

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, DECEMBER 5, 2017
CITY HALL – 542 MAIN STREET – 2:00PM**

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham, Ken Carson and William Motley; Alternate Members Joe Mackin and Wade Davenport

ABSENT: Members Bunny Dutton and Dave Pauley

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Director of Planning and Development Greg Rice, Pinellas County Sheriff's Deputy Ferguson and eighteen attendees.

Chair Bowman called the meeting to order at 2:00 P. M. and explained the purpose of this Board and meeting procedures to those in attendance.

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of November 7, 2017

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the 2016. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspector Michael Kepto and Code Enforcement Inspector Tom Colbert.

AFFIDAVITS OF COMPLIANCE

Chair Bowman advised those in attendance that if their case number was called, they did not need to attend the meeting unless they were attending for a request for fine reduction.

1. DCEB 12-863 City vs. 1025 W MICHIGAN DRIVE LAND TRU
2. DCEB 15-252 City vs. JAMES P BLAIR EST
3. DCEB 17-093 City vs. SNAGGED LLC
4. DCEB 17-140 City vs. EQUITY HOME SOLUTION LLC
5. DCEB 17-277 City vs. DONALD C / JENNIFER PORTER
6. DCEB 17-546 City vs. NEWLANDS ASSET HOLDING TRUST
7. DCEB 17-605 City vs. SCIOTO II LLC
8. DCEB 17-730 City vs. DANNY CHAMBERLAIN *(and Affidavit of Non-Compliance)*
9. DCEB 17-751 City vs. LUCILLE LYNCH TRUST
10. DCEB 17-754 City vs. RICHARD PATRICK / KRISTIN LEIGH CONNOLLY

MOTION: Vice-Chair Suplicki moved to accept the Affidavits of Compliance. Second was made by Mr. Carson.

VOTE: Motion carried unanimously.

OLD BUSINESS

1. **DCEB 17-165 City vs. PARAMOUNT COURT LLC**
353 Jackson St
Violation of the Dunedin Code of Ordinances Section 16.35(D) BUILDING MATERIALS, STORAGE
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES
Violation of the International Property Maintenance Code Section 302.7 FENCE: ACCESSORY STRUCTURES
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Ms. McHale swore in Kevin Wells of 4905 34th Street, S. St. Petersburg, FL 33711.

Chair Bowman explained this is old business and the Board would not be hearing the case again, only if there is new testimony.

Mr. Kepto reviewed case DCEB 17-165:

- At the meeting of October 3, 2017 this Board ordered compliance by November 12, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection the property and property records on December 4, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Mr. Motley inquired if all the violations remain, Mr. Kepto stated when he sees the major violations remaining then they all do remain and he recalled there were three stop work orders at the property. Mr. Kepto stated there has been no contact from the respondent since the letters went out.

Mr. Wells stated:

- They do have a building permit and many of the violations have been corrected.
- Some of the things on the list according to the stop work order indicated they could not do any work at the property, the fence, wall exterior repair.
- He personally called Mr. Kepto and asked a question regarding this property and the last conversation was about once they had an approved building permit that the fine would stop. He was looking for a fine reduction.

Chair Bowman explained a request for fine reduction is after everything is in compliance and then the request is made within 30 days.

Mr. Kepto advised he checked on the status of the permit just prior to the meeting and it is still on hold for Notice of Commencement.

When Chair Bowman asked if he had the permit in hand, Mr. Wells stated he did not put it at the job site yet. Mr. Kepto stated he thought the permit was for electric or air conditioner and did not include any of the other items; also the property needs to be mowed; there are issues not completed.

Mr. Wells stated he can pull the permit for lining the pool, remodel permit and the property has been cleared and the dumpster is there now. He picked up the permit three or four weeks ago. He acknowledged he paid for it and it is in hand and it covers everything on the list.

Mr. Kepto reiterated when he checked the records they indicated the permit is on hold and he would have to go back to the Permitting to find out why it is not updated and he could do another inspection of the property tomorrow. The property in the meantime is still in non-compliance, if the permit was issued that would clear that, but not the outside issues of storage and the yard.

Mr. Wells stated that is all taken care of.

In response to the question from Chair Bowman, Mr. Kepto indicated he would not suggest postponing, he can check when the permit was issued and come back to the Board to ask them to change the ruling and he can check to see if the other violations have been corrected.

Mr. Wells stated he could pull up the permit information right now.

When Chair Bowman turned to City Attorney Trask, he advised time could be taken to do that.

Mr. Motley noted even if the permit was issued that does not clear the other violations.

When Chair Bowman asked if Mr. Kepto inspects tomorrow everything on the list will be done, Mr. Wells responded yes.

Mr. Kepto asked if the shed has been removed or repaired and if the property had been mowed, Mr. Wells stated the shed was torn down and a bobcat cleared the property.

Mr. Kepto noted when he reviewed the permit that was submitted nothing on it included the exterior walls as cited which were not only rotted, but boards missing. Mr. Wells stated they have replaced all the windows and doors as well as repairing the siding, so that is part of the permit. Mr. Kepto stated he will have the Deputy Building Official review the permit to make sure everything is covered.

When Mr. Motley inquired if that would require Engineering, Mr. Kepto stated that would be the call of the Building Department.

Chair Bowman noted the Board could find the case in violation since the permit is not here to see that it covers everything or postpone.

Mr. Wells stated if he could have a moment the permit might be in his car and Chair Bowman agreed.

Mr. Wells returned and Chair Bowman asked him to show the permit to Mr. Kepto.

Mr. Kepto noted what he was shown was plans, copies of the blue prints and he was not qualified to do a plan review. He asked when that was done and Mr. Wells stated October 17, and that the permit is in the window on the job site.

Mr. Kepto suggested postponing to the next meeting because it is going to be either in compliance or not.

Mr. Wells stated his understanding the approved permit extends the time for any repairs that need to be done and Chair Bowman stated that was correct as long as the permit covers all the violations listed it is 6 months for action.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-165 to postpone to the meeting of January 9, 2018. Second was made by Ms. Graham.

VOTE: Motion carried 6 - 1 with Ms. Graham, Messrs. Carson, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Mr. Motley.

Chair Bowman advised Mr. Wells if received another notice to appear or that he is on the agenda to bring the permit or a picture of it and as long as everything listed is on the permit.

2. DCEB 17-376 City vs. BRIAN LEWERT / CHALRENE M DAVIS
600 Tangerine Ave
Request to Quash Order of the Board of November 14, 2017

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-376:

- At the meeting of August 1, 2017 this Board ordered compliance by October 16, 2017 or a fine of \$100.00 per day would be imposed.
- City staff is requesting the Board quash the previous order of August 1, 2017 and also the Affidavit of Non-Compliance on November 7, 2017.
- This case involved the driveway issue. The City Engineering Inspector has changed his mind and has said maybe the City did do the driveways without permits. If there is any doubt he will not follow through on the case.

City Attorney Trask clarified Mr. Kepto referenced the Order of the Board being entered on August 1, 2017; however, it was actually in the packet it indicates the date of August 9, 2017.

MOTION: Mr. Carson in case DCEB 17-376 to quash the previous Order of the Board. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

3. DCEB17-493 City vs. FRANKIE M CLARK
526 Frances St

Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-493:

- At the meeting of October 3, 2017 this Board ordered compliance by November 20, 2017 or a fine of \$50.00 per day would be imposed.
- As of inspection on November 21, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 17-493 to accept the Affidavit of Non-Compliance. Second was made by Mr. Carson.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

4. **DCEB 17-498 City vs. NORTON FAMILY LAND TRUST, JOHN M NORTON TRE**
1001 Douglas Ave

Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-498:

- At the meeting of October 3, 2017 this Board ordered compliance by November 20, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on November 21, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. McHale swore in Planning and Development Director Rice.

