



CITIZEN CODE ENFORCEMENT BOARD

Thursday, November 12, 2009

2:00 P.M.

COMMUNITY CENTER

MINUTES

CALL TO ORDER

Chairperson Linda Johnson called the regular meeting of the Citizen Code Enforcement Board to order at 2:00 PM in the Community Center.

ROLL CALL

Members present: Linda Johnson, Alice Haldeman, Glenn Barnhill, Ben Wagner, Ed Corn, Gail Anderson and Sherry Lester. Also present were Code Officers Robin Bell and Mike McGrath, Code Supervisor Angela Desue, City Attorney Ty Harris and Board Coordinator Tabitha Russell.

APPROVAL OF MINUTES

The Minutes for the regular meeting of October 8, 2009 were presented to the Board for approval.

MOTION by Ben Wagner SECOND by Gail Anderson to adopt the minutes of the Regular Citizen Code Enforcement Board meeting on October 8, 2009, as written. MOTION CARRIED UNANIMOUSLY.

SWEARING IN OF WITNESSES:

Code Officers Robin Bell and Mike McGrath, Code Supervisor Angela Desue, Kathy Addison-City of Edgewater, Richard Eddy 407 Sea Hawk Ct., Edward Akam 1901 Juniper Dr., Darwin Rathbun 131 Highland Avenue, Steve Hayden 2529 Travelers Palm Dr.

CASES IN COMPLIANCE:

Case# 2009-CE-7063 (A & B)
James Bierwagon - 1322 Queen Palm Dr.

There was a consensus among the Board to move Cases # 2009-CE-1009, #2009-CE-9074 (A & B), #2009-CE-8054 (A & B) and #2009-CE-1027 to the beginning of the agenda.

NEW BUSINESS:

Case #2009-CE-1009, 3330 Orange Tree Dr., Edgewater Florida; Richard and Veronica Eddy. Violation of Sections 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Richard and Veronica Eddy in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Robin Bell. There was a brief discussion between the Board and Mr. Eddy regarding the violation and the foreclosure of his previous residence.

MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds Richard and Veronica Eddy in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property.

MOTION CARRIED 5-2.

Case #2009-CE-9074 (A & B), 2529 Travelers Palm Dr., Edgewater Florida ; John and Angel Capo. Repeat Violation of Section 10-121 (A) and Section 10-113 (B) (Watercraft/Trailers and Inoperable Vehicles).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find John and Angel Capo in repeat violation of Section 10-121(A) and 10-113(B) of the Code of Ordinances assessing a citation fine of \$150.00 for each violation and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Supervisor Mike McGrath. There was discussion between the Board and the tenant, Steve Hayden regarding the citations.

MOTION by Ben Wagner, SECOND by Sherry Lester that the Board finds John and Angel Capo in repeat violation of Sections 10-121 and 10-113 of the Code of Ordinances and assesses the citation fine of \$150.00 for each violation and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED 4-3

Case #2009-CE-8054 (A & B), 132 Highland Ave., Edgewater Florida ;Darwin and Joann Rathbun & Darwin Rathbun II; Violation of Section 10-81 (A) & 10-80 (B); (Vehicle Sales, Storage on Vacant Lots & Outdoor Storage).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Darwin and Joann Rathbun & Darwin Rathbun II in violation of Section 10-81(A) and 10-80(B) of the Code of Ordinances assessing a citation fine of \$75.00 for each violation and an additional fine of \$50.00 per day per violation each day the violations exist past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Supervisor Mike McGrath. There was discussion between Mr. Rathbun and the Board regarding the violation. There was a brief discussion between the Board and Kathy Addison regarding the fence permit for the property. Mr. Rathbun submitted paperwork labeled Exhibit A to the board for review.

MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds Darwin and Joann Rathbun & Darwin Rathbun II in violation of Section 10-81 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds Darwin and Joann Rathbun & Darwin Rathbun II in violation of Section 10-80 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation

exists past November 16, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

CONTINUED CASES:

Case #2009-CE-1027, 1901 Juniper Dr. Edgewater Florida ; Edward Akam. Violation of Section 21-36.09 (Canopies /Temporary Carports).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Edward Akam in violation of Section 21-36.09 of the Land Development Code assessing a citation fine of \$75.00 and an additional fine of \$50.00 per day for each day the violation exists pasts November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Mike McGrath. There was a brief discussion between Mr. Akam and the Board in regards to the violation.

MOTION by Ben Wagner, SECOND by Gail Anderson that the Board finds Edward Akam in violation of Section 21-36.09 of the Land Development Code and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Mr. Corn dismissed himself from the meeting.

