

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

**Regular Meeting  
Wednesday, August 11, 2010  
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, August 11, 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, and Michael Urbas. Board Member Richard Schmidt was absent.

**ALSO PRESENT WERE:** Attorney for the City Tim Garding, Attorney for the City Cathleen “Cate” O’Dowd, Alternate Board Member Andrew Ross, Deputy City Clerk Jeannie Barlow, Code Compliance Director Joe Gross, Deputy Housing Official Captain Andrew Muzzy, Code Compliance Secretary Shana Hunt, Debbie Cunio, Nadine Porhowsky, Ian Nelson, Michael Foster, Funda Baeder, Wendy Savage, Rick Allmond, 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.

Attorney Garding announced that all cases that involved the City vs. CTC Management Services, LLC, were being permanently withdrawn from the agenda and noted that, for the record, those cases included: **Case No. 10-5003, Case No. 10-5004, Case No. 10-5005, and Case No. 10-5006.**

**CASE NO. 10-1365 – City vs. Funda I. Baeder, Registered Agent/Famiglia Italian Pizza Inc., dba Island Breeze Pizzeria – 13294 Telecom Drive - Section 14.140(h) – Signs – Hawking, Peddling, Soliciting, and Canvassing Prohibited without License.**

Attorney Garding introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violator. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on June 10, 2010.

Director Gross indicated, although the City regulated the distributions of flyers and advertising materials, there were times that Code Enforcement would hear complaints from hotel representatives regarding an abundance of advertising materials being left on hotel property. He noted, in this particular case, a representative from La Quinta had complained that flyers were being left on doors and throughout all the guest rooms. Director Gross indicated it had been determined that the respondent in this case was Island Breeze Pizzeria, and noted that he had visited the restaurant on June 11, 2010, and had advised the owner of the City’s solicitation regulations, and had provided the business with a Temple Terrace City limits map.

Director Gross stated that a second incident had occurred on June 22, 2010, and a Notice of Violation had been issued on June 28, 2010 and hand-delivered to the restaurant owner on June 29, 2010, along with a verbal reiteration of the City's solicitation regulations. He explained that the Notice of Violation had established a compliance deadline of July 1, 2010, but a third incident had occurred on July 23, 2010, which predicated the case's referral to tonight's Municipal Code Enforcement Board Hearing.

Director Gross commented that no further violations had occurred, and he submitted an Affidavit of Compliance, dated August 11, 2010, which the Board accepted. Director Gross noted that a witness from La Quinta Inns & Suites and a representative from Island Breeze Pizzeria were present at tonight's meeting.

Mike Foster, Building Engineer for La Quinta, who was duly sworn, approached the podium to address the Board. He explained that representatives from Island Breeze Pizzeria had been visiting the hotel to leave flyers under guestroom doors, which would, subsequently, cause more work for the clean-up crew. He also noted that guests had complained because their rooms had not been cleaned and commented that papers strewn about the floors also caused a safety hazard. Mr. Foster noted that hotel representatives had offered to accept the advertising materials at the front desk and had cautioned Island Breeze repeatedly about the "No Solicitation" regulations, but to no avail.

Funda Baeder, owner of Island Breeze Pizzeria, who was duly sworn, approached the podium to address the Board. Ms. Baeder indicated that her staff had been leaving flyers and other advertising materials at La Quinta's front desk, and not under guestroom doors, as the violation indicated.

Chairman Pogorilich stated that, according to the complaint, hotel staff had been finding Island Breeze flyers under guestroom doors, but, noted an Affidavit of Compliance had been prepared in this case indicating the violation had been corrected. He commented, however, that if complaints from hotel representatives continued in the future, Ms. Baeder would be issued a Notice of Repeat Violation leading to harsher fines of up to \$500.00 per day. Chairman Pogorilich explained that if miscommunication was occurring between Ms. Baeder's staff members regarding flyers left at the hotel, he recommended her staff not solicit guests at La Quinta in the future.

Ms. Baeder assured the Board that she would not have any further dealings with La Quinta.

Based on the testimony of Code Compliance Director Gross, Mr. Foster and Ms. Baeder, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Urbas, the Board **FOUND Funda I. Baeder in Case No. 10-1365** to be **GUILTY** of violating Section **14.140(h)** 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, and Urbas voting "aye", no "nay." Board Member Schmidt was absent and did not vote.

**CASE NO. 10-1140 – City vs. Joaquin Hernando Cadavid – 12924 Sanctuary Cove Drive, #103  
- Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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. Captain Andy Muzzy, Deputy Housing Official, 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 in June of 2010. The respondent was not present.

Captain Muzzy commented that his department had made repeated attempts to persuade Mr. Cadavid to comply with the Rental Housing Program to ascertain whether Mr. Cadavid's units were being rented or whether the units were vacant and, therefore, eligible for a waiver due to an exemption status. He noted that Mr. Cadavid's units were non-homesteaded, according to the Hillsborough County Property Appraiser's website and, subsequently, Mr. Cadavid was required to submit the proper documentation to the Rental Housing Office. He explained, if Mr. Cadavid was renting these units, he would need to pay a rental permit fee per unit and have the necessary safety inspections performed for each unit rented.

