pool, and therefore, full compliance had not been established. Director Gross submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, establishing a violation of Code Section 25.755.10, which the Board accepted. He explained that he met with Mr. Cumbus to discuss the pool's situation, and noted that Mr. Cumbus was working diligently on the pool in order to bring it into compliance. The respondent was present.

Mr. Rodney Cumbus, of 6313 Jacqueline Arbor Drive, who was duly sworn, approached the podium to address the Board. Mr. Cumbus emphasized that he was trying to bring the pool into compliance, but noted that he had encountered several problems in the interim, including a faulty pump and inefficient filter.

Chairman Pogorilich inquired as to how much time Mr. Cumbus felt he needed to achieve compliance.

Mr. Cumbus responded that he felt that he could bring the pool into compliance within a week.

Based on the testimony of Code Compliance Director Gross and Rodney J. Cumbus, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Rodney J. Cumbus in Case No. 10-1357** to be **GUILTY** of violating Sections **11.120.9 and 25.755.10** of the City Code, and gave the respondent until August 11, 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 \$150.00 per day shall begin to accrue on August 12, 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, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, and Board Member Lear voting “nay.”

CASE NO. 10-0873 – City vs. Enrique Marengo - 5401 Rainbow Drive - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney O’Dowd introduced the case, noting that the residence was unoccupied, 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 had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on April 19, 2010. He stated that his inspection revealed overgrown conditions throughout the property as well as the driveway area. He explained that a door hanger had been placed on the property establishing a compliance deadline of April 23, 2010. His inspection of April 26, 2010 revealed no change, and he commented that the Notice of Violation had been issued establishing a compliance deadline of May 7, 2010. Noting the residence appeared to be unoccupied, he posted a notice at the residence and at City Hall and mailed a copy of the Notice of Violation, by certified and regular mail, to the property owner’s address.

Officer Scrozzo indicated that his inspection on May 7, 2010 revealed no change, however, a subsequent inspection on May 18, 2010, revealed that the grass had been mowed; therefore, the property had been brought into compliance. Code Compliance Officer Scrozzo submitted an Affidavit of Compliance, dated May 18, 2010, which the Board accepted. The respondent was not present.

Based on the testimony of Code Compliance Officer Scrozzo 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 Urbas, the Board **FOUND Enrique Marengo in Case No. 10-0873** to be **GUILTY** of violating Section **11.135.2** of the City Code, but because the property was brought into compliance before the date of this hearing, no fine shall be 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 vs. George Richard Schmeizer III and Tracie L. F. Schmeizer - 312 Belle View Avenue – Sections 11.130.7(b) – Unauthorized Accumulation; 11.135.2 – Sanitation – Grass/Weeds; 25.750.5(b)(7) – Fences-Appearance; and 25.755.10 – Pools-Duty to Maintain.

Attorney O’Dowd introduced the case, noting that the residence was unoccupied, 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 had been served to the alleged violators. He provided testimony regarding the alleged violations, noting that the violations had originated on April 30, 2010. He stated that his inspection revealed overgrown conditions throughout the property as well as the driveway area. He also noted debris accumulation near the residence’s front entrance and a broken gate leading to the backyard. He commented that further inspection revealed an unclean, unsafe pool. He explained that a door hanger had been placed on the property establishing a compliance deadline of May 4, 2010, but his inspection of May 4, 2010 revealed no change. He commented that a Notice of Violation had been issued establishing a compliance deadline of May 16, 2010. He mentioned that the residence appeared to be unoccupied; therefore, he secured the pool area and posted a notice at the residence and at City Hall and mailed a copy of the Notice of Violation, by certified and regular mail, to the property owner’s address. He indicated that his inspection on May 18, 2010, revealed no change, and he submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 - 5, establishing a violation of Code Sections 11.130.7(b), 11.135.2, 25.750.5(b)(7) and 25.755.10, which the Board accepted. He commented that a re-inspection of the property today revealed no changes had occurred. The respondents were not present.

