

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, JANUARY 9, 2018
CITY HALL – 542 MAIN STREET – 2:00PM**

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

ABSENT: Members William Motley and Bunny Dutton

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspectors Michael Kepto and Tom Colbert, Pinellas County Sheriff's Deputy Prophete and twenty 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.

ANNUAL ELECTION OF OFFICERS

Vote to appoint Chair and Vice-Chair for 2017

MOTION: Mr. Carson moved to appoint Michael Bowman as Chair for 2018. Second was made by Mr. Mackin.

VOTE: Motion carried unanimously

MOTION: Chair Bowman moved to appoint Lowell Suplicki as Vice-Chair for 2018. Second was made by Mr. Pauley.

VOTE: Motion carried unanimously

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of December 5, 2017

MOTION: Vice-Chair Suplicki moved to approve the minutes of the regular meeting of the December 5, 2017 meeting. Second was made by Mr. Mackin

VOTE: Motion carried unanimously.

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 14-795 City vs. DANNY REDD
2. DCEB 16-633 City vs. ISKAN PROPERTIES LLC
3. DCEB 16-1036 City vs. MERCEDES ROMAO TOIGO
4. DCEB 17-165 City vs. PARAMOUNT COURT LLC
5. DCEB 17-517 City vs. ABUNDENT LIFE FNC LLC *(Also Fine Reconsideration Request)*
6. DCEB 17-592 City vs. LINNEA S VANN LANG / VINAL LANG
7. DCEB 17-711 City vs. JAMES E WAHL

8. DCEB 17-773 City vs. MARK G MONTGOMERY
9. DCEB 17-804 City vs. MATTHEW L / KATHLEEN M MOSKALCZYK
10. DCEB 17-853 City vs. DEUTSCHE BANK TRUST CO
11. DCEB 17-745 City vs. AEGIS CAPITAL MARKET, INC.

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

VOTE: Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspector Michael Kepto.

OLD BUSINESS

1. DCEB 16-677 City vs. 202 GARDEN SOUTH LAND TRUST
TRINITY MANAGEMENT GRP LLC TRE
202 Garden Cir
Request to Quash Orders of the Board dated 1/20/17 and 4/12/17

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-677

- At the meeting of January 10, 2017 this Board ordered compliance by March 19, 2017 or a fine of \$250.00 per day would be imposed; on April 4, 2017 the Board extended the compliance date to December 19, 2017.
- City staff is requesting the Board quash the previous Order of the Board signed on January 20, 2017 and April 12, 2017 because this property has changed ownership.
- This is why City staff does not normally recommend an extended compliance date because once that date is there the property can flip several times and there is not much the City can do about it.

When Chair Bowman stated he assumed the property would be coming back to the Board soon, Mr. Kepto explained it was flipped to an investor and when he checked the record in Google he was sent to a website called rip-offs and after about four readings he stopped; he thinks the property has been flipped to someone else. The City will continue to monitor the situation.

MOTION: Mr. Carson moved in case DCEB 16-677 to quash the Order of Board dated January 20, 2017 and April 12, 2017. Second was made by Mr. Pauley.

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

2. DCEB 17-20 City vs. STEPHEN P PRUCHER
648 Union St (MK)
Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION

Ms. McHale swore in Stephen Prucher of 646 Union Street.

Chair Bowman explained this is Old Business and the Board would not be rehearing the entire case, only if there was new information.

Mr. Kepto reviewed case DCEB 17-20:

- At the meeting of July 11, 2017 this Board ordered compliance by September 10, 2017 or a fine of \$200.00 per day would be imposed; at the October 3, 2017 meeting the Board extended the compliance date to December 15, 2017.
- As of inspection on January 25, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The property owner was present he believed to request an extension and provide an update.

Mr. Prucher stated:

- He is working with a paving company because apparently the green parking lot he has is not compliant.
- He was not aware the last time he was here how much it takes to get going, even the permit process.

Chair Bowman clarified with Mr. Prucher that his contractor is going to be meeting with the Building Official, but has not submitted for the permit as yet.

When Chair Bowman asked how long this has been, Mr. Kepto advised this case was brought to the Board on July 11, 2017 and he is aware there have been a number of calls between the owner and contractor with the City's Zoning Department and they are trying to work out what needs to be done.

Mr. Prucher stated there is debatable confusion on the amount of parking area required on a 300 square-foot building and the parking area might be considerably larger than need be and since this is a costly endeavor on his part he is trying to make it work out the him and the City. He has to prepare financing, it is a much bigger operation than he anticipated.

When Chair Bowman asked if he felt this was moving at an acceptable pace, Mr. Kepto stated he did and explained after July 11, 2017 the owner did put a lot of gravel in the parking area thinking that would be acceptable; however, it is not according to the Code, so now that has to be readdressed. The City staff did not object to another extension.

When Chair Bowman asked what date he was looking for, Mr. Prucher stated the salesperson involved has indicated it is in the process and the earliest it could be done is the end of January, beginning of February as an estimate.

When Chair Bowman asked whether or not obtaining the permit would be bring compliance, Mr. Kepto noted it was cited for the driveway being in disrepair, so he thinks when the permit is in hand they will do the paving as soon as possible, hopefully.

City Attorney Trask advised for compliance the driveway would need to be completed.

