

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, FEBRUARY 6, 2018
CITY HALL – 542 MAIN STREET – 2:00PM**

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

ABSENT: None

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Pinellas County Sheriff's Deputy Wilson and 10 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.

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APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of January 9, 2018

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the January 9, 2018. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspector Michael Kepto, 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 13-739 City vs. ROBERT E FLETCHER/DEBROAH DUNHAM
2. DCEB 15-463 City vs. DEUTSCHE BANK TRUST CO
3. DCEB 17-60 City vs. DANIEL R / JENNI L BOLDUC
4. DCEB 17-81 City vs. ANTHONY T RYAN EST
5. DCEB 17-124 City vs. JOHN J GRIFFIN
6. DCEB 17-181 City vs. ZUES1 LLC
7. DCEB 17-355 City vs. FATIMA YONAN
8. DCEB 17-495 City vs. KRISTEN M DAVIS
9. DCEB 17-770 City vs. MTGLQ INVESTORS LP
10. DCEB 17-802 City vs. SHADEEK A / SAFRAZ SHAKOOR
11. DCEB 17-815 City vs. ANDRZEJ / MARIA PREISS
12. DCEB 17-853 City vs. DEUTSCHE BANK TRUST CO
13. DCEB 17-876 City vs. JOEL MURGA

MOTION: Ms. Graham moved to accept the Affidavits of Compliance. Second was made by Ms. Dutton.

VOTE: Motion carried unanimously.

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OLD BUSINESS

1. DCEB 17-327 City vs. CROSSFIRE FINANCIAL NETWORK INC

969 Lake Drive

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 Section 308.1 ACCUMULATION OF
RUBBISH/GARBAGE

Chair Bowman determined the respondent was present.

Mr. Kepto reviewed case DCEB 17-327:

- Staff is recommending postponing compliance date in this case to the meeting next month.
- Just prior to the meeting the contractor produced documents showing the items required to be permitted have been; however, the permit in the Building Department has not been updated.

MOTION: Mr. Carson moved in case DCEB 17-327 to postpone to the meeting of March 6, 2018. Second was made by Mr. Motley.

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

NEW BUSINESS

1. DCEB 16-608 City vs. MICHAEL S/HOLLY R SAVAGE

1251 Falcon Dr

Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RV's, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-608:

- 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 6, 2016 and a notice of violation was sent to the owner with a requested compliance date of July 11, 2016.
- The violation includes the open parking or storage of travel trailers as prohibited in a residential area; front yard parking is also prohibited.
- The property owner refused the certified mail concerning this hearing.
- This property has been cited in the past for the same violation; however, has not come before the Code Enforcement Board.

Mr. Colbert submitted into evidence photographs taken on July 6, and July 11, 2016 and January 22 and 23, 2018. 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: Ms. Graham moved to find case DCEB 16-608 was in violation of the Land Development Code Section 105-27.1.1 (f) after the requested compliance date of July 11, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Ms. Dutton.

Mr. Colbert advised he thought a witness was present who did not hear the case called.

City Attorney Trask advised there was already a motion on the floor; therefore, there could be no further testimony, unless the Chair wished to open the public portion of the meeting and take additional testimony which might effect the motion on the floor.

Chair Bowman opened the public comment portion of this case.

Ms. McHale swore in Mr. Oscar Hammond.

Mr. Hammond stated his sister lives next door to him and she asked him to come to the meeting today. She does not want the RV there because it is 2 feet from her house and she is worried about a fire or something like that taking place. He does not live with his sister.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. DCEB 17-299 City vs. REVOLVE HOMES LLC

803 Wilkie St

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 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 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 308.1 ACCUMULATION OF RUBBISH/GRBGE

Violation of the International Property Maintenance Code Section 605.1 ELECTRICAL-INSTALLATION SAFE

Ms. McHale swore in Barry Byluard, Owner.

