

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

**Regular Meeting
Wednesday, January 11, 2012
Council Chambers – City Hall**

The regular meeting of the Municipal Code Enforcement Board was held on Wednesday, January 11, 2012, in the Council Chambers at City Hall.

PRESENT WERE: Chairman Rick Gibson, and Board Members Sean Lloyd, William Newkirk, Richard Schmidt, Michael Urbas, and Sue Walker. Board Member Andrew Ross was absent. **ALSO PRESENT WERE:** Attorney for the City Cate O’Dowd, Deputy City Clerk Jeannie Barlow, Code Compliance Director Joe Gross, Code Compliance Officers Tom Borroni, Sal Scrozzo and Len Valenti, Code Compliance Secretary Shana Hunt, Risk Reduction Division Chief Andy Muzzy, Jose Celpa, Laszlo Kovacs, Ray Sasovetz, and several other persons.

Chairman Gibson called the meeting to order at 7:00 p.m. and, following the Pledge of Allegiance to the flag, outlined the procedures the Board would follow. All persons wishing to give testimony were sworn in by the Deputy City Clerk.

HEARINGS:

CASE NO. 11-3254 – City vs. Uriel Rivkin and Dvora Rivkin – 12904 N. 53rd Street – Section 8.830(a)(1) – Permits – When Required.

Attorney O’Dowd introduced the case and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. Attorney O’Dowd indicated the owners of record were Uriel and Dvora Rivkin and the occupant of the property was Jerry Kramer. Code Compliance Director Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violators. He provided testimony regarding the alleged violation, noting the violation had originated on November 7, 2011, after Director Gross had received a referral from the Community Development Department that a shed was being erected without a permit on property located at 12904 N. 53rd Street. The Community Development representative had informed Director Gross that work continued on the shed even after the property owners had been issued a Stop Work Order.

Director Gross visited the property on November 7, 2011, and left a violation warning door hanger at the property. He said he informed the tenant via telephone on November 8, 2011, that either a permit needed to be obtained, or the shed needed to be removed. Director Gross continued an inspection on December 9, 2011, revealed conditions remained unchanged, and therefore he issued a Notice of Violation, hand-delivered it to the property owners, and mailed it, by certified and regular mail, to the property owners’ address establishing a compliance deadline of December 19, 2011. A subsequent re-inspection of the property on December 22, 2011, revealed no change, and he submitted photographic evidence of the alleged subject violation, labeled Exhibit 1, establishing a violation of Code Section 8.830(a)(1), which the Board accepted. In the process of delivering the Notice of Hearing to the property owners, he said he and Officer Borroni met with the owners and detailed the corrective action that needed to be taken. As a result, he noted the shed was removed from the property and the property was now in compliance. He submitted an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Based on the testimony of Code Compliance Director Gross and the documentary evidence received by the Board, upon motion of Board Member Lloyd, seconded by Board Member Newkirk, the Board **FOUND Uriel Rivkin and Dvora Rivkin in Case No. 11-3254** 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 Gibson and Board Members Lloyd, Newkirk, Schmidt, Urbas and Walker voting “aye,” no “nay.” Board Member Ross was absent and did not vote.

CASE NO. 11-3350 – City vs. Gloria C. Rios – 11820 Raintree Lake Lane, Apt. A – Section 27.750(u) – Mold and Mildew; and Section 14.185(b)(3)(a) – Repeated Intrusion of Odors.

Attorney O’Dowd 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. Attorney O’Dowd advised the violation of Section 14.185(b)(3)(a) would be withdrawn from the agenda. 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 the violation had originated on November 18, 2011, due to a citizen complaint regarding mold and mildew growth at property located at 11820 Raintree Lake Lane, Apt. A.

Director Gross said he visited Raintree Village on November 18, 2011, and the maintenance staff provided him access to the subject unit where he verified the presence of mold growth in the unit. He stated a Notice of Violation was issued on December 6, 2011, after several attempts to contact the owner of record proved unsuccessful. Director Gross stated the Notice of Violation was posted at the property and at City Hall, and mailed, by certified and regular mail, to the property owner’s address establishing a compliance deadline of December 19, 2011. He continued a re-inspection on December 22, 2011, revealed no change and Director Gross submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 and 2, establishing a violation of Code Section 27.750(u), which the Board accepted.