Vice-Chair Suplicki asked if the requirement for the parking based on the Zoning issue had been resolved and Mr. Prucher stated it had been resolved through Mr. DiPasqua. They have to make sure the material used meets the zoning requirement and there is nothing he can do to determine that. The proposal he has with the lot plan and the materials to be used is approved by Mr. DiPasqua.

MOTION: Ms. Graham moved in case DCEB 17-20 to amend the compliance date to February 21, 2018. Second was made by Vice-Chair Suplicki.

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

Chair Bowman advised Mr. Prucher he should get back in touch with the City if it is still in process after the date set.

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-770:

- At the meeting of December 5, 2017 this Board ordered compliance by December 10, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on December 12, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-770 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

4. **DCEB 17-815 City vs. ANDRZEJ / MARIA PREISS**
616 Parsons Ter (MK)
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:

- At the meeting of December 5, 2017 this Board ordered compliance by December 10, 2017 or a fine of \$ 200.00 per day would be imposed.
- As of inspection on December 14, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Carson moved in case DCEB 17- 815 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

5. **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 Guy Waters of 249 Foxcroft Dr. W., Palm Harbor, FL

Chair Bowman asked if Mr. Waters is a builder, he responded no.

Mr. Kepto reviewed case DCEB 17-838:

- At the meeting of December 5, 2017 this Board ordered compliance by December 18, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records by Deputy Building Official Joe May on December 19, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Waters stated:

- He was not sure how he could be compliant; they submitted the permit application on December 9, 2017.
- The main issue now is that no more permits can be issued as there is a dispute of whether or not they are over the 50% mark of improvement for properties in a flood zone.
- They have an appraisal showing the structure valued in excess of \$230,000; the City's appraisal is \$126,000 which he did not see coming.
- When they began he did not do an appraisal as he did not see that would be an issue, an error on his part.
- They have a meeting on Thursday with Mr. May and another person with him and his contractor to figure out where to go from here.

When Chair Bowman asked if a lot of the work had already been done, Mr. Waters stated he would say about 90% of the inside work that is flooring, walls and so forth. Chair Bowman noted some of that requires permits.

Mr. Waters stated they got the permits holding for the windows and they got a permit for the roof that has been done and a permit for the garage added on. They want to move forward.

When Mr. Waters stated his first mistake was not getting an appraisal done and Chair Bowman pointed out the first mistake was in doing the work without a permit because the issue of the appraisal would have come up right away and Mr. Waters acknowledged that was correct; however, he does want to be compliant and is trying to move forward.

Mr. Kepto advised he met with Deputy Building Official May who could not attend today and he advised the owner submitted previously an appraisal and unfortunately he is locked in on that appraisal and with just the receipts he has submitted are way over the 50%. According to Mr. May the options are to raise the house or demolish the property. He believed there is a meeting on Thursday with the Building Official DiPasqua, but at this point those are the options.

Mr. Waters stated he does not understand why a more realistic appraisal than the one on the table now cannot be used. Mr. Kepto stated that might be something to be discussed with the Building Official; however, there was a compliance date set and the case is not in compliance.

Vice-Chair Suplicki noted generally in these situations the Board, because the work was started prior to the permit is to leave the compliance date as set and then after everything is worked out and there is a building permit which is what was cited, then the owner can request a fine reduction after compliance is met.

MOTION: Mr. Carson moved in case DCEB 17-838 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

Chair Bowman explained to Mr. Waters as Vice-Chair Suplicki stated when this works out and he has the permit in hand he will be in compliance.

NEW BUSINESS

1. **DCEB 16-286 City vs. JOSE E HERNANDEZ**
795 Pinewood Dr
Violation of the Land Development Code Section 105-27.1.1(a)

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-286:

- 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 March 16, 2016 and a notice of violation was sent to the owner with a requested compliance date of March 28, 2016.
- The violation includes the parking or storage of any vehicle in the front yard area or the street side yard area as prohibited unless the parking is on an approved or permitted surface.
- Complaints have been received about this property in regard to people parking on the front yard.
- The owner was present prior to the meeting and was advised he was in compliance at this time and any future violation will be considered a repeat violation. .

Mr. Kepto submitted into evidence photographs taken on December 18, 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: Vice-Chair Suplicki moved to find case DCEB 16-286 was in violation of Land Development Code Section 105-27.1.1(a) after the requested compliance date of March 16, 2016 on the Notice of Violation; however, is now in compliance. Any future violation in the next five (5) years will be considered a repeat violation. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 16-507 City vs. KAREN T ECKERT**
87 Oakwood Dr
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Karen Teckert.

Mr. Kepto reviewed case DCEB 16-507:

- 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 31, 2016 and a notice of violation was sent to the owner with a requested compliance date of June 12, 2016.
- The violation includes the parking or storage of any utility trailer in a residential area as prohibited.
- There is an individual who has been complaining throughout the year in regard to trailers and RV's parked in front of houses and that is why the Code Enforcement Inspectors are on this street.

Mr. Kepto submitted into evidence photographs taken on December 18, 2017 and December 20, 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.

Ms. Teckert stated she was not intentionally trying to violate, they do have a property where they keep the trailer. She acknowledged she understood they cannot keep the trailer there.

MOTION: Mr. Carson moved to find case DCEB 16-507 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of June 12, 2016 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, Pauley, 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 17-96 City vs. TRAVIS M ALLMAN**
1111 Robmar Rd (TC)
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 17-96:

- 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 14, 2017 and a notice of violation was sent to the owner with a requested compliance date of February 17, 2017.
- The violation includes the open storage of boats as prohibited in a residential area to include the parking or storage of boats in the street and utility trailers.

