

**DUNEDIN CODE ENFORCEMENT BOARD  
REGULAR MEETING OF TUESDAY, APRIL 3, 2018  
CITY HALL – 542 MAIN STREET – 2:00PM**

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

**ABSENT:** Member Ken Carson and Alternate Member Wade Davenport

**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 Clement and fifteen 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 March 6, 2018

**MOTION:** Mr. Mackin moved to approve the minutes of the regular meeting of March 6, 2018. Second was made by Mr. Motley.

**VOTE:** Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert and Director of Planning and Development Greg Rice.

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**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 11-845 City vs. RICHARD SCHOMP
2. DCEB 11-982 City vs. GERTRUDE M PYLE
3. DCEB 14-71 City vs. KRISTI S HILL
4. DCEB 14-606 City vs. MICHAEL HABOUSH EST
5. DCEB 17-498 City vs. NORTON FAMILY LAND TRUST
6. DCEB 17-712 City vs. PARAMOUNT COURT LLC
7. DCEB 17-838 City vs. WILLIAM G/HEATHER AWATERS
8. DCEB 17-958 City vs. SHERRY DAY
9. DCEB 18-59 City vs. KEITH T IRBY
10. DCEB 17-961 City vs. PATRICIA L LANGE / AMILIA CAFRE EST
11. DCEB 18-118 City vs. LISA DM / BRIAN D BROCKMAN

**MOTION:** Vice Chair Suplicki 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 17-608 City vs. PAIGE GIRARD**

*717 Scotland St*

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

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

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

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

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

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

Ms. McHale swore in Paige Girard.

Mr. Kepto reviewed case DCEB 17-608:

- At the meeting of January 9, 2018 this Board ordered compliance by March 21, 2018 or a fine of \$100.00 per day would be imposed.
- As of inspection on March 27, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The Board might wish to consider extending the compliance date based on testimony the owner may have regarding any hardships.

Ms. Girard stated:

- She has been in the hospital and her brother is helping her with the situation.
- They have gotten rid of a lot, they still need to do some work in the pool and are getting a new liner from Pinch-a-Penny to be installed.
- The parking in the front yard is gone; they have been working on keeping the lawn maintenance going.
- In the meantime they are making sure no leaves or water accumulate in the pool to keep mosquitoes from hatching.
- She questioned the accessory structure violation and Mr. Kepto explained that was the fence which has been repaired.
- She thought everything would be done in a couple of weeks.

Mr. Kepto concurred with the statements by Ms. Girard and added that her brother was in California and came to help her with the house she recently inherited to bring the house into compliance. Everything has been pretty much corrected except for the pool.

Vice-Chair Suplicki noted the deadline for compliance for the next meeting was April 18 and discussed with Ms. Girard that a date in May would be better to be sure everything was completed.

**MOTION:** Vice-Chair Suplicki moved in case DCEB 17-608 to extend the compliance date to May 23, 2018. Second was made by Mr. Motley.

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

Chair Bowman reviewed the motion and advised Ms. Girard to contact Mr. Kepto when everything was done in order for him to inspect and issue an Affidavit of Compliance.

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-883:

- At the meeting of February 6, 2018 this Board ordered compliance by March 18, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on March 20, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. Dutton recalled when the respondent was present at the previous hearing they talked about there was no problem and they were getting everything wrapped up.

Mr. Kepto commented he heard those same comments prior to this meeting also and received calls from the contractor who could not believe the City was requiring a permit for an electric extension awning that goes over the right-of-way and he was assured they were going to get a permit.

**MOTION:** Mr. Motley moved in case DCEB 17-883 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

**3. DCEB 17-958 City vs. SHERRY DAY**  
*650 Orangewood Dr*  
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-958:

- At the meeting of February 6, 2018 this Board ordered compliance by February 28, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on March 12, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The Board accepted an Affidavit of Compliance on this case at the beginning of the meeting; therefore, there will be several days of non-compliance.

**MOTION:** Mr. Pauley moved in case DCEB 17958 to accept the Affidavit of Non-Compliance. Second was made by Vice-Chair Suplicki.

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

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**NEW BUSINESS**

- 1. DCEB 17-114 City vs. WILLIAM T CANNON JR**  
*1723 Indiana St*  
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RV'S, TRAILERS  
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.

Mr. Colbert reviewed case DCEB 17-114:

- 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 February 23, 2017 and a notice of violation was sent to the owner with a requested compliance date of March 5, 2017.
- The violations include the open parking or storage of utility trailers as prohibited in a residential area and the parking of a vehicle in the right-of-way in a residential area as prohibited.