Director Gross stated a re-inspection on January 11, 2012, revealed no change and the property remained out of compliance. He recommended the Board provide the respondent until the next hearing on February 8, 2012, to come into compliance with the Code. He noted the property was in foreclosure and he would be speaking to the lender regarding the property violation. Director Gross also indicated a member of the Raintree Village Homeowner’s Association was present to speak to the Board. The respondent was not present.

Raymond Sasovetz, 11869 Skylake Place, approached the podium to address the Board. He indicated that he was president of the Homeowner’s Association. When asked if the association would be pursuing corrective action for this violation, he responded negatively because the association was suing the bank for the title to the property. He continued the anticipated repairs to the unit would cost approximately \$15,000 to \$20,000, therefore, the association was either requesting title to the property or requesting the bank to rectify the violation. Mr. Sasovetz explained that the association would only pay to clean-up the unit if the bank transferred the title to the association. He said the entire interior of the unit had to be renovated; cabinets, walls, appliances, air conditioning and duct work, to name a few.

Board Member Urbas questioned if the bank had title to the property at this time. Mr. Sasovetz responded the title was still in the name of Gloria Rios. Board Member Urbas said it was his understanding that mold on the unit's interior could be considered a serious health hazard. Director Gross indicated this to be true.

Based on the testimony of Code Compliance Director Gross and the documentary evidence received by the Board, upon motion of Board Member Walker, seconded by Board Member Schmidt, the Board **FOUND Gloria C. Rios in Case No. 11-3350 to be GUILTY** of violating Section **27.750(u)** of the City Code, and gave the respondent until February 8, 2012, to come into compliance with the Code Section in question. If the property was not brought into compliance by that date, a fine of \$25.00 per day would begin to accrue on February 9, 2012, 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: Board Members Newkirk, Schmidt, Urbas and Walker voting "aye," Chairman Gibson and Board Member Lloyd voting "nay." Board Member Ross was absent and did not vote.

Prior to the vote on the motion, Board Member Urbas believed that \$25.00 per day would not be enough incentive to promote any action and said the daily fine should be increased. Board Member Walker responded that \$25.00 per day totaled \$600.00 per month, and believed the bank should not be penalized with a high daily fine because the bank could not take any corrective action on the property until the bank received the title. Board Member Urbas believed an issue of mold in a condominium unit was a serious health hazard, and although Board Member Walker concurred with him, she said the bank could not expedite a foreclosure and could not deed the title to Raintree Village until the bank possessed the title.

Attorney O'Dowd indicated Wells Fargo filed a lis pendens on the subject property in October, 2011, and stated it appeared the bank was in the beginning stages of the foreclosure process. She explained how quickly the bank worked through the process was out of the City's control.

CASE NO. 11-3379 – City vs. Edda Maria Jamaledin – 405 Park Ridge Avenue – Section 11.120.9 – Duty to Keep Premises Clean; Section 25.755.10 – Pools – Duty to Maintain; and Section 25.750.5(b)(7) – Fences – Duty to Maintain.

Attorney O'Dowd 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 Tom 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 the violations had originated proactively on November 29, 2011, due to a damaged fence and unsanitary pool on property located at 405 Park Ridge Avenue.

Officer Borroni's inspection on November 29, 2011, revealed a broken wooden fence gate detached from the fence post on the west side of the property and an unclean pool in the backyard. Since the home appeared unoccupied, he said a Notice of Violation was prepared and posted at the property and at City Hall, and mailed, by certified and regular mail, to the property owner's address establishing a compliance deadline of December 10, 2011.

Officer Borrioni said he received a telephone call on December 13, 2011, from the property owner's daughter indicating that her mother had just received the notice and had requested additional time to correct the violations, which was subsequently granted. He said a re-inspection on December 21, 2011, revealed no change, but his re-inspection on December 28, 2011, revealed the fence gate had been repaired and was now in compliance. He submitted photographic evidence of the alleged subject violations, labeled Exhibits 1 and 2, establishing a violation of Code Sections 11.120.9, 25.755.10, and 25.750.5(b)(7), which the Board accepted. He also submitted an Affidavit of Compliance for Section 25.750.5(b)(7), which the Board accepted. Officer Borrioni explained a re-inspection on January 11, 2012, revealed 90% of the pool water had been removed from the pool, but the remaining water was still unclean and still posed a public safety hazard. He relayed the property owner, who lived in Chicago, had requested 30 days in which to correct the pool violation.