Chairman Pogorilich inquired whether Captain Muzzy had any contact with Mr. Cadavid, to which Captain Muzzy responded that he had not had any contact with Mr. Cadavid since 2008 when Mr. Cadavid acquired the units.

Chairman Pogorilich inquired as to when Mr. Cadavid should have submitted the necessary documentation to the Rental Housing Office.

Captain Muzzy responded that Mr. Cadavid should have submitted his paperwork when he first acquired the units in 2008, and then annually after that. Captain Muzzy clarified that since Mr. Cadavid refused to submit the proper documentation, the City could not confirm whether or not the units were being used as rentals.

Since the Board had never addressed cases involving the City's Rental Housing Program, Chairman Pogorilich wished clarification on whether or not these cases should be addressed in the same manner as other code violation cases were addressed.

Director Gross stated these cases should be addressed as any other code violation to include a compliance deadline and a per day fine, which would accrue for every day the violator remained out of compliance. However, due to the nature of these particular cases, Director Gross recommended that the per day fine be capped when the accrued fine reached a certain amount of money.

Board Member Ruyle inquired as to what was involved in the Rental Permit process.

Captain Muzzy provided a brief overview of the Rental Permit Program. He indicated that a property owner desiring to rent his/her property would have to submit an application to the City to include personal information and information regarding potential renters. He stated that if a property owner did not reside locally within a seven county area, the property owner would need to provide the City with the name of a local contact who would be responsible for the rental unit in an emergency situation.

Captain Muzzy explained that the rental permit fee was an annual fee of \$200.00 which, if not paid within 30 days of the invoice date, would include a penalty fine of \$50.00, and, if not paid within 60 days of the invoice date, would include a penalty fine of \$100.00. He continued that if the fee was not paid within 60 days of the invoice date, his department would issue a Notice of Violation to the property owner. Captain Muzzy noted that many of these cases originated in 2008 prior to the implementation of the Code Enforcement process, and, as a result, his department was attempting to bring all cases into compliance now. He noted that inspections were required under the Minimum Housing Code, Chapter 27 of the City Code of Ordinances, to ensure compliance with safety standards outlined in the Code.

Chairman Pogorilich questioned whether the rental housing permit fee was \$200.00 annually per rental unit, to which Captain Muzzy responded affirmatively.

Board Member Lear queried whether the rental units on Sanctuary Cove Drive were comprised of condominiums and again Captain Muzzy responded affirmatively.

Chairman Pogorilich questioned whether there were other avenues to pursue to ensure that rental units were meeting safety codes other than through the Rental Housing Program.

Captain Muzzy responded that the owner or the tenant's permission was required prior to gaining entry into a dwelling unit. He also noted that in order to confirm that a dwelling unit was being rented would require knocking on doors during the early morning or evening hours when a unit was most likely occupied, which would require a considerable number of staff hours.

Chairman Pogorilich inquired whether, in this particular case, the City could confirm that the respondent was receiving the Notices of Violation.

Captain Muzzy responded that a Notice of Violation and Notice of Hearing were mailed, by certified mail, to the respondent's home address and the respondent signed receipt confirmation cards, which were then returned to the City.

Board Member Urbas inquired whether the City could confirm that Mr. Cadavid's dwelling units were occupied.

Captain Muzzy indicated that this could not be confirmed. He commented that the Rental Housing Program addressed all non-homesteaded properties and required a homeowner of a non-homesteaded property to obtain a rental permit, a waiver for a seasonal home, or an exemption if family members (other than the homeowner) resided in a non-homesteaded property without paying rent.

Captain Muzzy commented that, in Mr. Cadavid's case, he would be required to obtain a rental permit, waiver or exemption for each of his six dwelling units. However, he explained, that his department had yet to receive any correspondence or verbal confirmation from Mr. Cadavid regarding the status of his dwelling units.

Board Member Ruyle discussed the nexus between the Rental Housing Program and the life safety requirements. He clarified that the program initially established whether or not a unit was being rented, and, if so, required, through City ordinance, that the unit comply with the National Fire Protection Association (NFPA) safety standards. He recapitulated that compliance with safety standards could not occur unless the City was provided proof that the unit was being rented.

Captain Muzzy noted that the City required compliance with the Minimum Housing Code, Chapter 27 of the City Code of Ordinances.

Board Member Ruyle questioned which City department received the initial application.

Captain Muzzy indicated that Housing Compliance sent informational packets to all non-homesteaded property owners in the City outlining the requirements of the City's Rental Housing Program. He stated that the packets included applications, directions for submitting the applications and the cost of the annual permit fees. He explained that once an application was received, a Housing Compliance Officer scheduled an inspection of the dwelling unit to ensure compliance with the City's Minimum Housing Code.

