



CITIZEN CODE ENFORCEMENT BOARD

Thursday, October 8, 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 2:01 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 September 10, 2009 were presented to the Board for approval.

MOTION by Alice Haldeman, SECOND by Ben Wagner to adopt the minutes of the Regular Citizen Code Enforcement Board meeting on September 10, 2009, as written. MOTION CARRIED UNANIMOUSLY.

SWEARING IN OF WITNESSES:

Code Officers Robin Bell and Mike McGrath, Code Supervisor Angela Desue, Michael W. Gebhard of 2316 Travelers Palm Dr. and Michael Amato of 704 Fernald St.

CASES IN COMPLIANCE:

Case# 2009-CE-8019

Leonard Phillips Jr. – 1201 Regent St.

Case# 2009-CE-8072

Angelo Privatera – 1316 Travelers Palm Dr.

There was a consensus among the Board to move Cases # 2009-CE-5104, #2009-CE-4061 and #2009-CE-1027 to the beginning of the agenda.

NEW BUSINESS:

Case #2009-CE-5104, 2316 Travelers Palm Dr., Edgewater Florida; Michael W. Gebhard. Violation of Sections 10-83 (Neglected Premises).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Michael W. Gebhard in violation of Sections 10-83 of the Code of Ordinances assessing a citation fine of \$75.00 for a lien to be placed on the property if not satisfied by October 14, 2009. This case was worked and managed by Code Officer Robin Bell. There was a brief discussion between the Board and Mr. Gebhard regarding the violation.

MOTION by Ben Wagner , SECOND by Glenn Barnhill that the Board finds Michael W. Gebhard in violation of Section 10-83 of the Code of Ordinances and waives the citation fine of \$75.00. MOTION CARRIED UNANIMIOUSLY.

CONTINUED CASES:

Case #2009-CE-4061, 704 Fernald St., Edgewater Florida ; Roberta Cahoon. Repeat Violation of Section 10-82(Commercial Vehicles in a Residential Area).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Roberta Cahoon in repeat violation of Section 10-82 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. This case was worked and managed by Code Supervisor Mike McGrath. There was discussion between the Board and Michael Amato who resides at this residence regarding the violation. Mr. Amato believed that this was a non-conforming use issue and cited Article VII of the City's Land Development Code. He was advised that this would be a Planning and Zoning issue and he would need to inquire with that Department. Attorney

Harris stated that he would need to get a letter from the City in regards to the non-conforming use.

MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds Roberta Cahoon in violation of Section 10-82 of the Code of Ordinances and to continue the case to the December 10, 2009 meeting to give the property owner time to get a letter of non-conformance from the City. MOTION CARRIED UNANIMIOUSLY.

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 each day the violation exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. This case was worked and managed by Code Supervisor Mike McGrath. No one was present to testify. There was a brief discussion between Mr. Harris and the Board in regards to the dismissal of Mr. Akams complaint.

MOTION by Ben Wagner, SECOND by Ed Corn that the Board finds Edward Akam in violation of Section 21-36.09 of the Land Development Code and to continue the case to the November 12, 2009 meeting. MOTION CARRIED UNANIMIOUSLY.

NEW BUSINESS:

Case #2009-CE-8076, 224 Hubble St., Edgewater Florida ; Sharon Sautter. 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 Sharon Sautter 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 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 Glenn Barnhill that the Board finds Sharon Sautter 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 October 9.

2009, and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8010, 431 Timaquan Trail., Edgewater Florida ; VCNA Prestige Florida Holdings c/o Altus Group Ltd. 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 VCNA Prestige Holdings c/o Altus Group Ltd. 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 October 14, 2009. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds VCNA Prestige Florida Holdings c/o Altus Group Ltd. 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 October 14, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-5090, 322 Canal Rd., Edgewater Florida ; Village Green Townhouses Homeowners Association Inc. Violation of Section 21-34.05 (Dumpsters).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Village Green Townhouses Homeowners Association Inc. in violation of Section 21-34.05 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 past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

MOTION by Glenn Barnhill, SECOND by Gail Anderson that the Board finds Village Green Townhouses Homeowners Association Inc. in violation of Section 21-34.05 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 October 9, 2009, and for a lien to be placed on the property if not satisfied by October 14, 2009. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8031, 2326 Lime Tree Dr., Edgewater Florida ; Donald and Karen Ehlers. 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 Donald and Karen Ehlers 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 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 Gail Anderson, SECOND by Sherry Lester that the Board finds Donald and Karen Ehlers 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8071, Parcel #8402-55-00-0020 / W. Indian River Blvd., Edgewater Florida ; Stull Construction Inc. 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 Stull Construction Inc. 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 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. Ms. Lester informed the Board that Stull Construction was a former client of hers. She consulted counsel regarding this and was advised that there is no reason why she could not hear the case and vote on it.