Mr. Colbert submitted into evidence photographs taken on February 2 and 23, 2017 and March 9 and 14, 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:** Ms. Dutton moved to find case DCEB 17-114 was in violation of the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1.1(A) after the requested compliance date of March 5, 2018 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. Pauley, Motley, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

- 2. DCEB 17-221 City vs. CHRISTINE L RUVA/KENNETH BANAS**  
*752 Marjon Ave*  
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 17-221:

- 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 March 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of April 9, 2017.

- The violation includes the parking or storage of any recreational vehicle in front of a residential house as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m.
- The owner did appear for the Code Enforcement Board hearing and indicated he understands the ordinance and it explained if it occurs again in the next 5 years it is a repeat violation with a fine of possibly up to \$500.00 per day.

Mr. Kepto submitted into evidence photographs taken on February 16, 2018 and February 28, 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 case DCEB 17-221 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of April 9, 2017 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. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

~~3. DCEB 17-526 City vs. ERIC OGLESBY/RONALD APOTTS~~

~~480 Helen St (MK)~~

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

4. DCEB 17-574 City vs. BARALT & ERNEST L & MARY ANN FAMILY TRUST

2120 Sarazen Dr

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

Chair Bowman determined the respondent was not present.

Ms. McHale swore in Kim Troya-Sixbury, tenant.

Mr. Colbert reviewed case DCEB 17-574:

- 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 June 22, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 9, 2017.
- The violation includes the open parking or storage of an inoperative vehicle to include, but not limited to vehicles that do not display a current license tag as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on June 22, 2017 and March 9, 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.

Ms. Troya stated her landlord told her about the original violation and the vehicle was removed. The recent violation was a vehicle her son bought on Monday and she secured insurance by Thursday and the Acura

which her son was driving had the axle fell while he was driving at 11:00 p.m. on Thursday and the tow truck put it on the front lawn instead of the driveway and she could not do anything at that time, but on Saturday her husband fixed it and put the license plate on it. Her son went to transfer the license plate on Friday and she has the receipt. She thinks it was a matter of bad timing with all this happening within a day.

Chair Bowman explained Ms. Troya would not be in trouble unless this happens again, that is what a repeat violation is, but if it does happen again there can be a fine.

**MOTION:** Mr. Mackin moved to find case DCEB 17-574 was in violation of the International Property Maintenance Code Section 302.8 after the requested compliance date of July 7, 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, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

**5. DCEB 17-585 City vs. WILLIAM J KAUFMAN/LAUREN MAXINE POLING**  
*1632 Santa Anna Dr*  
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RV'S, TRAILERS

Ms. McHale swore in Lauren Poling of 1403 Stonecreek Drive, Tarpon Springs.

Mr. Colbert reviewed case DCEB 17-585:

- 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 July 7, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 16, 2017.
- The violation includes the open parking of storage or utility trailers in a residential area as prohibited.

Mr. Colbert submitted into evidence photographs taken on July 7, 2017, December 14, 2017, August 7, 2017 and March 14, 2018. He recommends a compliance date of April 3, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Poling stated:

- She is not living at the property that is currently vacant and is planned to be demolished very soon and rebuilding completely.
- The neighbors have been storing their utility trailers on the lot and it has taken some time to find out who was doing it. She spoke with the person so it should not be an issue any longer.
- As of today the utility trailer is gone.

**MOTION:** Mr. Pauley moved to find case DCEB 17-585 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondents shall come into compliance by April 3, 2018 or suffer a fine of \$ 200.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

**6. DCEB 17-942 City vs. THOMAS J LOLLIS JR**

*937 Cedarwood Ave*

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR

Ms. McHale swore in Thomas J. Lollis Jr.

Mr. Kepto reviewed case DCEB 17-942:

- 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 February 8, 2018.
- The violations include paint peeling or missing from various areas of the exterior of the structure and exterior walls in various states of disrepair with openings or holes where stucco is missing.
- He had a discussion with the owner just prior to this meeting and he explained some physical and financial hardships and they agreed on a compliance date of July 15, 2018.