Captain Muzzy continued that once compliance was met, the property owner was entered into the system and subjected to periodic re-inspections occurring once every three years, as well as status updates to determine if any information on the initial application had changed. He explained that only rental permits contained an associated fee, so if a homeowner decided to cease using a dwelling unit as a rental, he or she could obtain either a waiver or exemption for the dwelling unit at no charge.

Board Member Lear suggested that, perhaps, in cases where the City was not receiving any responses to requests for information regarding non-homesteaded dwelling units, correspondence should be sent to the "occupants" of these dwelling units instead. She noted that, in order to ensure that safety standards were being met, dwelling occupants might persuade their landlords to obtain the necessary permits to ensure the well-being of the tenants. She noted that this process would require more work administratively, but she felt that it might be more productive and less invasive than knocking on doors during the morning or early evening hours.

Board Member Gibson questioned whether staff addressed properties in the City that were listed for sale, but then reverted to "For Rent" listings.

Captain Muzzy responded that the City contacted the listing agent on the sign to relay information regarding the City's Rental Housing Program. He explained that Code Enforcement frequently notified Housing Compliance regarding new rental listings in the City. He stated that his department would then determine the status of the dwelling through the Hillsborough County Property Appraiser's website, and, if the property was non-homesteaded, an informational packet would be mailed to the property owner.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Joaquin Hernando Cadavid, in Case No. 10-1140** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, Chairman Pogorilich voting “nay.” Board Member Schmidt was absent and did not vote.

Prior to the vote on the motion, Attorney Garding stated that Captain Muzzy was prepared to provide a recommendation in terms of a fine for this violation.

Captain Muzzy commented that the program’s purpose was not to generate financial hardship for non-homesteaded property owners, but to seek voluntary program compliance from these property owners. He stressed that the annual permit fee was \$200.00 with a maximum fine of an additional \$100.00 added for non-compliance after 60 days. Based on this information, Captain Muzzy recommended that the fine for this violation be established at no more than \$25.00 per day per unit to be capped at a total charge of \$750.00 per unit. He reiterated that he felt that it was not the program’s intention to financially burden a property owner with such a large fine amount that the owner felt that compliance became unattainable.

Chairman Pogorilich indicated that, while he did concur with Captain Muzzy’s sentiments, he felt this particular individual had ignored repeated requests from the City for his compliance with the Rental Housing Program. He commented that, in many cases, a larger fine provided the necessary catalyst to prompt Code violators to reach compliance more expediently than that of a smaller fine. However, he stated that the Board would consider Captain Muzzy’s recommendation.

Board Member Urbas concurred that the City did not want to create a hardship for anyone, but he noted that Mr. Cadavid had ignored the City’s repeated attempts to obtain his compliance with the program and he felt that the City’s implementation of a \$750.00 cap on Mr. Cadavid’s fine amount would not make a difference in his current attitude.

Captain Muzzy indicated that, since Mr. Cadavid already owed \$300.00 for a permit fee for 2010, it was his department’s intention to pursue permit fees from 2008 and 2009, assuming that the dwelling units were being used as rentals. He explained, once again, that it was difficult for his department to determine if, indeed, these units were being used as rentals because the properties were on a master meter, so there was no avenue to pursue to ascertain individual unit usage of utilities, water, etc.

Chairman Pogorilich solicited further comments, noting that the potential Code violation fine for Mr. Cadavid was currently at \$200.00 per day per unit.

Board Member Lear stated that the Motion provided Mr. Cadavid with an additional month to come into compliance prior to any fines being implemented.

Chairman Pogorilich clarified that Mr. Cadavid would be afforded an opportunity to appeal the fines established by the Board at tonight’s meeting if he so desired.

**CASE NO. 10-1146 – City vs. Joaquin Hernando Cadavid – 13016 Sanctuary Cove Drive, #201 - Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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.

By this reference, the testimony, documentary evidence and discussion received this date in Municipal Code Enforcement Board **Case No 10-1140, City vs. Joaquin Hernando Cadavid**, 12924 Sanctuary Cove Drive, #103, relative to City Code of Ordinances Section **27.726(a)**, Failure to Obtain Annual Rental Permit, and recorded in the Minutes of the Municipal Code Enforcement Board Meeting of August 11, 2010, on pages 3 through 6, is incorporated herein and received as the testimony of Captain Andy Muzzy, Deputy Housing Official, and as the documentary evidence received by the Board in this **Case No. 10-1146**, as such testimony, documentary evidence, and discussion was given with respect to the six rental properties owned by the Respondent, identically cited in the following cases before the Municipal Code Enforcement Board this date, being: **Case Nos. 10-1140, 10-1146, 10-1147, 10-1155, 10-1158, and 10-5007**. A copy of said testimony, documentary evidence and discussion will be attached to and made a part of the permanent record of each of the six cases.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Lear, the Board **FOUND Joaquin Hernando Cadavid**, in **Case No. 10-1146** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, Chairman Pogorilich voting “nay.” Board Member Schmidt was absent and did not vote.