Board Member Gibson inquired as to how Officer Scrozzo secured the pool.

Officer Scrozzo responded that he wedged the broken part of the fence between two existing posts so that a child would not be able to fit through the fence.

Board Member Lear queried as to the location of the homeowners.

Officer Scrozzo responded that the home was in foreclosure and it appeared that the property had been abandoned and left in a state of disrepair. He explained that he was unsuccessful in his attempts to contact the mortgage company. He stated that he would contact representatives from the mortgage company after they repossessed the property to request that they address the pending violations. He also commented that neighbors had hired someone to mow the lawn at the vacant address.

Based on the testimony of Code Compliance Officer Scrozzo presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Schmidt, the Board **FOUND George Richard Schmeizer III and Tracie L. F. Schmeizer in Case No. 10-1002 to be GUILTY** of violating Sections **11.130.7(b), 11.135.2, 25.750.5(b)(7), and 25.755.10** of the City Code, and gave the respondents until August 11, 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 \$250.00 per day shall begin to accrue on August 12, 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. 10-1014 – City vs. John Francis Omahony and Eva Decker Omahony - 12704 N. 52nd Street - Sections 11.120.9 – Duty to Keep Premises Clean; 11.135.1 – Accumulation of Weeds, Grass, and Underbrush Prohibited; 11.135.2 – Sanitation – Grass/Weeds; 25.755.10 – Pools – Duty to Maintain.

Attorney O’Dowd introduced the case, noting that the residence was unoccupied, and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violations had been served to the alleged violators. He provided testimony regarding the alleged violations, noting that the violations had originated on April 26, 2010, through a citizen complaint regarding overgrown conditions and an unclean swimming pool at the unoccupied residence. He visited the property on May 3, 2010, and subsequently notified Bank of America representatives, verbally and in writing, in an attempt to resolve the code violations at the residence in foreclosure. He commented that the Notice of Violation had been issued on May 24, 2010 and posted at the residence and at City Hall and mailed, by certified and regular mail, to the property owner’s address on May 25, 2010. He stated that the violation established a compliance deadline of June 7, 2010, but inspections performed through June 28, 2010, indicated that only the front lawn had been mowed.

Director Gross submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 and 2, establishing a violation of Code Sections 11.120.9, 11.135.1, 11.135.2, and 25.755.10, which the Board accepted. Director Gross stated that he would contact representatives from the mortgage company after they repossessed the property to request that they address the pending violations. The respondents were not present.

Board Member Gibson questioned if the pool had been secured.

Director Gross responded affirmatively.

Based on the testimony of Code Compliance Director Gross 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 Gibson, the Board **FOUND John Francis Omahony and Eva Decker Omahony in Case No. 10-1014 to be GUILTY of violating Sections 11.120.9, 11.135.1, 11.135.2, and 25.755.10** of the City Code, and gave the respondents until August 11, 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 \$250.00 per day shall begin to accrue on August 12, 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. 10-1100 – City vs. Lloyd Chung – 8412 Renald Blvd. - 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 violator. Code Compliance Officer Scrozzo, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on May 11, 2010. He noted that his inspection revealed overgrown conditions throughout the property as well as on the driveway area. He noted that he issued a door hanger establishing a compliance deadline of May 15, 2010, but a re-inspection on May 20, 2010, revealed no change to the property's appearance. He commented that the Notice of Violation had been issued establishing a compliance deadline of June 1, 2010. He stated that since the home appeared to be unoccupied, he posted the Notice of Violation at the residence and at City Hall and mailed it, certified and regular mail, to the property owner's address. His re-inspection on June 1, 2010 revealed no change and he submitted photographic evidence of the alleged subject violation, labeled Exhibit 1 and 2, establishing a violation of Code Section 11.135.2, which the Board accepted. Officer Scrozzo commented that a re-inspection on this date revealed no change to the property. The respondent was not present.