Mr. Kepto submitted into evidence photographs taken on February 20, 2017, December 12, 14, and 20, 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. Davenport moved to find case DCEB 17-96 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of February 17, 2017 on the Notice of Violation; however, is now in compliance. Any future violation in the next five (5) years will be considered a repeat violation. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 17-433 City vs. KEITH W HOWELL TRUST**
636 Laura Ln (TC)
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 17-433:

- 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 May 22, 2017 and a notice of violation was sent to the owner with a requested compliance date of May 31, 2017.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to motor homes as prohibited in a residential area.

Mr. Kepto submitted into evidence photographs taken on December 19 and 21, 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 case DCEB 17-433 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of May 31, 2017 on the Notice of Violation; however, is now in compliance. Any future violation in the next five (5) years will be considered a repeat violation. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 17-537 City vs. KELLY A EICHHORN**
68 Nicholas Dr (TC)
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Ms. McHale swore in Kelly Eichhorn.

Mr. Kepto reviewed case DCEB 17-537:

- 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 19, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 23, 2017.
- This case is the result of a citizen complaint.
- The violation includes the roof in disrepair as evidenced by the tarp that is partially covering the roof.
- Also International Property Maintenance Code 304.3, Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property which is now in compliance.

Mr. Kepto submitted into evidence photographs taken on August 16, 2017 and December 6, 2017. He recommends a compliance date of January 28, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Eichhorn stated:

- Things got put off because other issues with the house came up the beginning of this past year.
- She is currently in a law suit with her homeowner's insurance company which has been dragging out a year in February for a different matter, not the roof.
- She requested a little more time to complete the roof. She already has estimates and had intended to have a new roof done. Her tax return usually comes about mid-March and then she wants to proceed with the roof.

Mr. Kepto had no objection to an extended compliance date and it can be explained to the complainants it has been to the Code Enforcement Board and is being addressed.

When Chair Bowman asked if having the permit in had bring compliance, Mr. Kepto noted it was cited for roof disrepair and he noted the roofing companies last he heard are behind in their scheduling.

MOTION: Mr. Carson moved to find case DCEB 17-537 in violation of the International Property Maintenance Code Section 304.7 and that the Respondent shall come into compliance by May 23, 2018 or suffer a fine of \$150.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. DCEB 17-608 City vs. PAIGE GIRARD

717 Scotland Street

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 302.7 ACCESSORY STRUCTURES

Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE

Violation of the International Property Maintenance Code Section 303.2 SWIMMING POOL ENCLOSURES

Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Paige Girard, owner and Richard Girard, brother.

Mr. Kepto reviewed case DCEB 17-608:

- 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 July 12, 2017 and a notice of violation was sent to the owner with a requested compliance date of August 20, 2017.
- This case is the result of a citizen complaint.
- The violations include:
 - the open storage of assorted, discarded or broken chairs in the rear yard as prohibited;
 - grass or weeds exceeding 10 inches in height to include the rear yard and the area behind the rear fence;
 - the wood fence at the rear of the property is not being properly maintained, the fence has fallen over in various areas has rotted or missing pieces;
 - the pool is not being maintained in a safe or sanitary condition, the water is not being filtered and has turned green;
 - the pool does not have an approved child safety barrier which would prevent a small child entry into the pool;
 - and parking in the front yard which has been corrected.
- City staff has spoken with the owner and due to medical reasons and financial issues City staff will not oppose a compliance date of at least 60 days.

Mr. Kepto submitted into evidence photographs taken on July 12, 2017, August 28, 2017, October 5, 2017 and November 20, 2017. He recommends a compliance date of at least 60 days or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Carson inquired about the child safety for the pool and Mr. Kepto explained they have an orange, construction type of fence where parts of the fence are missing in an effort to do the minimum; he spoke with them prior to the meeting and they indicated they have a friend and an estimate to replace the entire fence. He thinks because of finances they may do just enough to make the necessary repairs, they know what needs to be done. He is comfortable with the situation.

Ms. Girard stated:

- They have gotten behind on the clean-up of the yard and things got out of hand.

- Things have been difficult since the passing of their mother last year.
- Her brother has since moved here and they are taking every step to rectify the situation.
- It has been her home for twenty years and they have friends willing to help.
- She is hoping to get everything done in two months.

Chair Bowman explained everything on the list has to be taken care of and Ms. Girard stated she understood and the truck in the front yard was already taken care of.

Mr. Pauley emphasized the pool enclosure should be the main focus first.

Ms. Girard clarified with Chair Bowman if the pool is fenced then there is no need for the separate child safety enclosure, as long as the fence does not have gaps and the gate is closed.

MOTION: Mr. Pauley moved to find case DCEB 17-608 in violation of the Dunedin Code of Ordinances Section 34-1(A) and the International Property Maintenance Code 302.4, Section 302.7 and Section 303.1 and Section 303.2 and that the Respondent shall come into compliance by March 21, 2018 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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. Girard to call the Code Enforcement Inspectors when everything is done so they can inspect.

7. **DCEB 17-620 City vs. SCOTT / KATI FORD**
1643 Santa Anna Dr (TC)
Violation of the Land Development Code Section 105-27.1.1.(h)1 PARKING FRONT YARD

Ms. McHale swore in Kati Ford.

