

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

**Regular Meeting
Wednesday, October 6, 2010
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, October 6, 2010, in the Council Chambers at City Hall.

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

ALSO PRESENT WERE: Attorney for the City Tim Garding, Deputy City Clerk Jeannie Barlow, Code Compliance Director Joe Gross, Deputy Housing Official Captain Andrew Muzzy, Code Compliance Officers Tom Borroni, Sal Scrozzo and Len Valenti, Code Compliance Secretary Shana Hunt, Abbas Lokhandwala, Arwah Lokhandwala, Tim Guthrie, Nadine Pohowsky, Justin Davis, Vincent Hernandez, 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.

CASE NO. 10-1937 – City vs. Abbas Lokhandwala – 6008 Laketree Lane, F – Section 8.830(a)(1) – Permits – When Applications are Required.

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. He explained the owner of record was Abbas Lokhandwala and the occupant of the property was Tim Guthrie. 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 August 5, 2010, via a report provided by Community Development that installation of an air conditioning unit had occurred without a permit at the aforementioned property. He indicated Community Development had issued a Stop Work Order on May 5, 2010, but this action had not elicited any response from the property owner.

Director Gross commented a warning was left at the property on August 5, 2010, and a Notice of Violation was prepared on September 20, 2010, and received by the respondent on September 21, 2010, establishing a compliance date of September 27, 2010. He stated a re-inspection noted no change, but, an additional inspection on October 6, 2010, showed the property was in compliance after Mr. Lokhandwala was able to obtain the necessary permits. He submitted an Affidavit of Compliance for Code Section 8.830(a)(1), which the Board accepted. The respondent was present.

Abbas Lokhandwala, 10305 Beneva Drive, who was duly sworn, approached the podium to address the Board. He explained he had hired Alaska Breeze to perform air conditioning installation work at property he owned on 6008 Laketree Lane. He continued on the following day a Stop Work Order had been issued by Community Development indicating a City permit was required for this work. Mr. Lokhandwala stated he had made several repeated attempts to contact Alaska Breeze to inquire about the missing permit, and when he finally was able to contact the company, he was told the permit would be pulled as soon as possible. Finally, when he received the Notice of Violation from the City, he contacted Alaska Breeze yet again and threatened to sue the company if a permit was not pulled for the air conditioning work. Mr. Lokhandwala commented this threat finally prompted Alaska Breeze into action, and the necessary City permit was obtained.

Based on the testimony of Code Compliance Director Gross and Abbas Lokhandwala, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Schmidt, the Board **FOUND Abbas Lokhandwala in Case No. 10-1937** 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 would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-2154 (REPEAT) – City vs. Natalie Anderson – 105 Deer Park Avenue – Section 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 violator. He explained the owner of record was Natalie Anderson and the occupant of the property was her son, Victor Hernandez. 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 violator. He provided testimony regarding the alleged violation, noting the violation had originated on February 10, 2010, in Case No. 09-2432. He explained the respondent had been found in violation of failing to maintain the pool, working without a permit, and failing to keep the property clean. He continued the property came into compliance by the deadline of March 10, 2010, and, as such, no fine had been assessed.

During a routine inspection on August 31, 2010, Officer Borroni stated he observed overgrown conditions in the front yard, and weeds and sand abutting the gutter on the street. He continued further investigation revealed an in-ground pool containing unclean pool water. As a result, he explained a Notice of Repeat Violation was prepared and posted on the property that same day and received by the tenant on September 3, 2010. He commented a re-inspection on September 7, 2010, revealed the grass and weeds had been mowed and the gutter area had been cleaned, but re-inspections on September 16, 22, 29, and October 6, 2010, revealed the pool remained unclean. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1-5, establishing a repeat violation of Code Section 25.755.10, and a copy of the original order, labeled Exhibit 6, which the Board accepted. The respondent’s son was present.

Victor Hernandez, 105 Deer Park Avenue, who was duly sworn, approached the podium to address the Board. He confirmed the property was not in compliance, but requested if he were to be fined for the violation, the fine commence from today until the date he can bring the property into compliance.

Mr. Hernandez explained he was in a new job, had a considerable number of debts to pay, and, although it had been his intention to address the unclean pool, he had not had the available funds to do so. He requested additional time with which to address the Code violation, but noted he would understand if the Board felt compelled to implement a fine because he had been warned several times and had not corrected the problem.

Chairman Pogorilich questioned if Mr. Hernandez had any intentions of cleaning the pool, to which Mr. Hernandez replied he would address the pool on Friday, when funds became available. Chairman Pogorilich questioned the procedure to be followed, and Mr. Hernandez commented he would need to apply the proper chemicals to clean the pool water.

Board Member Urbas wished to confirm Mr. Hernandez would address the pool immediately after the funds became available this Friday, to which Mr. Hernandez responded he would purchase the chemicals to apply to the pool on Friday, but it would require at least three days to clear the water once the chemicals had been applied. Board Member Urbas questioned if the pool would be clean within one week, to which Mr. Hernandez responded affirmatively.

Officer Borroni indicated the property had been out of compliance for 32 days and, at \$25.00 per day, a fine for this violation could be as much as \$800.00. However, Officer Borroni commented a lump sum fine of \$500.00 would be the City's recommendation for this violation.

Chairman Pogorilich questioned when Mr. Hernandez started his new job, to which Mr. Hernandez replied he has been in the contracting business for three months, but work has been slow and he has been attempting to pay his mother back the funds she had provided to him to help him start his business. Mr. Hernandez mentioned, if he were to be fined for this violation, perhaps he could be offered a payment plan with the City. Chairman Pogorilich responded he would have to meet with City Staff to discuss a payment plan.

