

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

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

ABSENT: Member William Motley

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Director of Planning and Development Greg Rice, Pinellas County Sheriff's Deputy Spanolios-Braden and six 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 February 6, 2018

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of February 6, 2016. Second was made by Ms. Dutton.

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

Ms. McHale swore in Code Enforcement Inspector Tom Colbert.

AFFIDAVITS OF COMPLIANCE

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

1. DCEB 12-970 City vs. BRENDAN E/TRACY L CALLAHAN
2. DCEB 15-201 City vs. ARLP TRUST 2 / CHRISTINA TRUST TRE
3. DCEB 16-125 City vs. ARLP TRUST 2 / CHRISTINA TRUST TRE
4. DCEB 16-944 City vs. BANK OF AMERICA
5. DCEB 17-20 City vs. STEPHEN P PRUCHER
6. DCEB 17-41 City vs. BANK OF AMERICA
7. DCEB 17-327 City vs. CROSSFIRE FINANCIAL NETWORK
8. DCEB 17-432 City vs. RESITL 1 BORROWER LLC / C/O ALTISOURCE ASSET MGMT CORP
9. DCEB 17-607 City vs. JOHN T LEGVOLD EST
10. DCEB 17-712 City vs. PARAMOUNT COURT LLC
11. DCEB 17-806 City vs. MICHIGAN LAND TRUST PREMIER PINELLAS RESIDENTIAL L
12. DCEB 17-807 City vs. STANLEY / PAULINE H MCKENZIE
13. DCEB 17-863 City vs. JULIA SOWA
14. DCEB 18-08 City vs. 234 FLORIDA LAND TRUSTCAMERON W VALE TRE

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

VOTE: Motion carried unanimously.

OLD BUSINESS

1. **DCEB 17-498 City vs. NORTON FAMILY LAND TRUST/NORTON, JOHN M TRE**
1001 Douglas Avenue (TC)
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Mr. Colbert reviewed case DCEB 17-498:

- At the meeting of August 1, 2017 this case was presented to this Board at which time the Board postponed the case to the October 3, 2017 meeting. At the October 3, 2017 meeting the Board issued a compliance date of November 20, 2017 or a fine of \$100.00 per day would be imposed. The Code Enforcement Board then postponed the case to December 5, 2017 to today's meeting and apparently there was no compliance date given; therefore, he was unable to complete an Affidavit of Compliance or Non-Compliance and the situation needs to be discussed.
- As of inspection yesterday, March 5, 2018 the violation remained; however, he spoke with Mr. Norton today who indicates it is now in compliance.

Ms. McHale swore in Jack Norton, owner of 1466 Sturbridge Court, Dunedin.

Mr. Norton stated:

- It has been a lengthy process. At one of the prior meetings it was suggested he meet with Planning and Development Director Rice to try to develop a solution which he did.
- The solution was to build a fence which they did; however, it was in the aftermath of Hurricane Irma and he could not get a fence company to do the work.
- Regarding the non-compliance yesterday referenced, he received a call at lunch and went to the property to speak to the tenant. A car had been brought there by a dealer and backed in and the dealer took the dealer tag off and it was in front of a bay to go in to be worked on, but it did not have a tag. As soon as he called the dealer came and put the tag on in less than an hour.
- His tenant is aware now that even cars going into the bays have to have tags.
- He kept Mr. Colbert and Mr. Rice apprised of the progress and the things that were going on. He did what he said he would as fast as he could. He talked to the tenant again and he is not sure what else he can do.

Vice-Chair Suplicki clarified with Mr. Colbert the Board needs to set a compliance date so that based on testimony he can inspect and if it is in compliance issue an Affidavit of Compliance.

City Attorney Trask advised there is already a compliance date; if the compliance date was set for November 20, 2017 and the Board continued the hearing twice, there is still that compliance date. The question is whether or not the Board wants to extend the compliance date even though it was not done in the prior two hearings, which could have been done, but was not. He thinks the testimony of Mr. Colbert was at the second hearing the compliance date was set for November 20, 2017 and if that is not changed then the property owner would have been in violation from that date until whatever date it came into compliance.

