



## **CODE COMPLIANCE BOARD**

Thursday, April 8, 2010

2:00 P.M.

**COMMUNITY CENTER**

### **MINUTES**

#### **CALL TO ORDER**

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

#### **ROLL CALL**

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

#### **APPROVAL OF MINUTES**

The Minutes for the regular meeting of March 11, 2010 were presented to the Board for approval.

**MOTION by Alice Haldeman, SECOND by Gail Anderson to adopt the minutes of the Regular Code Compliance Board meeting on March 11, 2010, as written.**

**MOTION CARRIED UNANIMOUSLY.**

#### **SWEARING IN OF WITNESSES:**

Code Supervisor Angela Desue, Code Officers Robin Bell and Mike McGrath  
Darren Lear, Tracey Barlow and Pat Drosten – City of Edgewater,  
Peter Alastra- 220 N. Ridgewood Ave., Colin Doyle- 3112 Queen Palm Dr.  
Worldley Frye, IV- 3125 Yule Tree Dr.

There was a consensus among the Board to move the following cases to the beginning of the agenda:

Case # 2010-CE-3001 (A, B, C, D)

Case # 2010-CE-1208

Case # 2010-CE-3014

Case # 2010-CE-1119

Case # 2010-CE-3030

### **NEW BUSINESS:**

Case #2010-CE-3001(A, B, C, D), 3020 Lime Tree Dr., Edgewater Florida; Jane Church. Violation of Sections 10-4 (Nuisances Generally) (A), 10-90 (Sanitary Disposal) (B), 10-198 (Vacant Structures and Land) (C) and 10-287 (Responsibility) (D).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Jane Church in violation of Sections 10-4, 10-90, 10-198, and 10-287 of the Code of Ordinances assessing a citation fine of \$75.00 per violation, and an additional fine of \$50.00 per violation, per day for each day the violation exists past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the removal of debris and garbage from the property by City staff if the violations are not corrected by April 9, 2010 and that a lien is placed on the property. This case was worked and managed by Code Officer Robin Bell. Tracey Barlow, City Manager provided background information regarding the case. No one was present to testify.

**MOTION by Ed Corn, SECOND by Sherry Lester that the Board finds Jane Church in violation of Section 10-4 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**It is also recommended that the Board issue a Board Order requesting the City Manager approve the removal of debris and garbage from the property by City Staff if the violations are not corrected by April 9, 2010 and that a lien is placed on the property.**

**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Ed Corn, SECOND by Glenn Barnhill that the Board finds Jane Church in violation of Section 10-90 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.

**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Alice Haldeman, SECOND by Gail Anderson that the Board finds Jane Church in violation of Section 10-198 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED UNANIMOUSLY.**

**MOTION by Glenn Barnhill, SECOND by Sherry Lester that the Board finds Jane Church in violation of Section 10-287 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED UNANIMOUSLY.**

Case #2010-CE-1208, 3125 Yule Tree Dr., Edgewater Florida; Worldley D. Frye IV and Viktoriya Kyrymova JTRS. Violation of Section 10-80 (Outdoor Storage Residential)

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Worldley D. Frye IV and Viktoriya Kyrymova JTRS in violation of Section 10-80 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Officer Robin Bell. Worldley Frye, IV spoke to the Board in regards to the violation.

**MOTION by Ed Corn, SECOND by Ben Wagner to continue the case to the May 13, 2010 meeting. The Board requests that Staff take a picture of the property the day before or day of the May meeting to see what items are still on the property at that time.**

**MOTION CARRIED 5-2 with Gail Anderson and Sherry Lester voting NO.**

Case #2009-CE-3014 220 N. Ridgewood Ave. Edgewater Florida ; Peter Alastra. Violation of Section 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 Peter Alastra in violation of Section 10-83 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 April 14, 2010. This case was worked and managed by Code Officer Mike McGrath. Peter Alastra spoke to the Board in regards to the violation.

**MOTION by Ben Wagner, SECOND by Sherry Lester that the Board finds Peter Alastra in violation of Section 10-83 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 April 14, 2010.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1119 (A & B), 3112 Queen Palm Dr., Edgewater Florida; Colin Doyle, William and Ruth Doyle. Violation of Sections 10-121 (Watercraft/Trailers) (A) and 10-83 (Neglected Premises)(B).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Colin Doyle & William and Ruth Doyle in violation of Sections 10-121 and 10-83 of the Code of Ordinances assessing a citation fine of \$75.00 for each violation and an additional fine of \$50.00 per violation, per day for each day the violation exists pasts April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Officer Mike McGrath. Colin Doyle spoke to the Board in regards to the violations.