Mr. Kepto reviewed case DCEB 17-299:

- 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 17, 2017 and a notice of violation was sent to the owner with a requested compliance date of May 21, 2017.
- The violations include:
 - a building permit required for the extended overhang covering the rear patio area; a permit is also required for the concrete slab under the same roof in that area;
 - grass or weeds exceeding 10 inches in height;
 - the exterior of the structure is not being maintained in a state of good repair, there are various areas of rotted wood including but not limited to eaves, soffit, trim areas and so forth;
 - paint is peeling or missing in various areas of the exterior of the structure including but not limited to the eaves, soffit and trim;
 - the exterior concrete walls are in major or severe disrepair as evidenced by stair stepping cracks, shifting, cracking or displacement and a permit will be required to make any exterior wall repairs; prior to a permit being issued a report from a licensed engineer will be required this report should indicate ground testing conducted to determine the stability of the foundation and soils and any recommended means of repair;
 - the roof is not being maintained in a state of good repair as evidenced by various areas of water intrusion into the wood, eaves and soffit areas;
 - the exterior wood door in the rear is in disrepair and is rotting;
 - the open accumulation of trash, debris, wood, limbs, tiles, furniture or other assorted personal items as prohibited and
 - there are various areas of unsafe electrical on the exterior of the structure including but not limited to the wires hanging out of the rear soffit and wires that are knotted together without weather protection.
 - He spoke with the owner just prior to the meeting and the reason for the extended compliance date is the required engineer report and any permits required.

Mr. Kepto submitted into evidence photographs taken on April 17, 2017, January 2, 2018 and January 17, 2018. He recommends a compliance date of August 12, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Byluard stated he was in agreement with the compliance date recommended by Mr. Kepto.

Chair Bowman verified with Mr. Byluard he heard all the violations was aware all of them would need to be completed.

Mr. Byluard stated the first time he was aware of some of the details was in January of this year; the notice with all of it was mailed to a address in Virginia where he has not lived for six or seven years, but he did get a summary from a realtor who sent him some information in May and he immediately began working on some of the items, the interior was full of furniture and junk as well as the outside which he has cleaned up. He did get side tracked with Hurricane Irma when a tree fell on the property on the house.

In response to the question from Mr. Motley, Mr. Byluard explained he bought the property in foreclosure and there was more than he expected and he was surprised he needed a permit for things like wood trim. He has interviewed several contractors for the different items listed and had estimates done.

When Mr. Carson asked if the electricity is on at the property, Mr. Byluard stated the electricity and the water are on and regarding pests he has secured the property, but there were rats when he first arrived at the property.

MOTION: Mr. Carson moved to find case DCEB 17-299 in violation of the Florida Building Code Section 105.1 and the International Property Maintenance Code Section 302.4, Section 304.1, Section 304.2, Section 304.6, Section 304.7, Section 304.15, Section 301.1 and Section 605.1 and that the Respondent shall come into compliance by August 12, 2018 or suffer a fine of \$ 200.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman reminded Mr. Byluard to keep in touch with Mr. Kepto on the progress.

- 3. DCEB 17-527 City vs. STEPHEN R. LANE**
953 Emerson Dr
Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RV'S, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-527:

- 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 2, 2017.
- The violation includes the open parking or storage of any utility trailer in a residential area as prohibited; the utility trailer is allowed to be parked or stored in the rear yard area if it is behind a 6-foot solid fence.
- He spoke with the owner today by phone and explained if this occurs again in the next 5 years it is a repeat violation and at this time it was an ongoing problem of parking the trailer in the front.

Mr. Kepto submitted into evidence photographs taken on January 16 and 18, 2018. 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. Motley moved to find in case DCEB 17-527 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 was in violation after the requested compliance date of July 2, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. DCEB 17-806 City vs. MICHIGAN LAND TRUST Premier Pinellas Residential LLC Tre
1009 Michigan Dr W
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Ms. McHale swore in Lisa Patella, Owner.

Mr. Kepto reviewed case DCEB 17-806:

- 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 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 parking any vehicle in the front yard area or the side yard facing a street on a corner lot is prohibited unless the parking is on an approved or permitted surface; grass, dirt or mulch are not approved surfaces.