**CASE NO. 10-1147 – City vs. Joaquin Hernando Cadavid – 13223 Sanctuary Cove Drive, #201 - Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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.

By this reference, the testimony, documentary evidence and discussion received this date in Municipal Code Enforcement Board **Case No 10-1140, City vs. Joaquin Hernando Cadavid**, 12924 Sanctuary Cove Drive, #103, relative to City Code of Ordinances Section **27.726(a)**, Failure to Obtain Annual Rental Permit, and recorded in the Minutes of the Municipal Code Enforcement Board Meeting of August 11, 2010, on pages 3 through 6, is incorporated herein and received as the testimony of Captain Andy Muzzy, Deputy Housing Official, and as the documentary evidence received by the Board in this **Case No. 10-1147**, as such testimony, documentary evidence, and discussion was given with respect to the six rental properties owned by the Respondent, identically cited in the following cases before the Municipal Code Enforcement Board this date, being: **Case Nos. 10-1140, 10-1146, 10-1147, 10-1155, 10-1158, and 10-5007**. A copy of said testimony, documentary evidence and discussion will be attached to and made a part of the permanent record of each of the six cases.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Joaquin Hernando Cadavid**, in **Case No. 10-1147** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, Chairman Pogorilich voting “nay.” Board Member Schmidt was absent and did not vote.

**CASE NO. 10-1155 – City vs. Joaquin Hernando Cadavid – 13223 Sanctuary Cove Drive, #301 - Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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.

By this reference, the testimony, documentary evidence and discussion received this date in Municipal Code Enforcement Board **Case No 10-1140, City vs. Joaquin Hernando Cadavid**, 12924 Sanctuary Cove Drive, #103, relative to City Code of Ordinances Section **27.726(a)**, Failure to Obtain Annual Rental Permit, and recorded in the Minutes of the Municipal Code Enforcement Board Meeting of August 11, 2010, on pages 3 through 6, is incorporated herein and received as the testimony of Captain Andy Muzzy, Deputy Housing Official, and as the documentary evidence received by the Board in this **Case No. 10-1155**, as such testimony, documentary evidence, and discussion was given with respect to the six rental properties owned by the Respondent, identically cited in the following cases before the Municipal Code Enforcement Board this date, being: **Case Nos. 10-1140, 10-1146, 10-1147, 10-1155, 10-1158, and 10-5007**. A copy of said testimony, documentary evidence and discussion will be attached to and made a part of the permanent record of each of the six cases.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Joaquin Hernando Cadavid**, in **Case No. 10-1155** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, Chairman Pogorilich voting “nay.” Board Member Schmidt was absent and did not vote.

**CASE NO. 10-1158 – City vs. Joaquin Hernando Cadavid – 13235 Sanctuary Cove Drive, #304 Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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.

By this reference, the testimony, documentary evidence and discussion received this date in Municipal Code Enforcement Board **Case No 10-1140, City vs. Joaquin Hernando Cadavid**, 12924 Sanctuary Cove Drive, #103, relative to City Code of Ordinances Section **27.726(a)**, Failure to Obtain Annual Rental Permit, and recorded in the Minutes of the Municipal Code Enforcement Board Meeting of August 11, 2010, on pages 3 through 6, is incorporated herein and received as the testimony of Captain Andy Muzzy, Deputy Housing Official, and as the documentary evidence received by the Board in this **Case No. 10-1158**, as such testimony, documentary evidence, and discussion was given with respect to the six rental properties owned by the Respondent, identically cited in the following cases before the Municipal Code Enforcement Board this date, being: **Case Nos. 10-1140, 10-1146, 10-1147, 10-1155, 10-1158, and 10-5007**. A copy of said testimony, documentary evidence and discussion will be attached to and made a part of the permanent record of each of the six cases.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Joaquin Hernando Cadavid**, in **Case No. 10-1158** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting "aye", Chairman Pogorilich voting "nay." Board Member Schmidt was absent and did not vote.

**CASE NO. 10-5007 – City vs. Joaquin Hernando Cadavid – 13233 Sanctuary Cove Drive, #303 Section 27.726(a) – Failure to Obtain Annual Rental Permit.**

Attorney Garding 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.

By this reference, the testimony, documentary evidence and discussion received this date in Municipal Code Enforcement Board **Case No 10-1140, City vs. Joaquin Hernando Cadavid**, 12924 Sanctuary Cove Drive, #103, relative to City Code of Ordinances Section **27.726(a)**, Failure to Obtain Annual Rental Permit, and recorded in the Minutes of the Municipal Code Enforcement Board Meeting of August 11, 2010, on pages 3 through 6, is incorporated herein and received as the testimony of Captain Andy Muzzy, Deputy Housing Official, and as the documentary evidence received by the Board in this **Case No. 10-5007**, as such testimony, documentary evidence, and discussion was given with respect to the six rental properties owned by the Respondent, identically cited in the following cases before the Municipal Code Enforcement Board this date, being: **Case Nos. 10-1140, 10-1146, 10-1147, 10-1155, 10-1158, and 10-5007**. A copy of said testimony, documentary evidence and discussion will be attached to and made a part of the permanent record of each of the six cases.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Joaquin Hernando Cadavid, in Case No. 10-5007** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until September 8, 2010, to come into compliance with the Code section 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 September 9, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property has been brought into full compliance. Vote on the motion being: Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, Chairman Pogorilich voting “nay.” Board Member Schmidt was absent and did not vote.