Mr. Kepto reviewed case DCEB 17-620:

- 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 19, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 31, 2017.
- The violation includes the parking of any vehicle in the front yard area as prohibited in a residential area.

Mr. Kepto submitted into evidence photographs taken on December 12 and 15, 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.

Ms. Ford stated:

- She received a letter in July about a violation.

- She thought there was a misunderstanding because it was a car that was not being used and that was the problem so she removed it from the property.
- She did not hear anything until she received the letter to come here and when she called it was explained and she said fine they would park in the driveway and the street.

Chair Bowman explained as a repeat violation she could be fined per day if it happens again.

MOTION: Mr. Davenport moved to find in case DCEB 17-620 based on testimony and evidence was in violation of the Land Development Code Section 105-27.1.1.(h)1 after the requested compliance date of July 31, 2017 on the Notice of Violation; however, is now in compliance. Any future violation in the next five (5) years will be considered a repeat violation. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 17-747 City vs. T & G PROPERTY MANAGEMENT OF CENTRAL FLORIDA**
508 Vine Ave
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 304.7 ROOFS AND DRAINAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-747:

- 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 September 27, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 22, 2017.
- The violations include grass or weeds exceeding 10 inches in height, the fence is disrepair has been corrected and the roof area in the rear is severely damaged from a tree failure due to Hurricane Irma and no obvious attempt to protect the interior from the water intrusion.
- When the violation letter was sent there was a note that a permit would be required to make the necessary repairs, a repair has been made and the owner said he sent his handyman down to make the repair and he was advised it is not in compliance until a permit is seen.

Mr. Kepto submitted into evidence photographs taken on September 27, 2017 and October 23, 2017. He recommends a compliance date of January 29, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki stated his assumption since the handyman did the work, the respondent probably will not be able to get an after the fact permit by January 29th, Mr. Kepto commented he thought a roofing permit could be pulled over the counter.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-747 based on testimony and evidence presented in violation of the International Property Maintenance Code Section 302.4, Section 302.7 and Section 304.7 and that the Respondent shall come into compliance by January 29, 2018 or suffer a fine of \$200.00 per day. Second was made by Mr. Davenport.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. DCEB 17-772 City vs. SHADEEK A/SAFRAZ SHAKOOR

1014 Michigan Drive W (MK)

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

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the International Property Maintenance Code Section 102.2 MAINTENANCE-ALL

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

Violation of the International Property Maintenance Code Section 302.5 PEST-RAT CONTROL

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 304.13 WINDOWS, SKYLIGHT, DOOR FRAMES

Violation of the International Property Maintenance Code Section 304.13.1 WINDOWS-BROKEN, GLAZING

Violation of the International Property Maintenance Code Section 304.13.2 WINDOWS-OPENABLE

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 Section 305.3 INTERIOR SURFACES

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

Violation of the International Property Maintenance Code Section 309.1 PEST-INFESTATION

Violation of the International Property Maintenance Code Section 403.2 BATHROOM-VENTILATION REQ

Violation of the International Property Maintenance Code Section 504.1 PLUMBING-GOOD REPAIR

Violation of the International Property Maintenance Code Section 602 HEATING FACILITIES

Violation of the International Property Maintenance Code Section 603.1 MECHANICAL EQUIP GOOD ORDER

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-772:

- The violations exist on a single family residential property that is currently occupied by the owner on one half and a tenant on the half.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 16, 2017 and a notice of violation was sent to the owner with a requested compliance date of November 26, 2017.
- This case is the result of a citizen complaint.
- The violations include:
 - the open storage of assorted personal items as prohibited to include, but not limited to automobile tires, furniture and so forth;

- a building permit required for the installation or construction of the metal shed in the rear of the property and also for the makeshift type structure at the rear of the property;
 - removing or turning off the power of an occupied dwelling unit is prohibited;
 - grass or weeds exceeding 10 inches in height;
 - the extensive overgrowth and outdoor storage is conducive to rat activity or harborage of rats or rodents;
 - paint is peeling or missing in various areas of the exterior, mainly the trim, soffits and fascia areas;
 - the gutters are separating from the main structure and no longer function as designed;
 - several window frames are rotted or show evidence of water intrusion;
 - window glass is broken or missing in various areas;
 - some of the windows in the rental unit do not open or function as designed;
 - the exterior doors are in a state of disrepair as evidenced by water intrusion and the laminating wood;
 - the kitchen sink area and the cabinets and the bathroom vanity are in major disrepair with evidence of ongoing water damage and are deteriorating, the kitchen sink cabinets have multiple holes allowing rat or rodent intrusion;
 - the interior walls of the rental unit are in various stages of disrepair including, but not limited to the tiles falling off the wall in the bathroom shower area, the interior doors are also in disrepair broken or falling off the hinges;
 - the open accumulation of trash, rubbish or other debris as prohibited including but not limited to cans, papers, buckets, concrete blocks and so forth;
 - the interior of the rental unit has evidence of rat activity, an invoice from a licensed pest control professional will be required to resolve this violation;
 - the bathroom does not currently have a working ventilation system, no mechanical system and the window is broken and cannot open;
 - the plumbing is in disrepair, the commode is not properly seated and leaks on the floor, the bathtub and the sink faucets are missing handles or they do not work properly;
 - the rented dwelling unit does not have any permanent heat source as required by ordinance and
 - the wall air conditioner unit is in disrepair, it is not properly installed and is not weather tight, the unit is also missing the cover plate and the control knobs.
- When walking through the unit there were rat droppings everywhere and in fact there were dead rats on the outside of the building. This is probably one of the most deplorable places he has seen in his thirty-two plus years in law enforcement.