Chairman Gibson questioned if the pool was secured, to which Officer Borrioni responded affirmatively and indicated that the fence gate prevented outsiders from accessing the pool area. Board Member Walker questioned if Code Compliance had the authority to extend the compliance deadline without bringing the case to the Board. Director Gross responded that Officer Borrioni had initially extended the compliance deadline, but once the case had been scheduled for a hearing, it was incumbent upon the Board to determine if an extension was warranted.

Based on the testimony of Code Compliance Officer Borrioni and the documentary evidence received by the Board, upon motion of Board Member Schmidt, seconded by Board Member Walker, the Board **FOUND Edda Maria Jamaledin in Case No. 11-3379 to be GUILTY** of violating Sections **11.120.9, 25.755.10, and 25.750.5(b)(7)** of the Code, and although Section **25.750.5(b)(7)** was now in compliance, Sections **11.120.9 and 25.755.10** remained out of compliance and the respondent was given until February 8, 2012, to bring the remaining sections into compliance with the Code. If the property was not brought into compliance by that date, a fine of \$25.00 per day would begin to accrue on February 9, 2012, 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 Gibson and Board Members Lloyd, Newkirk, Schmidt, Urbas and Walker voting "aye," no "nay." Board Member Ross was absent and did not vote.

CASE NO. 11-3380 – Luis O. Celpa – 10608 N. 52nd Street – Section 25.760.2(a) – Parking – Non-Durable Surface.

Attorney O'Dowd introduced the case, and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violator. Code Compliance Officer Valenti, 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 proactively due to an illegally parked vehicle at 10608 N. 52nd Street.

Officer Valenti stated his inspection on November 29, 2011, revealed a red Chevrolet parked on a non-durable surface at the subject property. He stated he left a violation warning door hanger on the property establishing a re-inspection date of November 30, 2011, and on that date his re-inspection revealed the vehicle had been removed and the property was in compliance. He said he subsequently closed the case.

Officer Valenti indicated during a drive-by inspection on December 5, 2011, he noticed two vehicles illegally parked on the grass at the subject property. He said he re-opened the case and a Notice of Violation was prepared and issued establishing a compliance date of December 12, 2011. He stated a subsequent re-inspection of the property revealed no change, and he submitted photographic evidence of the alleged subject violation, labeled Exhibits 1 - 6, establishing a violation of Code Section 25.760.2(a), which the Board accepted. Officer Valenti explained the property did not have a complete driveway, but only possessed a paved apron from the street to mid-yard. He said he had contacted the tenants who had indicated to him that they were not interested in parking on either the street or the apron; therefore, the property was not in compliance. Officer Valenti stated the property owner's son, Jose Celpa, was present to address the Board.

Board Member Walker questioned if the property had a driveway. Officer Valenti responded the property did not have a driveway, but had an apron which was a durable surface where vehicles could park. Board Member Walker questioned what comprised a durable surface. Officer Valenti responded the parking area would need to consist of gravel, pavers, or concrete, etc., and would need to be bordered. He had recommended to the tenants that they either park on the apron or on the side street to the north of the property. Board Member Lloyd questioned if anything could prevent the owner from constructing a driveway on the property. Officer Valenti responded the owner could construct a driveway and indicated he would assist the owner in obtaining all the necessary information for driveway permitting and construction, if that was the owner's desire.

Jose Celpa, 12016 Mount Batten Drive, approached the podium to address the Board. He said his father was currently in South America, but he would relay the events of tonight's hearing to him. He stated he would also visit the tenants at the property and if they refused to come into compliance, he would commence eviction proceedings. Board Member Walker questioned if the tenants had been made aware of the violation. Mr. Celpa responded not only had Officer Valenti contacted the tenants, but his brother had discussed the violation with them as well. Mr. Celpa indicated he had been aware that it was illegal to park on the grass but he had presumed it was okay to park between the apron and the house. He said he and his father had both misunderstood the City's parking rules. As soon as he conferred with his father, he said it was his intention to place gravel, rocks, or some other durable surface on the parking area.

