

Chairwomen: A residential, single family. This person is a repeat offender. I believe this is the fourth reoccurring offensive accumulation offense against her. Before I go any farther because we're going to need a lot of Kelly's help, the attorney I believe.

This house is not in foreclosure, I believe there is zero owed on it. It was given to her from what I understand. However, the taxes have not been paid for several years. I have spoke to the county, they would like very much to sell this property, however, they can not because of a bankruptcy issue. The bankruptcy they felt was filed to save the home. So, whatever we do we want to make sure to look to Kelly for direction on it. With that said..

Kelly: I'll address the bankruptcy issue really quick. The fact that the property is in bankruptcy does not prohibit you from taking action as Code Enforcement Board. It is not typically when someone files for bankruptcy it stays in the actions against their property, but, the city is able to proceed forward in things like this where it's health, safety, and welfare. So, this proceeding can occur with no issues relating to the bankruptcy.

Chairwomen: The violation in this case is an unkept swimming pool with stagnant, noxious, waters. The barrier fence around the pool is in disrepair, and the backyard is quite overgrown with weeds and vegetation. I have the best picture that I could get.

Male Speaker: *chuckle*

Chairwomen: Try that again.

These were the first pictures that were taken. I had contact with Joanne Case, the property owner, only once and that was right after these pictures were taken. The property owner, right here, had made the complaint and had asked me, had told me that I could by all means use his property to take any photos that I needed. That's where these pictures are coming from.

This is the fence line that is to secure the swimming pool area. There is and I don't know if you're going to be able to see it in any of these photos there is a fine almost screen wire that has run through this. That is the swimming pool right here. Of course, we can see the overgrown grass. And another picture of the back of the house and the swimming pool.

Vincent Burton: Mr.Chairman, the path that screen goes a crossed that whole fenced area on the inside

Chairwomen: Most areas on the inside, if you remember Vince, when we had this, I don't remember how far back it was on one of the other cases that was one of the issues and it was agreed that would be okay to stop people from coming in and out. As far as I could see, it all still looks intact but the concern of the neighbor was first of all this was a rental property and he couldn't keep renters because

of this noxious water and the fear of the animals coming back and forth. He too had concerns about children in the area being able to get through the fence and falling into that pool and maybe never being found. He has since and told me that he would put his property up for sale because he said he can't tolerate it any longer. But it does appear that the screen is pretty much intact.

Vincent Burton: According to the building code, a screen barrier like you have on your pool cage is an acceptable barrier.

Chairwomen: This is kind of what's left of the pool filter. I stood there for quite a while hoping I would hear it try to click on and there was absolutely no noise in there at all. Since this has, with the research that I did for this one it has come to our attention that there is no water service to this address. It has been turned off for quite a while.

So, any hopes at this time, I left my card and she did call me. I have not been able to contact her again, she doesn't answer the phone, she doesn't respond when I go to the door, and as you all know I can't just go barging into somebody's yard, so I have no further pictures. The only photos that I've got was yesterday of course I went by and tried one more time and was not able to get anything except the front of the house, which has not changed at all. So, that is our case.

Vincent Burton: So, it looks like they are living in the home.

Chairwomen: They are living there. From what I understand from the neighbors that are very willing to talk about the property. It's Joanne Case, the property owner, who I've we've met actually she was in front of the board; and her elderly mother, a child, a boy in about the 8th grade, and I believe there is a teenage to early 20's son that lives there as well. So, those people are in the house. It is occupied. We've had, like I've said this is the third or fourth time that they have been back on the offensive accumulation of one kind or the other.

So, I guess my suggestion would be to find them guilty, which is pretty obvious. Vincent and I talked about it, we have to do some sort of fine in case this ever does go to court. I mean, she is a repeat violator so the fines need to start as of 4/11 when I took the pictures. Or actually, yeah 4/11 because as a repeat violator they start the day that we see the problem. Whatever you think, I honestly don't believe the fines will be paid. It's not in foreclosure so there's no bank to go against. She like I said has not paid her property taxes in years, has not paid her water bill I believe it's over two thousand dollars to get that turned on again. A fine would probably look good in court if we had to go there. We are trying to do something, I don't know what we are going to be able to do from here. I don't even know if we are allowed to go ahead and correct it as the city since we do have occupants in that property.

Kelly: Just one thing. I have been involved in a bankruptcy case because there is a utility lean, so just to give you some more information on that. It is a Chapter 13, so she is attempting to re-organize, and apparently save the property. Through that process, she is supposed to had been making through a trustee payments monthly to the city, towards that unpaid utility bill. Which apparently she has been making because I haven't seen anything that bankruptcy case is closed.