Based on the testimony of Code Compliance Officer Scrozzo presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Lloyd Chung in Case No. 10-1100 to be GUILTY** of violating Section **11.135.2** of the City Code, and gave the respondent until August 11, 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 \$150.00 per day shall begin to accrue on August 12, 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. 10-1137 – City vs. Michael P. Mercer – 7610 Gulf Court – Section 27.750(m)(14) – Minimum Standards – Interior Doors; Sections 27.750(m)(15) – Minimum Standards – Interior Floors, Walls, and Ceilings; 27.750(m)(8) – Minimum Standards – Windows and Exterior Doors; 11.120.9 – Duty to Keep Premises Clean; 27.750(a) – Minimum Standards – Sanitary Facilities Required; 27.750(b) – Minimum Standards – Hot and Cold Water Supply; 27.750(j) – Minimum Standards – Electric Lights and Outlets; 27.726(a) – Annual Rental Housing Permit or Waiver; 25.750.5(b)(7) – Fences – Appearance; and 27.750(n)(1) – Minimum Standards – Fences Good Repair.

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 had been served to the alleged violator. He provided testimony regarding the alleged violations, noting that the violations had originated on May 10, 2010 as a referral from the Police Department after officers responded to a domestic disturbance complaint at the residence and discovered electrical wiring running to the neighboring property.

Director Gross noted that joint inspections were conducted by Officer Scrozzo, and Police and Fire Department officials, which revealed electrical violations, damaged walls and doors, broken windows, overgrown conditions, outdoor storage of a mattress, lack of utilities, a broken fence and other maintenance concerns. He commented that the Notice of Violation had been issued on May 20, 2010, but because the City received no evidence that the Notice had been received, the Notice of Violation was posted at the residence and at City Hall and mailed, by certified and regular mail, to the property owner's address. He stated that the violation established a compliance deadline of June 7, 2010, but was extended due to a delay of service, but noted that a re-inspection on June 28, 2010, and as of today's date, revealed no change.

Director Gross submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 - 3, establishing a violation of Code Sections 27.750(m)(14), 27.750(m)(15), 27.750(m)(8), 11.120.9, 27.750(a), 27.750(b), 27.750(j), 27.726(a), 25.750.5(b)(7), and 27.750(n)(1), which the Board accepted. The respondent was not present.

Chairman Pogorilich questioned whether the residence was currently unoccupied.

Director Gross responded that he spoke with the residence's former occupant who informed him that she had departed the property as of last week. He stated that he now believed the residence to be unoccupied and that foreclosure of the property was pending.

Chairman Pogorilich questioned whether the property owners were taking water and electricity from a neighbor's house.

Director Gross responded affirmatively, but explained that firefighters had literally "pulled the plug" on that illegal activity. He also noted that Officer Scrozzo was addressing several issues regarding the residence next door.

Director Gross stated that he would contact representatives from the mortgage company after they repossessed the property to request that they address the pending violations.

Board Member Lear confirmed with Director Gross that conditions of the residence would not alter until after the foreclosure process had been concluded.

Director Gross confirmed this statement, explaining that the majority of damage was done to the backyard and to the interior of the residence.

Board Member Ruyles questioned the way in which the houses were tied together electrically, explaining that if the connection was to a meter, it would be a violation of law, as well as a code violation.

Director Gross responded that this was done with a heavy duty extension cord connected to a plug outlet.

Based on the testimony of Code Compliance Director Gross 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 Gibson, the Board **FOUND Michael P. Mercer** in **Case No. 10-1137** to be **GUILTY** of violating Sections **27.750(m)(14), 27.750(m)(15), 27.750(m)(8), 11.120.9, 27.750(a), 27.750(b), 27.750(j), 27.726(a), 25.750.5(b)(7), and 27.750(n)(1)** of the City Code, and gave the respondent until August 11, 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 \$250.00 per day shall begin to accrue on August 12, 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. 10-1163 – City vs. Shirley A. Ahlin - 5220 Maple Hill Drive - Section 11.120.9 – Duty to Keep Premises Clean.