Based on the testimony of Code Compliance Officer Valenti, and the documentary evidence received by the Board, upon motion of Board Member Lloyd, seconded by Board Member Newkirk, the Board **FOUND Luis O. Celpa in Case No. 11-3380** to be **GUILTY** of violating Section **25.760.2(a)** of the City Code, and gave the respondent until February 8, 2012, to come into compliance with the Code section in question. If the property was not brought into compliance by that date, a fine of \$25.00 per day would begin to accrue on February 9, 2012, 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 Gibson and Board Members Lloyd, Newkirk, Schmidt, Urbas and Walker voting "aye," no "nay." Board Member Ross was absent and did not vote.

CASE NO. 11-3398 – City vs. Laszlo Kovacs and Margaret Kovacs – 9851 Morris Glen Way – Section 27.726(a) – Annual Rental Permit.

Attorney O'Dowd introduced the case, and confirmed with the Deputy City Clerk that the Notice of Violation, Notice of Hearing, and evidence of receipt were part of the record and were properly served on the violators. She indicated the owners of record were Laszlo and Margaret Kovacs, and the occupant of the property was Alfred Johnson. Code Compliance Director Joe Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violators. He provided testimony regarding the alleged violation, and noted the violation in this case had originated on November 28, 2011, while pursuing a separate violation at 9851 Morris Glen Way.

Director Gross recapped the previous violation at this address had involved a large dead tree in the backyard that had posed a danger to not only the tenant who lived at the property, but surrounding neighbors as well. He said while addressing that violation, he checked the rental permit status of the property, since the property was currently being rented. He discovered the property owners had not obtained a rental permit for the year 2011, although they had complied with the rental permit process in previous years. He said during subsequent re-inspections of the property for the tree violation, the tenant had disclosed that he had been renting the property for two years. As a consequence for the lack of a rental permit for 2011, he said a Notice of Violation was issued and hand-delivered to the property owners on December 2, 2011, establishing a compliance deadline of December 12, 2011. Director Gross commented that as of December 22, 2011, the rental permit still had not been issued to the property owners, and he submitted photographic evidence of the alleged subject violation, screen shots of the tenant's utility record, and the Hillsborough County Property Appraiser's report of this property detailing that the property owners did not have any exemptions for the property, labeled Exhibits 1 – 3, establishing a violation of Code Section 27.726(a), which the Board accepted. Director Gross also submitted three rental permit fee invoices, dated December 13, 2010, February 2, 2011, and April 6, 2011, which had been attached to the Notice of Violation and had been sent to the property owners, labeled Exhibit 4, which the Board accepted.

Director Gross said his re-inspection of January 11, 2012, revealed that a rental permit had not yet been issued to the property owners for the year 2011. He indicated that recent re-inspections had also revealed that the residence had been vacated; this fact had also been verified by the property owner, Mr. Kovacs. As such, Director Gross indicated the City was not pursuing rental permit fees for 2012 at this time, but he requested that the property owner be directed to obtain the annual rental permit for 2011 by the Board's next hearing on February 8, 2012. He continued if Mr. Kovacs did not obtain the permit within this time-frame, he recommended the corresponding fine be established at the rental permit fee cost of \$300.00. Director Gross said Mr. Kovacs was present tonight and wished to address the Board, and Risk Reduction Division Chief Andy Muzzy was also available tonight to answer questions.

Laszlo Kovacs, 777 North Ashley Drive, approached the podium to address the Board. He stated he did not recall receiving any rental permit fee invoices, but noted the property was currently vacant. He also referred to the previous violation at the subject property and said the dead tree had been removed, and the property was now in compliance with the Code.

Chairman Gibson questioned if Mr. Kovacs was aware of the current violation against the property. Mr. Kovacs responded he was now aware, but reiterated that he had never received any invoices. Board Member Walker questioned if Mr. Kovacs understood that prior to renting the property, he had to secure a City rental permit. Mr. Kovacs said he currently was not renting the property. Board Member Newkirk questioned if Mr. Kovacs understood that he owed a rental permit fee for 2011. Mr. Kovacs reiterated he did not recall receiving any invoices. Board Member Urbas questioned if Mr. Kovacs had received invoices in previous years, to which Mr. Kovacs responded affirmatively.

Board Member Urbas questioned if the City had mailed the 2011 invoices to Mr. Kovacs' address on Ashley Drive. Chief Muzzy responded Exhibit 4 detailed the dates of the three invoices mailed to Mr. Kovacs at his Ashley Drive address, and noted the City never received any return mail stating the invoices had not reached their destination. Board Member Urbas questioned if Mr. Kovacs would automatically be receiving an invoice for the year 2012. Chief Muzzy responded that the City would not know the property was not being rented until Mr. Kovacs submitted a request for a waiver at which point a fee would not be required unless and until Mr. Kovacs rented the property again. Board Member Lloyd explained to Mr. Kovacs that he would need to fill out a waiver form and submit it to the City so he would not be charged a rental permit fee for 2012.