Chairwomen: As far as I could see when I looked at the record, there was only one payment that was made back in February.

Kelly: If that's the case then at some point then the trustee will notify the court and the bankruptcy case could be closed for failure to make payments. But, currently it is open and currently she is obligated to make monthly payments to the trustee.

Male Speaker: You said that the city has turned off the water? Even though people live there?

Chairwomen: Yes, the water has been turned off since I believe, since January.

Male Speaker: Looking at Vince over there...

Chairwomen: No, there's another case, but not today. There's another case, but not today.

Male Speaker: Based on that issue? Oh okay.

Vincent Burton: It's interesting that the grass in the front, and the back is just all. At least that much that we're getting a good appearance from the street.

Mr.Pakledenes: Mr. Chairman, if you could check that utility that the water is on. In a case like that where the swimming pool looks like that is there any way to check with FPNL that there's a current electrical service as well too?

Chairwomen: I don't know if they would allow me or not. I have not tried to find out.

Mr.Pakledenes: Do we know an answer to that?

Kelly: I don't know off hand if they will...

Chairwomen: Give me that information?

Kelly: I would suspect that they would give the state that information for a public, if the building is occupied.

Chairwomen: Well, the point is electric or not that pool is not going to get fixed. There's no water.

Mr.Pakledenes: Well, my point is if they don't have water, do they have electricity? Do we know?

Chairwomen: I don't know.

Male Speaker: We could check that out.

Vincent Burton: Drive by at night.

Kelly: From a public health perspective, I think that a lack of water is more of a problem than a lack of electricity.

Chairwomen: Right, because they can have flashlights, lanterns, they can have candles. You know.

Vincent Burton: Yeah but how do you bathe and toilet? *Shudders* Kitchen sink?

Kelly: Well they have no water, so.

Chairwomen: She told me that the children a lot of times went to the beaches and used their showers.

Male Speaker: Wow.

Chairwomen: When I did talk to her that one time.

Vincent Burton: I think they've got more problems than just the..

Chairwomen: I don't have to make this up, this is all true so.

Male Speaker: I think they've got more problems than just a sick looking pool.

Chairwomen: I believe so.

Male Speaker: Mr. Burton?

Vincent Burton: I guess I'm wondering why they even have an occupancy permit.

Chairwomen: They've been in this home for many, many years. As far as I know this property was given to her free and clear.

Vincent Burton: It sounds like it's no longer a leviabile place.

Chairwomen: I said there is another case pending that I can not go into right now.

Vincent Burton: Did you say pending, going to be coming before us or..?

Chairwomen: We'll see.

Vincent Burton: Okay. Will it come before this?

Chairwomen: We'll see. But, it would come to this board if it had to.

Male Speaker: Any other questions to add? If not, I'll close the public hearing and we can proceed to a discussion.

Kelly: I will say that the motions there before you are not teed up for a repeat offender, because I don't believe Tony was aware that this was a repeat violation. So, just keep that in mind when you're making a proposed motion. You will be able to initiate a find if you so choose from the date that the

Chairwomen: April 11th

Kelly: Right.

Male Speaker: What was the fine or conditions imposed last time when she was here? because I know that it's basically the same issue.

Chairwomen: Yeah, it was the swimming pool and the fence as well. I believe that she came into compliance and we did not fine her. I mean, I could look it up but, I probably have it right here.

Kelly: I know that there is no unpaid fine pending on this property for code enforcement.

Vincent Burton: Can we make the fine retroactive to April like the code enforcement officer?

Kelly: No, no. because it is a repeat violation from the date the violation was found

Vincent Burton: April 11th.

Kelly: You can have the violation, the fine run from that date.

Vincent Burton: April 11th. I was looking in the sample cases and case number 4 looks like it might had been written up for a repeat offender if I'm not mistaken.

Chairwomen: The order on the screen also from May 5th to the 11th there were no fines imposed.

Mr.Pakledenes: But she was deemed a repeat violator?

Chairwomen: A repeat violator, yes.

Mr.Pakledenes: I recall that, since she, even though she's a repeat offender, same violation she did bring it in to compliance. Again, I think in the case of imposing fines and the filing fees and everything else. If they're not paying their water bill then they're not going to pay.

Chairwomen: No, and the only reason that I suggested it is like I said, we discussed it with building official and he said that if it ever did land in court, it showed that the city is trying to make an effort to nudge this property owner along to do something.

because like you said I don't know if we will ever see a penny. But, it may prompt her somehow. The last time I'm sure all she did was dump a bunch of chlorine in there and clear it up so that I could take a picture. That pool pump area as you saw looks very old and dilapidated. But, you know, it would just make a good show if we had to end up in court with it.