Mr. Kepto submitted into evidence photographs taken on February 28, 2018. He recommends a compliance date of July 15, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Lollis stated:

- He inherited the house from his father and he has been trying to get everything fixed.
- He did have a contractor in Dunedin work on the stucco; however, he seems to be missing now.
- When they remodeled the house on the corner he tried to get those contractors to do some stucco work, but they did not leave a card with contact information.
- The Hills Brothers remodeled the house next door and he contacted them a couple of weeks ago and they were supposed to pull a permit this week to finish the work for him, but he has not checked on that yet.
- He did not have the money, he was behind on the taxes which he has caught up on pretty much, but now he has the money and they are coming to fix it.
- He thought the July 15 date was okay as he was just waiting on the contractor.
- He does live in the house and the hole is in the garage from things his father had done.

**MOTION:** Mr. Motley moved to find in case DCEB 17-942 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 304.2 and Section 304.6 and were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 15, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman advised Mr. Lollis to contact Mr. Kepto when the work is completed.

**7. DCEB 17-991 City vs. TERESA RYAN**  
*1338 S Lotus Dr*  
Violation of the Land Development Code Section 105-27.1.1(e) COMMERCIAL VEHICLE STANDARDS

Ms. McHale swore in Thomas Beyer.

Mr. Colbert reviewed case DCEB 17-991:

- 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 29, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 3, 2018.
- The violation includes the open parking or storage of commercial vehicles to include, but not limited to semi-truck cabs as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on December 29, 2017 and March 19 and 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 repeat violation.

Mr. Beyer stated on January 3<sup>rd</sup> he left to go out on the road and since then he has secured parking for the vehicle.

Chair Bowman explained as long as it is not at the house anymore there is no problem; it just cannot come back.

When Mr. Beyer asked if it is still against the law when he sometimes comes home for a 34 hour reset for just the weekend, Mr. Colbert advised it was.

Chair Bowman stated you cannot have semi in a neighborhood, even though it is a nice looking truck.

When Mr. Beyer commented the neighbors bring their grandchildren over to see the truck and climb in and so forth and no one in the neighborhood has a problem, Chair Bowman commented that is the way the ordinance is written, it can't be in a neighborhood.

**MOTION:** Ms. Graham moved to find case DCEB 17-991 was in violation of the Land Development Code Section 105-27.1.1(e) after the requested compliance date of January 3, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

**8. DCEB 18-29 City vs. JAMIE HIRCOCK**

*1351 Ohio Ave*

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

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 304.7 ROOFS AND DRAINAGE

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

Chair Bowman determined the respondent was not present.

Ms. McHale swore in Patrick Brennan, neighbor of 1331 Ohio Avenue.

Mr. Kepto reviewed case DCEB 18-29:

- The violations exist on a single family residential property that is currently occupied by the tenants.
- 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 February 16, 2018.
- The violations include:
  - A building permit required for the installation or alteration of the air conditioner unit.
  - The soffits or eaves are in poor condition as evidenced by rotting or missing boards.
  - Paint is peeling or missing from the various areas of the exterior walls and trim.
  - The roof in the rear of the structure is in major disrepair as evidenced by missing wood and openings; a permit will be required to perform any repairs on this issue.
  - The open storage of assorted items, including, but not limited to old insulation, air conditioner units or other mechanical devices as prohibited.

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

Mr. Brennan stated he lives next door and presented photographs of the view from his roof showing the holes in the flat part of the roof. He noted this picture was taken about two weeks ago and they cleaned off the leaves, but the dry rot is not going away and the soffits and fascia all around the house is deteriorated. He took the photos when he went was blowing the leaves off of his own roof. This has been like this for the eight years he has lived next door and it is worse since Hurricane Irma.

Mr. Kepto advised there has been no contact or response from the property owner to any of the Code Enforcement letters. He advised the owner of record lives at 1106 South Missouri Avenue Apt. 203 in Clearwater. Also, there has been no response from the tenants even with the notices posted on the door at the property.

Mr. Pauley discussed with Mr. Brennan that the windows and doors are the same as when he moved next door even though the photographs show the tags on them. Mr. Kepto advised he checked and that was permitted many years ago and none of the stickers were removed from the windows.

When Vice-Chair Suplicki asked if one of the photographs was showing a branch on the roof or a tree coming through the roof, Mr. Kepto stated he thought it was probably a branch.