Mr. Kepto submitted into evidence photographs taken on January 4, 2018 and January 18, 2018. He recommends a compliance date of February 11, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

Ms. Patel stated:

- She does have some remedies she has worked out.
- Her tenant is physically handicapped and somewhat mentally challenged and he was just not understanding; he and his girlfriend are good people so instead of eviction she worked out a solution with them.
- One of the remedies she came up with she will be providing a proper parking place; where he has been parking is not large enough for a parking driveway with the configuration and a large oak tree; therefore, they will widen the driveway in Unit 1 to accommodate both units having a place to park.
- She has already engaged a contractor; however, he will not be able to do it for six to eight weeks; in the meantime the tenant in Unit 1 has offered to share the driveway.
- Also, they plan to plant a flower bed as a barrier where people have been driving in and seeding the front yard and on the gate they posted no parking signs to further stop people from parking in the front yard.

When Chair Bowman asked about the compliance date recommended, Ms. Patel said that was no problem as far as parking, but she will not be able to get the driveway in. Chair Bowman explained the parking is the issue and as long as that is happening there is compliance and then she can get the driveway done.

MOTION: Ms. Dutton moved to find case DCEB 17-806 in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by February 11, 2018 or suffer a fine of \$150.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. DCEB 17-883 City vs. 487 MAIN LLC
487 Main St
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Zach Feinstein and Ali Erturk, Contractor.

Mr. Kepto reviewed case DCEB 17-883:

- The violation exists on a commercial property that is currently occupied by a tenant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on November 30, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 12, 2018.
- The violation includes a building permit required for new roll out awning attached to the main structure.

Mr. Kepto submitted into evidence photographs taken on February 2, 2018. He recommends a compliance date of March 18, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

Mr. Feinstein stated he and his wife own the Living Room restaurant downtown and they had the contractor install the awning and they were not aware they needed a permit, but he is in the process of doing that now.

Mr. Erturk stated the permit is in the Engineer's hands to get the permit to get the Engineer's drawings. They are confused because they never had to obtain a permit for a retractable awning before; they have for awnings, but not retractable awnings. They are working to get the documents to obtain the permit.

In response to the question from Mr. Motley regarding an ordinance with specifications for awnings, Mr. Kepto stated that it was a question for the Building Department; however, he would speculate it is because it goes all the way across the front of the building it would have to meet some kind of wind load and another concern is that it extends out over the public sidewalk.

Mr. Feinstein commented the awning is rated so the if the wind goes over a certain amount it goes back into the building with a wind censor and in addition where it goes out is the maximum capacity and that can be changed. Before installing he talked with Planning and Development Director Rice and it did not seem to be an issue.

Mr. Erturk commented regarding the March 18, 2018 compliance date the only potential problem is that the awning is mounted on their property line, but it extends to their café permit area and he wants to be sure that is not a problem since it is like an umbrella. Chair Bowman stated that would be a question for the Building Department or Zoning as opposed to this Board.

Mr. Feinstein stated they have a café permit for 85 seats on their patio and they met with Mr. Rice before installation.

Chair Bowman explained should the run into any problems to let Mr. Kepto know and if necessary the Board can consider the compliance date and so forth.

MOTION: Mr. Motley moved to find case DCEB 17-883 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by March 18, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. DCEB 17-901 City vs. STEVEN L SNYDER
1340 Wildwood Ct
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. Colbert reviewed case DCEB 17-901:

- 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 December 6, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 17, 2017.
- The violation includes the parking any vehicle in the front yard in a residential area.

Mr. Colbert submitted into evidence photographs taken on December 6, 2017 and January 19, 2018. 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 in case DCEB 17-901 based on testimony, evidence and facts presented 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 that the respondent was in violation after the requested compliance date of December 17, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation of the same section for the next five (5) years. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. **DCEB 17-907 City vs. LTD FAMILY TRUST LLC**
1345 Winding Brook Way
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-907:

- 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 December 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 14, 2018.
- The violation includes a permit required for the alteration or renovations of the structure to include, but not limited to new doors, window, garage door, drywall replacement, kitchen/bathroom etc. All work must be performed by licensed contractors.
- There has been no contact with the property owner and the City believes it was unlicensed contractors who were working on the day they received a call from a neighbor. They made contact with the workers and it appears they were unlicensed. He went back after posting a stop work order and three or four weeks later they were back working again and he reminded them of the stop work order and no permits. This case has been referred to the Sheriff's Office for prosecution for the unlicensed contracting activity.