Mr. Rice advised this address with Mr. Norton was sent to the Zoning Department and they came to an agreement that if the vehicles on this lot were screened with a 6-foot fence that would resolve the issue. Mr. Norton has agreed to do that; however, he needs a survey which is 3 weeks out from being delivered and he provided a copy of his contract with Lowe's to have the fence installed. Hurricane Irma has caused a back up in the installations. Mr. Rice requested 90 days to make sure the fence is installed.

Mr. Motley asked where the vehicles are located on the lot and Mr. Rice explained the building faces Skinner Boulevard and the vehicles would be behind the building. Mr. Motley verified with Mr. Rice this is a commercially zoned area Downtown Core.

MOTION: Mr. Davenport moved in case DCEB 17-498 to postpone to the meeting of March 6, 2018. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

5. **DCEB 17-517 City vs. ABUNDENT LIFE FNC LLC**
908 Gulf View Blvd
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Christian F. Villavicencio of 634 Frederica Lane, Dunedin.

Chair Bowman reiterated the Board would not rehear the case, only if there was new testimony.

Mr. Colbert reviewed case DCEB 17-517:

- At the meeting of October 3, 2017 this Board ordered compliance by November 20, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection of the permit records on November 21, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The permit records indicated the permit was submitted on November 17, 2017 and as of November 28, 2017 it is in Plan Review.

Mr. Villavicencio explained they are waiting on the permit and he has a permit number. He has complied with everything that needs to be done, just waiting for approval of the permit.

Chair Bowman noted the permit was applied for right around the compliance date and explained to have the permit it has to be paid for and in hand. Mr. Villavicencio stated his contractor gave him a permit number and he could not say anything further about it. Chair Bowman explained if the Plan Review asked for more information the review could go on for weeks.

Mr. Colbert advised this case was cited June 15, 2017 and there was a compliance date of July 16, 2017.

Mr. Motley commented then there was plenty of time.

MOTION: Ms. Graham moved in Case DCEB 17-517 to accept the Affidavit of Non-Compliance. Second was made by Vice Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman explained to Mr. Villavicencio that as soon as he gets the permit in his hand, paid for and in hand to call Mr. Colbert so he can stop the fine and then Mr. Villavicencio could request a fine reduction within 30 days, but in the meantime there will be a fine running until the permit is in hand.

Mr. Villavicencio stated they did everything but they found out the house fell into a FEMA rule, the 50% rule so they had to get a surveyor. Chair Bowman explained once he has the permit and calls Mr. Colbert then he can come back within 30 days to explain all the issues and the Board can reduce or waive the fine

6. **DCEB 17-715 City vs. WILLIAM F MYERS**
1984 Fairway Cir W
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-715:

- At the meeting of November 7, 2017 this Board ordered compliance by November 12, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on November 20, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Chair Bowman inquired if the house is vacant, Mr. Kepto advised the owner is deceased and it is an estate and he has heard a lot of complaints from the neighbors; however, has not heard anything from anyone in ownership.

In response to the question from Mr. Motley, Mr. Kepto advised the property has been posted and certified letters have gone to 1984 Fairway Circle W. and are not being signed for.

It was clarified the address on the Order is 1984 as it is listed at the Property Appraiser's Office.

MOTION: Mr. Carson moved in case DCEB 17-715 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

7. **DCEB 17-730 City vs. DANNY CHAMBERLAIN (also Affidavit of Compliance)**
1712 Amberlea Dr S
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-730:

- At the meeting of November 7, 2017 this Board ordered compliance by November 12, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on November 17, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The Board accepted the Affidavit of Compliance dated November 20, 2017, the property was in non-compliance for several days; therefore, an Affidavit of Non-Compliance has to be submitted.

City Attorney Trask stated it just so happens that is the way it is on the agenda.

MOTION: Mr. Mackin moved in case DCEB 17-730 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

8. **DCEB 17-745 City vs. AEGIS CAPITAL MARKET INC**
1634 Dale Cir N
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-745:

- At the meeting of November 7, 2017 this Board ordered compliance by November 12, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on November 20, 2017 the violations remain.
- The grass has been poorly cut; however the fence is still dilapidated and some sections are still lying on the ground.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Davenport moved in case DCEB 17-745 to accept the Affidavit of Non-Compliance. Second was made by Mr. Mackin.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

9. **DCEB 17-773 City vs. MARK G MONTGOMERY**
1019 Martin Luther King Jr Ave
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-773:

- At the meeting of November 7, 2017 this Board ordered compliance by November 7, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on November 8, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-773 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

NEW BUSINESS

1. **DCEB 16-372 City vs. ELIZABETH STROTHER/FRANCES K STROTHER TRUST**
1120 Idlewild Dr S
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-372:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 22, 2016 and a notice of violation was sent to the owner with a requested compliance date of May 8, 2016.
- The violation includes the open parking or storage of utility trailers as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on April 22, 2016 and November 6 & 9, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Carson moved to find case DCEB 17-372 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of May 8, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Davenport.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 16-633 City vs. ISKAN PROPERTIES LLC**
1226 Falcon Dr
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-633:

- The violation exists on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 11, 2016 and a notice of violation was sent to the owner with a requested compliance date of July 17, 2016.
- The violation includes the parking of any vehicle in the front yard area as prohibited in a residential area.
- The tenant who is parking his vehicle on the front grass called and said he would no longer park on the grass.

Mr. Kepto submitted into evidence photographs taken on November 18, 2017. He recommends a compliance date of today December 5, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Mr. Davenport moved to find in case DCEB16-633 based on the testimony, evidence and facts presented in law that at the time of the alleged violation the Respondent was in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by December 5, 2017 or suffer a fine of \$150.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

3. **DCEB 16-873 City vs. JOSEPH H/DAWN P VOSS**
1506 San Mateo Dr
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Joseph Voss.

Mr. Colbert reviewed case DCEB 16-873:

- The violation exists on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 3, 2016 and a notice of violation was sent to the owner with a requested compliance date of October 9, 2016.
- The violation includes the parking of any vehicle in the front yard area as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on October 3, 2016, July 19, 2017 and November 13, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

Mr. Voss stated is in the lease the tenants cannot violate any codes of the city, county or state. He spoke to the tenant who wants to extend the driveway; however, Mrs. Voss does not want that. He thinks the tenants will move and if they violate again they will be evicted.

Chair Bowman explained usually in these instances the Board sets the case up where there is no fine; however, if it comes back again there can be a daily fine.

MOTION: Mr. Carson moved to find case DCEB 16-873 was in violation of Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of October 9, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 17-121 City vs. RICKY L JOHNSON**
1551 Pasadena Dr
Violation of the Land Development Code Section 105-27.1.1(h) FRONT YARD RESTRICTIONS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-121:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on February 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of March 5, 2017.
- The violation includes items in the front yard not allowed, portable tents, pop-up tents, temporary vehicle enclosures or green houses.
- He spoke with the owner who indicated he understands and he is going to try to get a permitted awning for the front of his house.

Mr. Colbert submitted into evidence photographs taken on February 24, 2017 and November 13 & 21, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance.

MOTION: Ms. Graham moved to find case DCEB 17-121 was in violation of the Land Development Code Section 105-27.1.1(h) after the requested compliance date of March 5, 2017 on the Notice of Violation; however, is now in compliance. Any future violation within the next five (5) years will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 17-124 City vs. JOHN J GRIFFIN**
1268 Falcon Dr
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Ms. McHale swore in John Griffin of 1268 Falcon Drive and William Griffin of 15033 Newport Road, Clearwater, FL

Mr. Kepto reviewed case DCEB 17-124:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on February 27, 2017 and a notice of violation was sent to the owner with a requested compliance date of March 19, 2017.
- The violation includes the excessive accumulation of assorted personal items and left over construction items as prohibited; this includes but is not limited to wood, vinyl siding, plastic, buckets, blocks and etc.