Chair Bowman disclosed he had received an e-mail from Mr. Norton in the past about what has been happening as far as the fence company coming in; he had no discussion or anything concerning the case. City Attorney Trask advised Chair Bowman was doing exactly what he should if it was ex parte contact; he has disclosed that contact and the discussion if any.

MOTION: Mr. Carson moved in case DCEB 17-498 to extend the compliance date to March 12, 2018. Second was made by Mr. Vice-Chair Suplicki.

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

2. DCEB 17-719 City vs. ROBERT VALENTINE/VALENTINE LIVING TRUST

204 Citrus Avenue (MK)

Violation of the Dunedin Code of Ordinances Sec34-1(A) OFFENSIVE ACCUMULATION

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

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

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-719:

- At the meeting of December 5, 2017 this Board ordered compliance by February 11, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection by Code Enforcement Inspector Kepto on February 12, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Chair Bowman inquired if all five violations are still in non-compliance, Mr. Colbert stated he believed so and noted all the violations have to be corrected in order to be found in compliance.

MOTION: Mr. Carson moved in case DCEB 17-719 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

3. DCEB 17-747 City vs. T & G PROPERTY MANAGEMENT OF CENTRAL FLORIDA

508 Vine Avenue (MK)

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. Colbert reviewed case DCEB 17-747:

- At the meeting of January 9, 2018 this Board ordered compliance by January 29, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection by Code Enforcement Inspector Kepto on February 16, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Davenport moved in case DCEB 17-747 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

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

1014 Michigan Drive W (MK)

Violation of the Dunedin Code of Ordinances Sec34-1(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 REQUIRED

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 EQUIPMENT GOOD ORDER

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-772:

- At the meeting of January 9, 2018 this Board ordered compliance by February 11, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection by Code Enforcement Inspector Kepto on February 15, 2018 the violations remain.

- An Affidavit of Non-Compliance is being submitted for consideration.

When Ms. Dutton inquired if this is a vacant property, Mr. Colbert explained it tends to change and it is a property that was in very bad shape as was discussed with rodent infestation and trash, debris and so forth; he is not sure if someone is actually living there.

MOTION: Mr. Davenport moved in case DCEB 17-772 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

5. **DCEB 17-872 City vs. TERESA SMITH**
1111 E Lotus Drive (TC)
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 17-872:

- At the meeting of January 9, 2018 this Board ordered compliance by February 9, 2018 or a fine of \$150.00 per day would be imposed.
- As of inspection of the Building Permit records on February 28, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- As of February 28, 2018 the permit application was in the Plan Review process.

MOTION: Ms. Dutton moved in case DCEB 17-872 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

6. **DCEB 17-907 City vs. LTD FAMILY TRUST LLC**
1345 Winding Brook (TC)
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:

- At the meeting of February 6, 2018 this Board ordered compliance by February 16, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the Building Permit records on February 28, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- He received his first phone call today from the property owner to advise they will be getting the permit; however, there is no record of a permit application at this time.

MOTION: Mr. Pauley moved in case DCEB 17-907 to accept the Affidavit of Non-Compliance. Second was made by Mr. Carson.

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

7. **DCEB 17-961 City vs. PATRICIA L LANGE / AMILIA CAFRE EST**
1366 Lady Marion Ln (TC)
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:

- At the meeting of February 6, 2018 this Board ordered compliance by February 21, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the Building Permit records on February 28, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The permit was obtained yesterday; therefore, an Affidavit of Compliance will be submitted at the next Code Enforcement Board meeting.

MOTION: Mr. Davenport moved in case DCEB 17-961 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

NEW BUSINESS

1. **DCEB 17-79 City vs. JOHN W HANSON**
1362 Davis Rd (TC)
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Ms. McHale swore in John W. Hanson, owner.

Mr. Colbert reviewed case DCEB 17-79:

- The violation existed 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 3, 2017 and a notice of violation was sent to the owner with a requested compliance date of February 9, 2017.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to utility trailers as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on February 3 and 9, 2017, May 3, 2017 and February 12 and 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 within 5 years to be considered a repeat violation.

Mr. Hanson stated:

- His vacation and traveling dates do not correspond with 6 p.m. on Friday night to 8:00 a.m. Monday.
- The trailer is in compliance now.