**MOTION by Sherry Lester, SECOND by Ben Wagner that the Board finds Colin Doyle & William and Ruth Doyle in violation of Section 10-121 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**Mr. Wagner withdrew his second and the motion died with a lack of a second.**

**MOTION by Alice Haldeman , SECOND by Gail Anderson that the Board finds Colin Doyle & William and Ruth Doyle in violation of Section 10-121 of the Code of Ordinances and waives the citation fine of \$75.00. Mr. Doyle has until May 8, 2010 to come into compliance. If he does not come into compliance, the citation fee of \$75.00 is reinstated and an additional fine of \$50.00 per day for each day the violation exists past May 8, 2010 will be assessed and a lien is to be placed on the property if not satisfied by May 13, 2010.**

**MOTION CARRIED 6-1 with Sherry Lester voting NO.**

**MOTION by Ben Wagner, SECOND by Gail Anderson that the Board finds Colin Doyle & William and Ruth Doyle in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED 5-2 with Ed Corn and Glenn Barnhill voting NO.**

**Chairwoman Johnson called a 5 minute recess at 3:50. The Board reconvened at 3:55.**

Case #2010-CE-3030, 1903 Mango Tree Dr., Edgewater Florida; Thomas Belmonte, Jr. Violation of Section 21-34.01 (Home Occupations).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Thomas Belmonte, Jr. in violation of Section 21-34.01 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board give notice to Mr. Belmonte Jr. for violating his Certificate of Use. This case was worked and managed by Code Officer Mike McGrath. Pat Drosten, City of Edgewater, provided information to the Board in regards to the Certificate of Use. No one was present to testify.

**MOTION by Alice Haldeman, SECOND by Ben Wagner that the Board finds Thomas Belmonte, Jr. in violation of Section 21-34.01 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. The Board also recommends Staff give notice to Thomas Belmonte, Jr. for violating his Certificate of Use.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-2012, 2632 Victory Palm Dr., Edgewater Florida ; Matthew and Candace Vieira. Violation of Section 10-4 (Nuisances Generally).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Matthew and Candace Vieira in violation of Section 10-4 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Supervisor Angela Desue. No one was present to testify.

**MOTION by Glenn Barnhill , SECOND by Ed Corn that the Board finds Matthew and Candace Vieira in violation of Section 10-4 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1286, 2359 Evergreen Dr., Edgewater Florida; Jason Logan. Violation of Section 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 Jason Logan in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the maintenance of the fence by City Staff if the violation is not corrected by April 9, 2010 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 Ben Wagner, SECOND by Gail Anderson that the Board finds Jason Logan in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the maintenance of the fence by City Staff if the violation is not corrected by April 9, 2010**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-2029, 3422 Tamarind Dr., Edgewater Florida; William and Suzanne Inklebarger. Violation of Section 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 William and Suzanne Inklebarger in violation of Section 10-83 of the Code of Ordinances assessing a citation fine of \$75.00, an additional fine of \$50.00 per day for each day the violation exists past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the maintenance of the pool by City Staff if the violation is not corrected by April 9, 2010 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 William and Suzanne Inklebarger in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied**

**by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the maintenance of the pool by City Staff if the violation is not corrected by April 9, 2010 and that a lien is placed on the property.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1296, 1930 Fern Palm Dr., Edgewater Florida; James Rosa. Violation of Section 10-121 (Storage/Parking of Recreational Vehicles).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find James Rosa in violation of Section 10-121 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 April 14, 2010. 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 James Rosa in violation of Section 10-121 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 April 14, 2010.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-3028, 1872 Mango Tree Dr., Edgewater Florida; Owen Trafford. Repeat Violation of Section 21-34.01 (Home Occupations).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Owen Trafford in repeat violation of Section 21-34.01 of the Land Development Code assessing a repeat citation fine of \$150.00, and an additional fine of \$100.00 per day for each day the repeat violation exists past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. 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 Owen Trafford in repeat violation of Section 21-34.01 of the Land Development Code and assesses the repeat citation fine of \$150.00, an additional fine of \$100.00 per day for each day the repeat violation exists past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**  
**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-2002, 3029 Kumquat Dr., Edgewater Florida; Michael Brown and Carol Coleman. Violation of Section 10-4 (Nuisances Generally).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Michael Brown and Carol Coleman in violation of Section 10-4 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the repair of the fence by City Staff if the violation is not corrected by April 9, 2010 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 Ben Wagner, SECOND by Gail Anderson that the Board finds Michael Brown and Carol Coleman in violation of Section 10-4 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the repair of the fence by City Staff if the violation is not corrected by April 9, 2010**