**MOTION:** Mr. Motley moved to find case DCEB 18-29 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 and the International Property Maintenance Code Section 304.1; Section 304.2; Section 304.7 and Section 308.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by May 6, 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, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

**9. DCEB 18-33 City vs. JAMES R MCCUTCHEON**

*1412 Douglas Ave*

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

Ms. McHale swore in James McCutcheon and Tara McCutcheon

Mr. Colbert reviewed case DCEB 18-33:

- 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 16, 2018 and a notice of violation was sent to the owner with a requested compliance date of January 22, 2018.
- The violation includes the parking of any vehicle in the right-of-way as prohibited to include the grass area between the sidewalk and the street.

Mr. Colbert submitted into evidence photographs taken January 16, 2018 and March 5, 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.

Ms. McCutcheon stated:

- Parking has been a never ending issue; they have been in their house for nine years which is directly next door to the American Legion Post.
- The pictures taken on the 16<sup>th</sup>, as soon as they received the notification they stopped parking on the easement and any vehicles parked there after that is not them, it is the Legion.
- She advised she has a picture of a Sheriff's vehicle parked in the easement taken on March 24<sup>th</sup>, so even after the notification went out about no parking on the easement they still had an official vehicle parked in the easement. She stated there are also other photographs showing people parked all the way up the street parked in the easement, but they are the only ones who received a violation.
- This happened just after she let the Legion know she was compiling pictures of how their people park all around their street so she could turn them in because she was instructed to do it this way because

parking on their street is a major problem. The Legion actually printed "No Parking" signs for them to put on the easement to let their people know, but she received the violation.

- They handled the situation as soon as they received the notice and have been in compliance since the first notification, but they have no way to regulate or police what is happening.

Mr. McCutcheon stated:

- One photograph was of a friend of theirs, but all the others do not belong to them, but mostly the photographs are of people from Canada, New York, Ohio, Maine and Michigan and they all belong to the American Legion or Marker 8. They park up and down the street wherever they feel like it, in front of fire hydrants, blocking stop signs and so forth.
- Where the Legion put up signs to stop the parking, motorcycles and golf carts park there.

Ms. McCutcheon added they also block driveways and in the fire lane the even set up a barbeque less than a week ago.

Mr. Colbert advised when he first cited the property what caught his eye was the travel trailer in the driveway that was there for an extended period of time which did eventually go away and then he observed the other violation. He acknowledged he is on this street quite a bit.

Mr. McCutcheon questioned about the rest of the neighbors who park up and down the street and the Legion parks wherever they want and he does not see any of them here, so Mr. Colbert could not be down his street that often.

Mr. Colbert responded they have everyone cited for violations in the city and obviously that is not accurate and it is a work in progress and he will continue to monitor the neighborhood.

Ms. McCutcheon asked how to handle it when other people are parking on the property.

When Vice-Chair Suplicki inquired regarding the Code Enforcement Officer having the ability to write parking tickets, Mr. Colbert stated they do have that ability and suggested property owners contact the Pinellas County Sheriff's Office.

Mr. McCutcheon commented regarding the parking that goes on when both the American Legion and the Marker 8 have events; no one listens to him and they want residential parking like the Blue Jays Stadium. He cannot regulate the entire street and will not be the only one in trouble for it. They both took off work early to come to the meeting and they cannot continue to do that and he expressed concern regarding the repeat violation within 5 years.

Mr. Kepto suggested as he has seen in other areas, some owners will landscape in the right-of-way area, not big trees, but even small shrubs and so forth will help to stop people from parking in that area.

Ms. McCutcheon noted:

- Even when someone parks in the street by the large Oak on the corner it blocks her view when backing out of the driveway; that is a safety concern as well. The parking in the easement is actually safer than parking in the street, but she understands about not doing that.
- She expressed concern also that when she spoke with someone in the City originally about the issue wanting to remain anonymous the American Legion came to her the next day and told her they put up signs about not parking on their property, so her request for privacy was ignored and it was only her they came to not the other neighbors.

- When someone does park in front of their house they have to call the Legion; the bartender makes an announcement and the person comes out to move their car and are mad at them.

Mr. Colbert explained that no one in Code Enforcement would have provided their information as that is not the way the Department operates. He suggested making an appointment with possibly the Captain at the Sheriff's Office on a problem that is understood and possibly there could be some aggressive enforcement.

Chair Bowman commented there is really nothing the Board could do to magically stop people from parking there and he understood they could not keep coming back when it is other people parking in their easement.

Mr. Colbert advised now that he was aware of the circumstances of other people parking there he will make contact with the McCutcheons before taking any action in the future.

Chair Bowman reiterated that it would have to be the Sheriff's Office to take some action and he emphasized that no one in Code Enforcement is targeting them and Mr. Colbert will contact them to find out if it is their vehicles.