- 90% of the time it is hooked to the truck because he uses it, but he does have places to park it and they will have a fence.
- His problem is with the motor home. If he leaves on a trip on Thursday he has to get it from behind the house, set the jacks down because it is so big. They are putting clothes, groceries and getting everything ready to go and he usually closes it back up, pulls the jack stands up and he is ready to go.
- One of the photographs submitted is when they go back from a trip and he opened the awning up and so forth because they wash it and wait for it to dry and he is sure by the next day it was behind the fence, but he could not swear to that.
- He has lived there for 40 years and complied with the City all along.
- The trailer he understands, but with the motor home, he never knows when he is leaving and he has to take it out of where it is stored because he can't open it up in the back. It is in compliance now.

Chair Bowman explained the problem is if it is considered a repeat violation, if it out on a Thursday morning, that would be a violation that can be fined by the day.

Mr. Hanson stated he understood; however, his question is how to avoid that even though there is an ordinance.

Chair Bowman commented it's leave and come back on weekends, that is the ordinance and this Board cannot do anything about that, just enforce what is written.

Mr. Colbert stated he spoke with Mr. Hanson earlier and explained he does not have the authority to circumvent the ordinance.

Mr. Hanson stated knowing the situation he does not pull it out just to have it sitting out there; it takes up the whole driveway and he does not like that either, but there are going to be occasions when it is out there and he would like at least a little consideration. He finally retired and he wants to be able to use the motor home.

Chair Bowman reiterated all this Board can do is follow the rules and cannot tell him they would let it go. He would say the only other thing to do is go to the City Commission and see if the ordinance can be changed a little.

City Attorney Trask suggested Mr. Hanson talk with the City Manager ahead of time and maybe someone in the Planning Department; however, obviously if he wishes to address the City Commission he can appear at any Commission meeting and he has 3 minutes in which to speak to the Commissioners, but Mr. Hanson is not the only one and they have heard it a hundred times, so the chances of getting something accomplished to change are probably pretty slim.

Mr. Hanson commented he did not abuse the privilege and he takes it out, uses it and puts it away.

Chair Bowman stated Jennifer Bramley is the City Manager and his best bet is to call and make an appointment to meet with her and explain what is going on and then she can lead him in the appropriate direction.

Mr. Hanson commented he was not looking for a special exception just for himself, but there are others who have motor homes and some people will abuse it which he understands. Chair Bowman agreed abuse is usually what causes these types of ordinances to occur.

Mr. Carson verified with Mr. Colbert this case was not the result of a citizen complaint and the he is in that neighborhood quite a bit because of issues and it is something he just observed.

When Ms. Graham asked how long it was there, Mr. Colbert stated he did not know, it was there when he drove by and he does not have the luxury of watching to see how long it is going to be there.

Mr. Hanson commented it depends on when he has to leave, if he is leaving on Wednesday he has to bring it out on Tuesday to get it ready.

Vice-Chair Suplicki commented he thought talking with the City Manager is the best way to go and he understood Mr. Hanson's thinking in that he is using it and not storing it there, but the way the ordinance is written, so if it is there period.

MOTION: Mr. Carson moved to find case DCEB 17-79 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of February 9, 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. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

2. DCEB 17-521 City vs. GARY/BARBARA L WILLMS
805 James Street (MK)
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 17-521:

- The violation existed on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Code Enforcement Inspector Kepto 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 parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved and permitted surface.

Mr. Colbert submitted into evidence photographs taken on January 26 and 29, 2018. He recommends the Board find the respondent was in violation after the requested compliance date of July 2, 2017; however, is currently in compliance in order for any future violations within 5 years to be considered a repeat violation.

When Mr. Pauley inquired if there was compliance by July 2, 2017, Mr. Colbert stated he thought what happened is there was a violation after the compliance date and that is why it is before the Board today; they did meet the compliance date at that time, but the case was opened because of being in violation after the compliance date was issued.