Mr. Colbert submitted into evidence photographs taken on December 8, 2017. He recommends a compliance date of February 16, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Pauley moved to find case DCEB 17-907 the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by February 16, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 17-923 City vs. SUSANA GUTIERREZ**
1942 Belcher Rd
Violation of the Land Development Code Section 107-31.2 TEMPORARY STORAGE STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-923:

- 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 December 7, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 2, 2018.
- The violation includes allowing the tent-like or canopy-type structure to remain for more than 30 days is prohibited.

- His observation was of two large approximately 10 X 20 canopies in the side yard and the owner said they were working on boats under them.
- He did notify the owner who is aware if the canopies return within 5 years it will be a repeat violation.

Mr. Kepto submitted into evidence photographs taken on January 18, 2018. 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: Ms. Dutton moved to find case DCEB 17-923 was in violation of the Land Development Code Section 107-31.2 after the requested compliance date of January 2, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. DCEB 17-927 City vs. SASA & SINISA BRATIC

372 Colonial Ct

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 17-927:

- 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 December 7, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 2, 2018.
- This case is the result of a citizen complaint.
- The violation includes grass weeds in excess of 10 inches in height.

Mr. Kepto submitted into evidence photographs taken on January 2, 2018. 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: Ms. Graham moved to find case DCEB 17-927 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of January 2, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 17-931 City vs. DAMIEN K ANDERSON

999 Parkwood Dr

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

Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RV'S, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-931:

- 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 December 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 19, 2017.
- The violations include the parking any vehicle in the front yard area is prohibited unless the parking is on an approved or permitted surface and the open parking of any utility trailer in a residential area as prohibited, utility trailers are allowed to be parked or stored in the side or rear yard if screened behind a 6-foot solid fence.
- This was an ongoing problem with this trailer showing up at this property.
- The owner has been notified and understands the repeat violation if it reoccurs in five years.

Mr. Kepto submitted into evidence photographs taken on January 3, 2018 and January 17, 2018. 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 5 years to be considered repeat violation.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 17-93 based on testimony, evidence and facts presented and that at the time of the alleged violations the Land Development Code Section 105-27.1.1(h)1 and Section 105-27.1.1 (f) were in full force and effect and the respondent was in violation after the requested compliance date of December 19, 2017 on the Notice of Violation; however, is now in compliance. Any future violation in the next five-year period will be considered a repeat violation. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

11. DCEB 17-958 City vs. SHERRY DAY

650 Orangewood Dr

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Sherry Day, Owner.

Mr. Kepto reviewed case DCEB 17-958:

- 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 December 14, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 5, 2018.

- This case is the result of a citizen complaint regarding extensive renovations without a permit.
- The violation includes a permit required for the alteration, renovation or remodeling of the structure, including but not limited to drywall, insulation, electrical, plumbing, structural and mechanical.

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

Ms. Day stated she is in the process of getting contractors and bids. It took almost three weeks just to get drawings from the architect. If February 15 is the date to have the permit applied for she does not know if that will be reasonable. She explained February 9 is when the bids are due and she would need to make the selection and she does not know if they could get a permit in that period of time. She has architect plans that have been submitted to numerous contractors.

Chair Bowman explained as soon as the contractor is hired he can apply for the permit, but they cannot do any work until they get the permit in hand and it will probably be a week or two for permit review and issued.

Ms. Day thought if it was until the end of the month that would avoid an extension. She advised she has informed Mr. Kepto she had tile floors put in by a licensed tile person that was beyond the scope of this and did not require a permit and she acknowledged no other work requiring a permit is being done.

Mr. Kepto had no issue with extending the compliance date; his only concern is that the property is probably going to be flipped. It is not uncommon for an investor to ask for more time and then the property immediately changes ownership.

Ms. Day stated that was not her intention.

When Vice-Chair Suplicki asked if the intention with this property is that once the permits are obtained and everything is done the property will be put up for sale, Ms Day stated she was either going to sell it or rent it; it is not her intention to sell the property in this condition.