Based on the testimony of Code Compliance Officer Borroni and Victor Hernandez, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Newkirk, the Board **FOUND Natalie Anderson in Case No. 10-2154** to be **GUILTY** of a repeat violation of Section **25.755.10** of the City Code and assessed a fine in the amount of \$500.00 against the respondent for the days that the repeat violation existed prior to this meeting and, in addition, assessed a fine of \$25.00 per day which would continue to accrue until the date that the violator provided the City with evidence that the property had been brought into full compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, and Schmidt voting "aye", no "nay." Board Members Lear and Ruyle were absent and did not vote.

Mr. Hernandez questioned the amount of time he would have to pay the fine to the City, to which Director Gross responded the City could offer a payment plan to Mr. Hernandez if he desired.

At this juncture, Attorney Garding indicated two cases would be deferred from tonight's meeting to be re-noticed for the next hearing: **Case No. 10-1996, City vs. Paul Dean and Debbie Dean**, and **Case No. 10-5023, City vs. Richard Witt**, and he stated **Case No. 10-2300, City vs. Mamdouh B. Nakhis and Rania Barghoth**, would be removed from the agenda indefinitely.

CASE NO. 10-1286 – City vs. Kalid Mohammed – 9239 Overlook Drive - Section 11.135.1 – Sanitation – Grass/Weeds 150’; and Section 25.755.10 – Pools – Duty to Maintain.

Attorney Garding introduced the case, noted the property 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 Borroni, 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 violation had originated on June 4, 2010. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property, and a secured swimming pool containing unclean pool water.

Officer Borroni stated he left a Notice of Violation door hanger on the property establishing a compliance date of June 11, 2010, and upon his return on June 15, 2010, a re-inspection of the property revealed no change and the tenants were in the process of moving out. He explained he met with the Property Manager that same day to request the grass and pool be brought into compliance, and he posted a Notice of Violation at the property and mailed it, by certified and first class mail, to the respondent establishing a compliance date of July 5, 2010. He further explained he spoke with the Property Manager on July 6, 2010, who informed him the owner was not sure, since the property was in foreclosure, if he wanted to rent it or walk away, and he requested additional time for compliance.

Officer Borroni noted a re-inspection on August 26, 2010, revealed no change, and the Property Manager had explained to him that the owner was relinquishing all responsibilities toward property maintenance. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1-3, establishing a violation of Code Sections 11.135.1 and 25.755.10, which the Board accepted. Officer Borroni noted his final inspection on October 6, 2010, revealed no change and the property remained out of compliance. The respondent was not present.

Based on the testimony of Code Compliance Officer Borroni, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Schmidt, the Board **FOUND Kalid Mohammed in Case No. 10-1286 to be GUILTY** of violating Sections **11.135.1 and 25.755.10** of the City Code, and gave the respondent until November 10, 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 would begin to accrue on November 11, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property had been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-1759 – City vs. Marjorie E. Wright – 9607 N. 55th Street, Apt. B - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding introduced the case, noting the property 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 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 violator.

Officer Borroni provided testimony regarding the alleged violation, noting that the violation had originated on July 20, 2010. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property. He stated he left a Notice of Violation door hanger on the property establishing a compliance date of August 9, 2010, and upon his return on August 17, 2010, a re-inspection of the property revealed no change. Officer Borroni indicated a Notice of Violation was prepared on August 17, 2010, and posted on the property and at City Hall for ten days, and mailed, by certified and first class mail, to the respondent, but a subsequent re-inspection on August 27, 2010, revealed no change. Upon further investigation, he stated the property had been in foreclosure since March 3, 2009, and he submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, establishing a violation of Code Section 11.135.2, which the Board accepted. Officer Borroni noted his final inspection on September 24, 2010, revealed the property had been mowed and was now in compliance. Officer Borroni submitted an Affidavit of Compliance, which the Board accepted. The respondent was not present.

Chairman Pogorilich requested clarification on why only Apartment B on the property was in violation, to which Officer Borroni explained the respondent owned both Apartments A and B, but Apartment B was listed as her address on the Property Appraiser's website. Chairman Pogorilich questioned if Officer Borroni had contacted the respondent, to which Officer Borroni replied he had been unsuccessful in his attempts to contact the respondent because her telephone had been disconnected.

Based on the testimony of Code Compliance Officer Borroni, and the documentary evidence received by the Board, upon motion of Board Member Ross, seconded by Board Member Gibson, the Board **FOUND Marjorie E. Wright in Case No. 10-1759** 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 would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting "aye", no "nay." Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-1882 – City vs. Nicole P. Houle – 8211 Hardee Place - Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding introduced the case, noted the property 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 August 4, 2010, through a neighbor's complaint. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property.

Officer Scrozzo stated he left a Notice of Violation door hanger on the property establishing a compliance deadline of August 10, 2010, and upon his return on August 17, 2010, a re-inspection of the property revealed no change and a Notice of Violation was issued establishing a compliance deadline of September 1, 2010. He indicated since the property appeared unoccupied, he posted a Notice of Violation on the property and at City Hall for ten days, and mailed it, by certified and first class mail, to the respondent, but a re-inspection on September 1, 2010, revealed no change.

Officer Scrozzo indicated a subsequent re-inspection on September 7, 2010, revealed the grass had been mowed and the property was now in compliance. He submitted an Affidavit of Compliance, which the Board accepted. He explained the property was currently in foreclosure, but the owner, who now resided in Dade City, had assured him she would maintain the property until the bank assumed responsibility. The respondent was not present.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Ross, the Board **FOUND Nicole P. Houle in Case No. 10-1882** 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 would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-1920 – City vs. Christian Rodriguez – 7466 Terrace River Drive – Sections 11.120.9. – Sanitation – Duty to Keep Premises Clean; and 27.750(u) – Mold and Mildew.

Attorney Garding introduced the case, noted the property 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 the violations had originated on August 5, 2010, through a Fire Department report regarding interior flooding of the two story unoccupied condominium.