When Mr. Davenport asked if for the original case was there a monetary fine if they had not complied; Mr. Colbert explained there was not because it never came to the Board, this the first time it is presented.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-521 was in violation of the Land Development Code Section 105-27.1.1(h) 1 after the requested compliance date of July 2, 2017 on the Notice of Violation; however, is now in compliance. Any future violation of the same section will be considered a repeat violation. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. DCEB 17-930 WILLIAM F / DONNA K HEDMAN
1385 Lady Marion Ln (TC)
Violation of the Land Development Code Section 103-60.1 ZONING USE

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-930:

- The violation existed on a commercial property that is currently a vacant lot.
- 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 December 17, 2017.
- The violation includes the parking of commercial vehicles, tow trucks, wrecked vehicles and any other parking upon a vacant lot zoned as FX-M as prohibited.
- He spoke with the property owner when first cited who when they discussed the issue indicated he would get it resolved. It was suggested he update his Property Appraiser records to reflect a good mailing address other than the vacant lot; however, he has not done so; therefore, is probably not aware of today's hearing.

Mr. Colbert submitted into evidence photographs taken on November 30, 2017, December 6, 8 and 11, 2017, February 19, 20 and 21, 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 a repeat violation.

In response to the question from Ms. Dutton, Mr. Colbert stated all the vehicles were removed as of today; however, tomorrow they might be back, but they disappear and reappear as on ongoing issue.

MOTION: Ms. Dutton moved to find case DCEB 17-930 was in violation of the Land Development Code Section 103-60.1 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. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 17-937 City vs. LYNNE K / WADE L HUNTER**
978 Hillwood Dr (MK)
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Lynne K. Hunter, owner.

Mr. Colbert reviewed case DCEB 17-937:

- The violation existed on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Code Enforcement Inspector Kepto on December 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 2, 2018.
- The violation includes the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved and permitted surface.

Mr. Colbert submitted into evidence photographs taken on December 8, 2017 and February 12, 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 a repeat violation.

Ms. Hunter stated her boyfriend and her brother were unloading some equipment in the driveway and her boyfriend forgot and parked his Honda Civic in the front yard. When she realized it she alerted him and moved it within the hour to the driveway after the truck left that they were unloading.

MOTION: Ms. Graham moved to find case DCEB 17-937 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of January 2, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within 5 years will be considered a repeat violation. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 17-980 City vs. CHARLES A MARTIN**
1386 Davis Rd (TC)
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Charles Martin, owner.

Mr. Colbert reviewed case DCEB 17-980:

- The violation existed 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 21, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 29, 2017.
- The violation includes the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved and permitted and properly maintained surface.

Mr. Colbert submitted into evidence photographs taken on December 21, 2017 and February 20, 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 a repeat violation.

Mr. Martin stated;

- The white car is his and he was parking it in the shade trying to keep it alive, it is 20 years old. It was moved into the driveway.
- The Lincoln belongs to a friend and he was not there to point out that this had occurred.
- He was in the process of turning that into a non-grassy area; it has landscape timbers making a shape and 20 bags of stone around it, but he was unable to get that down before the Lincoln parked on top of it.
- He has since been informed the City does not look favorably on the positioning at an angle instead of adjacent, so he will make it adjacent. He showed how it is now.

When Ms. Graham commented there is a garage and asked if the car could be put in the garage, Mr. Martin commented if the garage was empty the car would not fit.

MOTION: Ms. Dutton moved to find case DCEB 17-980 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of December 29, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. **DCEB 18-020 City vs. CAROL DANG EST**
433 Chicago Avenue (MK)
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 308.1 ACCUMULATION OF RUBBISH/GRBGE

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-020:

- The violations exist on a single family residential property that is currently believed to be vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.

- The property was inspected by Code Enforcement Inspector Kepto on January 8, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 4, 2018.
- The violations include grass or weeds in excess of 10 inches in height; a fence structure in a state of disrepair with missing or loose slats in various sections, the shed in the rear of the property is in disrepair and damaged by falling tree debris and the accumulation of trash or garbage including, but not limited to dead or fallen tree limbs or branches as prohibited.
- On February 27, 2018 he received a phone call from Christen Coltoff, the daughter of the property owner who was her mother who passed away; she requested an additional two weeks and she expects to have the property sold and in compliance in that time frame.

Mr. Colbert submitted into evidence photographs taken on January 8, 2018 and February 5, 2018. He recommends a compliance date of March 25, 2018 or fine of \$250.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 18-020 in violation of the International Property Maintenance Code Section 302.4, Section 302.7 and Section 308.1 and that the Respondent shall come into compliance by March 25, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Pauley.