When Mr. Motley noted the McCutcheons had stated the vehicles in the photographs were not theirs and whether or not the vehicles Mr. Colbert cited were theirs, Mr. Colbert explained they do not have the capability to run license tags so he does not know.

Ms. McCutcheon stated they have a Ford Fusion and a Ford Expedition.

Mr. Motley clarified with Mr. Colbert that technically if people are parked in front of their property in the right-of-way they are responsible.

Ms. McCutcheon asked if they were allowed to have those vehicles towed.

Chair Bowman verified the vehicles in the photographs were not theirs.

When Mr. Motley asked if they have driveway they park their vehicles in, Mr. and Ms. McCutcheon stated they do and also a parking pad adjacent to the driveway with rocks and acknowledged that was permitted.

Mr. Colbert commented that Mr. Kepto had a good suggestion and he will contact Engineering about the very narrow road with parking issues to see if no parking signs or something can be done to alleviate the problem.

Mr. Kepto stated for the record, Code Enforcement would like to see these issues get resolved and he thinks this is out of the control of the respondents and that it would be in the City's best interest to meet for Code Enforcement to meet with Engineering. There is no longer a Traffic Engineer; however, he does think the City is in the process of hiring someone; possibly there can be some solution.

Ms. McCutcheon related that a few years ago before they moved in there was a protest about this issue of the easement and everyone parked their cars in the street and the mail truck could not get through, so when people park where it is considered legal on the street no emergency vehicles can get through.

When Chair Bowman asked about which vehicles they own, Ms. McCutcheon advised a black Ford Fusion, a brown Ford Expedition and they have parked the vehicles since they received the first notice.

Mr. McCutcheon stated what they were cited for this time were not any of their own vehicles and noted one has Ohio plates.

In response to the question from Chair Bowman, Mr. Colbert stated he did not think these folks were going to park there, so there would not be an issue and if he does see any vehicles parked in the right-of-way he will contact them before taking any action. Chair Bowman noted his concern is that he did not think any of the vehicles in the photographs belong to the respondents.

**MOTION:** Mr. Motley moved in case DCEB 18-33 to dismiss the case. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Vice-Chair Suplicki commented the Mr. and Ms. McCutcheon could visit the Engineering Department as well as Code Enforcement as citizens are welcome also.

**10. DCEB 18-41 City vs. JANA S/VICTOR C LOPEZ**  
*919 Dumont Dr*  
Violation of the Land Development Code Section105-27.1.1(h)1 PARKING-FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-41:

- 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 16, 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 of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted service; grass or dirt are not approved for parking.

Mr. Kepto submitted into evidence photographs taken on February 19, 2018 and February 28, 2019. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within the next 5 years to be considered repeat violations.

**MOTION:** Ms. Dutton moved to find case DCEB 18-41 was in violation of the Land Development Code Section105-27.1.1(h)1 after the requested compliance date of January 28, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

**11. DCEB 18-145 City vs. SUSAN E/GABE L COLE**

*429 Lyndhurst St*

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

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-145:

- The violations exist on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on February 2, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 11, 2018.
- The violations include the open parking or storage of any utility trailer in a residential area as prohibited, but is allowed to be parked or stored on the side or rear yard if behind a 6-foot solid fence and the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted service; grass or dirt are not approved for parking.

Mr. Kepto submitted into evidence photographs taken on February 12, 2018 and March 19, 2018. He recommends a compliance date of April 15, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

When Ms. Dutton referred to a photograph in which the parking area looks like mulch and asked if it is an approved surface, Mr. Kepto explained it is not and also that they are parking on the grass.

Mr. Kepto also noted the confusion when talking to the person at the property who claimed to be the owner, but then he kept saying he lived there and then that he was there visiting his tenants, so he is assuming it is the tenants in violation, but it was his vehicle that was parked there. He has talked to them about the parking and they just continue to park there.

**MOTION:** Ms. Graham moved to find case DCEB 18-33 in violation of the International Property Maintenance Code and the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1(h)1 and that the Respondents shall come into compliance by April 15, 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. Motley, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none. Mr. Pauley abstained.

When City Attorney Trask inquired the reason Mr. Pauley abstained, he explained he had left the room and did not hear the case which City Attorney Trask had not realized Mr. Pauley had left the room; therefore, it was appropriate to abstain.

Chair Bowman reviewed the Finding and Order of the Board.