Mr. Kepto submitted into evidence photographs taken on October 28, 2017 and November 8, 2017. He recommends a compliance date of December 17, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

Mr. Davenport inquired regarding the second photograph showing the items along the fence as to whether it was taken from a common area or right-of-way. Mr. Kepto explained the photograph was taken when he met with the owner and they walked around the property and that was after he had cleaned it up. Mr. Davenport stated the clarification he was looking for is regarding having it shielded from public view or view of an adjacent property. Mr. Kepto advised there were also a number of photographs he took from a vacant property on Texas Avenue where the fence was blown down during the hurricane which is what began the case when he saw the accumulation.

Mr. Griffin stated he replaced the back fence so no one can see anything and he has photographs of where he has cleaned up the yard and complied except for the vinyl siding that he needs about a month to get that replaced under his house that is on blocks.

Mr. William Griffin stated Mr. Griffin has cleaned up a lot of the accumulation and it is now fenced in and he is still working on the house so there are some materials left.

In response to the question from Chair Bowman, Mr. Kepto noted this issue has been ongoing since February 2017 and there are some other circumstances involved.

When Mr. Kepto asked how long he had lived at this current house, Mr. Griffin stated 15 – 16 years. Mr. Kepto asked if he knew when new construction started on the house and Mr. Griffin stated in 2009 and acknowledged the house is still under construction and he lives there.

Mr. Kepto advised there is no Certificate of Occupancy for the house which has been discussed. This is an ongoing construction project that seems to never end in the last 8 years and the City is trying to get this moved along and get the property cleaned up. The respondent should not even be living at the house.

Mr. William Griffin noted it can be seen from the photographs the entire outside of the house is completely done. In terms of the siding it is a house on blocks like a mobile home and that will be put underneath.

Mr. Kepto stated he had a lot of discussion about the storage underneath the house that was very open and covering it with some type of covering so it could not be seen. Mr. Griffin stated much of that is underway.

Mr. Kepto stated he thought it was time for another inspection for Mr. Griffin to get his permits finished and get everything cleaned up once and for all.

When Chair Bowman asked when he thought he could have everything done that is on the permits, Mr. Griffin stated 5 to 6 months and that everything is interior and he has the electric scheduled for next week; the plumbing has been done and drywall installation; everything on the exterior is done and they have been working on cleaning up the outside for a week.

When Vice-Chair Suplicki asked based on the respondent's testimony that all that is left that can be deemed offensive accumulation is the siding which he says is a month or so until it is done and the inspection indicates that is true would that take care of this violation, Mr. Kepto recalled at the last inspection Mr. Griffin told him he

was finished with the outside siding because there were a few pieces earlier on that had fallen off and had been repaired; he was trying to be careful not to cite items that would have been covered under any open permits. The photographs indicate just scraps of wood lying around and he delayed bringing this to the Board until the outside siding had been completed because it was obvious he was working on it.

Vice-Chair Suplicki asked if everything shown in the photographs is gone except for the siding stated as having an intended use in the next 30 days that would take care of Dunedin Code of Ordinances Section 34-1(A) and Mr. Kepto stated that was correct.

When Mr. Griffin indicated he did not completely understand, Vice-Chair Suplicki explained the Code Inspector has not seen the property since the photographs had been taken and based on Mr. Griffin's testimony it is all gone except for the siding that has use that will be done in a month or so and if that is true then this offensive accumulation violation could go away in 30 days after working with the Code Inspector for an inspection.

Mr. William Griffin stated he wanted to be clear he was not saying every single thing in the back yard is cleared up, but all of the non-useful items have been taken away.

Mr. Motley clarified he is hearing from the Inspector this has been ongoing since February 2017 and he has delayed bringing it to the Board and his intent is to move this case along; it is still in violation.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-124 based on testimony, evidence and facts presented in violation of the Dunedin Code of Ordinances Section 34-1(A), and that the Respondent shall come into compliance by January 24, 2018 or suffer a fine of \$100.00 per day . Second was made by Mr. Mackin.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Griffin he has some time to get everything done. Vice-Chair Suplicki added to stay in touch with Mr. Kepto.

6. DCEB 17-327 City vs. CROSSFIRE FINANCIAL NETWORK

969 Lake Dr

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Violation of the International Property Maintenance Code Section 304.15 DOORS – EXTERIOR

Violation of the International Property Maintenance Code Section 305.1 INTERIOR STRUCTURE – GOOD REPAIR

Violation of the International Property Maintenance Code SEC 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Ms. McHale swore in Yolanda Jbanez of 9350 Sunset Drive, Miami, FL 33173, Manager.

Mr. Kepto reviewed case DCEB 17-327:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of May 26, 2017.
- This case is the result of a citizen complaint.
- The violations include:
 - A building permit required for the installation of the drywall and ceiling of the rear porch, the new electrical lines and ceiling.
 - Paint is peeling or missing in various areas of the exterior including the trim areas.
 - Various areas of roof damage or leakage are evidenced by water intrusion stains on the rear porch ceiling and the ceiling collapse in the rear room.
 - The wooden side garage door is in disrepair, rotting and missing paint.
 - The interior ceiling is in disrepair as evidenced by the ceiling collapse in the rear room.
 - The open accumulation of assorted debris is prohibited including, but not limited to broken tiles, broken concrete remains, buckets, roofing materials, assorted construction debris, dead palm branches, toilets, television, tires, excessive leaves and pine needles on the ground.
- He has had several contacts with the owner including who he believes is the contractor and one of the e-mails advised they have submitted permit application and are waiting for an approval; his reply was that the permit does not indicate new drywall and electrical on the rear porch area and suggested the contractor do a change order on the permit to include these items and that this case was ready for the Code Enforcement Board for liens not addressed in a timely manner which was mailed on October 23, 2017.

Mr. Kepto submitted into evidence photographs taken on October 20, 2015, November 24, 2015, April 24, 2017 and November 16, 2017. He recommends a compliance date of January 15, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Jbanez stated they put themselves in the hands of the contractor and they do not know anything about this permitting and construction. She has been waiting for the permit he said he applied for to be approved. She just spoke to Mr. Kepto who indicated the contractor had not applied for the correct permit. They are in Miami and she is here representing the owners. She requested an extension in order to talk with the contractor. Chair Bowman verified with Ms. Jbanez that she was not an attorney.

Chair Bowman inquired what has been the communication with this contractor as it has been since October.

Ms. Jbanez stated she was not aware of the contact with the contractor, drove up from Miami yesterday and went to the City Permitting office and they said the permit had not been issued. She stated she would talk to the contractor as soon as she gets back to Miami and they might have to hire another contractor, she sent messages to Alycia LePage and received no answer asking for the status. She acknowledged she had not had contact with the contractor for the past couple of months as she was waiting for the permit.

Mr. Kepto clarified Ms. Jbanez told him she sent e-mails to Alycia LAPAGE, but she discovered she was sending it to the wrong e-mail.

Vice-Chair Suplicki verified with Mr. Kepto this case was the result of a citizen complaint.

Mr. Kepto explained this is a situation of an absentee landlord with the City sending out violation letters months ago, and they do not even mow the grass or pick up trash which does not require a contractor. One of the neighbors complained about the television in the front yard and put it on the porch. This is just neglect by the property owner.

Ms. Jbanez stated she believed the owners were in the middle of the year and cleaned up all the outside and the only thing in the yard right now is branches and leaves and she hired someone to take care of that twice a month; however, apparently he had not been doing it.

When Chair Bowman asked her status in terms of coming up here and then going back to Miami and try to get hold of the contractor, Ms. Jbanez stated she would get hold of the contractor and depending on what he says they will hire a new contractor.

Mr. Kepto stated as he explained to Ms. Jbanez that even if she pulls the permit as submitted it still does not address the two issues cited.

MOTION: Mr. Motley moved to find in case DCEB 17-327 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 and the International Property Maintenance Code Section 302.4, Section 304.7, Section 304.15, Section 305.1 and Section 308.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by January 15, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board. Chair Bowman commented personally he would contact that contractor because \$250.00 a day would add up very quickly.