Vice-Chair Suplicki noted March 25 is after the deadline for the April 3, 2018 Code Enforcement Board meeting and he suggested an amendment the motion for a compliance date in April.

Ms. Graham accepted the amendment to the motion to make the compliance date April 6, 2018. Mr. Pauley let his second stand.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 7. DCEB 18-047 City vs. KYLE RENTZ**
676 Orangewood Drive (MK)
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 18-047:

- The violation existed on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Code Enforcement Inspector Kepto on January 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of January 28, 2018.
- The violation includes the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved and permitted surface.

Mr. Colbert submitted into evidence photographs taken on January 17, 2018 and February 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 within 5 years to be considered a repeat violation.

MOTION: Mr. Carson moved to find case DCEB 18-047 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of January 28, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within the next five years will be considered a repeat. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 18-59 City vs. KEITH T URBY**
1492 Ruth 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. Colbert reviewed case DCEB 18-59:

- 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 January 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of January 25, 2018.
- The violation includes the open parking or storage of utility trailers and boats as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on January 17, 2018 and February 2, 20 and 23, 2018. He recommends a compliance date of March 11, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Mr. Pauley moved to find case DCEB 18-59 in violation of the Land Development Code Section 105-27.1.1(f) was and that the Respondent shall come into compliance by March 11, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. **DCEB 18-78 City vs. THR FLORIDA LP**
1310 Ohio Ave (TC)
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-78:

- The violation existed 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 22, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 11, 2018.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles that do not display a current license tag as prohibited.

Mr. Colbert submitted into evidence photographs taken on January 22, 2018 and February 15 and 21, 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 a repeat violation.

MOTION: Ms. Graham moved to find case DCEB 17-78 was in violation of the International Property Maintenance Code Section 302.8 after the requested compliance date of February 11, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within the five years will be considered a repeat violation. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 18-101 City vs. JEFFRY/KAREN BARNETT
962 Lexington Drive (MK)

REPEAT 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 18-101:

- The violation existed on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Code Enforcement Inspector Kepto on January 26, 2018 and a notice of repeat violation was sent to the owner notifying them of the repeat violation.
- The violation includes the open parking or storage of any utility trailers in a residential area as prohibited.
- The Code Enforcement Board heard violation on December 6, 2016 regarding DCEB 16-276 and ruled a violation did occur and any future violation would be a repeat violation with a higher fine.
- The property is currently in compliance.

Mr. Colbert submitted into evidence photographs taken on January 26, 2018, January 29, 2018 and February 5, 2018. He recommends the Board find the respondent was in repeat violation beginning January 26, 2018 and a repeat fine of \$200.00 per day ending on February 5, 2018.

When Vice-Chair Suplicki inquired if there was any contact with the owner, Mr. Colbert did not know as it is Mr. Kepto's case.

When Mr. Pauley asked when the owners would have been notified of the repeat violation, Mr. Colbert stated the letter went out for today's hearing and also another letter documenting the repeat violation; the owner would have known shortly after the date Mr. Kepto observed the violation probably the next day or so.

Ms. Dutton asked if the notice was certified or regular mail and Mr. Colbert advised for the repeat violation it would have been regular mail and for the hearing today it would have been a certified letter and a copy posted at the property and he acknowledged the letter did not come back.

MOTION: Mr. Carson moved to find case DCEB 18- 101 was in repeat violation of the Land Development Code Section 105-27.1.1(f) on January 26, 2018 through February 5, 2018 and that the Respondents shall suffer a fine of \$200.00 per day for those 11 days documented. Second was made by Mr. Davenport.

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

Chair Bowman reviewed the Finding and Order of the Board.

11. DCEB 18-113 City vs. CHRISTY HARRISON
1387 Robin Hood Ln (TC)
REPEAT Violation of the International Property Maintenance Code Sec302.8 INOPERATIVE
MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-113:

- The violation existed 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 11, 2017 and a notice of repeat violation was sent to the owner notifying them of the repeat violation.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles with flat tires, do not display a current license tag and so forth as prohibited.
- The Code Enforcement Board heard this same violation on June 16, 2017 regarding DCEB 16-970 and the Board ruled that the violation did occur and any future violation would be a repeat violation with a higher fine.