NEW BUSINESS:

Case #2009-CE-9035, 2523 Sabal Palm Dr., Edgewater Florida; Delores C. Inniss Violation of Section 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Delores C. Inniss in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and an additional fine of \$50.00 per day for each day the violation exists pasts November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

MOTION by Gail Anderson, SECOND by Glenn Barnhill that the Board finds Delores C. Inniss in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property.
MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9034, 919 Lake Ave., Edgewater Florida; John and Candice Garrett. Violation of Section 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find John and Candice Garrett in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00, and an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

MOTION by Alice Haldeman, SECOND by Sherry Lester that the Board finds John and Candice Garrett in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009, and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property.
MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9040, 1916 Fern Palm Dr., Edgewater Florida ; Teresa and Carl Vasile. Violation of Section 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Teresa and Carl Vasile in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and an additional fine of \$50.00 per day each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the

Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

MOTION by Glenn Barnhill, SECOND by Sherry Lester that the Board finds Teresa and Carl Vasile in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00, an additional fine of \$50.00 per day each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9069, 3023 Silver Palm Dr., Edgewater Florida ; John R II and Linda E. Strasser. Repeat Violation of Section 10-98 (Property Maintenance). Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find John R II and Linda E. Strasser in repeat violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$150.00 and an additional fine of \$100.00 per day each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.
MOTION by Alice Haldeman, SECOND by Glenn Barnhill that the Board finds John R. II and Linda E. Strasser in repeat violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$150.00, an additional fine of \$100.00 per day for each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9055, 3039 Juniper Dr., Edgewater Florida ; Scott M. and Maryanne H. Weiss. Violation of Section 10-98 (Property Maintenance). Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Scott M. and Maryanne H. Weiss in violation of Section 10-98 of the Code of Ordinances

assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.

MOTION by Sherry Lester, SECOND by Gail Anderson that the Board finds Scott M. and Maryanne H. Weiss in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-1002, 3409 Juniper Dr. ; Edgewater Florida ; Jeremiah Winifred. Violation of Section 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Jeremiah Winifred in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.

MOTION by Ben Wagner, SECOND by Gail Anderson that the Board finds Jeremiah Winifred in violation of Section 10-98 of the Code of Ordinances and assesses a fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9082, 2703 Silver Palm Dr., Edgewater Florida; Dave and Connie Feldman. Violation of Sections 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Dave and Connie Feldman in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by November 13, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.

MOTION by Glenn Barnhill, SECOND by Sherry Lester that the Board finds Dave and Connie Feldman in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and an additional fine of \$50.00 per day for each day the violation exists past November 13, 2009 and for a lien to be placed on the property if not satisfied by November 18, 2009. It is also recommended that the Board issue a Board order requesting the City Manager approve the cutting of the grass by City staff if the violation is not corrected by

November 13, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-1029, 3226 Juniper Dr., Edgewater Florida ; Peter A. and Christine M. Griswold. Violation of Section 10-98 (Property Maintenance).
Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Peter A. and Christine M. Griswold in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.

MOTION by Gail Anderson, SECOND by Ben Wagner that the Board finds Peter A. and Christine M. Griswold in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-1012, 505 Flagler Ave., Edgewater Florida ; Roy M. and Wendy S. Munzo. Violation of Section 10-98 (Property Maintenance).
Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Roy M. and Wendy S. Munzo in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Robin Bell. No one was present to testify.

MOTION by Glenn Barnhill, SECOND by Gail Anderson that the Board finds Roy M. and Wendy S. Munzo in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9003, 3218 Kumquat Dr., Edgewater Florida ; Dianna Carey Violation of Section 10-98 (Property Maintenance).
Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Dianna Carey in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Sherry Lester SECOND by Glenn Barnhill that the Board finds Dianna Carey in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and for a lien to be

placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-9030, 306 Wildwood Dr., Edgewater Florida ; Medford Dreggors Violation of Section 10-98 (Property Maintenance).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Medford Dreggors in violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Alice Haldeman SECOND by Ben Wagner that the Board finds Medford Dreggors in violation of Section 10-98 of the Code of Ordinances and assesses the citation fine of \$75.00 and for a lien to be placed on the property if not satisfied by November 18, 2009. MOTION CARRIED UNANIMIOUSLY.

CODE COMPLIANCE REPORT:

Code Supervisor Desue stated for the record that Case # 2009-CE-9011; Bradley Stewart; 500 Pullman Rd. in violation of Section 19-41 (General Discharge Prohibition) and Section 19-45 (Specific Pollutant Limitations) of the City's Code of Ordinances has been postponed due to the City's attorney negotiating a Stipulation Agreement with Mr. Stewart.

A letter from the City Manager advising the Board that other designated city employees can write Notice of Violations and Citations was distributed to the Board members.

Code Supervisor Desue also informed the Board that their By-Laws had been amended and the Board will need to review them so that they can discuss and/or vote on them at the December 10, 2009 meeting.

PUBLIC COMMENT:

None.

BOARD DISCUSSION:

There was a brief discussion amongst the Board regarding foreclosed properties found in violation. Mrs. Johnson would like to see more information provided to the Board regarding the status of the foreclosure and current ownership.

ADJOURNMENT

Chairperson Linda Johnson adjourned the meeting at 4:06 pm.

Next Meeting scheduled for December 10, 2009 at 2 p.m.

Minutes respectfully submitted by,
Tabitha Russell
Board Coordinator