7. DCEB 17-357 City vs. HEATHER A SHIRES
440 Locklie St
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-357:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of May 21, 2017.
- The violation includes the open parking or storage of any recreational vehicle or equipment in front of a residential property as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on November 6, 2017 and November 16, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Carson moved to find case DCEB 17-357 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of May 21, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

8. DCEB 17-495 City vs. KRISTEN M DAVIS
515 San Salvador Dr
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING – FRONT YARD

Ms. McHale swore in Kristen Davis.

Mr. Colbert reviewed case DCEB 17-495:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 13, 2017 and a notice of violation was sent to the owner with a requested compliance date of June 18, 2017.
- The violation includes the parking of any vehicles in the front yard as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on June 13, 2017 and November 17, 2017. He recommends a compliance date of December 10, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

Ms. Davis stated:

- She thought the violation with the trailer was a long time ago and Mr. Colbert spoke to her about it, then her son went on his honeymoon and was moving and left the trailer in her yard and he said he was sorry and was coming to get the trailer. These are old violation from June.
- She clarified this is the side of her house and not the front yard and they went back and forth on that last year; she lives on a corner lot and this is the side of her house.
- She was told she cannot put a parking spot there; however, her neighbor directly across the street has two driveways, one around the corner and one in the front. She has since put in a mulch driveway with landscape borders.

Mr. Colbert advised mulch is no longer an accepted surface for driveway parking. He thinks this driveway has to be permitted based on the location. He stated they have dealt with this situation before and last year scheduled a meeting with Zoning and the respondent; however, she thought they were supposed to meet at her house, so the meeting never happened. He tried to call her, but there was no contact to get this resolved.

Ms. Davis commented she thought the communication has been very difficult and it was not clearly communicated the meeting was supposed to happen at the office. She was not aware mulch could not be used for a driveway as long as it is contained and she thought that was the information she was e-mailed. She

pointed out where her car was parked and her neighbor's house where they have mulch and the same type of driveway.

Chair Bowman noted mulch was allowed years ago; however, is no longer allowed. Discussion indicated the mulch is allowed if it was there prior to date of the change in the Code.

Ms. Davis requested clarity on what is an approved surface and Mr. Colbert advised it is in the violation letter and most people used crushed shell or gravel or pavers. Ms. Davis stated the e-mail she received had mulch as one of the approved surfaces.

Mr. Kepto stated he thought Ms. Davis was referring to Lucy Fuller and when the ordinance was changed it did say mulch; however, that applies to preexisting and approved mulch driveways or parking areas. The way Code Enforcement looks at the issue is if it was preapproved and continues to be maintained it is acceptable, but once the mulch starts to wash away or goes away, then it has to be updated to the new codes. To continue the use of mulch it has to be maintained with borders and no weeds growing through and so forth.

Chair Bowman explained Ms. Davis' would have to change the surface if it was not in prior to the date of the change in the ordinance to one of the approved surfaces.

In response to the question from Vice-Chair Suplicki about a permit, Mr. Kepto stated it would probably be an approval through the zoning department.

Mr. Kepto noted also the front yard on a corner lot includes the side yard that faces the street. Ms. Davis stated she has asked for the code on that and has not seen and she has researched it. Mr. Colbert advised she should see Lucy Fuller in Zoning and show her where it is to be located to make sure it is approved for that area.

When Chair Bowman asked the time frame to get this done, Ms. Davis requested a month.

Mr. Colbert commented the simple solution is to just not park there as there is a driveway there and there is street parking.

Ms. Davis stated she was told to park on San Salvador Drive, but it is very busy and she has had neighbors leave notes on her cars and has had hit and run incidents on her cars by parking in the street and it is more impeding traffic that just putting a shell driveway down.

Mr. Colbert had no objection to a compliance date a month out.

Mr. Motley suggested the respondent check with Planning and Zoning since she lives on a corner lot and the front of the house is designated as the address of her home and she needs to verify if she can have a side yard driveway being on a corner.

Vice-Chair Suplicki suggested if she still had a survey to bring that to the office as that would be very helpful.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 17-495 based on testimony and evidence presented the Land Development Code Section 105-27.1.1(h)1 was in full force and effect and the Respondent is found in violation thereof and that the

Respondent shall come into compliance by January 24, 2018 or suffer a fine of \$50.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman advised Ms. Davis to call Mr. Colbert when everything is done and he can inspect and it all goes away if everything is done.

9. **DCEB 17-592 City vs. LINNEA S VANN LANG / VINAL LANG**
710 Roanoke St
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-592:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 10, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 16, 2017.
- The violation includes the open storage or parking of any recreational vehicle or equipment in front of a residential property as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface. The parking of any RV in the street is also prohibited.
- When he went by this property yesterday he found a dilapidated looking bamboo type of fence leaning against the front of the RV and it is still not in compliance and that will not solve the issue.

Mr. Kepto submitted into evidence photographs taken on July 5, 2017, August 18, 2017, November 1, 2017 and November 16, 2017. He recommends a compliance date of December 10, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Mr. Davenport moved to find in case DCEB 17-592 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1(f) was in full force and effect and the Respondent is found in violation thereof and that the Respondents shall come into compliance by December 10, 2017 or suffer a fine of \$150.00 per day. Second was made by Mr. Mackin.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

10. **DCEB 17-719 City vs. ROBERT VALENTINE / VALENTINE LIVING TRUST**
204 Citrus Ave
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Ms. McHale swore in Robert Valentine of 43 Pelican Place, Belleair, FL.

Mr. Kepto reviewed case DCEB 17-719:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 18, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 24, 2017.
- This case is the result of a citizen complaint.
- The violations include:
 - The open accumulation or storage of assorted trash, debris or other assorted personal items including, but not limited to garbage bags, boxes, papers, etc. as prohibited. This also includes the excessive storage in the open carport.
 - Grass or weeds exceed 10 inches in height.
 - The open storage of any inoperative motor vehicle as prohibited, including, but not limited to any vehicle with a flat tire or that does not display a current license plate.
 - Paint is peeling or missing from various areas of the exterior including all areas such as trim, eaves, etc.
 - The roof is not being properly maintained; there is heavy vegetation growing on various areas of the roof.
- He spoke with the owner by phone and advised him the City would allow sufficient time to correct the violations due to the amount of work if substantial progress was seen at the property.
- He does not see substantial progress at the property which is why he brought the case forward.

Mr. Kepto submitted into evidence photographs taken on August 8, 2017 and November 6, 2017. He recommends a compliance date of February 11, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Davenport referred to the photograph showing the trash bags and open carport and clarified with Mr. Kepto that it shows the rear of the property that was taken from the adjacent property.

Mr. Valentine apologized for the disrepair in the home where he grew up and explained:

- The trash bags have been removed as of yesterday.
- He requested extra time to complete the carport storage and the car to be removed within a month.
- He was overwhelmed with Hurricane Irma and all the tree trimming that had to be done, it was extra work for the lawn people and they were too busy anyway.
- There has been some work done and he had planned to have everything done.

When Chair Bowman inquired when he thought all the items Mr. Kepto read would be completed, Mr. Valentine stated as far as the maintenance outside that is another issue and would have to be contracted and

he could not say for sure. Chair Bowman explained the Board needed a date and Mr. Valentine responded six months.

In response to the question from Mr. Motley, Mr. Kepto noted he sent the first letter for this case August 18, 2017.

Mr. Motley asked if he had done any inquiry about contractors for the last five months, Mr. Valentine stated he had not, he did some clean up and then when the hurricane came he was just overwhelmed.

Mr. Valentine stated he did the cleaning up himself, but for the rest of the work he would hire his regular crew.

When Mr. Motley asked how soon there can be a roofing contractor and a permit, Mr. Valentine stated probably a few weeks once he can get someone there to look at it and what that might entail.

When Mr. Motley asked if he could get that done by the date recommended in February, Mr. Valentine stated he could get started.