**12. DCEB 18-150 City vs. JONNIE L McGEE/JACOB D DELIESSLINE**

*476 Lexington St*

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

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-150:

- The violations 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 2, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 11, 2018.
- The violations include the open parking or storage of any recreational vehicle or equipment in front of a residential area as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface; boats or trailers parked or stored on the side or rear yard must be behind a 6-foot solid fence and the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted service; grass, mulch or leaves are not approved for parking.
- He did speak with the owner and explained the violation who indicated he understood.

Mr. Kepto submitted into evidence photographs taken on February 2, 2018 and February 16, 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 the next 5 years to be considered repeat violations.

**MOTION:** Mr. Pauley moved to find case DCEB 18-150 was in violation of the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1(h)1 after the requested compliance date of February 11, 2018 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, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

- 13. DCEB 18-184 City vs. WILLIAM C /PATRICIA K PRESCOTT**  
*949 Lake Dr*  
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES  
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARGAGE  
Violation of the Land Development Code Section 105-27.1.1(a) VEGETATION IN THE R-O-W

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-184:

- 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 February 8, 2018 and a notice of violation was sent to the owner with a requested compliance date of March 11, 2018.
- This case is the result of numerous complaints from the immediate neighborhood.

- The violations include the open parking or storage of any inoperative vehicle as prohibited to include any vehicle with a flat tire or does not display a current license plate; the excessive accumulation of dead leaves, pine cones, tree debris or similar material especially on the paved driveway area as prohibited and the vegetation located in the right-of-way area in front of the house is not being maintained in a neat or orderly manner, the plants encroach over or onto the public street and curb areas.

Mr. Kepto submitted into evidence photographs taken on February 8, 2018, March 12, 2018 and March 14, 2018. He recommends a compliance date of April 22, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki inquired regarding contact or response from the respondents, Mr. Kepto stated in this case there has been no contact from the owner even though he lists his home address as 949 Lake Drive, the property is not homestead; the mail is being returned from that address and as a courtesy he mailed to some addresses from previous records and those came back as well. He made copies of the envelopes and posted them on the front door and again no response from the owner.

Vice-Chair Suplicki asked if the Sheriff's Department has been contacted to make sure there is no one in the house. Mr. Kepto stated he thought if they were seeing that there would have been other complaints from the neighborhood; when he had contact with the individual respondent in the past he thinks he was living in Tallahassee and he was receiving his mail at that time.

**MOTION:** Mr. Motley moved to find in case DCEB 18-184 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code 302.8 and Section 308.1 and the Land Development Code Section 105-27.1.1(a) were in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by April 22, 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, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

**14. DCEB 18-202 City vs. MEREDITH L ROSS**

*884 Joan St*

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

Ms. McHale swore in Meredith Douthit and Courtney Douthit.

Mr. Kepto reviewed case DCEB 18-202:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on February 16, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 25, 2018.
- This case is the result of a citizen complaint.
- The violation includes the open parking or storage of any recreational equipment including a boat or boat trailer as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m., the parking of any boat

trailer in the street is also prohibited; the open parking of any utility trailer in a residential area is prohibited.

Mr. Kepto submitted into evidence photographs taken on March 19, 2018 and February 21, 2018. He recommends a compliance date of April 15, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Meredith Douthit stated it is in compliance now and after receiving the notice started parking the two boats behind the 6-foot fence.

Mr. Kepto explained the boat is not allowed to be in front of the house at all except on weekends for active loading and unloading and that is Friday 6:00 p.m. to Monday 8:00 a.m. and then only in the driveway, not in the street or in the front yard. If he drives by and sees there is a ladder and people throwing out their life savers and so forth he will not cite, but when he sees a boat parked in the yard and no one around he will send a violation notice.

There was discussion about employment, use of the boat at night and not disturbing the neighbors by bringing in the boat in the early morning hours and that the respondents have a sail boat at the Marina already.

**MOTION:** Mr. Pauley moved to find case DCEB 18-202 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondents shall come into compliance by April 15, 2018 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

**15. DCEB 18-228 City vs. BERNARD J PASQUALICHIO LIVING TRUST**  
*512 San Salvador Dr*  
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-228:

- 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 February 19, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 25, 2018.
- The violation includes the parking of any vehicle in the front yard area as prohibited in a residential area unless the parking is on an approved or permitted service.
- He spoke with both the property owner and the tenant who are expanding the driveway pad and there should be no future problems.