**CASE NO. 10-1289 – City vs. Barbara Y. Rasheed – 11402 Gibraltar Place - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; and 25.755.10 – Pools – Duty to Maintain.**

Attorney Garding 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 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 1, 2010, due to a citizen complaint regarding an unclean, but secured, swimming pool and overgrown conditions on an unoccupied property.

Director Gross stated that he visited the property on June 2, 2010, to verify the aforementioned conditions. He proceeded to contact a Property Preservation Company, identified as MCS, because the property was in foreclosure. He commented that the Notice of Violation had been issued on June 30, 2010, and received on July 7, 2010, establishing a compliance deadline of July 16, 2010.

Director Gross explained that he had contacted the owner, who resides in Tennessee, who confirmed that the property was in foreclosure and, therefore, the bank was now responsible for upkeep of the property. He explained that a neighbor had mowed the yard in the interim, however, an inspection on July 26, 2010, revealed no change, and he submitted photographic evidence of the alleged subject violations, labeled Exhibit 1, establishing a violation of Code Sections 11.120.9, and 25.755.10, which the Board accepted.

Director Gross commented that a re-inspection of the property today revealed no changes had occurred. He continued that, according to public record, the property had been scheduled to be sold on August 2, 2010, but noted that the disposition of that action was not known. He explained that he had received a telephone call today from a Title Company inquiring whether or not any open violations existed against the property. He noted that, typically, when this occurred, it indicated a sale of the property had been imminent, so he felt that it was safe to assume the property had been sold. The respondent was not present.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Urbas the Board **FOUND Barbara Y. Rasheed**, in **Case No. 10-1289** to be **GUILTY** of violating Sections 11.120.9 and 25.755.10 of the City Code, and gave the respondent until September 8, 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 September 9, 2010, and continue to accrue until the date that the violator provided 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 was absent and did not vote.

**CASE NO. 10-1346 – City vs. Yolanda Pelino – 5415 Riverhills Drive - Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; 25.750.5(b)(7) – Fences – Appearance; and 27.750(n)(1) – Fences – Good Repair.**

Attorney Garding 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 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 7, 2010, due to a citizen complaint regarding an unmaintained and unoccupied residence. He explained that he had visited the residence on June 8, 2010, and had noticed a west corral fence in disrepair and an accumulation of lumber and debris in different locations in the back yard.

Director Gross indicated that he had left a message for the owner, who resided in California, on June 10, 2010, but had not received any response. He commented that a Notice of Violation had been issued on June 30, 2010, and posted on July 2, 2010, establishing a compliance deadline of July 16, 2010. He further explained that a re-inspection on July 16, 2010, revealed no change, and he submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 - 3, establishing a violation of Code Sections 11.120.9, 25.750.5(b)(7) and 27.750(n)(1), which the Board accepted. The respondent was not present.

Director Gross noted that a re-inspection as of today’s date revealed no change, although the yard continued to be mowed.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Newkirk, the Board **FOUND Yolanda Pelino**, in **Case No. 10-1346** to be **GUILTY** of violating Sections 11.120.9, 25.750.5(b)(7) and 27.750(n)(1) of the City Code, and gave the respondent until September 8, 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 September 9, 2010, and continue to accrue until the date that the violator provided 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 was absent and did not vote.

**CASE NO. 10-1492 – City vs. Shingala M. Hinal, Proprietor, Cilantro Indian Restaurant – 11009 N 56<sup>th</sup> Street - Section 28.840(c)(4) – Kitchens and Restrooms – Minimum Standards.**

Attorney Garding introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violator.

Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violator. He provided testimony regarding the alleged violation, noting that the violation had originated on June 25, 2010, subsequent to a report from the Police Department that, in response to a disturbance call, concerns regarding health and sanitation were evident in the restaurant kitchen.

Director Gross stated that he contacted the Department of the Division of Business and Professional Regulation, which authorized restaurant kitchen inspections, and this action resulted in an inspection of the restaurant on June 28, 2010, by that agency which proceeded to cite 58 food service practice violations including food storage, equipment repair, cleanliness, etc. He commented that a Notice of Violation had been hand-delivered to the restaurant owner on July 1, 2010, establishing a compliance deadline of July 26, 2010. He continued that a joint Code Compliance/Division of Business and Professional Regulation inspection had been conducted on July 27, 2010, and while improvement was noted, many outstanding violations remained.