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 Borrioni, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on May 19, 2010, through a neighbor’s complaint. He stated that his inspection revealed a debris-filled front courtyard and an accumulation of vegetation on the first floor rear roof. He stated that further investigation revealed that the residence was currently in foreclosure. He commented that the Notice of Violation was posted at the residence and at City Hall and mailed, by certified and regular mail, to the property owner’s address on May 19, 2010. He stated that the violation established a compliance deadline of May 31, 2010. He commented that his inspection on June 3, 2010 revealed no change. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 - 3, establishing a violation of Code Section 11.120.9, which the Board accepted.

Officer Borrioni commented that he successfully contacted the owner on July 9, 2010, who explained that although the property had been in foreclosure for two years, she would request that her brother correct the code violation. He noted that a re-inspection of July 13, 2010 revealed that the violations had been addressed and the property was now in compliance. Officer Borrioni submitted an Affidavit of Compliance, dated July 13, 2010, which the Board accepted. The respondent was not present.

Based on the testimony of Code Compliance Officer Borrioni presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Schmidt, seconded by Board Member Lear, the Board **FOUND Shirley A. Ahlin** in **Case No. 10-1163** to be **GUILTY** of violating Section **11.120.9** of the City Code, but because the property was brought into compliance before the date of this hearing, no fine shall be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.”

CASE NO. 10-1222 – City vs. Tracey S. Myers - 805 West River Drive - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney O’Dowd introduced the case, noting that the residence was unoccupied, 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 had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on May 27, 2010. He stated that his inspection revealed overgrown conditions throughout the property as well as on the driveway area. He commented that he issued a door hanger establishing a compliance deadline of June 2, 2010, but a re-inspection on June 11, 2010 revealed no change to the property’s appearance. He stated that the Notice of Violation had been issued establishing a compliance deadline of June 23, 2010. He noted that since the home appeared to be unoccupied, he posted the Notice of Violation at the residence and at City Hall and mailed it, by certified and regular mail, to the property owner’s address. His re-inspection on June 23, 2010 revealed no change. He submitted photographic evidence of the alleged subject violation, labeled Exhibit 1 -3, establishing a violation of Code Section 11.135.2, which the Board accepted. Officer Scrozzo commented that a re-inspection on this date revealed no change to the property. The respondent was not present.

Based on the testimony of Code Compliance Officer Scrozzo presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Tracy S. Myers in Case No. 10-1222 to be GUILTY** of violating Section **11.135.2** of the City Code, and gave the respondent until August 11, 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 \$200.00 per day shall begin to accrue on August 12, 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. 10-1317 – City vs. J. Boe and Connie L. Ellis - 6312 Jacqueline Arbor Drive - Sections 11.120.9 – Duty to Keep Premises Clean; 25.755.10 – Pools – Duty to Maintain; and 27.750(m)(3) – Minimum Standards – Roofs.

Attorney O’Dowd introduced the case, noting that the residence was unoccupied, and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violations had been served to the alleged violators. He provided testimony regarding the alleged violations, noting that the violations had originated on June 4, 2010 through a citizen report of heavy leaf accumulation in the yard, which he explained, was not a violation in and of itself, but upon further inspection of the property, he discovered overgrown conditions in the backyard and a secured, but unclean, swimming pool. He commented that the Notice of Violation had been issued on June 7, 2010, and received via certified mail on June 10, 2010, establishing a compliance deadline of June 21, 2010. Director Gross noted that, although the residence was unoccupied, it was not in foreclosure because its occupant was currently out of town attending Seminary School.

Director Gross commented that a lawn maintenance contractor had been hired to attend to the yard and roof on June 16, 2010, but the vines and pool remained unchanged as of June 28, 2010. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 and 2, establishing a violation of Code Sections 11.120.9, 25.755.10 and 27.750(m)(3), which the Board accepted. Director Gross stated that the contractor had indicated that he felt that the remaining code violations could be corrected by the Board's next hearing of August 11, 2010. The respondents were not present.