Mr. Colbert submitted into evidence photographs taken on February 19, 2018 and March 13, 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 the next 5 years to be considered repeat violations.

**MOTION:** Vice-Chair Suplicki moved to find case DCEB 18-228 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of February 25, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation of the same section within the next 5 years. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

**16. DCEB 18-240 City vs. WAYNE D LEFLEUR III**

*1727 Douglas Ave*

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

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 18-240:

- The violations exist on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on February 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of March 6, 2018.
- The violations include the open parking or storage of travel trailers in a residential area as prohibited and the parking of any vehicle in the front yard area as prohibited in a residential area.
- This case is the result of a citizen complaint regarding short term rentals; he called the property owner which did not go well; however, he did say he would take care of it. Subsequently when taking a photograph the tenant came out which also did not go well as he wanted to debate the ordinance. As of last Wednesday the parking continued in the same manner. One caller described it as "redneck Riviera" whatever that means and another caller said people were living in the trailer. There has not been much cooperation from the property owner or the tenants.

Mr. Colbert submitted into evidence photographs taken on February 23 and 27, 2018 and March 5, 9 and 13, 2018. He recommends a compliance date of April 3, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Motley inquired whether or not the photograph shows power hooked to the trailer, Mr. Colbert stated he believed it does or at one point there was. Also, the tag is expired on the vehicle for which he has written one parking ticket and probably will write some others, another option that was also unsuccessful.

Vice-Chair Suplicki verified with City Attorney Trask that there was notification of this meeting and if the respondent chose not to attend, that was ample opportunity so a compliance date as of today is good.

**MOTION:** Mr. Pauley moved to find case DCEB 18-240 in violation of the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by April 3, 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, Mackin, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

**17. DCEB 18-243 City vs. ANTHONY / ANGELA MARSH**  
*179 WoodetteDr*  
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Anthony Marsh and Angela Marsh.

Mr. Colbert reviewed case DCEB 18-243:

- 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 of the City of Dunedin permit records on February 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of March 11, 2018.
- The violation includes a building permit required for the installation of the sky light of the roof; the work must be performed by a licensed contractor.
- This case is the result of a citizen complaints from neighbors, one was a condo association official stating the property owner had the sky light installed, possibly by an unlicensed contractor without a permit.
- He spoke with the respondent who admitted he did not have a permit and indicated he was working toward getting a permit.

Mr. Colbert advised there were no photographs to submit into evidence since the work was on the roof. He recommends a compliance date of April 5, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Marsh stated:

- He has no problem with complying; however, he needed to explain the situation.
- They are dealing with a home owners association fight.
- There was roofer hired by the HOA to remove the old roof and put on a new one that was badly needed after Hurricane Irma. The HOA president told everyone if they wanted a sky light now was the time and not to wait; they would be approved later because 65% to 70% of the units had them, but he did not want to see patch work later on because the shingles never match.

Ms. Marsh stated the HOA president came to her and said he knew she wanted a sky light, so she should do it now. She believed there house and the one at the end are the only ones without a skylight and they did not want one.

Mr. Marsh stated:

- He bought the sky lights from the place the crew that was working said to get them and they would put them on.

- He bought two the correct size and put them outside by the garage and while he was at work and they told Ms. Marsh in front of the HOA president to leave them where they were and they would do them; that conversation was in Spanish.
- He wanted to be sure of the correct location due to a ceiling fan in the middle of one of the ceilings and located the area and drilled holes of where the location should be and put the sky lights on the roof that night about 10:30 p.m. A neighbor called the Sheriff and a Deputy came after he was finished and there was no noise, but he was arguing with the drunk neighbor and the Deputy said there was no noise now and told them to just go back inside. After that there was a reference that the HOA lawyer got a call that he was in violation and the Deputies were investigating him.
- He set the sky lights and the crew working had said to leave the sky lights and the saw where they needed to go and he texted the foreman of company, Done Rite Roofing that the HOA had hired. He saw the crew before he left and explained he had left the screws and caulk; they said they were going to use nails, but he said no to use the screws. His wife got pictures and video of the sky lights being put in by Done Rite Roofing. He is stuck now because the HOA president after the neighbor complained that he was putting in the sky lights.
- The HOA president is now mad at him because a couple of days before when he saw the sky lights in the driveway he said to make sure to get a licensed contractor, he was willing to circumvent the whole HOA approval which you really should have first, but he said he was not going to call the Board for sky lights you can get them; when he wants to go outside the law it is fine.
- He asked Done Rite to put him on their open permit because it was their crew that screwed them down, so she said yes and then they got the attorney involved and advised her to stay out of the situation. Done Rite did not get paid so now they are mad and are asking why he did not ask how much to have the sky lights done, plus the HOA president told them not to help him and they said they would not add him to their per
- He called Mr. Colbert right away after receiving the first notice and told him the story and that Done Rite was going to add him to the permit and Mr. Colbert said that would take care of the whole issue.
- Done Rite strung him along for a week or two and he thought it would all be added on and it would be about \$75.00, then they started ignoring his calls and that is why they are here now. Ms. Marsh went to the Done Rite office and they said they were not helping her with anything because there is an attorney involved, they were not taking responsibility, they did not put them in, just shingled around them and Ms. Marsh told them no that they screwed them down and caulked them with roof cement and then put the shingles around them.