Director Gross indicated the origin of the violations occurred when water service was restored to the unit, and open faucets on the second floor had caused the ground floor to flood. He had spoken with the new tenant, who had been the one to request the restoration of water service, and she had informed him the owner had been notified of the problem and had indicated that corrective action would commence immediately. However, he explained that on September 15, 2010, since progress had not been made, a Notice of Violation was issued and posted on the property establishing a compliance deadline of September 27, 2010.

Director Gross stated a re-inspection revealed no change and noted mold and mildew had developed on the walls of the unit. He commented a subsequent re-inspection on October 6, 2010, revealed no change and, in addition to the presence of mold and mildew, the drywall in the kitchen had collapsed. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 and 2, establishing a violation of Code Sections 11.120.9 and 27.750(u), which the Board accepted. He indicated the property remained out of compliance, and he believed pending foreclosure was involved, but noted this could not be confirmed. The respondent was not present.

Board Member Gibson questioned the current location of the potential tenant, to which Director Gross responded the potential tenant did not move into the unit and noted that perhaps she was a student at USF, but attempts to contact her had not been successful.

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 Newkirk, the Board **FOUND Christian Rodriguez in Case No. 10-1920** to be **GUILTY** of violating Sections **11.120.9 and 27.750(u)** of the City Code and gave the respondent until November 10, 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 would begin to accrue on November 11, 2010, and continue to accrue until the date that the violator provided the City with evidence that the property had been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-1991 – City vs. Robert Barber and Kristin Barber – 5204 Blane Drive – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; 11.135.1 – Sanitation – Grass/Weeds 150’; and 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding introduced the case, noted the property 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 the violations had originated on August 10, 2010, as the result of a citizen complaint. He stated his inspection of the property had revealed overgrown conditions throughout the front and side yards of the property.

Director Gross indicated several unsuccessful attempts had been made to contact the listing agent of the property to discuss the pending violations, but, since the attempts were to no avail, a Notice of Violation was issued on August 27, 2010, and posted on the property on August 30, 2010, establishing a compliance deadline of September 10, 2010. He noted re-inspections through September 24, 2010, revealed no changes to the property, and he submitted photographic evidence of the alleged subject violations, labeled Exhibit 1, establishing a violation of Code Sections 11.120.9, 11.135.1, and 11.135.2, which the Board accepted. Director Gross indicated a subsequent re-inspection on October 6, 2010, revealed no change to the property, and he explained he was still waiting for a return call from the listing agent to discuss the property’s condition. The respondents were not present.

Board Member Gibson requested the identity of the property’s listing agent, to which Director Gross responded it was a Century 21/Shaw Real Estate listing. Board Member Gibson questioned if it was possible to contact the Century 21 main office, and Director Gross stated that although the Real Estate company had listed the property, Code Compliance could not cite them as a responsible party. He indicated, in calls to the company, he had never identified himself as a Code Enforcement Officer and could not understand why his calls had never been returned, especially if the company assumed that he was a prospective buyer.

Chairman Pogorilich noted most Realtors operated independently. Director Gross commented he was considering making a personal visit to the Realtor’s office to discuss the pending Code violations.

Board Member Gibson commented it was difficult to believe a Realtor would permit an overgrown yard to occur on a listed property as it would reflect poorly on his company.

Based on the testimony of Code Compliance Director Gross, and the documentary evidence received by the Board, upon motion of Board Member Schmidt, seconded by Board Member Urbas, the Board **FOUND Robert Barber and Kristin Barber in Case No. 10-1991** to be **GUILTY** of violating Sections **11.120.9, 11.135.1, and 11.135.2** of the City Code, and gave the respondents until November 10, 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 would begin to accrue on November 11, 2010, and continue to accrue until the date that the violators provided the City with evidence that the property had been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

Prior to the vote, Board Member Gibson indicated he believed cases dealing with national companies probably warranted a higher daily fine.

CASE NO. 10-1996 – City vs. Paul Dean and Debbie Dean – 5206 Blane Drive – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; 11.135.1 – Sanitation – Grass/Weeds 150’; and 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding indicated this case would be deferred to the Municipal Code Enforcement Board agenda of November 10, 2010.

CASE NO. 10-2028 – City vs. Jermaine O. Donaldson and Laqueata Donaldson – 803 West River Drive – Sections 11.135.2 – Sanitation – Grass/Weeds; and 11.130.7(b) – Unauthorized Accumulation of Solid Waste/Trash/Refuse.

Attorney Garding introduced the case, noted the property 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 the violations had originated on August 17, 2010. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property as well as the parkway area and debris accumulation in the carport.

Officer Scrozzo stated he left a Notice of Violation door hanger on the property establishing a compliance deadline of August 21, 2010, and upon his return on August 25, 2010, a re-inspection of the property revealed no change and a Notice of Violation was issued establishing a compliance deadline of September 7, 2010. He indicated since the property appeared unoccupied, he posted a Notice of Violation on the property and at City Hall for ten days, and mailed it, by certified and first class mail, to the respondent, but a re-inspection on September 8, 2010, revealed no change. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 - 4, establishing a violation of Code Sections 11.135.2, and 11.130.7(b), which the Board accepted. Officer Scrozzo indicated a subsequent re-inspection on October 6, 2010, revealed no change and the property remained out of compliance. He explained the home was currently in foreclosure, and he had contacted the owners who informed him they had no desire to maintain the property. The respondents were not present.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Ross, seconded by Board Member Urbas, the Board **FOUND Jermaine O. Donaldson and Laqueata Donaldson in Case No. 10-2028** to be **GUILTY** of violating Sections **11.135.2, and 11.130.7(b)** of the City Code and gave the respondents until November 10, 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 would begin to accrue on November 11, 2010, and continue to accrue until the date that the violators provided the City with evidence that the property had been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-2116 – City vs. Angel Garcia and Thania Garcia – 7716 Glades Court – Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding introduced the case, noted the property 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 violation had been served to the alleged violators. He provided testimony regarding the alleged violation, noting that the violation had originated on August 26, 2010. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property as well as the parkway area.