Mr. Kepto submitted into evidence photographs taken on October 14 and 16, 2017, November 13, 2017 and December 14, 2017. He recommends a compliance date of February 11, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki asked if there has been contact with the respondent, Mr. Kepto stated the owner has some type of criminal history, in and out of jail; he spoke to the owner recently who says he is working on it and he was reminded he needs contractors to do the work and he cannot do the work himself as far as the repairs. Mr. Kepto thinks the respondent came into the office today and said he was going to be out of town and could not come to the meeting.

When Mr. Carson asked if he said this was occupied, Mr. Kepto stated it was strange because the owner lives in one half of the unit with a tenant and that tenant allowed them in the unit when the owner was in jail; the complaint they received was from the tenant in the other half who called because when the owner went to jail he turned the power off in that unit which basically forced that person out and he invited them into that unit for inspection.

MOTION: Mr. Carson moved to find case DCEB 17-772 in violation of the Dunedin Code of Ordinances Section 34-1(A), the Florida Building Code Section 105.1 and the International Property Maintenance Code Section 102.2, Section 302.4, Section 302.5, Section 304.2, Section 304.7, Section 304.13, Section 304.13.1, Section 304.13.2, Section 304.15, Section 305.1, Section 305.3, Section 308.1, Section 309.1, Section 403.2, Section 504.1, Section 602 and Section 603.1 and that the Respondents shall come into compliance by February 11, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Pauley.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 17-807 City vs. STANLEY / PAULINE H McKENZIE**
1000 Michigan Drive W
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Pauline McKenzie of 11445 NE 10th Terrace, Oxford, FL 34484.

Mr. Kepto reviewed case DCEB 17-807:

- 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 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 17, 2017.
- The violations include grass or weeds exceeding 10 inches in height, the exterior walls are in major disrepair with evidence of rotting and water damage in various areas and a building permit required for the alterations of the structure including the interior renovations, doors, windows and so forth, the Permit # 16-1528 was applied for on May 4, 2016 and has expired and was never approved or issued.

Mr. Kepto submitted into evidence photographs taken on December 20, 2017. He recommends a compliance date of February 4, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. McKenzie stated:

- Her husband passed away when they were working on the house and they did not finish. She cannot do it herself.
- She has contracted with a contractor from the Dunedin area to demolish the house and it should be done before the end of February. He will pull the permits as soon as everything is a go. She is signing the papers on Friday.

- She does want to live here, so will put a new house on the lot after demolition.
- The lawn will be taken care of this weekend.

Mr. Kepto had no issue with putting the compliance date later in February.

MOTION: Mr. Pauley moved to find case DCEB 17-807 in violation of the International Property Maintenance Code Section 302.4, Section 304.6 and the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by February 21, 2018 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

11. **DCEB 17-863 City vs. JULIA SOWA**
1260 Ohio Avenue
Violation of the Land Development Code Section 105-61.4.4(E)

Ms. McHale swore in Tim Ringert of 3296 Adrian Ave. Largo, FL 33774 and Philip Sowa of 273 Overbrook Street W. Belleair Bluffs, FL 33770 representing the owner.

Mr. Kepto reviewed case DCEB 17-863:

- The violation exists on a single family residential property that is currently occupied by the owner according to the Property Appraiser's Office.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by the City Arborist on September 20, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 17, 2017 after there was no response from the owner in regard to the City Arborist's letter.
- The violation includes the City of Dunedin Certified Arborist has inspected this property on September 20, 2017 and declared a tree as hazardous and it was required to be removed by October 6, 2017. The tree was not removed and it must be immediately removed.

Mr. Kepto submitted into evidence photographs taken by City Arborist Craig Wilson. He recommends a compliance date of in 15 days and if the tree is not removed the City is requesting the Board order the tree service be brought in to remove the tree as has been done in the past because it has been declared as hazardous.

Ms. McHale swore in City Arborist Craig Wilson.

Chair Bowman commented obviously Mr. Wilson thinks this tree needs to come down.

Mr. Wilson stated yes with the close proximity to two structures, the homeowner's structure that was cited and another homeowner.

Mr. Sowa stated:

- The next door neighbor called the Arborist to inspect his daughter's property, the tree.

- Several months ago there was a tornado that hit the tree and dumped a big piece into the neighbor's yard and he had some bad feelings about it.
- The last storm ripped a couple of branches from the tree, but placed them in his daughter's yard not in the neighbor's yard, but he called the Arborist and he wants the tree removed.
- His contention is that the tree is on the property line and if the neighbor wants it removed he should pay part of the expense.

Mr. Ringert stated the tree should not be removed, it is alive and that he has been trimming trees for forty years.

Chair Bowman verified with Mr. Ringert that he is an Arborist.

Mr. Ringert stated the tree has new growth; pieces have been cut off and are clean and you cannot cut and heal them by putting tar on them anymore because that infects them and bugs kill the tree. The bark would be falling off if it was a dead tree and he has looked at it and it is not a dead tree.