Mr. Colbert submitted into evidence photographs taken on December 11, 21 and 27, 2017 and January 11, 22 and 29, 2018. He recommends the Board find the respondent was in repeat violation beginning on December 11, 2017 and a repeat fine of \$200.00 per day ending on January 29, 2018 for a total of 6 days documented with evidence. There has been no contact with the property owner or the tenants.

When Chair Bowman questioned the number of days for the violation, Mr. Colbert explained his thinking is the proof of the case is the photographs and he has photographs for a total of 6 days.

Mr. Davenport asked if it is necessary to have photographs of every day during the period to substantiate the violation. City Attorney Trask advised testimony is sufficient; therefore, if Mr. Colbert went by the property

every single day he would be able to testify as to what was there and photographs are not necessary to do that.

Mr. Colbert stated he could not testify to going by the property every day; if he did then he would have photographs to submit.

Vice-Chair Suplicki verified with Mr. Colbert the property was posted, the letter did not come back and there was no contact with the property owner or the tenants.

MOTION: Mr. Davenport moved to find case DCEB 18-113 based on testimony, evidence and facts presented in law was in repeat violation of the Land Development Code Section 105-27.1.1(f) on December 11, 21 and 27, 2017 and January 11, 22 and 29, 2018 and that the Respondents shall suffer a fine of \$200.00 per day for those 6 days documented. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

12. DCEB 18-118 City vs. BRIAN D / LISA D M BROCKMAN
862 Crosley Drive (MK)
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 18-118:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Code Enforcement Inspector Kepto on January 29, 2018 and a notice of repeat violation was sent to the owner notifying them of the repeat violation.
- The violation includes the open parking or storage of recreational equipment including a boat in a residential area as prohibited except from Friday 6:00 p.m. until Monday 8:00 a.m.
- The Code Enforcement Board heard the same violation on November 4, 2014 regarding DCEB 14-815 and the Board ruled that the violation did occur and that any future violation would be a repeat violation with a higher fine.

Mr. Colbert submitted into evidence photographs taken on January 29, 2018, February 5, 2018, February 7, 2018 and February 9, 2018. He recommends the Board find the respondent was in repeat violation beginning on January 29, 2018 and a fine of \$200.00 per day until compliance.

When Vice-Chair Suplicki noted it is the practice of Mr. Colbert as well as Mr. Kepto to post the property as in other cases and the owner would have known January 29 or 30 or thereabouts, Mr. Colbert stated yes and that he did not see a letter returned in the file and there would have been the same process a certified letter, regular mailing and posting of the property. Vice-Chair Suplicki commented the posting at the property is most important because it is there immediately.

When Mr. Pauley inquired whether or not there had been any verbal communications that Mr. Colbert could tell, he stated it was not noted in the paperwork; therefore, he would not know.

MOTION: Mr. Davenport moved to find case DCEB 18- 118 based on testimony, evidence and facts presented in law was in repeat violation of the Land Development Code Section 105-27.1.1 (f) and that the Respondents shall suffer a fine of \$ 200.00 per day commencing on January 29, 2018 and continuing until compliance. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. DCEB 18-126 City vs. STEVEN PAGE/CHRISTINA TSATSIS

1172 Mary Jane Lane (TC)

REPEAT 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 18-126:

- The violation existed 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 January 23, 2018 and a notice of repeat violation was sent to the owner notifying them of the repeat violation.
- The violation includes the open parking or storage of boats as prohibited in a residential area.
- The Code Enforcement Board heard this same violation on May 2, 2017 regarding DCEB 16-951 and the Board ruled the violation did occur and that any future violation would be a repeat violation with a higher fine.

Mr. Colbert submitted into evidence photographs taken on January 23, 24, and 29, 30, 2018. He recommends the Board find the respondent was in repeat violation beginning on January 23, 2018 and fine of \$250.00 per day for those days documented for a total of 4 days.

MOTION: Ms. Graham moved to find case DCEB 18-126 was in repeat violation of the Land Development Code Section 105-27.1.1(f) on January 23, 2018, January 24, 2018, January 29, 2018 and January 30, 2018 and that the Respondents shall suffer a fine of \$250.00 per day for those 4 days documented. Second was made by Mr. Davenport.