MOTION: Mr. Pauley moved to find case DCEB 17-958 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by February 28, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 12. DCEB 17-961 City vs. PATRICIA L LANGE/ AMILIA CAFRE EST**
1366 Lady Marion Ln
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-961:

- 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 December 18, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 27, 2017.
- The violation includes a building permit required for the installation or replacement of the roof; all work must be done by a licensed contractor.
- He has been speaking with the property owner's son who has said his mother has some health issues and cannot get into the office to get a permit and he was provided with some options that would allow him to apply for a permit being the son of the property owner and he is working on that. The son was informed of the compliance date recommended and he feels he can have the permit prior to that date.

Mr. Colbert submitted into evidence photographs taken on December 18, 2017. He recommends a compliance date of February 23, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Chair Bowman asked if a company was working on the roof or the son, Mr. Colbert stated he thought there were some friends that did it, he did not get all the information but it was not a company.

Mr. Pauley referred to a photograph and pointed out a large piece of plywood cut out and asked if there is some other project going on at the property. Mr. Colbert stated that was for replacing the plywood underneath the shingles.

MOTION: Mr. Carson moved to find case DCEB 17-961 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 Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 13. DCEB 18-008 City vs. 234 FLORIDA LAND TRUST / CAMERON W VALE TRE**
234 Florida Ave
Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Chair Bowman determined the respondent was not present.

Ms. Dutton disclosed the respondent is her neighbor and City Attorney Trask advised that was not a conflict of interest.

Mr. Kepto reviewed case DCEB 18-008:

- 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 January 5, 2018 and a notice of violation was sent to the owner with a requested compliance date of January 21, 2018.
- This case is the result of a complaint from the City Public Works Supervisor that the garbage trucks and street sweeper were having problems making the turn on the street because of the overgrowth.

- The violation includes the vegetation at the rear of the property encroaches over or onto the public right-of-way area or the street area.

Mr. Kepto submitted into evidence photographs taken on January 22, 2017. He recommends a compliance date of February 18, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

When Mr. Pauley inquired if this ever came up before, Mr. Kepto stated not that he was aware of.

Ms. Dutton noted the address is listed as Florida Avenue; however, where this overgrowth is located is on Park Circle North because the house has two streets.

MOTION: Mr. Motley moved to find in case DCEB 18-008 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1.1(A) was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by February 18, 2018 or suffer a fine of \$150.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

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 17-277 City vs. DONALD C / JENNIFER PORTER**
1961 Pinehurst Road (TC)
Fine Reconsideration Request
Current Owner: Donald C / Jennifer Porter
Amount Due as of 2/6/18: \$16,006.80

Chair Bowman determined the respondent was not present.

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

When Mr. Pauley inquired whether or not he had ever spoken to the respondents, Mr. Colbert advised he had one conversation with Mr. Porter who arrived after the case was heard when this case was presented to the Code Enforcement Board. He gave Mr. Porter his business card and asked him to please call in order to discuss the issues and get the violations resolved. The next contact was from his attorney with whom he had several conversations and he was surprised the attorney was not present today.

Vice-Chair Suplicki verified with Mr. Colbert this case was not the result of a citizen complaint; the property is on a main road and it stood out.

Mr. Colbert stated there appears to be a lot of medical bills; however, he did not review each of them and as he mentioned in his letter this is a very simple and quick fix that never should have gotten to this point. It could have been taken care of in an hour or a day at the most.

MOTION: Mr. Carson moved in case DCEB 17-277 to reduce the fine to deny the request for fine reduction. Second was made by Mr. Motley for discussion.

Mr. Motley commented it appears that the individual is having financial difficulty and from what he wrote in this letter it appears he has hired an attorney to try to put off the foreclosure of his home and his wife has had medical bills up to \$150,000. He does not think it is a hardship and the respondent meets the criteria for reduction in fine, how much he does not know. As Mr. Colbert said it is an hour fix and is just plain disregard for the ordinance and cooperating with the City.

Mr. Motley suggested reducing the fine to half the amount based on the hardship.

Mr. Carson declined to amend the motion.