Officer Scrozzo stated he left a Notice of Violation door hanger on the property establishing a compliance deadline of September 1, 2010, and upon his return on September 8, 2010, a re-inspection of the property revealed no change and a Notice of Violation was issued establishing a compliance deadline of September 21, 2010. He indicated since the property appeared unoccupied, he posted a Notice of Violation on the property and at City Hall for ten days and mailed it, by certified and first class mail, to the respondents, but his re-inspection on September 21, 2010, revealed no change. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 - 3, establishing a violation of Code Section 11.135.2, which the Board accepted.

Officer Scrozzo indicated a subsequent re-inspection on October 5, 2010, revealed the grass had been mowed and the property was now in compliance. He submitted an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Officer Scrozzo noted the property had been in foreclosure, but the new potential owner had assumed responsibility for keeping the yard mowed in order to bring the property into compliance.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Urbas, the Board **FOUND Angel Garcia and Thania Garcia in Case No. 10-2116** 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 would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-2199 – City vs. Michael Anthony Menendez – 8604 Shirley Drive – Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney Garding introduced the case, noted the property 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 the violation had originated on September 3, 2010. He stated his inspection had revealed overgrown conditions throughout the front and side yards of the property.

Officer Scrozzo stated he left a Notice of Violation door hanger on the property establishing a compliance deadline of September 7, 2010, and upon his return on September 8, 2010, a re-inspection of the property revealed no change and a Notice of Violation was issued establishing a compliance deadline of September 21, 2010. He indicated since the property appeared unoccupied, he posted a Notice of Violation on the property and at City Hall for ten days, and mailed it, by certified and first class mail, to the respondent, but his re-inspection on September 21, 2010, revealed no change. He submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 - 3, establishing a violation of Code Section 11.135.2, which the Board accepted.

Officer Scrozzo indicated a subsequent re-inspection on October 5, 2010, revealed the grass had been mowed and the property was now in compliance. He submitted an Affidavit of Compliance, which the Board accepted. The respondent was not present.

Officer Scrozzo noted the property had been abandoned and was in foreclosure, and he indicated the neighbors did not know who had mowed the yard in order to bring the property into compliance. He assumed the previous owners had received the Notice of Violation and had returned to mow the grass and maintain responsibility of the property until the bank took possession.

Based on the testimony of Code Compliance Officer Scrozzo, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Gibson, the Board **FOUND Michael Anthony Menendez in Case No. 10-2199 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 would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-2300 – City vs. Mamdouh B. Nakhia and Rania Barghoth – 6103 Whiteway Drive – Section 11.120.9 – Sanitation – Duty to Keep Premises Clean.

Attorney Garding indicated this case had been removed from the agenda.

CASE NO. 10-5022 – City vs. Jorge Barboza and Ana Barboza – 11808 Raintree Lake Lane, D – 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 violators. Captain Andy Muzzy, 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 his office had been trying to contact the respondents repeatedly in order to request they submit the required paperwork due to the non-homesteaded status of their property. Captain Muzzy indicated once the respondents had received the Notice of Hearing, they submitted the correct paperwork and were now in compliance. He submitted a screenshot of the Property Appraiser's website identifying the property as non-homesteaded, labeled Exhibit 1, establishing a violation of Code Section 27.726(a), and an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Ross seconded by Board Member Newkirk, the Board **FOUND Jorge Barboza and Ana Barboza, in Case No. 10-5022** to be **GUILTY** of violating Section **27.726(a)** of the City Code, but because the property was brought into compliance before the date of this hearing, no fine would be assessed. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, Schmidt, and Ross voting "aye", no "nay." Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-5023 – City vs. Richard Witt – 13115 Sanctuary Cove Drive, #101 – Section 27.726(a) – Failure to Obtain Annual Rental Permit.

Attorney Garding indicated this case would be deferred to the Municipal Code Enforcement Board agenda of November 10, 2010.

CASE NO. 10-5024 – City vs. Orlando Bravo and Yoanka Bravo – 13235 Sanctuary Cove Drive, #302 – 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 violators. Captain Andy Muzzy, 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 his office had been trying to contact the respondents repeatedly in order to request they submit the required paperwork due to the non-homesteaded status of their property. Captain Muzzy indicated once the respondents had received the Notice of Hearing, they submitted the correct paperwork and were now in compliance. He submitted a screenshot of the Property Appraiser's website identifying the property as non-homesteaded, labeled Exhibit 1, establishing a violation of Code Section 27.726(a), and an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Urbas, the Board **FOUND Orlando Bravo and Yoanka Bravo**, in **Case No. 10-5024** to be **GUILTY** of violating Section **27.726(a)** 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, Urbas, Schmidt, and Ross voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

CASE NO. 10-5029 – City vs. Luis A. Ramos and Sonia Ramos – 13243 Sanctuary Cove Drive, #204 – 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 violators. Captain Andy Muzzy, 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 the violation had originated in the beginning of 2008. He explained the respondents had been non-compliant since the inception of the Rental Housing program and had not submitted any of the required paperwork relative to the non-homesteaded status of their property. He also indicated his office had been unsuccessful in attempts to contact the respondents over the past several years.

Chairman Pogorilich questioned how the City could be certain a tenant had been residing in the respondents’ unit, to which Captain Muzzy indicted the respondents were required to submit paperwork to the City, due to the non-homesteaded status of their property, regardless of whether or not the unit was being rented. Chairman Pogorilich stated the City could not ascertain if the respondents were in violation of the Code since the City could not determine if the unit was being used as a rental. Captain Muzzy answered the respondents were in violation of the Code because they had not submitted paperwork to either pay rental fees, or obtain a waiver or an exemption to the program. He submitted a screenshot of the Property Appraiser’s website identifying the property, labeled Exhibit 1, establishing a violation of Code Section 27.726(a), which the Board accepted. The respondents were not present.