Mr. Kepto clarified for the roof he thought it was a matter of just cleaning off the vegetation piling up or growing because that will begin to cause roof damage; so it is not repair and he was being generous with the time in consideration of the holidays and that well over a month to get things rolling would be sufficient.

MOTION: Mr. Motley moved to find in case DCEB 17-719 based on testimony, evidence and facts presented in law that at the time of the alleged violations of the Dunedin Code of Ordinances Section 34-1(A) and the International Property Maintenance Code Section 302.4, Section 302.8, Section 304.2 and Section 304.7 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by February 11, 2018 or suffer a fine of \$200.00 per day. Second was made by Mr. Mackin.

VOTE: Motion carried 6 – 1 with Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Valentine he needed to get started as soon as possible and stay in touch with Mr. Kepto and if he is running into time constraints.

11. **DCEB 17-770 City vs. MTGLQ INVESTORS LP**
2268 Snead Ave
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-770:

- The violation exists on a single family residential property that is currently vacant.

- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 2, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 22, 2017.
- The violation includes the swimming pool water not being maintained in a clean and sanitary manner; the pool water is green in color and has a swamp-like appearance.
- This property has been vacant for over two years. There have been other cases on this property and it has been flipped with ownership; it is currently for sale. There are other property maintenance issues he will probably be citing.
- The property has been the subject of several complaints from neighbors.

Mr. Colbert submitted into evidence photographs taken on October 2, 2017 and November 21, 2017. He recommends a compliance date of December 10, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Vice-Chair Suplicki verified with Mr. Colbert the pool is secured.

When Mr. Davenport asked whether or not there had been any regular or productive contact with the investment company, Mr. Colbert advised there had been no contact at all with the out-of-state investment company and when he posted the property he thought that would elicit a phone call from the local realtor, but that has not happened.

MOTION: Ms. Graham moved to find case DCEB 17-770 in violation of the International Property Maintenance Code Section 303.1 and that the Respondent shall come into compliance by December 10, 2017 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

12. DCEB 17-791 City vs. JOAN C BODELL

1460 Windmoor Dr

Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Ms. McHale swore in Joan C. Bodell.

Mr. Kepto reviewed case DCEB 17-791:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 23, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 29, 2017.
- This case is the result of numerous neighbor complaints.
- The violation includes the open or outdoor storage of assorted personal items as prohibited including, but not limited to boxes, papers, furniture, plastic bags, etc.

Mr. Kepto submitted into evidence photographs taken on October 23, 2017 and November 16, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is

currently in compliance in order for any future violations within the next 5 years to be considered repeat violation.

Ms. Bodell stated:

- Her husband passed away over 15 years ago, she has been on her own and had numerous roommates who have made matters worse for her.
- She finally has a roommate who is helping her.
- The photograph taken on October 23rd is when they were getting ready for an estate sale, they were trying to combine two households and were trying to get rid of everything.
- They tried for a month to get a dumpster from the City of Dunedin and could not get one because of Hurricane Irma. She went to Home Depot and purchased for \$30.00 one of the collapsible one and they do not tell you it is \$150.00 to pick it up, you find that out later. They put everything on plastic sheets in the front yard and covered it with plastic sheets to keep everything orderly.
- She has items stored from family and friends who have passed away and from previous roommates that they left behind.

When Chair Bowman asked if they could have put the items back in the garage, Ms. Bodell explained they were trying to empty the garage so they could bring in the roommate's things to consolidate the two households.

Chair Bowman noted Ms. Bodell is in compliance now and she stated there are a couple of issues she has.

Ms. Bodell stated she has that collapsible dumpster and they took all the recycling items and put them on one side of the garage and Mr. Kepto came by, she recalled on November 7 and he was going to make a call and get her a dumpster. Mr. Kepto responded that when he said he would call the City she said never mind they would get their own dumpster.

Chair Bowman explained Ms. Bodell was in compliance now, so the Board was not dealing with that now and the only thing that the Board would deal with is if the accumulation came back, but it sounds like that is never going to happen. Ms. Bodell explained the photograph from November 16th is what they are trying to get rid of for recycling.

Chair Bowman explained she is in compliance now and the City is just saying they do not want it to happen again because there were complaints from neighbors, so what happened then is over.

Ms. Bodell stated she does not want it to happen again. She explained she called the City to find out about the rules for the estate sale and about the permits and they did that and then they bagged up all the recycling and trash for pick up.

Chair Bowman reiterated everything is all good right now and the City just does not want it to come back and as long as it does not happen again there will be no problem for her.

MOTION: Mr. Carson moved to find case DCEB 17-791 was in violation of Dunedin Code of Ordinances Section 34-1(A) after the requested compliance date of October 29, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Mr. Mackin.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Ms. Bodell she is in compliance and it is all good, just do not put things out there again, that's all. If something happens again she has to put things in the garage and not out in the yard.

When Mr. Motley asked if she thoroughly understood the repeat violation and Ms. Bodell stated she definitely did.

13. **DCEB 17-796 City vs. ZEPHIN B SMITH**
1028 Michigan Dr W
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-796:

- The violation exists on a single family residential property that is currently according to the owner is now occupied.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 5, 2017.
- The violation includes the accumulation of dead branches or piles of dead limbs in the yard area as prohibited.
- He inspected the property yesterday and all the dead branches and limbs had been bundled up and at the street curb ready for the City to pick up; therefore, he is showing that the property is in compliance.
- The owner was present just prior to the beginning of the meeting and he understands he is in compliance; however, anytime any outdoor storage appears like this again in the next 5 years it will be a repeat violation.

Mr. Kepto submitted into evidence photographs taken on November 6, 2017 and November 13, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Mackin moved to find in case DCEB 17-796 based on testimony, evidence and facts presented in law was in violation of the International Property Maintenance Code Section 308.1 after the requested compliance date of November 5, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Mr. Davenport.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

14. DCEB 17-802 City vs. SHADEEK A / SAFRAZ SHAKOOR
1014 Michigan Dr W
Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION

Ms. McHale swore in Shadeek Shakoor.

Mr. Kepto reviewed case DCEB 17-802:

- The violation exists on a single family residential property that is currently occupied by the owner, it is a duplex and the second half is usually occupied with tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 12, 2017.
- The violation includes the driveway areas not being maintained to the City construction requirements; there are grass or weeds taking over the parking area.

Mr. Kepto submitted into evidence photographs taken on November 13, 2017. He recommends a compliance date of December 17, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Shakoor stated the inspector was there yesterday and it was all good, the inspector was there when he was working on it.

Mr. Kepto stated when he was there yesterday Mr. Shakoor was in the process of putting a border down; there were still weeds and grass and Mr. Shakoor indicated he had sprayed something to kill the weeds. He advised Mr. Shakoor he still needed to meet with the City's Zoning Department because he has shell that goes all the way up to the street edge and the City Engineering might require some type of apron across the right-of-way area. The driveway is not approved and it is not being maintained properly.

Mr. Shakoor stated the inspector told him it was good with the edge.

Chair Bowman stated normally there is an apron and verified with Mr. Shakoor he did the driveway in October and then they redid it with a contractor. Mr. Shakoor stated he was told the shell to the street is what he was told.

When Chair Bowman asked if he had talked with the people in Zoning as Mr. Kepto recommended, Mr. Shakoor stated he made phone calls for someone came out to look at it and he left his name and address. Chair Bowman suggested Mr. Shakoor should go to the City office and talk to someone, maybe with a picture of the driveway.

Mr. Shakoor stated the grass has been taken care of.

Mr. Kepto clarified that long before Mr. Shakoor received this letter the City spoke with him about a year ago advising he needed to meet with the Zoning Department; this needs approval because shell cannot be just thrown down in the front yard and say it is a driveway. It was explained it needs borders, which Mr. Shakoor has tried to do, but throughout time the weeds keep coming back and he has not complied with the driveway standards.