Director Gross commented that many of the original violations occurred during the former owner's operation of the restaurant, and he noted that, although the current owner owned the business when the violations were cited, she had made every effort to bring the restaurant into compliance. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, establishing a violation of Code Section 28.840 (c)(4), which the Board accepted. The respondent was not present.

Director Gross indicated that today's inspection revealed that the owner was making progress in bringing the restaurant kitchen into compliance and he explained that the Division of Business and Professional Regulation had established a compliance deadline of September 24, 2010. Director Gross recommended that Board Members adopt the same deadline.

Board Member Urbas questioned the length of time the current owner has retained possession of the restaurant, to which Director Gross responded that the owner acquired the restaurant within days of being cited for having a considerable number of violations.

Board Member Urbas questioned whether the new owner was cooperating with both agencies and Director Gross responded affirmatively. Director Gross stated that he believed that more time was needed in this particular case as the violations required considerable work in order to bring the restaurant kitchen into compliance, in addition to the owner's ability to continue to operate the business.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Lear, the Board **FOUND Shingala M. Hinal** in **Case No. 10-1492** to be **GUILTY** of violating Section 28.840(c)(4) of the City Code, and gave the respondent until September 24, 2010, to come into compliance with the Code section 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 September 25, 2010, and continue to accrue until the date that the violator provided 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 was absent and did not vote.

**CASE NO. 10-1530 – City vs. Frantz DeRose (Repeat) – 5312 Terraza Court - Section 25.640(g) – Final Site Plans - Conditions.**

Attorney Garding 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 violator.

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 violator. He provided background information regarding this case, noting that when the project was initially presented to the City, the owner was informed that his dwelling unit would be restricted to owner-occupied status only. He continued that a violation regarding this situation had originated in August of 2009, when it had been determined that Mr. DeRose’s dwelling unit was being occupied by an individual outside of his immediate family.

Director Gross relayed that the original case was eventually brought into compliance, although he believed that a fine had been generated during the process. He submitted a copy of the original order dated August 12, 2009, labeled Exhibit 1, establishing a violation of Code Section 25.640(g), which the Board accepted. The respondent was not present.

Director Gross indicated that the current violation originated on June 27, 2010, after his department received a phone call from Temple Terrace police officers that Mr. DeRose’s dwelling unit was being occupied by an individual outside of his immediate family and also noting that the unit was littered with needles and empty bags. Code Enforcement visited the residence, which at the time was clean, and met with the occupant, Steve Thompson. Mr. Thompson was advised that his living arrangement was contrary to City ordinance. Mr. Thompson explained that Mr. DeRose had given him permission to live in the unit.

Director Gross commented that a Notice of Repeat Violation had been issued on June 29, 2010, and posted at the property, requiring immediate compliance. He continued that on July 11, 2010, the Fire Department responded to a call from a neighbor of the residence regarding a disturbance caused by a gasoline generator running on the second floor balcony of the residence. Director Gross explained that the unit’s electric power had been disconnected, so the occupant had relied upon a generator to provide power to the unit.

Director Gross indicated that he and Officer Borroni had visited the unit on July 14, 2010, and noted that, by that time the generator had been removed, but the residence still remained occupied. He continued that no changes had occurred during his recent inspection of today's date, and, as a result, he recommended that a lump sum fine be imposed for the period of time covering the detection of the violation to the present, and, in addition, a daily fine be charged from the present time forward until compliance was reached.

Board Member Urbas questioned whether Director Gross had initiated any contact with the owner of the property since the repeat violation had been detected. Director Gross responded that he has not had any contact with Mr. DeRose, but he has had several discussions with the unit's occupant, Mr. Thompson, since the repeat violation had been detected.

Board Member Urbas questioned the location of Mr. DeRose's residence to which Director Gross responded that Mr. DeRose's correspondence was mailed to a post office box in Tampa, so it would appear that he resided at a Tampa location.

Board Member Gibson commented that the original violation fine had been established at \$100.00 per day, and he questioned the lump sum amount Director Gross recommended for this repeat violation.

Director Gross responded that he felt that \$1,000.00 would cover the City's administrative costs as well as the police and fire calls to the residence.

Chairman Pogorilich questioned whether Mr. Thompson had made any plans to vacate the premises to which Director Gross indicated that he believed that Mr. Thompson had no such plans.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Frantz DeRose, in Case No. 10-1530 to be GUILTY** of repeat violation of Section 25.640(g) of the City Code, and assess a fine in the amount of \$1,000.00 against the respondent for the days that the repeat violation existed and, in addition, if the property was not brought into compliance immediately, 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 provided 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 was absent and did not vote.

**CASE NO. 10-1549 – City vs. Jenae R. Smith (Repeat) – 104 Mission Hills Avenue - Section 11.135.1 – Sanitation – Grass/Weeds; Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; and Section 25.755.10 – Pools – Duty to Maintain.**

Attorney Garding introduced the case as a repeat violation, 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 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.