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 Luis A. Ramos and Sonia Ramos**, in **Case No. 10-5029** to be **GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondents until November 10, 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 would begin to accrue on November 11, 2010, and continue to accrue until the date that the violators provided the City with evidence that the property had been brought into compliance. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Urbas, and Schmidt, voting “aye”, Board Member Ross voting “nay.” Board Members Lear and Ruyle were absent and did not vote.

Prior to the vote on the motion, Board Member Ross indicated Section 27.726(a) stated, “Every property owner of a dwelling unit described in Section 27.725 is required to obtain an annual rental permit or waiver from the Fire Department prior to leasing, subleasing, renting or allowing the occupancy of such a dwelling unit.” He stated the City had no evidence of any of such action by the respondents, so he did not believe the respondents should be required to obtain a waiver or a permit.

Chairman Pogorilich questioned if the respondents would need a waiver if they were not leasing or renting their unit, to which Board Member Ross responded he did not see the requirement for that action except prior to leasing, sub-leasing or renting their unit. Captain Muzzy commented the waiver or exemption was necessary due to the non-homesteaded status of their property.

Chairman Pogorilich noted, if a non-homesteaded property was being used only as a vacation home, for instance, he believed there was no affirmative duty to report that information to the City. He continued only if the unit was being used for other purposes, such as housing a family member, would it be necessary to submit paperwork to the City. Captain Muzzy explained the use of the property as a seasonal home would be an exemption to the program.

Chairman Pogorilich commented the Code required all owners of non-homesteaded properties to submit paperwork to state the use of these properties regardless of whether or not the properties were being used as rental units, to which Board Member Ross indicated he did not interpret the Code in that way. Board Member Urbas indicated the Code required owners of non-homesteaded properties to state the use of these properties and homeowners failing to identify the use of their non-homesteaded properties were in violation of the Code.

Chairman Pogorilich questioned if there had been any correspondence with the respondents in this case, to which Captain Muzzy replied his office had repeatedly attempted to contact the respondents over the past three years to no avail. Chairman Pogorilich questioned if Captain Muzzy had a current mailing address on file, to which Captain Muzzy replied his office used the respondents' legal mailing address obtained from the Property Appraiser's website. Captain Muzzy commented the respondents were accepting the certified letters sent by the City, but have never responded to any of the City's requests for action to date.

Board Member Urbas requested a legal interpretation of the Code section in question. Board Member Ross questioned if the City had evidence the unit was occupied, to which Captain Muzzy responded his office had not yet visited the property to ascertain its occupancy status.

Attorney Garding proceeded to read the Code section in question, "Every property owner of a dwelling unit described in Section 27.725 is required to obtain an annual rental permit or waiver from the Fire Department prior to leasing, subleasing, renting or allowing the occupancy of such a dwelling unit." He cross-referenced this section with Section 27.725 which stated, "Sections 27.725 through 27.729 shall apply to all attached and detached single-family dwelling units, including townhouses and condominiums, two-family dwelling units, three-family dwelling units, and mobile homes, which are located within the City of Temple Terrace and not occupied by the property owner(s) of the dwelling as a homesteaded primary residence unless the dwelling unit falls into one or more categories of waivers or exemptions set forth below." He noted the waiver section set forth several circumstances to which waivers would apply and Subsection B stated the exemptions for that particular subsection. He indicated reading both sections of the Code together would clarify the intent of Section 27.726(a).

CASE NO. 10-5031 – City vs. Gideon Yefet and Orit V. Yefet – 8211 Collier Place – 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 violators. Captain Andy Muzzy, 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 the respondents were in violation of Section 27.726(a) for the current year of 2010, but after receiving the Notice of Hearing for the violation, they submitted the necessary paperwork and paid the required fee. Captain Muzzy submitted a screenshot of the Property Appraiser's website identifying the property, labeled Exhibit 1, establishing a violation of Code Section 27.726(a), and an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Based on the testimony of Captain Andy Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **FOUND Gideon Yefet and Orit V. Yefet, in Case No. 10-5031 to be GUILTY** of violating Section **27.726(a)** 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, Urbas, Schmidt, and Ross voting "aye", no "nay." Board Members Lear and Ruyle were 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 56th Street - Sections 8.815(b) – Florida Building Code - Applicability; 8.830(a)(1) – Permits – Required; and 25.780.5 – Maintenance.

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

Director Gross submitted an Affidavit of Compliance for Section 25.780.5 of the Code, which the Board accepted. He explained the company had hired an additional landscaping contractor to further enhance the property to satisfy the requirement of this Code section. He continued the company was making significant progress in correcting the remaining violations and noted Rick Allmond and Wendy Savage were present to address the Board.

Mr. Rick Allmond, 11110 North 56th Street, who was duly sworn, approached the podium to address the Board. He explained his company had completed 75% of the necessary work, but had encountered additional problems that had not been anticipated. He commented a safety switch issue had developed, which had required the contractor to perform additional work to correct the problem. He also explained the contractor's sub-contractors were not working eight hour days on the job, and had caused a delay in progress.

Chairman Pogorilich questioned the work that remained, to which Mr. Allmond explained the air conditioning in approximately six units still needed repairs. Chairman Pogorilich questioned if the remaining work could be completed within one week, to which Mr. Allmond responded affirmatively.

Ms. Wendy Savage, 11110 North 56th Street, who was duly sworn, approached the podium to address the Board. She further explained the problems her company had encountered with the current contractor, but explained discussions regarding hiring a different contractor did not lead anywhere, because the job was nearing completion and it was determined hiring another contractor could set the project back additional time. She requested an additional week to complete the remaining work.