Chair Bowman emphasized Mr. Shakoor is going to have to go to the City to talk about this.

When Vice-Chair Suplicki inquired regarding what has to be done to be in compliance, Mr. Kepto stated all the standards would have to be met; however, the City would not object to a longer time for compliance.

Mr. Shakoor stated he was out of the country a year ago and he did not recall the conversations and explained the property is also in his sister's name and she was taking care of it at the time. He was not aware then.

MOTION: Mr. Davenport moved to find case DCEB 17-802 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Land Development Code Section 105-31.13.5 was in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by January 24, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Mackin.

VOTE: Motion carried 6 - 1 with Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman reiterated to Mr. Shakoor to go to the City and talk with the Zoning people and to take a picture or something of the driveway and they will explain exactly what needs to be done and when it is to call Mr. Kepto and then everything will go away.

15. **DCEB 17-804 City vs. MATTHEW L / KATHLEEN M MOSKALCZYK**
1013 Michigan Dr W
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD
Violation of the Dunedin Code of Ordinances Section 70.72(0)(1) OCCUPATIONAL LICENSE
REQUIRED

Ms. McHale swore in Matthew Moskalczyk of 1306 Casa Vista Drive, Palm Harbor, FL, 34683.

Mr. Kepto reviewed case DCEB 17-804:

- The violations exist on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 5, 2017.
- The violations include the parking of any vehicle on the front yard area as prohibited unless the parking is on an approved or permitted surface; grass, dirt or mulch is not approved for parking.
- Originally the property owner was cited for the code that refers to a Business Tax which he would not present today as that has been applied for, but denied because his records show a triplex while the City records show a single family dwelling; therefore, more research needs to be done.

Mr. Kepto submitted into evidence photographs taken on November 6, 2017 and November 16, 2017. He recommends a compliance date of December 17, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

Mr. Moskalczyk stated:

- As soon as he received the letter he contacted the tenants and told them until this was resolved they would have to share a driveway.
- He is on hold on much of this; he got in touch with Mr. Kepto to explain, where there is grass it used to be dirt because people were parking there all the time and there was also a dirt one on the other side of the building.
- The City just informed him on Thursday they decided it is a single-family home that he bought last year and the real estate broker actually sold it to the previous owner in 1998, it was a triplex then and he knew the people before who bought it in 1960 and as far as he can tell it has been a triplex since probably the beginning, though he is not sure where that is. The Fire Marshall even comes in and inspects for safety as a triplex.
- He just got all that information together and got it to Ms. Fuller, much of it yesterday and the Fire Department just sent him the information on the records this morning, but he did not know until Thursday it was considered a single family home.
- He has been in touch with the City basically since he received the notice and followed up with a text and voice mail and spoke to them about parking. He thinks the biggest problem is the City told him also they were not allowed to park in the front. He has the same problem the lady on San Salvador has with the street being even smaller and if they park in the grass which Mr. Kepto said they can't they park in the driveway or roadway they are actually blocking the road, it is just a 2-lane width.
- He would like to ask until he gets this resolved with the City that they can at least park on the left side of the driveway.

Chair Bowman explained the Board could not give permission for that.

Mr. Moskalczyk stated this has been going on with the City for a month being shifted from the Zoning to Building and then everyone went on vacation over Thanksgiving and then they had to do everything else and he actually received a call to go ahead and put in driveway and shell according to the sheet they sent, the sheet is for single family or duplexes, so he decided to double check and that is when he received the call about being a single family home and he needed to prove that it is a triplex and he provided that information.

When Chair Bowman asked if the rules for a shell driveway are different for a triplex, Mr. Kepto advised they are and that applies to single family and duplexes which he discussed with the Planning and Director Rice who advised that if sometime throughout time the City would have allowed a duplex or a triplex they would have put in parking for that; the same problem was at the adjacent property and they resolved it by roping off the edge of the street so tenants cannot pull onto the grass. On this subject property as he explained every time he goes by, there is no one parked in the paved driveway, they continuously park on the grass or dirt; they can legally park in the street, but not in the grass or right-of-way area. He agrees it is a narrow street.

Mr. Moskalczyk explained the tenant who would use the paved driveway is probably at work when Mr. Kepto drives by.

In response to the question from Chair Bowman, Mr. Moskalczyk stated the structure has three kitchens and three bathrooms and he had mentioned to Mr. Kepto one of the items he sent to Ms. Fuller included that this property has three chimneys for oil burning heaters that are all closed off, one in each section of the property; it still has the 1947 siding and some of the windows have been replaced, but other than that are the same as from the 1940's; it is not like they added anything on.

Mr. Moskalczyk commented he supposed he would have to do the same as the neighbor roping it off, but if they park in the road there will probably be an accident.

Vice-Chair Suplicki commented regarding the situation in that even if the Board approved a motion giving time to put the driveway in, that really cannot be done until the other issue is resolved.

Mr. Kepto stated it is a quick fix that the cars can legally park in the street for now and be in compliance.

Mr. Moskalczyk asked if he ropes off the yard could he get a 60 or 90 day extension to work things out with the City and get an actual driveway so the tenants will not be parking illegally.

Mr. Motley commented he believed if the right-of-way is roped off then the property owner would be liable for that obstruction for example if someone got hurt; but that is just his opinion.

Mr. Kepto stated if it is a triplex the City is going to require adding parking and he thinks it is a certain number of cars per unit. He stated this can be resolved right now by not parking on the grass, there is paved parking and parking available in the street.

Mr. Moskalczyk stated he would just have to do something with the tenants, he is just not sure what.

When Ms. Graham asked how many square feet is this structure, Mr. Moskalczyk stated just under 1500 with 2 bedrooms in the middle unit and 1 bedroom in each of the other two units; they did not build big in 1947.

MOTION: Mr. Davenport moved to find in case DCEB 17-804 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1(h)1 was in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by December 20, 2017 or suffer a fine of \$50.00 per day. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

Mr. Davenport emphasized the importance of staying in contact with the City and Mr. Moskalczyk noted he has been, weekly, bi-weekly and so forth.

16. DCEB 17-815 City vs. ANDRZEJ / MARIA PREISS

616 Parsons Ter

Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-815:

- The violations exist on a single family residential property that is currently vacant.

- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 30, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 12, 2017.
- The violations include grass or weeds exceeding 10 inches in height and the gutter and the roof are obstructed and have vegetation growing in the preventing the normal flow of water from the roof area; there is also a heavy amount of dead leaves or branches accumulating on the roof.
- He received a certified letter today from the owner to the City of Dunedin he read into the record:
Reference: House abandoned
Please be advised I left the house on 616 Parsons Terrace, Dunedin, Florida a year ago. I had lost a job and my husband passed away. I was not able to stay in the house and December 2016, I moved to New York to stay with family. The foreclosure is finalizing, please contact attorney of U.S. Bank National Association, Audrige Connors (it gives the address) Thank you, Maria Priess.
- It appears the property is in foreclosure and it sounds like the vegetation has not been maintained since December.

Mr. Kepto submitted into evidence photographs taken on October 30, 2017. He recommends a compliance date of December 10, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find case DCEB 17-815 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.4 and Section 304.7 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by December 10, 2017 or suffer a fine of \$200.00 per day. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

17. **DCEB 17-816 City vs. DUNEDIN FL-W LLC**
1471 Main St
Violation of the International Property Maintenance Code Section 302.7 FENCE – ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-816:

- The violation exists on a commercial property that is currently occupied by several tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 30, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 12, 2017.
- The violation includes the fences surrounding the dumpsters at the rear of the Dunkin Donuts and the far end of the southern parcel are in disrepair, the sections are rotted, broken pieces and most sections are lying on the ground.
- Inspection yesterday found the old fence which had been put up several times and kept falling down has been replaced with new fencing and the property is now in compliance.