Director Gross provided testimony regarding the alleged violations, noting that this case was initiated by Code Compliance Officer Borroni as a repeat violation on July 2, 2010, when he noticed overgrown conditions, an unclean swimming pool, trash and broken outdoor furniture on the respondent's property. He submitted Officer Borroni's photographic evidence of the alleged subject violations, labeled Exhibits 1 and 2, establishing a violation of Code Sections 11.135.1, 11.120.9 and 25.755.10, which the Board accepted. He also submitted a copy of the original order, dated September 25, 2008, labeled Exhibit 3, establishing a violation of Code Sections 11.135.1, 11.135.2, 11.120.9 and 25.755.10, which the Board accepted. The respondent was not present.

Director Gross indicated that a Notice of Repeat Violation requiring immediate compliance had been issued on July 6, 2010, and mailed, by certified and first class mail, to the respondent's address, and the Notice had been posted at the residence and at City Hall.

Director Gross commented that a re-inspection on July 19, 2010, revealed that the front and backyards had been mowed, and he submitted an Affidavit of Compliance, prepared by Officer Borroni, for compliance with Code Section 11.135.1, which the Board accepted. He stated that, upon today's re-inspection, the remaining violations were still out of compliance with the Code, and, as in the previous case, he recommended that a lump sum fine be imposed for the period of time covering the detection of the violations to the present, and, in addition, a daily fine be charged from the present time forward until compliance was reached.

Chairman Pogorilich inquired whether the City was in contact with the lender and Director Gross answered that he would ensure that the lender received a copy of the Order.

Chairman Pogorilich questioned whether the pool was secured to which Director Gross responded that it was secured, but not cleaned.

Board Member Lear questioned who mowed the property and Director Gross answered that he could not be sure, but, he thought that the lender could be mowing the lawn.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Ruyle, the Board **FOUND Jenae R. Smith in Case No. 10-1549 to be GUILTY** of repeat violation of Sections 11.135.1, 11.120.9, and 25.755.10 of the City Code, and assess a fine in the amount of \$500.00 against the respondent for the days that the repeat violation existed and, in addition, if the property was not brought into compliance immediately, a fine of \$100.00 per day for the remaining violations shall begin to accrue on August 12, 2010, and continue to accrue until the date that the violator provided 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 was absent and did not vote.

**CASE NO. 10-1551 – City vs. William J. and Susan J. Franks – 10751 N 62<sup>nd</sup> Street – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; and 25.755.10 – Pools – Duty to Maintain.**

Attorney Garding 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 June 30, 2010, after an inspection of the property revealed overgrown conditions, an unclean swimming pool and an accumulation of materials, including derelict bikes, on property grounds.

Director Gross commented that it had been his original intention to issue a Notice of Repeat Violation in this case, but the respondents' previous violations had occurred outside of the allowable five-year time frame. He stated that a Notice of Violation had been issued on July 1, 2010, hand-delivered to the residence on July 2, 2010, establishing a compliance deadline of July 14, 2010. He indicated that, pursuant to the owner's request, this deadline had been extended to July 26, 2010.

Director Gross explained that a subsequent re-inspection revealed that the yard had been mowed, the debris had been removed, and the pool had been partially drained, yet remained unclean. He submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, establishing a violation of Code Sections 11.120.9 and 25.755.10, which the Board accepted. The respondent was not present.

Director Gross indicated that the property owner has been very cooperative and has been keeping his office apprised of the clean-up process. He stated that a re-inspection of the property as of today's date, revealed that clean-up was progressing in a timely fashion, but the respondents have encountered a problem with how to address the pool's situation. He explained that the respondents have the option to have it drained and cleaned or demolished or capped, but they were in the process of receiving estimates for each of these options, and had not yet made any determination regarding the option they wished to pursue. Director Gross commented that, in this case, he would recommend that the compliance deadline be extended to the Board's next hearing date.

Chairman Pogorilich requested clarification on the problem the respondents were encountering with their pool. Director Gross answered that he believed that the respondents were having equipment issues, and since they did not use the pool, he believed they were considering options for its non-use status.

Board Member Lear questioned whether the respondents were now in compliance with Section 11.120.9 of the Code, since the property had been cleaned, to which Director Gross responded that since the pool remained unclean, both violations were still in effect.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Lear, seconded by Board Member Gibson, the Board **FOUND William J. and Susan J. Franks in Case No. 10-1551 to be GUILTY** of violating Sections 11.120.9 and 25.755.10 of the City Code, and gave the respondents until September 8, 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 September 9, 2010, and continue to accrue until the date that the violators provided 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 was absent and did not vote.

**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 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; and 28.840(d)(2) – Parking Lots and Walkways – Surfaces.**

Attorney Garding re-introduced the case and indicated that Director Gross would provide a progress update.

Director Gross explained that he had two Affidavits of Compliance, for Code Sections 27.750(m)(3) and 28.840(d)(1) and (2), to submit to the Board tonight. He commented that the only two projects remaining involved the air conditioning systems and the landscaping of the property. He continued that additional permits had been issued for air conditioning work and 88 additional vegetative plants had been planted on the west side of the property.