Based on the testimony of Code Compliance Director Gross, Chief Andy Muzzy, Laszlo Kovacs, and the documentary evidence received by the Board, upon motion of Board Member Urbas, seconded by Board Member Lloyd, the Board **FOUND Laszlo Kovacs and Margaret Kovacs in Case No. 11-3398 to be GUILTY** of violating Section **27.726(a)** of the City Code, and gave the respondent until February 8, 2012, to come into compliance with the Code section in question. If the property was not brought into compliance by that date, a lump sum fine of \$300.00 would be assessed against the property owners. Vote on the motion being: Chairman Gibson and Board Members Lloyd, Newkirk, Schmidt, Urbas and Walker voting "aye," no "nay." Board Member Ross was absent and did not vote.

Director Gross informed the Board that an Affidavit of Compliance would be submitted for the violation of Section 14.185(b)(7), which involved the previous case against Laszlo and Margaret Kovacs and would be addressed under Unfinished Business.

CASE NO. 11-3427 – City vs. Wells Fargo Bank NA, Corporation Service Company/Registered Agent – 601 Vanderbaker Road – Section 11.120.9 – Duty to Keep Premises Clean; Section 11.135.2 – Sanitation – Grass/Weeds; Section 27.750(m)(3) – Roofs – Duty to Maintain; Section 27.750(m)(12) – Protective Treatment; and Section 27.750(n)(1) – Fences – Maintained in Good Repair.

Attorney O'Dowd stated this case was being withdrawn from the agenda because the property was under new ownership, and a new case had been opened against the new owner.

CASE NO. 11-3439 – City vs. Uriel Rivkin and Dvora Rivkin – 12904 N. 53rd Street – Section 27.726(a) – Annual Rental Permit.

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

Attorney O'Dowd indicated the owners of record were Uriel and Dvora Rivkin, and the occupant of the property was Jerry Kramer. Code Compliance Director Joe Gross, who was duly sworn, provided testimony with respect to the manner in which notification of the alleged violation had been served to the alleged violators. He provided testimony regarding the alleged violation, and noted the violation in this case had originated on December 2, 2011, while pursuing a separate violation involving work performed on a shed without a permit at 12904 N. 53rd Street.

Director Gross said three rental permit fee invoices had been mailed to the respondents in December, 2010, February, 2011, and April, 2011. He prepared a Notice of Violation and issued it on December 5, 2011, in conjunction with the Notice of Violation for illegal shed construction; Officer Valenti hand-delivered the notices to the property owners on December 7, 2011, establishing a compliance deadline of December 19, 2011. He said a re-inspection on December 22, 2011, revealed no change and he submitted photographic evidence of the alleged subject violation, and copies of three rental permit fee invoices, dated December, 2010, February, 2011, and April, 2011, which had been attached to the Notice of Violation and sent to the property owners, labeled Exhibits 1 – 2, establishing a violation of Code Section 27.726(a), which the Board accepted.

Director Gross said that while pursuing Case No. 11-3254, involving work performed without a permit, he and Officer Borroni met with the property owners on December 30, 2011, and at that time reiterated the need for the Mr. and Mrs. Rivkin to obtain a rental housing permit for 2011. He said a re-inspection revealed the property owners had subsequently obtained a rental housing permit and the property was now in compliance. He submitted an Affidavit of Compliance, which the Board accepted. The respondents were not present.

Board Member Lloyd questioned if the property owners had obtained a rental housing permit for 2012. Director Gross responded negatively, he did not believe the billing cycle had commenced yet for 2012. Chairman Gibson questioned the date of the 2012 billing cycle. Chief Muzzy responded the first billing cycle was due on January 31, 2012, subsequent billing cycles commenced February 1, 2012, and March 1, 2012, each allowing 30 days with which to send payment. He continued after the third billing cycle, invoices were sent in the form of Notices of Violation for non-payment of rental housing permit fees.