Mr. Kepto submitted into evidence photographs taken on October 30, 2017 and November 13, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

In response to the question whether or not this was a result of the hurricane, Mr. Kepto explained it was not and there have been previous issues and they just nailed up rotted wood, but now it is new wood and looks good.

MOTION: Ms. Graham moved to find case DCEB 17- 816 was in violation of the International Property Maintenance Code Section 302.7 after the requested compliance date of November 12, 2017 on the Notice of Violation; however, is now in compliance. Any future violation in the next 5 years will be considered a repeat violation. Second was made by Vice-Chair Suplicki

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

18. **DCEB 17-837 City vs. BRET D KRASMAN**
554 Baywood Dr N
REPEAT Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS
REPEAT Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Bret Krasman.

Mr. Colbert reviewed case DCEB 17-837:

- The violations exist on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on November 8, 2017 the repeat violation was observed.
- The violations include the open parking or storage of boats as prohibited in a residential area and the parking of any vehicle in the front yard as prohibited in a residential area.
- This case was originally heard by the Code Enforcement Board on March 7, 2017; he spoke with the respondent who was present and explained the case would be read into the record and any future violations within 5 years would be a repeat violation.

Mr. Colbert submitted into evidence photographs taken on November 8, 2017 and two photographs from a complainant using the moniker of topdog and also e-mail correspondence from the same individual and other City officials. He recommends a fine of \$400.00 for the violation observed on November 8, 2017.

Mr. Krasman stated:

- He did not quite understand it was being read into the record and then be a second violation from the first case.
- In the first case he took the boat out to do some work, someone had altered his trailer and damaged some fiberglass and they towed the boat back to the house and were resetting the trailer in the road when Mr. Colbert first came up and said the boat could not be there. He called Mr. Rice who said it would be two weeks before they send a letter, just fix it and get it back in the water.

- He has a 60' X 100' lot and he lives in the water and the boat is kept on davits in the back yard.
- This situation he went out to the Clearwater Super Boat Races and went to leave and damaged the boat and had to be towed and left it in the back yard and then get a trailer and went to have it repaired, but the repair place could not take it for a couple of days. In this case he took the boat out on Friday, November 3 and Mr. Colbert called him on Monday, November 6 and asked if the boat was in the yard and he explained where it was parked and why about the damage and that it was scheduled for the shop and Mr. Colbert said to get it out of the yard and he explained about the wait at the shop and that the boat would be moved in two or three days.
- He came home on November 9 after dropping the boat off at the shop and there was a letter on the door and then the next day he received notice letters in the mail. The violation was already corrected when they left the letter on the door. He spoke with Colbert that it was just temporary, the boat had to get out of the water and he had to have the time, wind, weather, no rain, other people, another boat to tow it around and a trailer, so he had to park it in the yard for a couple of days.
- He helped write the code going to all five of the square table discussions years back and Mr. Rice and Ms. Giebel would call him after every meeting because he is an engineer and was well versed with everyone else's code. He had a lot of input as to what went in the code and why because of that and he understands the intent.
- Last year his truck tires were slashed on three separate occasions and he has police reports and he put in a video camera system, a couple of days later he watched someone walking back and forth in front of his house checking out those cameras one night and he has a good suspicion who it is, but the police never found anything, so when he parked the boat like that he can see both sides and both sides of any vehicle in the driveway. It was only there for a couple of days until they had room at the shop where it is now and still not fixed.
- He has to take the boat out once a year to change the oil and puts in on the trailer and waxes it which takes two or three days and he puts it back in the water.
- In response to the question from Mr. Motley, Mr. Krasman explained he has no place to store a trailer so when he needs to take the boat out of the water he has to go get a trailer to use.

Mr. Motley noted Mr. Krasman had stated he was very familiar with the codes which state he cannot park the boat and these types of recreational vehicles in the front yard. Mr. Krasman stated when that code was written it was for people who had jet skis and recreational vehicles in their yard and he also said what about people who are actively working on and repairing those and explained about having to take the boat out and there was discussion about extenuating circumstances and it would not be an issue. He did not do the final verbiage of the code, but he knows the intent.

Mr. Motley noted Mr. Krasman had been cited in the past for the same violation and was well versed and knew another violation would be a repeat violation. Mr. Krasman reiterated he spoke with Mr. Colbert about his temporary situation and that the boat would be out of there and it did not seem to be a problem. When Mr. Motley stated he would have left the boat in the back yard until he got it out of there, Mr. Krasman explained he couldn't, he had to get it out of the water in order to get it on a trailer to be taken to the shop.

Mr. Davenport clarified the boat is normally stored in or near the water or at the back of the property and when he needs to take the boat out it has to come out of the water onto a trailer and he has to have someone with a vehicle large enough to tow the trailer and that is what needs to be done in order to make these arrangements. He asked if Mr. Krasman was denying the boat was parked in the front yard visible to everyone and Mr. Krasman said, the boat was there. Mr. Davenport stated understanding whatever the circumstances, neighbor versus neighbor and so forth which the Board really cannot address, the boat was there and not trying to go

down the road of the spirit of the law or the letter of the law; the letter of the law basically says not to park boats, trailers, recreational vehicles on the front yard which Mr. Krasman agreed was correct. Mr. Davenport stated it was established when the City came out in response to a complaint, the boat was unlawfully on the yard and Mr. Krasman responded correct.

Mr. Colbert for clarification stated he did place a phone call to the respondent when he received a voluminous amount of complaints asking him to remove the boat which obviously was not going to happen in a timely manner, and that is why it was before the Board today. Also, a boat just like a car has to be worked on in an enclosed structure.

Mr. Krasman stated he saw the e-mails from topdog and he really wants to know who that is and Mr. Colbert stated he does not know who the person is and he has not talked to that person, the e-mails provided are the extent of the communication he had with that person who he asked to attend today to testify; however, it seemed that person was not present.

Mr. Davenport inquired regardless of how a complaint comes to the City, once the City goes out and observes the violation is it then the City observing the violation and is essentially the complainant. City Attorney Trask explained the City is the prosecuting portion of the case and it is the Code Enforcement Officer's obligation and job responsibilities to follow up on complaints whether anonymous or with a name, e-mail, phone call, note dropped off at the desk. It is the Code Enforcement Officer responsible to bring it forward and for testifying unless he wants to call other witnesses; there is no obligation to call other witnesses. The Board is the fact finder to determine whether or not there is a violation and the Code Enforcement Officer is alleging there is a violation.

MOTION: Mr. Davenport moved to find in case DCEB 17-837 based on testimony, evidence and facts presented in law the Respondent was in repeat violation of the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1(h)1 on November 8, 2017 and that the Respondent shall suffer a fine of \$50.00 per day for those days documented. Second was made by Vice-Chair Suplicki for discussion.

Vice-Chair Suplicki commented according to the testimony of the Code Enforcement Officer was it was just that day and Mr. Colbert stated it was one day that was cited; however, he thought Mr. Krasman admitted it was there for five days, but he can only testify to one day.

Vice-Chair Suplicki commented generally for these types of cases the fine is more than \$50.00; however that is up to the maker of the motion.

Mr. Motley stated the respondent has in the past had the same type of violation cited and determined from Mr. Colbert that was March 2017. Mr. Motley stated the respondent as stated in his testimony that he helped write these codes; therefore, he knows what a repeat violator is; he understands the circumstances, but the respondent knew if he parked that boat in the front yard it would be a violation. Mr. Motley objected because generally a fine for a repeat violation is up to \$500.00, but he understands the circumstances, but also he understands the circumstances of the work the Code Enforcement Inspectors and when they bring a repeat violation it is not by chance and they are looking for a violation, but because there is a violation; he would not vote in favor of a \$50.00 fine.

Vice-Chair Suplicki noted he seconded the motion for discussion and as it is concluded the maker of the motion can make the decision to stay or amend the motion.

Mr. Davenport amended the motion to a fine of \$250.00. Mr. Mackin seconded that amended motion.