Chairman Pogorilich questioned Director Gross if the City had any objections to providing this project an additional two weeks for completion, to which Director Gross responded negatively. Director Gross indicated this company had been extremely diligent in trying to bring this project to its fruition.

Upon motion of Board Member Gibson, seconded by Board Member Newkirk, the Board **EXTENDED** the **compliance deadline** in **Case No. 10-0158, Stuart J. Zook, Registered Agent, Normandy Acquisition LP, to October 20, 2010.** Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Lear, Newkirk, Ruyle, Schmidt and Urbas voting “aye”, no “nay.” Board Members Lear and Ruyle were absent and did not vote.

Chairman Pogorilich stated this project had commenced last April, and work needed to be completed by October 20, 2010, or a fine of \$100.00 per day would begin on October 21, 2010.

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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

**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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

**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 re-introduced the case and indicated the respondent was still not in compliance and the City was in the process of preparing an Affidavit of Non-Compliance.

**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 an Affidavit of Non-Compliance, prepared by Code Compliance Director Gross, dated September 9, 2010, which the Board accepted.

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

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated September 24, 2010, which the Board accepted.

**CASE NO. 10-1845 – City vs. Federal Home Loan Mortgage Corporation, c/o Bank of America
– 7807 E. 113th Avenue – Sections 25.755.10 – Pools – Duty to Maintain; 11.120.10 – Sanitation
– Occupants and Owners of Abutting Property to Keep Parkway Clean and Sanitary;
11.135.1- Sanitation – Accumulation of Weeds, Grass, and Underbrush Prohibited; and
11.135.2 – Sanitation – Grass/Weeds.**

Attorney Garding indicated the deadline for compliance for this case was today, October 6, 2010, at midnight, but noted that, to date, the City had not yet received a response from the respondent.

**CASE NO. 10-5011 – City vs. John E. O'Brien – 210 Temple Valley Drive – Section 27.726(a) –
Failure to Obtain Annual Rental Permit.**

Attorney Gross indicated the deadline for compliance for this case was today, October 6, 2010, at midnight, but noted that, to date, the City had not yet received a response from the respondent.

OTHER BOARD ACTION:

**1) Consideration of Lien Reduction Request: CASE NO. 09-1361 – City vs. David F. Murphree and
Teresa E. Murphree – 330 Bahamas Avenue – Amount of Lien: \$10,000.00.**

Justin Davis, Awerbach & Cohn, P.A., who was duly sworn, approached the podium to address the Board.

Mr. Davis provided background to this case indicating the property had been previously owned by David and Teresa Murphree, who had received a Notice of Violation on July 22, 2009, due to overgrown conditions throughout the property, and an unsecured and unclean swimming pool in the backyard. He continued on November 3, 2009, the City of Temple Terrace Municipal Code Enforcement Board recorded an Order Imposing Fine against the property which implemented a fine of \$200.00 per day for every day the violations continued to exist. Mr. Davis stated Edward and Sheryl Henley purchased the property from the Murphrees on November 6, 2009, and, although they had been aware of the violations and the possibility of a subsequent fine accruing if the violations were not corrected, they had been unaware of the Order and corresponding fine already in effect against the property owners.

Mr. Davis indicated, immediately prior to the sale of the property, the Murphrees executed a Seller's Affidavit swearing that no documents affecting title to the property were recorded in the Official Records of Hillsborough County, Florida, and, because the Order had been recorded only three days prior to the closing of the Henleys' purchase of the property, the Henleys remained unaware of the lien when they purchased the property.

Mr. Davis stated at the time the Henleys purchased the property, it had been their intention to demolish the existing home and rebuild at a later date. However, he noted, since the property remained out of compliance, they took the necessary measures to diligently bring it back into compliance with the Code. He stated they mowed the overgrown grass, removed the excess brush and fallen trees, and emptied the pool and secured the gates around the pool with chains and locks. As a result of their efforts, he commented the property was issued an Affidavit of Compliance on December 2, 2009, and later that month the Henleys followed through with their plans to demolish the existing house and fill in the pool.

Mr. Davis indicated, in light of the fact the violations had occurred prior to the Henleys' purchasing of the property, due to their diligence in bringing the property into compliance with the Code, and due to the fact they were unaware of the lien until after they purchased the property, the Henleys were formally requesting the \$10,000.00 lien on the property be reduced to \$2,000.00, which they believed would cover the City's administrative costs expended in processing this case.

Chairman Pogorilich stated, due to the timing of the purchase of the property, a title search did not reveal an existing lien on the property, to which Mr. Davis responded the closing occurred three days after the lien was recorded, so it was not revealed in a title search. He continued the Henleys were aware of the violations, but were unaware that a lien had been recorded against the property or that a daily fine had been accruing.

Chairman Pogorilich questioned if the lender had been aware of the accruing fine, to which Mr. Davis replied he was unsure of the information the lender possessed regarding the property. However, he continued the Notice of Violation, the Order and the Order Imposing Fine were addressed to the Murphrees and the title search had not disclosed the lien. Chairman Pogorilich questioned if the Murphrees would be pursued to pay the fine, to which Mr. Davis responded that, in hindsight, it should have been requested that the City release the lien, and then the lender should have pursued the Murphrees individually for the funds.

Mr. Davis submitted copies of the Notice of Violation, the Order, the Order Imposing Fine, the Warranty Deed, the Seller's Affidavit, the Affidavit of Compliance and two current photographs of the property, which the Board accepted.