Based on the testimony of Code Compliance Officer Valenti, Chief Muzzy, and the documentary evidence received by the Board, upon motion of Board Member Lloyd, seconded by Board Member Walker, the Board **FOUND Uriel Rivkin and Dvora Rivkin in Case No. 11-3439** to be **GUILTY** of violating Section **27.726(a)** of the City Code, but because the property was brought into compliance prior to the date of this hearing, no fine would be assessed. Vote on the motion being: Chairman Gibson and Board Members Lloyd, Newkirk, Schmidt, Urbas, and Walker voting "aye," no "nay." Board Member Ross was absent and did not vote.

UNFINISHED BUSINESS/PRIOR CASE HEARINGS:

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

CASE NO. 11-1368 – City vs. Alex Amores, Evengelyn Amores and Mike Abbott dba All Round Tree Service – 9818 Morris Glen Way – Section 25.735.4(a)(1) – Unlawful Tree Removal.

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated January 5, 2012, for compliance with Section 25.735.4(a)(1), which the Board accepted.

CASE NO. 11-2702 – City vs. Carlos A. Paez and Noemi M. Paez – 8201 Hardee Place – Section 27.750(m)(8) – Windows and Exterior Doors – Maintained in Good Repair; Section 27.750(n)(1) – Fences – Maintained in Good Repair; Section 27.750(j) – Electrical – Lights/Outlets; Section 28.840(a)(3) – Roofs – Maintained in a Safe Manner; and Section 11.120.9 – Sanitation – Duty to Keep Premises Clean.

Attorney O’Dowd introduced an Affidavit of Non-Compliance, prepared by Code Compliance Officer Scrozzo, dated January 11, 2012, for non-compliance with Sections 27.750(m)(8), 27.750(n)(1), 27.750(j), 28.840(a)(3), and 11.120.9, which the Board accepted.

CASE NO. 11-2862 – City vs. Laszlo Kovacs and Margaret Kovacs – 9851 Morris Glen Way – Section 14.185(b)(7) – Nuisance – Duty to Maintain Private Property.

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated January 5, 2012, for compliance with Section 14.185(b)(7), which the Board accepted.

CASE NO. 11-2984 – City vs. Florida First Escrow Company Trustee – 5318 Rainbow Drive – Section 25.750.5(b)(7) – Fences – Appearance; Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; and Section 25.755.10 – Pools – Duty to Maintain.

Attorney O’Dowd indicated the deadline for compliance for this case was today, January 11, 2012, at midnight.

CASE NO. 11-3067 – City vs. Ayman Osman and Asma Alzein – 12415 N. 59th Street – Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; and Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney O’Dowd indicated the deadline for compliance for this case was today, January 11, 2012, at midnight.

OTHER BOARD ACTION:

CASE NO. 01-0062 – City vs. John P. Klose and Deanne B. Klose – 9202 Knights Branch Street– Sections 25.750.5(b)(7) – Maintenance of Fences - Walls & Hedges; and 27.750(n)(1) & (3) – Minimum Standards - Fences and Walls.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross dated January 11, 2012, for continuing non-compliance with Sections 25.750.5(b)(7) and 27.750(n)(1) & (3), which the Board accepted.

CASE NO. 05-0557B – City vs. Jeffrey L. Rhodes and Verneka L. Rhodes – 708 Grand Circle – Sections 11.120.9 - Duty to Keep Premises Clean; and 25.755.10-Pools – Duty to Maintain.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross dated January 11, 2012, for continuing non-compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

CASE NO. 08-0292 – City vs. Christopher B. York– 7604 Leon Avenue – Sections 27.750(m)(2)-Minimum Housing Standards-Exterior Walls; and 27.750(m)(3)-Minimum Standards-Roofs.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for continuing non-compliance with Sections 27.750(m)(2) and 27.750(m)(3), which the Board accepted.

CASE NO. 08-1708 – City vs. Arthur T. Human and Bette Ann Human – 9608 N. 55th Street – Sections 11.120.9 – Sanitation- Duty to Keep Premises Clean; 11.130.7(b) – Unauthorized Accumulation; and 27.750(r)(2) Minimum Housing Standards – Sanitation – Disposal of Garbage.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross dated January 11, 2012, for continuing non-compliance with Sections 11.120.9, 11.130.7(b) and 27.750(r)(2), which the Board accepted.