Male Speaker: Alright, anybody want to take a stab at a motion? Maybe a little help with the?

Kelly: Yup, I'm drafting one up here. I'm going to send it.

Chairwomen: I just pulled up 3 of the past orders and none of them were fines imposed. They were all deemed repeat violators, but no fines.

Mr.Pakledenes: So there's three?

Chairwomen: This is back from 2010.

Mr.Pakledenes: Okay, so this has been going on for..?

Chairwomen: They have two more repeat ones from 2011, and no fines were ever imposed.

Kelly: I would like to make a motion.

Male Speaker: Whoever wants to take a stab at it, we have a template here, if you'd like.

Mr.Pakledenes: I can make a stab at it if you wish, sir.

Male Speaker: Okay.

Mr.Pakledenes: Well, maybe. Let's see.

Okay. And you said the 11th of April?

Chairwomen: Correct.

Mr.Pakledenes: So, we're how many days? Anybody?

Chairwomen: I don't have my calendar with me.

Mr.Pakledenes: I've got so..

Male Speaker: So 19 and 31. 42. And then we're what the 5th? 47 days to now.

Vincent Burton: It'd be 20 in April?

Male Speaker: 19.

Vincent Burton: Well, wouldn't the 11th from that be 20?

Mr.Pakledenes: I got 55.

Male Speaker: 19 plus 31...

Vincent Burton: Well, don't you have to count the 11th also? That would be 20.

Mr.Pakledenes: Yeah.

Vincent Burton: 20 and 30.

Male Speaker: 55, yeah!

Vincent Burton: And today's the 5th.. yeah, 55.

Male Speaker: So, we all pass math.

Chairwomen: And I didn't even try.

Vincent Burton: Actually, May is 31.

Mr.Pakledenes: Its 56. One extra day in May there.

Vincent Burton: We have to take out holidays?

Male Speaker: I still get 55. 19 days in April. Well are we counting the 11th?

Vincent Burton: Yeah.

Male Speaker: Oh!

Vincent Burton: So 56. I failed math.

Male Speaker: I got 57.

Mr.Pakledenes: There's 30 days in April.

He's got 57.

Male Speaker: Alright.

Chairwomen: Sounding a bit like a..

Male Speaker: 20 and 5..

Kelly: I can make it really simple and tell you it doesn't necessarily matter. If you just want to have a dollar amount daily fine run from the day that it was found to be in non-compliance until it closes in. The number of days is irrelevant.

Vincent Burton: Yeah!

Kelly: Thank you!

Vincent Burton: And that will make it more simple in the future too. We won't have to worry about counting the days.

Male Speaker: It's like checkers.

Vincent Burton: For future motions...I don't have to worry about that, I just have to word it different though.

Officer, members don't have any side discussions please.

Mr.Pakledenes: I'll give it a try.

Male Speaker: Okay. Mr.Peglavenus is going to give it a try. Motion by...

Mr.Pakledenes: I move that the board fines respondent in violation of code section 34-81 offensive accumulations. As a repeat violator, fine is hereby imposed on the respondent as a repeat violator in the amount of \$25 per day for each day the property has been in violation beginning on April 11th, 2014 and terminating on the day the property is found to be in compliance by the Code Enforcement Inspector. A certified copy of this order shall be recorded in the public records of Sarasota County, Florida and thereafter shall constitute a lien against the subject property and upon any other real or personal property owned by the respondent.

Male Speaker: Second.

Vincent Burton: Move.

Male Speaker: By commissioner preset. Any further discussion? If not rule call will plead with madame secretary.

Kelly: Mr. Burton?

Vincent Burton: Yes.

Kelly: Mr. Holloway?

Male Speaker: Yes.

Kelly: Mr. Young?

Mr. Young: Yes.

Kelly: Mr.Preset?

Male Speaker: Yes.

Kelly: Mr. Pakledenes?

Mr.Pakledenes: Yes.

Kelly: Mr.LaFabe?

Speaker 8: Yes.

Male Speaker: Alright, that is unanimously. We will move on to the next case in new business. It will be case # 14190, 1203 East Vines Avenue.

Kelly: If any board member has any ex-partake communications or possible conflicts of interest please state so on the record at this time.

Male Speaker: I just note that I drove by today and took a quick look and that's about the extent of it. As I drove by I didn't notice much.

Any thing else? If not...