Edward Henley, 404 Park Ridge Avenue, who was duly sworn, approached the podium to address the Board. Mr. Henley indicated at the time of purchase, the house was in very poor condition. He explained mold had grown on the inside walls, two trees had fallen on the house, and the yard was overgrown with weeds. He stated he and his wife purchased the home through a "short sale," and it was a well-known fact that violations were accruing against the property as the notices littered the floor of the residence. Mr. Henley said he became aware of a formal lien against the property in August, 2010, when he received a letter from the City regarding the lien that had been recorded against the property in November, 2009. He verified he had not been aware of the lien when he purchased the property, but he had been aware of the violations and had addressed the problem with the Realtors and Title Agency. He continued that because the lien was recorded only three days before he purchased the property, it was not revealed during a title search. He indicated this time-frame between recording a lien and having it revealed during a title search was referred to as "the gap."

Chairman Pogorilich confirmed with Director Gross that \$2,000.00 would cover the City's cost expended in processing this case.

Chairman Pogorilich explained to Mr. Davis and Mr. Henley that this Board merely made a recommendation to the City Council for a lien reduction amount. He continued the City Council would make a final determination at a subsequent City Council meeting, and explained that Mr. Davis and Mr. Henley would be notified of the date and time of that Council meeting.

Upon **motion** of Board Member Ross, seconded by Board Member Urbas, the Board **RECOMMENDED** to the City Council that the fine in **Case No. 09-1361 – City vs. David F. Murphree and Teresa E. Murphree**, 330 Bahamas Avenue, be reduced from **\$10,000.00** to **\$2,000.00**, contingent upon the fine being paid within 30 days of the Council's decision or it would revert back to the original \$10,000.00. Vote on the motion being: Chairman Pogorilich and Board Members Gibson, Newkirk, Urbas, Schmidt, and Ross voting "aye", no "nay." Board Members Lear and Ruyle were absent and did not vote.

2) Liens List Review:

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. 10-0764 – 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 Director Gross would provide an update.

Director Gross noted this was a difficult case to enforce because the barking dogs were not always barking when Code Compliance was present, so this case became dependent upon neighbors' complaints. He commented Ms. Woulard, the dogs' owner, would touch base with his office periodically to explain how she was mitigating the problem; bringing the dogs in the house at night and trying to keep them quiet during the day. He explained the problem seemed to be lessening, but once the weather became less hot and humid and neighbors wished to open their windows during the day, the problem seemed to have escalated once again.

Director Gross commented Ms. Woulard had investigated several different options to correct this violation, but relocating the dogs was not one of them. He explained the property owner had erected a fence, but that did little to quiet the barking, according to the neighbors. He submitted two Affidavits of Continuing Non-Compliance, dated October 6, 2010, which the Board accepted. The respondent was present.

Renee Woulard, 409 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. She indicated she had been trying to keep the dogs from barking by bringing them in the house at night and not letting them outside again before 9:00 a.m. She stated although they were her son's dogs, she was trying to find a home for them, but, did not anticipate this would occur for another several weeks. She stressed they were big dogs and their barking was very loud, but she had not realized their barking had been upsetting her neighbor until this past summer. She refused to bring the dogs to the pound because she knew they would be euthanized, so she indicated she would continue to search for another home for them.

Chairman Pogorilich suggested Ms. Woulard contact a rescue society for that particular breed of dog, to which Ms. Woulard responded she would pursue that option.

Board Member Ross questioned the location of Ms. Woulard's son, to which she replied he lived in New Port Richey. He questioned why, if the fines had been accruing since this summer, had she just recently started to consider relocating the dogs. Ms. Woulard replied she had assumed erecting a fence would help to mitigate the problem.

Nadine Pohowsky, 411 Dunedin Avenue, who was duly sworn, approached the podium to address the Board. She indicated her house faced Ms. Woulard's property, and explained she would like to keep her windows open during the day, but the dogs barked at any noise they heard coming from her property. She continued the dogs barked all the time, all day long and all night long.

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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 2010, for continuing non-compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 5, 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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 2010, for continuing non-compliance with Sections 27.750(m)(2) and 27.750(m)(3), which the Board accepted.

CASE NO. 08-0707 – City vs. Rex Beach, Trustee – 645 Gillette Avenue - Sections 11.120.10, 11.135.1, 11.135.2, 11.120.9, 25.755.10.

Attorney Garding indicated no further action would be taken on this case as it had no viable assets and had been transferred to another property owner.

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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 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 L. and Martine B. Miller – 610 Courtney Drive – Section 11.135.2.

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 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 Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Scrozzo, dated September 14, 2010, for compliance with Section 11.130.7(b), and indicated, since the property had been transferred, the City would not pursue the remaining violation of Section 27.750(m)(3), which the Board accepted.

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

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 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 Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Scrozzo, dated September 29, 2010, for compliance with Sections 25.755.10 and 11.135.2, which the Board accepted.

CASE NO. 09-1480 – City versus Wade P. and Amanda B. Behnke – 708 E. River Drive-Section 11.135.2

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Scrozzo, dated September 15, 2010, for compliance with Section 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 Garding introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated September 13, 2010, for 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 Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 2010, for continuing non-compliance with Section 11.130.7(b), which the Board accepted.

CASE NO. 10-0313 – City vs. Thomas Urbanczyk - 1113 North Riverhills Drive - Sections 11.135.2, 11.130.7(b) , and 25.745.2(o)(2).

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Borroni, dated October 6, 2010, for continuing non-compliance with Sections 11.135.2, 11.130.7(b) and 25.745.2(o)(2), which the Board accepted.

CASE NO. 10-1002 – City vs. George Richard Schmeizer III and Tracie L. F. Schmeizer - 312 Belle View Avenue - Sections 11.130.7(b), 11.135.2, 25.750.5(b)(7), and 25.755.10.

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 2010, for continuing non-compliance with Sections 11.130.7(b), 11.135.2, 25.750.5(b)(7), and 25.755.10, which the Board accepted.

CASE NO. 10-1100 – City vs. Lloyd Chung - 8412 Renald Blvd. - Section 11.135.2.

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 2010, for continuing non-compliance with Section 11.135.2, which the Board accepted.

CASE NO. 10-1137 – City vs. Michael P. Mercer – 7610 Gulf Court - 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).