CASE NO. 10-1002 – City vs. George Richard Schmeizer III and Tracie L. F. Schmeizer - Sections 11.130.7(b) – Unauthorized Accumulation; 11.135.2 – Sanitation – Grass/Weeds; 25.750.5(b)(7) – Fences-Appearance; and 25.755.10 – Pools -Duty to Maintain.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, 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. 10-1222 – City vs. Tracey S. Myers – 805 West River Drive – Section 11.135.2 – Sanitation – Grass/Weeds.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for continuing non-compliance with Section 11.135.2, which the Board accepted.

CASE NO. 10-1549 (REPEAT) – City vs. Jenae R. Smith – 104 Mission Hills Avenue – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; and 25.755.10 – Pools – Duty to Maintain.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Borroni dated January 10, 2012, for continuing non-compliance with Sections 11.120.9 and 25.755.10, which the Board accepted.

CASE NO. 10-2903 (REPEAT)– City vs. Eleno G. Sibrian and Marta Sibrian – 7818 Capwood Drive – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; 11.135.2 – Sanitation – Grass/Weeds; 25.755.10 – Pools – Duty to Maintain; and 25.750.5(b)(7) – Fences – Appearance.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Borroni dated January 10, 2012, for continuing non-compliance with Sections 11.120.9, 11.135.2, 25.755.10, and 25.750.5(b)(7), which the Board accepted.

CASE NO. 10-2987 – City vs. Sandra Gomez-Dever – 8203 Volusia Place – Sections 11.120.9 – Sanitation – Duty to Keep Premises Clean; 11.135.2 – Sanitation – Grass/Weeds; and 25.755.10 – Pools – Duty to Maintain.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for continuing non-compliance with Sections 11.120.9, 11.135.2, and 25.755.10, which the Board accepted.

CASE NO. 11-0747 – City vs. Robin Suggs – 435 S. Riverhills Drive – Section 25.755.10 – Pools – Duty to Maintain; and Section 11.130.7 – Storing Solid Waste/Trash.

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for compliance with Section 25.755.10, which the Board accepted.

CASE NO. 11-1178 – City vs. Jarrell A. Burford and Gail A. Burford – 303 Sunnyside Road – Section 11.120.9 – Sanitation – Duty to Keep Premises Clean; and Section 27.750(n)(1) – Fences/Walls – Kept in Good Repair.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Director Gross dated January 11, 2012, for continuing non-compliance with Sections 11.120.9 and 27.750(n)(1), which the Board accepted.

CASE NO. 11-1224 – City vs. Shannon Richards – 8618 Grandview Drive – Section 11.135.2 – Grass/Weeds; Section 27.750(m)(3) – Roofs – Exterior and Interior of Structures; and Section 11.130.7 – Storing Solid Waste/Trash.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for continuing non-compliance with Sections 11.135.2, 27.750(m)(3) and 11.130.7, which the Board accepted.

CASE NO. 11-2008 – City vs. Robert B. McIlwain, Jr. and Zoe L. McIlwain – 402 Dunedin Avenue – Section 11.120.9 – Duty to Keep Premises Clean; Section 11.135.2 – Sanitation – Grass/Weeds; Section 25.755.10 – Pools – Duty to Maintain; and Section 27.750(m)(8) – Windows and Exterior Doors.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Scrozzo dated January 11, 2012, for continuing non-compliance with Sections 11.120.9, 11.135.2, 25.755.10 and 27.750(m)(8), which the Board accepted.

CASE NO. 11-2538 – City vs. Ani Almona Oluku – 8005 Beltrees Court – Section 25.755.10 – Pools – Duty to Maintain; Section 11.120.9 – Sanitation - Duty to Keep Premises Clean; and Section 27.750(m)(8) – Windows and Exterior Doors – Maintained in Good Repair.

Attorney O’Dowd introduced an Affidavit of Continuing Non-Compliance, prepared by Code Compliance Officer Borroni dated January 10, 2012, for continuing non-compliance with Sections 25.755.10, 11.120.9, 27.750(m)(8) and which the Board accepted.

Attorney O’Dowd indicated she had an update for the following case which was not on the agenda:

CASE NO. 11-1891, City vs. Orange River Estates Homeowner’s Association, c/o The Vanguard Management Group, Janet S. Winfield/Registered Agent – 7620 Wakulla Drive – Section 25.750.5(b)(5).

Attorney O’Dowd introduced an Affidavit of Compliance, prepared by Code Compliance Director Gross, dated January 5, 2012, for compliance with Section 25.750.5(b)(5), which the Board accepted.