Mr. Kepto clarified with Mr. Ringert he is not a Certified Arborist, he is a tree trimmer he went to school for it for over three years.

When Mr. Davenport asked if the basis of the violation and of the tree, its proximity to the structures and also the state of the trees health, Mr. Wilson stated it is both.

Mr. Wilson commented:

- Had this been a larger piece of property, they still could have gone down that avenue; however, but if it is on someone's property that is tucked in the corner of a couple of acres that it is not going to hit anyone's property but their own that is fine.
- This is a soft wooded tree that does not compartmentalize even good pruning cuts well, so the limbs that failed that were mentioned a few years ago was a co-dominant tree meaning it has two central leaders, one fell off and they are large diameter leads; large diameter wounds do not heal well, so one fell off and tore a few years ago, and then there were three or four 6" to 8" diameter limbs that were some of the remaining part of the central leader, the one that was left, those parts have failed off.
- What you have now in his opinion, you have epicormic growth which is saplings or sucker growth that is going to grow, turn into a limb, but it is going to be attached to decayed wound wood, so there will be wound wood below or above, but typically below where this new sucker growth is, it is going to turn into a limb, but it is going to be attached to decayed wound wood and eventually as they get bigger they will fall off, Sweetgum trees will shed their limbs almost as a natural characteristic in the summer, even under a perfect day, but this one with multiple wounds and openings it is a tree that is going to slowly decay and die and continue to fail.

Someone asked how many years would it be to do that and Mr. Wilson stated he would never put a day or date on that failure and he is certified through the ISA with tree risk assessment; he can only say it will decay and continually become more hazardous.

When Chair Bowman asked if the tree is on the lot line or in this property, Mr. Wilson stated if you go by where the fence is it seems more tree is on one side of the fence than the other; typically does not pull surveys for that.

Mr. Sowa stated in the list of recognized trees by the City of Dunedin the Sweetgum tree is one of the best ones recommended for the yard and he does not know why they would want to get rid of a good healthy tree, because there is really nothing wrong with it.

Chair Bowman noted he thought that is where the disagreement may lie, whether it healthy or not. Mr. Wilson commented health and hazard are two separate things.

When the comment was made about the tree being on the property line, Chair Bowman noted that would be a civil matter between the neighbors.

City Attorney Trask advised the discussion needed to stop with the back and forth conversation.

Vice-Chair Suplicki commented this is indicative of the species of the tree, so if it was a live oak or different tree it may be looked at differently because this is a soft wood tree and live oaks and others are hardwood and Mr. Wilson stated that was correct, a live oak could compartmentalize partial tree failure or co-dominant failures a better and you can even make larger cuts if those trees are healthy, but not on a softwood tree it is just a slow death with weakly attached foliage.

Vice-Chair Suplicki clarified with Mr. Wilson his concern is the diameter of some of those limbs as they shed and according to his expert testimony could cause damage to adjacent structures. Mr. Wilson stated it appears to have poked a hole through the roof of the house they are representing, so his fear it would do that to other if it continues to fail.

Ms. Graham asked how much it costs to take this tree down and Mr. Wilson stated he was not sure. Mr. Kepto explained normally what has happened in the past, the Board would order a tree be removed and the City Arborist receives three bids and the City goes with the lowest bid and the tree is ordered to be removed and that lien is placed on the property for the removal of the tree. Mr. Wilson estimated between \$1,500 to \$3,500.

Ms. Graham asked if it is between two houses why the other property owner is not present as well, if it is on the boundary line. Mr. Wilson stated he believed the tree is emanating from their property based on where the fence lies.

Mr. Sowa stated the order for that tree to be immediately removed shortly after the hurricane when people were having a hard time getting rid of all the debris on their property and he could not understand why Mr. Wilson was in such a hurry to get this done and then he started exploring it and found the tree actually is on the property line. The next door neighbor should be part of this meeting.

Chair Bowman commented they can look at the surveys and if that is the case then the neighbor would be involved, that that would have to be determined.

Vice-Chair Suplicki asked if the Board were to order this tree to be removed, the cost would be a lien on the respondent's property, but what if the survey determined it was between the two properties on the property line. City Attorney Trask explained:

- This is a quasi judicial hearing and the Board is to base its decision based solely on the testimony and evidence received today; if there is additional information that would reflect the tree is not located on the property owner cited they have thirty days from the entry of the order in which to file a petition

for rehearing on evidence not available at the time of the hearing, but was available at the time of the petition for rehearing; they have a 30 day window to determine what they want to do.

- If the majority of the tree is on the property of the respondent then the finding will be correct.
- As for the lien process under Chapter 162 and the City Code the Board has the right to issue orders that have the force of law including direction to have the property repaired or in this case the tree cut down; it would be considered a fine against the property the same as the daily fine the Board would levy in a regular code enforcement case.
- His advice to the Board today is to order them to come into compliance within the Code if the Board finds the violation giving a specific time to do that and if they should fail then authorize the City staff to proceed with taking the tree down and the fine be established that would include the cost of the repairs or the tree cut down, giving the property owner the opportunity to do it first and save some money.

MOTION: Mr. Carson moved to find case DCEB 17-863 in violation of the Land Development Code Section 105-61.4.4(E) and that the Respondent shall come into compliance by February 21, 2018 or the City will have the tree removed at the owner's expense. Second was made by Mr. Pauley then Vice-Chair Suplicki for discussion; a clarification of the compliance date of February 21.