Chairman Pogorilich questioned whether the contractor was capable of providing proper treatment to the pool, to which Director Gross answered affirmatively.

Board Member Schmidt indicated that he knew the respondent on a personal level, although he had not been aware of the pending code violations on the property.

Chairman Pogorilich stated that Board Member Schmidt could recuse himself from voting on the issue if he felt that it was appropriate. He noted that the Board still had a quorum without Board Member Schmidt's vote.

Based on the testimony of Code Compliance Director Gross presented to the Board at this hearing, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **FOUND J. Boe and Connie L. Ellis in Case No. 10-1317 to be GUILTY** of violating Sections **11.120.9, 25.755.10 and 27.750(m)(3)** of the City Code, and gave the respondents until August 11, 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 \$250.00 per day shall begin to accrue on August 12, 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, and Urbas voting "aye", no "nay." Board Member Schmidt did not vote, citing a conflict of interest. A copy of the Statement of Conflict of Interests is attached to the permanent record.

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. 10-0158 – City vs. Stuart J. Zook, Registered Agent, Normandy Acquisition LP– 11110 North 56th 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.

Code Compliance Director Gross provided a progress update to the Board on this case. He explained that all the necessary permits for the air conditioning units on the property had been pulled, landscaping of the property was progressing on schedule, and he received a report prepared by the landscaping company which outlined the improvements that had been accomplished to date.

Director Gross indicated that he had a letter from EnviroFocus regarding soil issues, noting that any alterations to the property grounds had to follow proper Environmental Protection Agency (EPA) procedures. He submitted a letter, dated July 12, 2010, from Angela M. Fogarty and a report, dated June, 2010, by Flat Tops Landscaping Company, which the Board accepted.

Director Gross indicated that remaining work included improvements to the roof and repairs to the soffit and fascia and felt that the progress thus far justified extending the compliance deadline to the Board's next hearing on August 11, 2010. However, he commented that, due to continuing landscaping work beyond Code requirements, additional time might be needed to complete that portion of the project.

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 August 11, 2010.** Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

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

Code Compliance Director Gross provided an update to the Board indicating that several concerns remained regarding the noise of the respondents' barking dogs. He commented that a privacy fence had been erected along the west side of the property so that the property now had privacy fences along both the east and west perimeters of the property. However, he explained that Code compliance would only be achieved if the dogs stopped barking to the satisfaction of the respondents' neighbors.

Ms. Nadine Pohowsky, of 411 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. She explained that the privacy fence prevented the dogs from barking at visual objects, but did nothing to curtail the dogs barking at outside noises.

Chairmen Pogorilich requested that Ms. Pohowsky rate the barking on a scale of one to ten with ten being continual barking.

Ms. Pohowsky responded that the dogs barked all the time at outside noises because the privacy fence prevented the dogs from seeing, not hearing, outside objects.

Board Member Schmidt questioned whether the dogs were ever taken inside the respondents' house.

Ms. Pohowsky responded she did not know because her privacy fence prevented her from seeing the dogs, but she admitted that there were some days when the dogs did not bark at all. She noted that when the dogs did bark, however, there was never any attempt by the respondents to quiet them.

Director Gross commented that this case relied upon citizen testimony as a basis for the violation, so this presented a "wait and see" situation. He explained that the respondents had made a good faith effort to correct the violation by erecting a privacy fence, so he would keep the Board updated on the progress of this case.

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

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated June 18, 2010, for compliance with Section 8.830(a)(1), which the Board accepted.

CASE NO. 10-0313 – City vs. Thomas Urbanczyk - 1113 North Riverhills Drive – Sections 11.135.2 – Sanitation – Grass/Weeds, 11.130.7(b) – Unauthorized Accumulation – Storing of Solid Waste/Trash/Refuse; and 25.745.2(o)(2) – Posting of Street Numbers.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Borroni, dated July 14, 2010, which the Board accepted.