NEW BUSINESS:

Director Gross reviewed that the City Council held a work session on January 3, 2012, to discuss modifications to Chapter 25.335 of the City’s Code which addressed Code enforcement. In part, he said a major component of the proposed changes to Code Enforcement was the opportunity to issue citations, which was called Supplemental Enforcement in the Statutes. He explained this addressed certain types of cases, known as transitory violations, which did not lend themselves well to the MCEB, such as watering violations, illegally parked car violations, signs posted in the right-of-way, etc. Under the current Code, he said it would take four watering violations before anything could happen – first, a warning would be issued; second, a Notice of Violation would be issued, with a deadline for compliance; third, if the violation continued, the case would go to the MCEB Agenda; and fourth, after the Hearing and the Order was issued, the violators would have to be found in violation again in order to bring them back as a repeat violation. He summarized this was a very cumbersome and very time-consuming process, as compared to the citation process, which would require only two violations, and would be performed by issuing tickets. He also commented that sometimes the prospect of facing a judge in County Court would deter some respondents who continually exhausted the City’s Code enforcement resources.

Director Gross briefly explained the citation process commenced with an initial warning, which, if unresolved or repeated, resulted in issuance of a ticket. He said the fines, which were in classes, ranged from \$75 to \$450; the initial classes chosen to adopt for a smooth transition for the Court system, judges, and clerks, were the classes already in place by the City of Tampa. He continued the City would see how that worked over the first six months of the program and make sure Tampa’s fine classifications were compatible with the City of Temple Terrace. He explained they did not want to impose a whole new fine schedule and confuse everyone. He noted there was a \$15 add-on to the amount of the ticket for the filing fee and state assessments, with payment required within 30 days. He continued that hearings were conducted monthly on the third Friday, and there was a \$40 Court cost for the non-prevailing party.

Director Gross said the citation process commenced with the issuance of a warning; if the violation continued, a citation would be issued to the respondent and a copy of that citation would be forwarded to the Clerk of the Court. He said his department could use the services of a courier that currently visited City Hall three days a week to pick-up and deliver police reports. He continued payment of the citation would need to be made within 30 days either by mail or in person to four different locations in Hillsborough County. Director Gross proceeded to delineate the violations in each of the three different classes of citations.

Director Gross stated that the City Council would revisit this program again in six months to ensure that the program was working efficiently and effectively. He recommended that the Code Board meet in a future work session to discuss revisions to the Code which affected MCEB rules and procedures. However, he said this work session would need to be held after the City Council adopted the Ordinance governing such rules and procedures, which would hopefully occur in the latter part of February.

Chairman Gibson questioned the time-frame for adoption of the Ordinance. Director Gross responded the first reading of the Ordinance was scheduled for February 7, 2012. In the interim, he said he would be meeting with the City of Tampa's attorney, and various other entities, to learn more about Tampa's process in order for the City to be prepared for implementation of the citation process.

Board Member Walker indicated the population of Temple Terrace was approximately 22,000 people, and questioned how many employees worked in the City's Code Compliance Department. Director Gross responded he had three officers, besides himself, and a part-time clerk in his department. Board Member Walker questioned who would be handling the administrative duties of the citation process. Director Gross stated the duties would be absorbed by members of his department. Board Member Walker believed this would increase his department's administrative workload and questioned if his department had time to process citations. Director Gross believed this would be a productive avenue for obtaining compliance from citizens who continually play "cat and mouse games" with Code enforcement. Board Member Walker questioned the teeth in the citation process. Director Gross said a judgment would be entered against the violator, and he noted that the City of Tampa was currently pursuing a collection court in response to some of their violation issues. Board Member Walker requested that Director Gross send an email to Board members outlining the citation process, the administrative duties involved, and what the City hoped to gain from implementing this process.

Chairman Gibson echoed Board Member Walker's request for additional information and said he believed this could be a positive step for the City.

APPROVAL OF MINUTES: Upon **motion** of Board Member Newkirk, **seconded** by Board Member Lloyd, and unanimously carried, the **MINUTES** of the December 14, 2011, regular meeting were **APPROVED**.

There being no further business to come before the Board, upon proper motion, the meeting was adjourned at 8:15 p.m.

Submitted by,

Jeannie Barlow
Deputy City Clerk