When Mr. Pauley commented he looked at the 23rd and at the 30th, he cannot see any visible way the boat was moved; it is setting in the same spot; he thinks 4 days is not enough because he does not think it was moved, Mr. Colbert stated:

- It might not have been; however, this is ongoing.
- He went by the property one day prior to this and a lady was out front and he asked if she could please move her boat and her response was not very positive and he kept on going.
- He has photographs of the days he observed the violation; however, it probably was not moved during that time period.

Mr. Pauley asked if logic can come into play in the decision or is it just photographs and City Attorney Trask stated it is not just the photographs, it is the testimony given that it was in violation from January 23, to January 30, 2018 that he heard and he has photographs for 4 of those 7 days.

Mr. Pauley suggested an amendment to the motion to a fine for the 8 days January 23, 2018 through January 30, 2018.

When Mr. Davenport inquired if there was any indication there was an inspection done every day during that period, Mr. Colbert stated, no if so he would have submitted a photograph.

Ms. Graham denied the amendment to the motion.

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

Chair Bowman reviewed the Finding and Order of the Board.

14. DCEB 18-181 City vs. PARAMOUNT COURT LLC
1978 Valley Dr (TC)
REPEAT Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Kevin Wells, of 4905 34th St. S., St. Petersburg, FL 33711 (Contractor – Wells Builders)

Mr. Colbert reviewed case DCEB 18-181:

- 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 February 9, 2018 and a notice of repeat violation was sent to the owner notifying them of the repeat violation.
- The violation includes a building permit required for the renovation/remodeling or any alterations to the structure; this includes but is not limited to removal, replacement of walls, drywall, electrical, plumbing, mechanical and so forth.
- The Code Enforcement Board heard this same violation on October 3, 2017 regarding DCEB 17-712 and the Board ruled the violation did occur and that any future violation would be a repeat violation with a higher fine.
- As of February 28, 2018 there is a permit in Plan Review which has not been issued.
- On February 9, 2018 a Dunedin Building Inspector notified Code Enforcement he came upon this property with workers present working on the rehab work and at that time he issued a stop work order.

Mr. Colbert submitted into evidence photographs taken on February 14, 2018. He recommends the Board find the respondent was in repeat violation beginning on February 9, 2018 and continues and a repeat violation fine of \$500.00 per day.

Mr. Carson referred to the photographs noting there were some loose wires and asked if they are live and Mr. Colbert stated he did not know if the power was on.

Mr. Wells stated:

- On February 9, 2018 the active A/C permit had been closed out and there was a roofing permit in progress for which is why the Inspector was there that day for inspection.
- There is power at the building.
- He is the contractor who has the permit application in right now.

When Chair asked if there were workers working on other parts of the house, Mr. Wells stated he was not sure about that day, but there has been demolition including interior doors and there was electrical done and the electrician was pulling his own permit for that, but apparently he did not get it in time.

Chair Bowman commented usually there would be one permit to cover the entire job when there are several trades working on the property. Mr. Wells responded the A/C was done about three weeks prior to the roof and then the electrician came in after the roof was done and he got his own permit.

In response to the question from Chair Bowman, Mr. Wells stated he left the roofing permit open because he did not want to have any issues.

Chair Bowman stated a stop work order can still be issued if work is being done other than the roof. He noted the photographs showed windows on the side not covered under the permit, doors and so forth that cannot be done until the permit is issued.

Chair Bowman clarified Mr. Wells was a General Contractor and he has a permit with the City now to cover everything else that is going on the property.

Chair Bowman verified with Mr. Colbert the violation was occurring for about 25 days. Mr. Colbert added he, Mr. Kepto and Building Official May have had several conversations with this property owner concerning the previous violation and discussed that it is simple, before the work begins get a permit for the rehab of the homes and that brings it to a repeat violation today; they talked to the business owner/property owner for Paramount Court LLC and she is well aware of the needing a permit in hand before the work begins.

Mr. Wells questioned why this repeat violation is so greater than the other repeat violations.

Chair Bowman explained it can be up to \$500.00 a day and that was a recommendation by the City because it sounds like the owner of the property was well aware before they did anything to get a permit and that is not what happened.