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

Chair Bowman reviewed the Finding and Order of the Board.

12. DCEB 17-872 City vs. TERESA SMITH
1111 E Lotus Dr (TC)
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-872:

- 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 November 16, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 17, 2017.
- The violation includes a building permit required for the installation and construction of the wooden utility shed located in the back yard. A permit was submitted on December 27, 2017 and there are quite a few items to be addressed including the major issue of the location on the property where it is being built too close to the property line.

Mr. Kepto submitted into evidence photographs taken on November 16, 2017. He recommends a compliance date of January 26, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

When Chair Bowman inquired if the permit application was after the fact when the shed was already built, Mr. Kepto explained:

- It was not completely built, but partially built and it appears they will not be able to keep it in the current location.

- It appears there will need to be some engineering for the permit to be issued and moving the shed away from the property line.

When Vice-Chair Suplicki inquired about contact with the respondent, Mr. Kepto advised he has not had conversations with them, but was able to look at the permit status that was submitted on December 27th and has already been through the review process and needs for them to address the items.

Vice-Chair Suplicki asked the City's position on giving a little more time for compliance in order to resolve the setback issues granted it was partially built without a permit and Mr. Kepto asked if February 9 would satisfy the Board.

MOTION: Mr. Pauley moved to find case DCEB 17-872 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by February 9, 2018 or suffer a fine of \$150.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 17-876 City vs. JOEL MURGA**
2025 McMullen Ave (TC)
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Joel Murga of 10114 Kingshyre Way, Tampa, FL 33647.

Mr. Kepto reviewed case DCEB 17-876:

- 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 November 21, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 10, 2017.
- The violation includes a building permit required replacement or change out of windows, garage doors, exterior doors and any interior alterations.

Mr. Kepto submitted into evidence photographs taken on November 21, 2017 October 23, 17 and December 20, 2017. He recommends a compliance date of January 21, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Murga stated:

- It is true they started work without a permit.
- Since the stopped the work they hired a licensed contractor to try to get the permit which seems difficult with a lot involved.
- He offered to get the permit himself; however, was told since he is not living at the home he cannot.
- The contractor has made about four trips to the City and put a lot of plans together and was here again this morning. The paperwork is in the process and they are trying to be compliant.

Chair Bowman explained the contractor will have to submit documents for all the materials used and so forth.

In response to the question from Chair Bowman, Mr. Murga recalled he hired the contractor the last week in November; they were stopped for working before Thanksgiving and they have not gone back in the house and the contractor probably approached the City two weeks later and people were on vacation and so forth with the holidays and every time he thought he would get the permit something else was missing from the paperwork.

When Mr. Pauley asked if he purchased the products that were put in the house, Mr. Murga stated that he did and they were delivered to the property. When Mr. Pauley asked if he was aware of wind load situations and so forth, Mr. Murga stated that he was not aware of and just told them he needed the windows.

Chair Bowman pointed out depending on where the house is and the rules for the location it is possible those windows will not work in that application and that is why someone who really knows what they are doing is needed.

Mr. Kepto asked if he had purchased property like this in the past to rehab and Mr. Murga stated not like this and acknowledged he has in Hillsborough County. Mr. Kepto clarified with Mr. Murga he purchased the property from the owner who was in the foreclosure process.

In response to the question of whether or not he thought the permit could be issued by February 21st, Chair Bowman stated if the contractor knows what he is doing, yes.

Mr. Kepto stated he is not sure this contractor does know what he is doing after talking with Deputy Building Official May. The contractor submitted plans for drywall, but nowhere on the plan does it show drywall, what it shows on the plan is replacing tile and carpeting which do not require permits. The contractor keeps going back to the owner telling him this form needs to be filled out or something; this tells him this contractor is not familiar with the plans. Another reason for asking for a shorter compliance date is the permit is in the process and the City does not want this house to be flipped and have to come back to the Board to request the order be quashed.

When Mr. Murga asked if there is anything he can do, Chair Bowman explained no because he is not living in the house, only if he was living in the house as his primary residence, so he would have to get this contractor moving along quickly or hire someone who can get it done.

Mr. Kepto advised the contractor knows exactly what needs to be done. Vice-Chair Suplicki added the contractor should have a list of comments from the City of what needs to be addressed. Chair Bowman suggested that Mr. Murga get the list from the contractor and go over it with him.

MOTION: Mr. Davenport moved to find case DCEB 17- 876 based on testimony and evidence in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by February 21, 2018 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Graham, Messrs. Carson, Pauley, 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 suggested Mr. Murga call his contractor and find out what he needs and get it to the City.

BREAK 3:39 P.M. – 3:42 P.M.

OTHER BUSINESS

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.

1. **DCEB 17-517 City vs. ABUNDENT LIFE FNC LLC**
908 Gulf View Blvd (TC)
Fine Reconsideration Request
Current Owner: Abundent Life FNC LLC
Amount Due as of 1/9/18: \$1,836.94

Chair Bowman determined the respondent was present.

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

MOTION: Mr. Davenport moved in case DCEB 17-517 to deny the request for fine reduction. Second was made by Ms. Graham.

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

Chair Bowman reviewed the decision of the Board.