VOTE: Motion carried 5 – 2 with Messrs. Motley, Mackin and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham and Mr. Carson.

Chair Bowman reviewed the Finding and Order of the Board.

When Mr. Krasman asked if there is a way to object to the finding, City Attorney Trask explained he could pay the filing fee of \$400.00 to the Circuit Court Clerk's Office and do a notice of appeal.

- 19. DCEB 17-838 City vs. WILLIAM G / HEATHER A WATERS**
222 Citrus Ave
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in William Waters of 50 S. Belcher Road, Suite 101, Clearwater, FL 33765.

Mr. Kepto reviewed case DCEB 17-838:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Deputy Building Official May inspected the property on November 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 20, 2017.
- The violation includes a building permit required for alterations to the structure AE Flood Zone without the required permits found in progress or completed including, but not limited to infill of exterior walls, creation of laundry room and additional rooms of which the use is to be determined, three bathrooms, kitchen and living room layout, electrical, plumbing and mechanical systems in a flood zone.
- He spoke with Mr. May about the case who was going to appear today; however, is currently attending a FEMA session regarding follow up to Hurricane Irma. He was asked to write something for the Board which was provided just prior to the meeting along with the owner of the property.

Mr. Kepto submitted into evidence photographs taken on November 8, 2017 and November 22, 2017. Deputy Building Official May recommends a compliance date of December 18, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Waters stated:

- They bought the home in May as a retirement home and they are currently living in a temporary situation.
- Mainly to just go in and do flooring, cabinetry and tile. The three bathrooms have always been there.
- The project he has been involved in with a couple of his friends has become overwhelming and the areas they wanted to get permitted were the garage, porch, roofing, windows which has all ceased at this point.
- They are at a standstill and are fighting on two fronts, a good part of which was self inflicted by being over ambitious.

- Since then what they did not do and should have at the time was to have an appraisal done because the City appraisal came in at about \$126,000 which now makes him beyond the 50% mark. He had an appraisal done which came back totally different than what was presented. He now has building plans and a contractor to finish with better oversight.

When Chair Bowman asked if the new appraisal bring the work under the 50% mark, Mr. Waters stated yes the work he has to do does and he does have a contractor who understands what to do.

Mr. Waters commented the meeting today was to tell him what he needed to do; he is ready to move forward.

Chair Bowman explained this Board only determines whether or not there is a violation and do not provide guidance on what needs to be done, except to pull a permit.

Mr. Waters stated at this point he has seen his errors and got a new appraisal and the building plans, before and after, he just got permits on the items he listed, garage, floors, windows.

Chair Bowman clarified with Mr. Waters the new contractor feels he can bring it in for under the 50% mark with the new appraisal. He explained getting the permit would bring it into compliance for this Board, then the work has to be done and inspected by the Building Department.

When Vice-Chair Suplicki inquired about whether or not under the circumstances a permit could be issued by December 18, Mr. Kepto explained Deputy Building Official May was fairly adamant about setting the December 18 deadline so that if it was not in compliance it would come back to the Board at the January meeting; he suggested the owner meet with Mr. May to work this out.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-838 based on testimony, evidence and facts presented that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by December 18, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board

20. **DCEB 17-853 City vs. DEUTSCHE BANK TRUST CO**
617 Parsons Ter
REPEAT Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES (FENCE GATE)

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-853:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 19, 2017 and a repeat violation was observed and a repeat violation notice was sent to the owner.

- The violation includes the repeat violation of involving the chain link fence on the south side of the property in disrepair, rusted, coming apart and can no longer function as designed.
- This same violation was heard by the Code Enforcement Board on October 4, 2016 on DCEB 16-763 at which time a compliance date of October 16, 2016 or a fine of \$150.00 per day be imposed. The property was eventually brought into compliance.
- He was at the property again yesterday and there was no change to the violation.

Mr. Kepto submitted into evidence photographs taken on September 19, 2017 and November 16, 2017. He recommends the Board find a repeat violation began on September 19, 2017 and a fine of \$300.00 per day continuing until compliance.

When Mr. Motley asked what was done in 2016 to repair the gate, Mr. Kepto stated it was repaired and it appears that possibly the lawn person is busting through the gate to get the lawn equipment through and this property has been a problem for the City for some time and he thinks the City Attorney has submitted for possible foreclosure, the bank has had it for a long period of time and the do a lot of work, but never finish all the violations; there are still running liens on other areas of this house.

Mr. Motley inquired if there are any safety issues on the property and Mr. Kepto stated not that he is aware of as the representative of the property will not allow him on the property without a search warrant; therefore, he makes sure all his inspections are from the street.

MOTION: Mr. Davenport moved to find in case DCEB 17-853 based on testimony, evidence and facts presented in law the Respondent is in repeat violation of the International Property Maintenance Code Section 302.7 and that the Respondents shall suffer a fine of \$300.00 per day commencing on September 19, 2017 and continuing until compliance. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

BREAK 4:50 P.M. – 4:52 P. M.

OTHER BUSINESS

1. **DCEB 17-17 City vs. LSF9 MASTER PARTICIPATION TR**
921 Parkwood Dr (MK).
Fine Reconsideration Request
Current Owner: LSF9 MASTER PARTICIPATION TR
Fines Due as of 12/5/17: \$48,281.78

Chair Bowman explained that requests for fine reduction are done in writing and if the Board had any questions the respondent would be asked to be sworn in to address the Board.

Chair Bowman determined there was no one present in reference to this case.

Time was provided for the Board members to review the written request for fine reduction.

Mr. Davenport noted the chronology indicates all the certified notices have been received and the only hardship seems to be the bank is trying to figure out who has what with the changes of address.

Mr. Kepto stated not only had the certified notices been received, but signed for as proof.

MOTION: Mr. Carson moved in case DCEB 17-17 to deny the request for fine reduction. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Motley, Mackin, Davenport and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

2. **DCEB 17-81 City vs. ANTHONY T RYAN EST**
875 Sky Loch Dr S(MK)
Memorandum from City Attorney Regarding Foreclosure dated 11/29/2017

City Attorney Trask advised:

- The property has a \$32,000 fine as of October 24, 2017 and the property is not homestead.
- He has talked with the son-in-law of the deceased owner and they are dealing with other family issues and the son-in-law has not been able to get to the property to bring it into compliance after numerous contacts he has made through e-mails and phone call.
- He was led to believe in a phone conversation that the son-in-law had more important things to do in terms of the family than to take care of this problem and intimated that maybe foreclosure was the best way to handle this.
- He is requesting the authority to begin the foreclosure process in which his office will obtain a title search to determine whether or not there are any encumbrances and if those are greater than the lien then he will come back to the Board to request authority to stop the foreclosure process.

MOTION: Mr. Motley moved in case DCEB 17-81 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried unanimously.

3. **DCEB 17-258 City vs. JAY KREIDLER**
1276 Falcon Dr (MK)
Memorandum from City Attorney Regarding Collection dated 11/29/2017

City Attorney Trask advised:

- This property has a lien of approximately \$25,000.
- This is a homestead property owned by Mr. Kriedler and he has made several attempts to get his attention to this outstanding lien without success.
- An Accurint search was done on Mr. Kriedler who had owned a number of properties in Pasco County and it looks like all of those were sold and this is the only one left and it is homestead.
- He is requesting authority not to begin a foreclosure action, but to a collection action which is to file a complaint in County Court to perfect the City's lien and then go after a levy on personal property he may have, cars, trucks, boats, that type of property.
- There have been two or three other cases he has previously received this authority on and one was successful as a direct result with a settlement offer that was accepted by the City Commission, so it

does work with a little pressure and this authority gives him that pressure to attempt to get compliance and ultimately the fine paid.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-258 to authorize the City Attorney to move forward with the collection procedure. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

Meeting adjourned at 5:00 P. M.

NOTE: This meeting was recorded and those recordings are a part of the official file.

Michael Bowman, Chair
Dunedin Code Enforcement Board