Mr. Wells stated he did not want to be the voice of the owner, he is representing her and there was an A/C permit and a roofing permit and the electrician did go the next day and they told him he couldn't get the permit that a permit had to cover whatever else had to be done. The plans are in permitting at this time.

Mr. Carson commented the owner was constructively aware of the situation following the October 3, 2017 why this is a repeat violation, she got permits before, but has not gotten the picture yet. Mr. Wells noted there were permits in place.

MOTION: Mr. Davenport moved to find case DCEB 18-181 based on testimony, evidence and facts presented in law was in repeat violation of the Florida Building Code Section 105.1 and that the Respondent shall suffer a fine of \$500.00 per day commencing on February 9, 2018 and continuing until compliance. Second was made by Ms. Graham.

Chair Bowman commented he thought the \$500.00 was a little steep for that long of a time frame.

Vice-Chair Suplicki suggested because doing work without a permit is a lot different than having a trailer in front of your house, definitely the gravity of this case is more so than other cases heard today, not that it has any bearing on this case; however, he thinks \$500.00 is pretty steep and it could be cost prohibitive at some point for this property. He questioned if any amendment could be made to the motion.

Chair Bowman noted the fine would be \$12,500 at this point.

Mr. Davenport was open to another dollar amount particularly since the owner was notified after a duly noted public hearing they needed to get this rectified.

Vice-Chair Suplicki suggested an amendment to the motion for a fine of \$350.00 per day which would certainly be enough to get the attention of the respondent.

Mr. Carson agreed \$500.00 was high and Ms. Dutton agreed.

Mr. Davenport accepted the amendment to the motion for a fine of \$350.00 per day. Ms. Graham let her second stand.

VOTE: Motion carried 5 - 2 with Ms. Dutton, Ms. Graham, Messrs. Carson, Pauley, Davenport and Suplicki voting aye. Chair Bowman voting nay. Voting nay, Mr. Carson.

Chair Bowman reviewed the Finding and Order of the Board.

OTHER BUSINESS

1. **Memorandum from City Attorney dated 2/28/18
DCEB 17-662 and 17-663, Owner John P Kalivas, Trust
368 Patricia Avenue**

City Attorney Trask advised:

- There are two outstanding fines on this property one of which is still running.
- The total fines as of the date of the memo were approximately \$22,000.
- He sent demand letters to the property owner with no response until last week when he received an e-mail from an accountant who says he is representing Mr. Kalivas who he stated does not speak English and is hard of hearing; therefore, he was going to try to help him with this project. It was explained this memo was pending and he would be asking for the property to be foreclosed or the lien to be foreclosed. They discussed getting his client to take care of this quickly, but he knew there was going to be a request for authority to foreclose. Obviously he will not be doing that if the issue can be resolved; however, he wants to keep the pressure on to get compliance.

- He is asking for authority to foreclose on the lien on this commercial property that is not homestead property.

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MOTION: Mr. Davenport moved in case DCEB 17-662 and DCEB 17-663 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. Carson, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

2. **Memorandum from City Attorney dated 2/28/18**
DCEB 11-18, Owner Elaine Tschirner
1216 Stony Brook Lane

City Attorney Trask advised:

- There is \$63,000 in fines on this property accruing at a rate of \$25.00 per day.
- He sent a demand letter to the respondent asking for her to bring the property into compliance and pay the fine and received a very terse response basically demanding he provide her with the Freedom of Information Act which does not apply; she wanted public records which were provided. She then told her in a letter that he was to stop all collection efforts, otherwise she was going to seek a violation of the Fair Debt Collection Practices Act which does not apply. He informed her of all that information.
- This lien when recorded did not hit her homestead property which is the one that is in violation at 1216 Stony Brook Lane, but it did hit another non-homestead property he found in a search located at 1701 Pinehurst Road #32D which evidently is a townhome or condominium.
- He thinks with the pressure of the foreclosure on the townhome or condo possibly he can get her to bring her homestead into compliance; he thinks this is the only leverage he has.
- He is requesting authority to foreclose with the understanding it will not be with the homestead property, but would be against the 1701 Pinehurst Road #32D.

MOTION: Mr. Carson moved in case DCEB 11-18 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. Carson, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

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