CASE NO. 10-0678 – City vs. Ann D. White, Trustee and Mike W. White, Trustee – 516 Courtney Drive – Sections 27.726(a) – Failure to Obtain Annual Rental Permit; and 27.728(a)- Failure to Renew Annual Permit and Waivers.

Attorney O’Dowd introduced the case and indicated it was her understanding that the property had achieved compliance, but because Captain Andrew Muzzy, Deputy Housing Official, could not be present at tonight’s hearing, she anticipated that the Affidavit of Compliance would be presented to the Board at the August 11, 2010 hearing.

CASE NO. 10-0681 – City vs. Ann D. White, Trustee and Mike W. White, Trustee – 8405 Wakulla Drive – Sections 27.726(a) – Failure to Obtain Annual Rental Permit; and 27.728(a)- Failure to Renew Annual Permit and Waivers.

Attorney O’Dowd introduced the case and indicated it was her understanding that the property had achieved compliance, but because Captain Andrew Muzzy, Deputy Housing Official, could not be present at tonight’s hearing, she anticipated that the Affidavit of Compliance would be presented to the Board at the August 11, 2010 hearing.

CASE NO. 10-0687 – City vs. Ann D. White, Trustee and Mike W. White, Trustee – 8016 Peach Drive – Sections 27.726(a) – Failure to Obtain Annual Rental Permit; and 27.728(a)- Failure to Renew Annual Permit and Waivers.

Attorney O’Dowd introduced the case and indicated it was her understanding that the property had achieved compliance, but because Captain Andrew Muzzy, Deputy Housing Official, could not be present at tonight’s hearing, she anticipated that the Affidavit of Compliance would be presented to the Board at the August 11, 2010 hearing.

CASE NO. 10-0691 – City vs. Ann D. White, Trustee and Mike W. White, Trustee – 7918 Citrus Drive – Sections 27.726(a) – Failure to Obtain Annual Rental Permit; and 27.728(a)- Failure to Renew Annual Permit and Waivers.

Attorney O’Dowd introduced the case and indicated it was her understanding that the property had achieved compliance, but because Captain Andrew Muzzy, Deputy Housing Official, could not be present at tonight’s hearing, she anticipated that the Affidavit of Compliance would be presented to the Board at the August 11, 2010 hearing.

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

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated July 9, 2010, for compliance with Sections 27.750(m)(6) and 27.750(1), which the Board accepted.

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

Attorney O’Dowd introduced the case noting that the compliance deadline was today and questioned Code Compliance Officer Knowles whether compliance had been achieved as of yet.

Officer Knowles indicated that the respondent had not yet corrected the violation.

CASE NO. 10-1027 – City vs. 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 two Affidavits of Compliance, prepared by Code Compliance Officer Borroni, dated July 13, 2010, for compliance with Section 8.830(a)(1), which the Board accepted.

OTHER BOARD ACTION:

Liens List Review:

CASE NO. 01-0062 – City versus John P and Deanne B Klose – 9202 Knights Branch Street – Sections 27.750(b)(7) and 27.750(n)(1)&(3).

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for continuing non-compliance with Sections 27.750(b)(7) and 27.750(n)(1)&(3), which the Board accepted.

CASE NO. 05-0557B – City versus Jeffrey L. and Verneka L. Rhodes – 708 Grand Circle – Sections 11.120.9 and 25.755.10.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for continuing non-compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

CASE NO. 06-0432 – City vs. Abdul Hamdan – 10318 Councils Way – Sections 27.750(m)(2) and 27.750(m)(3).

Attorney O'Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for compliance with Sections 27.750(m)(2) and 27.750(m)(3), which the Board accepted.

Code Compliance Director Gross provided an update, indicating that the respondent had corrected the violations and, therefore, the fine had ceased accruing on the property. He explained that since the fine had approached approximately \$150,000, it was his understanding that the respondent would be requesting a lien reduction from the Board at some time in the future.