Vice-Chair Suplicki asked if City Attorney Trask had an inordinate amount of time involved in this case. City Attorney Trask advised:

- He has been defending the Code Enforcement Lien and the foreclosure case for some period of time and there are fees in that and in this; there are recording costs for the original lien once satisfied.
- It was not the City filing the law suit it was the bank, so he is defending that.
- In addition he also opened the file and has been making attempts to collect the Code Enforcement Lien and he has time on that as well. It is more than the demand letter: his office does searches and review of all the records found and attempts to contact the property owner.

Vice-Chair Suplicki commented based on the medical documentation can meet the criteria for a fine reduction; however, he wants to make sure the City is made whole and then some because it is a violation that could have been taken care of in a day.

When Ms. Graham asked if the respondents are elderly, Mr. Colbert advised they are not, probably late 40's or early 50's, and that Mr. Porter who is the only one he met.

Mr. Motley let his second to the motion stand based on the information provided.

VOTE: Motion carried 4 – 3 with Ms. Dutton, Messrs. Pauley, Motley and Carson voting aye. Chair Bowman voting nay. Voting nay, Ms. Graham and Vice-Chair Suplicki

Chair Bowman reviewed the decision of the Board.

- 2. DCEB 17-773 City vs. MARK G MONTGOMERY**
1019 Martin Luther King Jr Ave (TC)
Fine Reconsideration Request
Current Owner: Mark G Montgomery
Amount Due as of 2/6/18: \$4,159.56

Chair Bowman determined the respondent was not present.
Time was provided for the Board members to review the written request for fine reduction.

When Mr. Motley asked if this also was an easy fix, Mr. Colbert responded that would be an understatement. Mr. Motley commented he did not think the case even met the criteria.

Chair Bowman commented it seems they played moving the cars around and Mr. Colbert concurred.

When Ms. Dutton asked if this case involved the same gentlemen who were before the Board previously at the same location, but different violations, Mr. Colbert stated the respondent has been here for some other properties.

Mr. Pauley asked when the case came into compliance and Mr. Colbert advised it was December 19, 2017. Mr. Pauley noted the request was received on January 29, 2018 and asked if that falls within the required time frame. Ms. McHale explained the Affidavit of Compliance was issued on December 19, 2017, presented at the January 2018 DCEB meeting, so yes, it was received within the 30-day period.

MOTION: Mr. Pauley moved in case DCEB 17-773 to deny the request for fine reduction.
Second was made by Mr. Motley.

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

Chair Bowman reviewed the decision of the Board.

- 3. DCEB 15-374 City vs. PLASIDA ROQUE-MAYE, PHILLIP H MASSEY**
1295 Davis Road (TC)
Fine Reconsideration Request
Current Owner: CWALT INC ALT LOAN TRUST 2007 OA9
BANK OF NEW YORK MELLON TRE
Amount Due as of 2/6/18: \$9,015.70

Chair Bowman determined the respondent was present and reiterated if the Board had any questions the respondent would be asked to be sworn in to address the Board and that it would not be for testimony, just to answer questions.

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

Chair Bowman noted this property was brought into compliance on October 23, 2015. Mr. Colbert stated that was correct and it did come to the Board and acknowledged there had been no other requests since 2015.

Chair Bowman stated he did not think the request fits the guidelines for 30 days, the request was received on January 24, 2018 and it was brought into compliance on October 23, 2015, that missed it by two years and a few months.

Mr. Pauley inquired if the Board made a motion to deny this request would it be setting a precedent. City Attorney Trask explained it would not and that the Board would be applying the Rules of Procedure.

Chair Bowman stated the Board's Rules of Procedure is that the request is within 30 days of the Board's acceptance of compliance.

MOTION: Mr. Motley moved in case DCEB 15-374 to reduce the fine to deny the request for fine reduction based on the Code Enforcement Board Rules of Procedure. Second was made by Ms. Graham

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

Chair Bowman reviewed the decision of the Board and explained the request does not meet the guidelines, not even close.