2. **DCEB 17-93 City vs. SNAGGED LLC**
623 Dexter Dr (MK)
Fine Reconsideration Request
Current Owner: Snagged LLC
Amount Due as of 1/9/2018: \$44,441.26

Chair Bowman determined Doug Anderson representing Snagged LLC of 108 Louisiana Lane, Port St. Joe, FL 32456, owner was present.

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

Mr. Davenport asked with regard to the mailing dates listed, were there four or eight and Mr. Kepto noted there were four certified mailings, there will be more; the certified mailings were all signed for and the City posts copies on the door of the property. Chair Bowman noted also dates listed are when the signed cards are returned to the office for the certified mail.

Chair Bowman asked if the compliance date is the date the Board puts it into compliance and not the date it comes into compliance and City Attorney Trask explained the Board accepts the Affidavit of Compliance, so it is the date listed in the Affidavit. Chair Bowman noted then in this case the compliance date was November 7, 2017 and it was accepted at the Code Enforcement Board meeting of December 5, 2017.

Chair Bowman inquired regarding the letter from the attorney requesting fine reduction dated December 28, 2017 and whether or not there was a form filled out prior to that date. The attorney's letter stating it is a

petition seeking fine reduction and it is well over 30 days. City Attorney Trask was not sure if there was a prior filing received by the Code Enforcement Clerk.

Ms. McHale advised because it went to the December Board they give 30 days from the day it is accepted by the Board.

City Attorney Trask explained regarding the question as to compliance, it came in on November 7, 2017, but for the purposes of the 30 day rule it is 30 days from the date it is accepted by the Board.

MOTION: Mr. Davenport moved in case DCEB 17-93 to reduce the fine to \$22,250.00 inclusive of administrative and/or recording fees to be paid by January 24, 2018 or the fine reverts to the original amount of \$44,441.26 plus interest. Second was made by Ms. Graham.

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

Chair Bowman reviewed the decision of the Board.

3. **DCEB 16-1036 City vs. MERCEDES ROMAO TOIGO**
1631 St Catherine Dr W (TC)
Fine Reconsideration Request
Current Owner: Mercedes Romao Toigo
Amount Due as of 1/9/2018: \$43,778.35

Chair Bowman determined the respondent representative was present, Margaret Toigo of 1538 Patricia Ave, Dunedin.

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

Ms. McHale swore in Margaret Toigo, the mother of the respondent.

In response to the questions from Mr. Pauley, Ms. Toigo explained she is the mother of the respondent who is 20 years old and was working at a new job in Clearwater.

MOTION: Mr. Davenport moved in case DCEB 16-1036 to reduce the fine to \$21,500 inclusive of administrative and/or recording fees to be paid by January 24, 2018 or the fine reverts to the original amount of \$43,778.35 plus interest. Second was made by Ms. Graham.

VOTE: Motion fails 4 - 3 with Ms. Graham, Messrs. Carson and Davenport voting aye. Chair Bowman voting nay. Voting nay, Messrs. Pauley, Mackin and Suplicki.

Chair Bowman commented the amount would be a little high in this case.

MOTION: Mr. Pauley moved in case DCEB 16-1036 to reduce the fine to \$10,000 inclusive of administrative and/or recording fees to be paid by January 31, 2018 or the fine

reverts to the original amount of \$43,778.35 plus interest. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried 4 - 3 with Messrs. Carson, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham, Messrs Mackin and Davenport.

Chair Bowman reviewed the decision of the Board.

4. Memorandum from City Attorney dated January 8, 2018
610 Roanoke Street

City Attorney Trask referred to the memorandum provided and advised:

- The property was owned by an individual named Kevin Kuhn who has passed away.
- It is his understanding based upon discussions with Mr. Kuhn's brother that Kevin's son is living in the home.
- He has reached out on a number of occasions through the brother and through the son trying to make contact with them relative to the outstanding Code Enforcement Lien of \$8,500.00. The son is not responding to the letters.
- After having sent the demand letter by both certified and regular mail both of which seem to have been received by the son, he has not responded.
- In order to move the case forward he is requesting authority to begin foreclosure proceedings on this property.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-027 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Mackin.

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

* * * * *

DISCUSSION/COMMENTS BY BOARD MEMBERS

Mr. Pauley congratulated City Attorney Trask on the settlement regarding the Summit Way property in the amount of \$50,000. City Attorney Trask noted that was approved this morning at the City Commission meeting.

City Attorney Trask advised between all the Code Enforcement Liens and the collection of Water Special Assessment and CRF liens collected the he and the Code Enforcement Department has collected \$944,000 in 2017. He was hoping to settle this \$50,000 prior to the end of the year to make it close to \$1 Million. He noted everyone continues to work hard at bringing these properties into compliance and he appreciates the support and recognition.

Vice-Chair Suplicki agreed City Attorney Trask deserved the recognition and as well the Code Enforcement Inspectors who work in the field with what they go through every day.

Mr. Kepto recognized Secretary to the Board Joan McHale who keeps everything in line administratively.

The Board members also recognized the back up of the Sheriff's Deputy and for the Inspectors and for the Board meetings.

Chair Bowman addressed the issue of attendance by the Board members noting they should attempt to be present whenever possible with consideration of course for illness or other situations. There are some rules on absenteeism.

Vice-Chair Suplicki note the expectation a member will be in attendance unless they advise Ms. McHale they will not be present. Ms. McHale acknowledged that system is working.

Meeting adjourned at 4:15 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board