CASE NO. 07-1668 – City vs. Geoffrey M. Heard and Georgette Trelles – 513 Broxburn Avenue – Sections 27.750(m)(3) and 27.750(1).

Attorney O'Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Knowles, dated July 14, 2010, for continuing non-compliance with Sections 27.750(m)(3) and 27.750(1), which the Board accepted.

CASE NO. 08-0292 – City vs. Christopher B. York – 7604 Leon Avenue – Sections 27.750(m)(2) and 27.750(m)(3).

Attorney O'Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated July 14, 2010, for continuing non-compliance with Sections 27.750(m)(2) and 27.750(m)(3), which the Board accepted.

CASE NO. 08-1708 – City vs. Arthur T and Bette Ann Human – 9608 N. 55th Street – Sections 11.120.9, 11.130.7(b) and 27.750(r)(2).

Attorney O'Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for continuing non-compliance with Sections 11.120.9, 11.130.7(b) and 27.750(r)(2), which the Board accepted.

CASE NO. 08-1811 – City vs. Michael and Martine Miller – 610 Courtney Drive – Section 11.135.2.

Attorney O'Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated July 14, 2010, for continuing non-compliance with Section 11.135.2, which the Board accepted.

CASE NO. 09-0441 – City vs. Delatorro L. McNeal II – 7717 Gulf Court– Sections 27.750(m)(3) and 11.130.7(b).

Attorney O'Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated July 14, 2010, for continuing non-compliance with Sections 27.750(m)(3) and 11.130.7(b), which the Board accepted.

CASE NO. 09-1328 – City vs. Luis Osorio and Gretel Diaz – 9853 Morris Glen Way – Section 25.755.10.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for continuing non-compliance with Section 25.755.10, which the Board accepted.

CASE NO. 09-1352 – City vs. Robert B. and Zoe L. McIlwain – 402 Dunedin Avenue– Sections 25.755.10 and 11.135.2.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated July 14, 2010, for continuing non-compliance with Sections 25.755.10 and 11.135.2, which the Board accepted.

CASE NO. 09-1531 – City vs. Ibrahim Mostafa – 10373 Councils Way – Sections 11.120.9 and 27.750(u).

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated July 14, 2010, for continuing non-compliance with Sections 11.120.9 and 27.750(u), which the Board accepted.

CASE NO. 09-1764 – City vs. Marie A. Richardson – 5402 Rainbow Drive– Section 11.130.7(b).

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated July 14, 2010, for continuing non-compliance with Section 11.130.7(b), which the Board accepted.

CASE NO. 09-1811 – City vs. Feliciano L. Zamudio and Nilka R. Samilian, Trustee – 517 Terrace Hill Drive – Sections 11.120.9 and 25.755.10.

Attorney O’Dowd deferred to Code Compliance Director Gross for an update on this matter. Director Gross stated that an Affidavit of Compliance had been prepared as of July 8, 2010. He explained that the Realtor and lender to this foreclosure property had corrected the violation and, therefore, the lien would remain, but the fine had stopped accruing on this property on July 8, 2010.

Chairman Pogorilich questioned if **Case No 09-0441, the City vs. Delatorro L. McNeal II**, was a homesteaded property and if not, whether foreclosure action could be pursued.

Attorney O’Dowd responded that, in reviewing property records searches conducted over the past two years, she had not found one for this address.

Director Gross indicated that the property was not homesteaded and was currently in foreclosure.

Upon further questioning regarding **Case No. 01-0062, the City vs. John P. and Deanne B. Klose**, Attorney O'Dowd stated that notations for that case should have been applied to **Case No. 07-1668, the City vs. Geoffrey M. Heard and Georgette Trelles**, and needed to be corrected on the Lien List. Attorney O'Dowd stated that, according to her notes, as of September, 2009, no further action was recommended by her office as no viable assets were associated with this property.