4. Memorandum from City Attorney dated January 16, 2018
DCEB 12-1028 and 12-1029 City vs. RALPH RUGO
1040 and 1046 Bass Blvd., respectively

City Attorney Trask advised:

- These are very old Code Enforcement cases from 2012.
- The properties remained in non-compliance for about 5 years and there is approximately \$600,000 in fines on the two properties, \$300,000 each.
- After the property was brought into compliance there was an attempt by the attorney representing the property owner to have the City take another look at this arguing there was a failure of due process to his client. That was refuted quickly by providing all the information that his client did not provide.
- Since that time he has been attempting to negotiate a settlement on this case; however, has been unsuccessful in do so; although, there has been an offer it was very, very small.
- He is requesting authority to begin foreclosure on these two vacant lots, there are no structures. The properties do not come close to that value this is the way necessary to move forward. The liens on these properties last 20 years and even though it has been 5 years the City should move forward to bring it to conclusion.
- He is hoping with this Board authorizing the foreclosure it might be added leverage for the other attorney to talk with his client to come to some reasonable solution which to this point there has not been.

MOTION: Mr. Motley moved in case DCEB 12-1028 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Pauley.

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

MOTION: Mr. Motley moved in case DCEB 12-1029 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Dutton.

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

5. Memorandum from City Attorney dated January 19, 2018
DCEB 17-140 City vs. EQUITY HOME SOLUTION, LLC
537 Manor Drive

City Attorney Trask advised:

- There is approximately \$36,000 in fines on this property that is not homestead.
- A demand letter was sent to the property owner and the certified mail was signed for and the regular mail appears to be received; however, there has been no response from the property owner.
- The property is owned by a corporation, Equity Home Solution, LLC.
- Since there has been no response to the demand letters he is requesting the Board's authority to foreclose on this property.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-140 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Motley.

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

City Attorney Update

City Attorney Trask advised:

- There was a Code Enforcement Lien settled that came before the City Commission this morning for the property located at 617 Parsons Terrace. The fine on the property was \$173,000. He settled that case for \$123,000 and hopefully payment will be made in the next 30 days or so. That is one case the Board authorized foreclosure and it actually took filing the case and service on the bank for them to understand the seriousness of the situation.
- This is the second settlement of this year as another was settled about a month ago for \$50,000.
- The expectation is for another \$59,000 on the property at 110 New York Avenue in the next couple of days as a direct result of payment on a Code Enforcement fine.
- He and the Code Enforcement staff have been successful in collecting almost \$1 Million last year in fines for the City and it is the Inspectors working the cases and him coming in on the back end, a team effort. Obviously Secretary to the Board Ms. McHale has a big part in the collections as well.

When Mr. Pauley asked where do those fines go, City Attorney Trask explained right now all the money goes into the General Fund, there was discussion this morning as the Mayor had raised the issue relative to the sale of a property acquired through a Code Enforcement foreclosure sale, 9962 Grovewood. She was asking about where those moneys go and he thinks there will be further discussion in the future as to how those funds are to be allocated.

Ms. Dutton recalled once there was discussion regarding having a fund for assisting residents who need it in coming into compliance and asked if any work or thoughts being done o that. Chair Bowman recalled the discussion at the time was that there are churches and organizations that do that kind of work. She commented as a City she does not think that should be counted on for those organizations to step forward since they have their own agendas as well.

City Attorney Trask advised he and Planning and Development Director Rice had met with the former City Manager going back to Mr. DiSpirito before Mr. Hutchens. There were discussions and some initial movements toward maybe setting aside maybe \$15,000 out of the General Fund, but it did not go any further.

This might be something the Code Enforcement Department wants to do with the new City Manager Bramley as the first step.

Vice-Chair Suplicki recalled part of the non-moving forward issue was the application, like the criteria for meeting requirements, how it is applied fairly and so forth.

Chair Bowman stated if the Board members were in agreement he would approach the City Manager.

Mr. Kepto recalled at the last Code Enforcement Board hearing the young lady who was present was disabled, her brother had moved here from California and they had limited funds there was an arrangement to have a dumpster dropped off at the property, the property owner will do the work. That comes out of the Department budget and he thinks it was \$400 to \$500 to do. That is just a case in point of something coming out of the Department budget and not the General Fund.

Chair Bowman stated he would talk with the City Manager and perhaps she would attend at the end of the next meeting.

Meeting adjourned at 3:40 P.M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board