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 2010, for continuing non-compliance with 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. He indicated that Director Gross would provide an update on this case.

Director Gross stated that this case was progressing toward compliance. He indicated a contractor had been hired to repair damages and permits had been obtained. He believed this case could achieve compliance within the next 48 hours.

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

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated October 6, 2010, for continuing non-compliance with Section 11.135.2, which the Board accepted.

CASE NO. 10-1317 – City vs. J. Boe and Connie L. Ellis - 6312 Jacqueline Arbor Drive - Sections 11.120.9, 25.755.10 , and 27.750(m)(3).

Attorney Garding introduced two Affidavits of Compliance, prepared by Code Compliance Director Gross, one dated September 28, 2010, for compliance with Section 27.750(m)(3) and one dated October 4, 2010, for compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

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

Attorney Garding introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross, dated October 6, 2010, for continuing non-compliance with Section 25.640(g), which the Board accepted.

CASE NO. 10-1549 (Repeat) – City vs. Jenae R. Smith - 104 Mission Hills Avenue, Sections 11.135.1, 11.120.9, and 25.755.10.

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Borroni, dated October 7, 2010, for compliance with Section 11.135.1, and an Affidavit of Continuing Non-Compliance, dated October 6, 2010, for continuing non-compliance with Sections 11.120.9, and 25.755.10, which the Board accepted.

CASE NO. 10-1718 (Repeat) – City vs. William H. Peavy Jr. and Holly Jean Peavy - 101 Druid Hills Road - Sections 11.135.2, 11.120.9, and 25.755.10.

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Borroni, dated October 5, 2010, for compliance with Sections 11.135.2 and 11.120.9, and an Affidavit of Continuing Non-Compliance, dated October 6, 2010, for continuing non-compliance with Section 25.755.10, which the Board accepted.

CASE NO. 10-1869 (Repeat) – City vs. Jacqueline D. Munera and Andres Munera - 110 Mission Hills Avenue - Section 25.760.2(a).

Attorney Garding introduced an Affidavit of Compliance, prepared by Code Compliance Officer Borroni, dated September 10, 2010, for compliance with Section 25.760.2(a), which the Board accepted.

Chairman Pogorilich questioned the status of **Case No. 01-05, City vs. James Stevens and Glenda K. Johnson.**

Director Gross responded he had been discussing this case with Fire Department personnel as a potential candidate for the Housing Rehabilitation Program. He mentioned it could be recommended the reduced lien of \$5,000.00 that had been reduced from \$182,750.00 but then reverted back to its original amount, be re-instated because the County would be hesitant to extend grant money to a property with a lien of this type because the grant itself could subsequently become part of the lien.

Chairman Pogorilich questioned the status of **Case No. 07-1434, City vs. Kristopher Totten.** Director Gross indicated he had spoken with Mr. Totten and his recollection varied from the City's documentation regarding the lien on his property, and Mr. Totten had indicated the City would be hearing from his attorney, but this has not happened as yet. Chairman Pogorilich requested an asset search be performed on this property.

Chairman Pogorilich questioned the status of **Case No. 07-1668, City vs. Geoffrey M. Heard and Georgette Trelles.** Director Gross indicated the Final Judgment had been successful and the property was currently scheduled for foreclosure sale.

Chairman Pogorilich questioned the status of **Case No. 08-0292, City vs. Christopher B. York.** Director Gross indicated the owner was aware of the lien, but he doubted any assets were available. Chairman Pogorilich requested an asset search be performed on this property to confirm this.

Chairman Pogorilich questioned the status of **Case No. 08-1787, City vs. Eleno G. and Marta Sibrian.** Director Gross indicated this property had been in foreclosure for two years now. He believed this lien would either be extinguished during the process of foreclosure, or the lender would approach the Board with a reduction request. He mentioned, in the interim, the property was being maintained by a property preservation management company.

At this juncture, Chairman Pogorilich reported the City Council voted to accept the lien reduction recommendation from the Municipal Code Enforcement Board regarding property located at 330 Bahamas Avenue and had reduced the lien on this property from \$21,000.00 to \$10,500.00 contingent upon the fine being paid within 30 days of the decision.

Chairman Pogorilich questioned the status of **Case No. 08-2115, City vs. Charles C. Adams, II.** Director Gross responded he was not in contact with the owner of this property due to legal issues, but the owner was keeping the property maintained and had indicated in the past he would be seeking a lien reduction.

Director Gross reported on the status of **Case No. 09-1531, City vs. Ibrahim Mostafa**, stating now that the property was in compliance, the owner would be seeking a reduction on the lien.

Chairman Pogorilich questioned the status of **Case No. 10-1002, City vs. George Richard III and Tracie LF Schmeizer**, to which Director Gross responded the property was in foreclosure.

NEW BUSINESS:

Chairman Pogorilich mentioned the City of Dade City had implemented a program to maintain unoccupied properties by painting exterior walls of vacant homes and mowing yards, for instance, and subsequently attaching the cost of maintenance to the homeowners' property taxes. He indicated he had forwarded this information to the City Attorney to ascertain if this would be a viable option for the City of Temple Terrace to pursue. Director Gross added the City Manager had directed him to investigate this idea further, as well, and he would be contacting Dade City officials to seek additional information on this process.

Director Gross introduced Officer Len Valenti to the Board and indicated Officer Valenti had previously provided dedicated service to the City from March of 2005 to August of 2007 and the City welcomed his return.

APPROVAL OF MINUTES:

Upon **motion** of Board Member Urbas, seconded by Board Member Schmidt, and unanimously carried, the **MINUTES** of the September 8, 2010, regular meeting were **APPROVED**.

There being no further business to come before the Board, the meeting was adjourned at 9:25 p.m.

Submitted by,

Jeannie Barlow
Deputy City Clerk