Chairman Pogorilich confirmed that no viable assets were also associated with **Case No. 07-1492, City vs. Jenae R. Smith**.

Chairman Pogorilich questioned the status of **Case No. 08-0707, City vs. Rex Beach Trustee**.

Attorney O'Dowd explained that this property was purchased in 2005 by Louis Fernandez and thereafter conveyed to the 645 Gillette Avenue Trust, of which Rex Beach was trustee. She continued that at that time, the code enforcement action was pursued and the resulting lien was recorded. However, she explained, in February of this year, Director Gross discovered that the property had been conveyed back to Louis Fernandez, although the City had not been contacted regarding a pay-off. She explained the property closing had taken place in February, 2009, but the deed had not been recorded until the following year. She noted the assessed value of the property was slightly over \$180,000, but when Mr. Fernandez first purchased the property in 2005, two mortgages were reported totaling \$380,000 and over \$200,000 more than the property's current value. As a result, she stated her office recommended that no further action be taken on this case.

Director Gross informed the Board that Officer Knowles had opened a new case against Mr. Fernandez, which had been adjudicated at the Board's June 9, 2010 hearing, establishing a deadline for compliance of July 14, 2010.

Chairman Pogorilich questioned the status of **Case No. 08-1787, City vs. Eleno G. and Marta Sibrian**.

Director Gross responded that this was a non-homesteaded property currently in foreclosure, but a property preservation company had brought the property into compliance on February 10, 2010.

Chairman Pogorilich questioned the status of **Case No. 08-2115, City vs. Charles C. Adams, II**.

Director Gross responded that Mr. Adams had been restrained from being on the property, but was doing what he could to keep the property in compliance. He stated that the property was homesteaded, and it was his understanding that Mr. Adams intended to approach the Board to request a lien reduction at some time in the future.

Chairman Pogorilich suggested that in the interim, the City conduct an asset search on that property.

Upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board AUTHORIZED the City Attorney to perform an asset search on **Case No. 08-2115, the City vs. Charles C. Adams, II**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting "aye", no "nay."

Chairman Pogorilich solicited additional comments from Board Members.

Board Member Ruyles opined that, in reference to an earlier case, an unlicensed contractor had performed the air conditioning installation work at the residence and had only used the license of a certified air conditioning technician to apply for a City permit after the illegal work had been discovered by Code Enforcement. He continued that one of the few protections homeowners had available to them was using the services of licensed contractors, due to the professional obligations that licensed contractors guaranteed. Although he did not understand the reasoning, he said that it appeared that licensed contractors could loan their licenses to unlicensed contractors for the business of pulling City permits. He stated that he was not satisfied that the mass of paperwork submitted by the respondents verified that the air conditioning installation work had been performed by a licensed contractor. He recommended that the City's Community Development Department search for proof of valid licenses prior to issuing building permits.

Director Gross concurred but commented that when his department viewed work being performed without a City permit, the City immediately issued a Stop Work Order until a legitimate permit was pulled. He emphasized that his department was not responsible for verifying the legitimacy of licenses, and relied upon Community Development for this service; however, he would convey Board Member Ruyles' concerns to Community Development officials.

NEW BUSINESS:

The Board considered the Deputy City Clerk's request to reschedule the October 13, 2010 Code Board Hearing to October 6, 2010, as she would be out of town at a Florida Association of City Clerk Training Academy the week of October 11, 2010, and, therefore, taking minutes for the October 13, 2010 meeting would prove difficult.

Upon **motion** of Board Member Lear, seconded by Board Member Ruyles, the Board rescheduled the October 13, 2010 Municipal Code Enforcement Board meeting to October 6, 2010. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt, and Urbas voting "aye", no "nay."

APPROVAL OF MINUTES:

Upon **motion** of Board Member Ruyles, seconded by Board Member Schmidt, and unanimously carried, the **MINUTES** of the June 9, 2010, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 9:08 p.m.

Submitted by,

Jeannie Barlow
Deputy City Clerk