**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1150, 2529 Travelers Palm Dr., Edgewater Florida; John and Angel Capo. Repeat Violation of Section 10-121 (Watercraft/Trailers).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find John & Angel Capo in repeat violation of Section 10-121 of the Code of Ordinances assessing a repeat citation fine of \$150.00, and an additional fine of \$100.00 per day for each day the repeat violation exists past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

**MOTION by Glenn Barnhill, SECOND by Ed Corn that the Board finds John and Angel Capo in repeat violation of Section 10-121 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1223, 3324 Woodland Dr., Edgewater Florida; Ida Peacock. Violation of Section 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 Ida Peacock in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

**MOTION by Gail Anderson, SECOND by Sherry Lester that the Board finds Ida Peacock in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-3033, 315 N. Ridgewood Ave., Edgewater Florida; Daniel Harrington Land Trust 315. Repeat Violation of Section 21-60.04 (Prohibited Signs).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Daniel Harrington Land Trust 315 in repeat violation of Section 21-60.04 of the Land Development Code assessing a repeat citation fine of \$150.00 and for a lien to be placed on the property if not satisfied by April 14, 2010. This case was worked and managed by Code Officer Mike McGrath. No one was present to testify.

**MOTION by Sherry Lester, SECOND by Gail Anderson that the Board finds Daniel Harrington Land Trust 315 in repeat violation of Section 21-60.04 of the Land Development Code and assesses the repeat citation fine of \$150.00 and for a lien to be placed on the property if not satisfied by April 14, 2010.**

**MOTION CARRIED UNANIMIOUSLY.**

Case #2010-CE-1105 (A & B), 1703 Queen Palm Dr., Edgewater Florida; Albert Daniel Jr. Violation of Sections 10-83 (Neglected Premises)(A) and 10-98 (Property Maintenance) (B).

Code Supervisor Angela Desue presented the case summary to the Board. Code Supervisor Angela Desue presented staff's recommendation to find Albert Daniel

Jr. in violation of Sections 10-83 and 10-98 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 for each day the violations exist past April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the removal of debris & cutting of the grass by City Staff if the violation is not corrected by April 9, 2010 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 Ed Corn, SECOND by Glenn Barnhill that the Board finds Albert Daniel Jr. in violation of Section 10-83 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the removal of debris by City Staff if the violation is not corrected by April 9, 2010**

**MOTION CARRIED UNANIMIOUSLY.**

**MOTION by Ed Corn, SECOND by Glenn Barnhill that the Board finds Albert Daniel Jr. 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 April 9, 2010 and for a lien to be placed on the property if not satisfied by April 14, 2010. It is also recommended that the Board issue a Board Order requesting the City Manager approve the cutting of grass by City Staff if the violation is not corrected by April 9, 2010**

**MOTION CARRIED UNANIMIOUSLY.**

**OTHER BUSINESS:**

None at this time.

**CODE COMPLIANCE REPORT:**

None at this time.

**PUBLIC COMMENT:**

None at this time.

## **BOARD DISCUSSION:**

Mr. Wagner stated that his term was going to expire next month and asked the Board to endorse his request to keep him on for another term. The procedures of reappointment were in question. Staff stated that the vote for reappointment needed to be on the agenda and recommended that no action be taken until procedures could be confirmed as there would still be enough time before Mr. Wagner's term expired. The Board decided to make a motion in regards to the reappointment of Mr. Wagner, Sherry Lester and Ed Corn. Staff stated that any motion at this meeting would be null and void if the procedures of reappointment were not followed correctly.

**MOTION by Linda Johnson, SECOND by Alice Haldeman to send a written recommendation to City Council for the reappointment of Ben Wagner, Sherry Lester and Ed Corn for another term.**  
**MOTION CARRIED UNANIMIOUSLY.**

## **ADJOURNMENT**

**Chairperson Linda Johnson adjourned the meeting at 5:00 p.m.**

**Next Meeting scheduled for May 13, 2010 at 2 p.m.**

Minutes respectfully submitted by,  
Tabitha Russell  
Board Coordinator