MOTION by Ed Corn, SECOND by Ben Wagner that the Board finds Stull Construction Inc. 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8107, 36 Kingfisher Lane, Edgewater Florida ; Deutsche Bank National Trust Co. 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 Deutsche Bank National Trust Co. 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 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 Sherry Lester, SECOND by Ed Corn that the Board finds Deutsche Bank National Trust Co. 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8098, 2745 Fern Palm Dr. ; Edgewater Florida ; Taylor Bean and Whitaker Mtg. 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 Taylor Bean and Whitaker Mtg. 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 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 Gail Anderson, SECOND by Ed Corn that the Board finds Taylor Bean and Whitaker Mtg. in violation of Section 10-98 of the Code of Ordinances and assesses a fine of \$75.00 and an additional fine

of \$50.00 per day for each day the violation exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8004 (A, B & C), 1524 Travelers Palm Dr., Edgewater Florida; Keith R. and Regina Watson. Violation of Sections 10-83 (Neglected Premises), 10-113 (Inoperable Vehicles) and 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 Keith R. and Regina Watson in violation of Sections 10-83 and 10-113 and repeat violation of Section 10-98 of the Code of Ordinances assessing a citation fine of \$75.00 per violation and \$150.00 repeat citation fine for the repeat violation, and an additional fine of \$50.00 per day, per violation, and \$100.00 per day for repeat violation for each day the violations exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. It was also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass and removal of debris and garbage by City staff if the violation is not corrected by October 9, 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 Ed Corn, SECOND by Glenn Barnhill that the Board finds Keith R. and Regina Watson in violation of Section 10-83 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. It is also recommended that the Board issue a Board order requesting the City Manager approve the removal of debris and garbage by City staff if the violation is not corrected by October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

MOTION by Ben Wagner, SECOND by Ed Corn that the Board finds Keith R. and Regina Watson in violation of Section 10-113 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. MOTION CARRIED UNANIMIOUSLY.

MOTION by Glenn Barnhill, SECOND by Ed Corn that the Board finds Keith R. and Regina Watson in repeat violation of Section 10-98 of the Code of Ordinances and assesses the repeat citation fine of \$150.00 and an additional fine of \$100.00 per day for each day the repeat

violation exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8040 (A & B), 3219 Yule Tree Dr., Edgewater Florida ; Robin Tyler. Violation of Section 10-98 (Property Maintenance) and 10-83 (Neglected Premises).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Robin Tyler in violation of Section 10-98 and 10-83 of the Code of Ordinances assessing a citation fine of \$75.00 per violation and an additional fine of \$50.00 per day, per violation for each day the violation exists past October 9, 2009 for a lien to be placed on the property if not satisfied by October 14, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of the grass and pool maintenance by City staff if the violations are not corrected by October 9, 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 Ed Corn, SECOND by Glenn Barnhill that the Board finds Robin Tyler 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

MOTION by Alice Haldeman, SECOND by Ed Corn that the Board finds Robin Tyler in violation of Section 10-83 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 2009. It is also recommended that the Board issue a Board Order requesting the City Manager approve the pool maintenance by City staff if the violation is not corrected by October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8096, 2804 Vista Palm Dr., Edgewater Florida ; Mark Gardner. 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 Mark Gardner 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Gail Anderson, SECOND by Glenn Barnhill that the Board finds Mark Gardner 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8102, 3223 Kumquat Dr., Edgewater Florida ; Victor Lozano 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 Victor Lozano in repeat violation of Section 10-98 of the Code of Ordinances assessing a repeat citation fine of \$150.00, an additional fine of \$100.00 each day the violation exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Sherry Lester, SECOND by Ben Wagner that the Board finds Victor Lozano in repeat violation of Section 10-98 of the Code of Ordinances and assesses the repeat citation fine of \$150.00, an additional fine of \$100.00 per day for each day the violation exists past October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9,

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

Case #2009-CE-8039, 2338 Evergreen Dr., Edgewater Florida ; Michael and Erica Garris. 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 Michael and Erica Garris 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Glenn Barnhill, SECOND by Sherry Lester that the Board finds Michael and Erica Garris 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

Case #2009-CE-8053, 143 Wildwood Ave., Edgewater, FL ; Amil Bojkovsky. 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 Amil Bojkovsky 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by October 14, 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 October 9, 2009 and that a lien is placed on the property. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

MOTION by Alice Haldeman, SECOND by Gail Anderson that the Board finds Amil Bojkovsky 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 October 9, 2009 and for a lien to be placed on the property if not satisfied by

October 14, 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 October 9, 2009 and that a lien is placed on the property. MOTION CARRIED UNANIMIOUSLY.

CODE COMPLIANCE REPORT:

Angela 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 continued to the November 12, 2009 meeting due to the City's attorney negotiating a Stipulation Agreement with Mr. Stuart.

The new City Code of Ordinance books were distributed to the Board members.

PUBLIC COMMENT:

None.

BOARD DISCUSSION:

None.

ADJOURNMENT

Chairperson Linda Johnson adjourned the meeting at 3:39 pm.

Next Meeting scheduled for November 12, 2009 at 2 p.m.

Minutes respectfully submitted by,
Tabitha Russell
Board Coordinator