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 air conditioning work had been completed in all but three remaining buildings and explained that her company was commencing work on the final phase of the air conditioning projects. She was also hopeful that landscaping of the property would be completed by the Board's next hearing date.

Chairman Pogorilich requested additional information on the final air conditioning project.

Ms. Savage explained that her company was preparing to pull permits for air conditioning work that had been performed without permits. She continued that every pad under every outside condensing unit had to be inspected and brought into compliance. She commented that this was an intensive, time-consuming job, but she anticipated that work would commence this week.

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated July 28, 2010, for compliance with Sections 28.840(d)(1) and (2), and an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated August 11, 2010, for compliance with Section 27.750(m)(3) which the Board accepted.

Upon motion of Board Member Lear, seconded by Board Member Urbas, the Board **EXTENDED** the compliance deadline in Case No. 10-0158, Stuart J. Zook, Registered Agent, Normandy Acquisition LP, to **September 8, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting "aye", no "nay." Board Member Schmidt was absent and did not vote.

**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.**

Attorney Garding re-introduced the case and indicated that Director Gross would provide a progress update.

Code Compliance Director Gross indicated the deadline for compliance in this case was July 15, 2010. 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, although the fence did prevent the dogs from barking at visual objects, he noted the neighbors continued to complain about the dogs barking at outside noises at all hours of the day and night.

Director Gross indicated that he has been in contact with both the property owner and the tenants regarding the continuing dog barking problems. He stated that different options to rectify this problem had been discussed to include relocation of the dogs, but, he noted, that as of today's date, nothing had been done to curb the disturbance caused by the dogs.

Ms. Nadine Pohowsky, of 411 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. She once again explained that the privacy fence prevented the dogs from barking at visual objects, but did nothing to curtail the dogs barking at outside noises. She once again indicated that the dogs barked all night long and stated that the tenants have done nothing to stop the barking.

Attorney Garding introduced two Affidavits of Non-Compliance, prepared by Code Compliance Director Gross, dated July 29, 2010, which the Board accepted.

Director Gross indicated that Section 14.190(b)(8) had not been included in the Affidavit of Non-Compliance as he was awaiting confirmation of the dogs' shot records from Animal Control.

**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 Garding introduced an Affidavit of Compliance, prepared by Captain Andy Muzzy, Deputy Housing Official, dated June 28, 2010, for compliance with Sections 27.726(a) and 27.728(a), which the Board accepted.

**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 Garding introduced an Affidavit of Compliance, prepared by Captain Andy Muzzy, Deputy Housing Official, dated June 28, 2010, for compliance with Sections 27.726(a) and 27.728(a), which the Board accepted.

**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 Garding introduced an Affidavit of Compliance, prepared by Captain Andy Muzzy, Deputy Housing Official, dated June 28, 2010, for compliance with Sections 27.726(a) and 27.728(a), which the Board accepted.

**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 Garding introduced an Affidavit of Compliance, prepared by Captain Andy Muzzy, Deputy Housing Official, dated June 28, 2010, for compliance with Sections 27.726(a) and 27.728(a), 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 Garding introduced an Affidavit of Non-Compliance, prepared by Code Compliance Director Gross, dated July 16, 2010, which the Board accepted.

**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 Garding introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated August 5, 2010, for compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

**CASE NO. 10-1014 – City vs. John Francis Omahony and Eva Decker Omahony - 12704 N. 52<sup>nd</sup> 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; and 25.755.10 – Pools – Duty to Maintain.**

Attorney Garding re-introduced the case and indicated that Director Gross would provide a progress update.

Director Gross stated that he had received a very apologetic phone call from Mr. Omahony, who indicated that he was interested in bringing his property into compliance and requested an extension until August 23, 2010, to allow him the opportunity to do so. Director Gross commented that progress on the property has improved and he would recommend granting this extension to the respondent.

Upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **EXTENDED** the **compliance deadline** in **Case No. 10-1014, John Francis Omahony and Eva Decker Omahony**, to **September 8, 2010**. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, and Urbas voting “aye”, no “nay.” Board Member Schmidt was absent and did not vote.

**NEW BUSINESS:**

Director Gross requested that a workshop be scheduled prior to the next meeting to discuss the imposition of fines, the rental permit process and several other items of interest, if it were amenable to Board members.

Chairman Pogorilich requested that the City provide Board members with a map of the location of unoccupied residences in the City of Temple Terrace. Director Gross indicated that he would have a map prepared for the Board.

The consensus of the Board was to schedule a workshop at 6:00 p.m. on September 8, 2010.

**APPROVAL OF MINUTES:**

Upon **motion** of Board Member Gibson, seconded by Board Member Newkirk, and unanimously carried, the **MINUTES** of the July 14, 2010, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.

Submitted by,

Jeannie Barlow  
Deputy City Clerk