Ms. Marsh explained Done Rite's explanation was that person did not work for them because he was helping his brother.

When Chair Bowman asked who cut the hole in the roof, Mr. Marsh stated they cut the hole in the deck and he located it by drilling the holes.

Mr. Marsh stated it is his contention if a worker is on his roof and Done Rite has a sign out front then Done Rite put in the sky lights.

Chair Bowman explained Mr. Marsh would have to find a roofer to take responsibility and Mr. Marsh stated that he did and when he came the HOA president came over and said not to do anything there is an attorney involved and if he got involved there would be trouble and so forth and now another one went away; then he got another roofer who came out on Thursday, but Mr. Colbert was off and no one knew what to do at the office and he talked to Mr. Kepto, but he did not know either.

Chair Bowman asked if the roofer is going to pull the permit and Mr. Marsh stated he said he would, but he thought it would happen in a week, but if he could have 30 days he thinks that is fair because of his situation, he noted that Mr. Colbert and Mr. Kepto know he was working on complying.

Mr. Colbert stated about two weeks ago it sounded like it would be resolved by today.

Chair Bowman explained this Board could not give him advice, but only follow the rules and they just need to have Mr. Marsh get the permit. He determined from Mr. Colbert that 30 days for compliance was acceptable and advised Mr. Marsh he would have to have the permit in hand.

Vice-Chair Suplicki noted in this case there are no life safety issues involved and based on the respondent's testimony he would have this resolved within 30 days.

**MOTION:** Vice-Chair Suplicki moved to find case DCEB 18-243 based on testimony, evidence and facts in violation of the Florida Building Code Section 105.1 and that the Respondents shall come into compliance by May 23, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Mackin.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Marsh that compliance is with the permit in hand, they have to pay for it and pick it up and to let Mr. Colbert know as soon as it is done.

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### 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. Request for Fine Reconsideration**  
**DCEB 17-838 City vs. HEATHER A / WILLIAM G WATERS**  
*222 Citrus Avenue (MK)*  
Current Owner: HEATHER A / WILLIAM G WATERS  
Amount Due as of 4/3/18: \$21,596.91

Chair Bowman determined the respondent was present.

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

When Ms. Dutton referred to the letter received about the fine reduction there as information about needing a permit for some things and not for some others and asked what does not need a permit, Mr. Kepto deferred to the respondent as he was not sure what he was referring to.

Ms. McHale swore in William G. Waters, owner.

Chair Bowman explained to Mr. Waters he would only be answering questions and there would be no other testimony.

Mr. Waters stated his understanding of the things that did not need permits painting, flooring, carpets, tile and kitchen cabinets.

When Ms. Dutton asked if that is the interpretation of the law, Mr. Kepto stated this was basically a case done by Joe May and he believed because the house was vacant he would have required a contractor with a license to do the painting and so forth; at the time it was vacant.

Ms. Dutton asked if Mr. Waters moved in and then did the painting and cabinetry and Mr. Waters indicated no.

Vice-Chair Suplicki asked if when he purchased this property was his intent to fix it up and move in, was that the reason he was doing the work and it was not his homestead which under the statute the owner cannot do the work Mr. Waters mentioned without a licensed contractor.

Mr. Waters stated this was their retirement home, it was not flip or anything of that nature.

When Mr. Pauley inquired about use of receipts from other properties and if Mr. Waters owned other properties other than the one in Palm Harbor, he stated they sold the house in Palm Harbor and he had to buy the house they live in right now; they were supposed to move in around Thanksgiving and had nowhere to go so they did some short term rentals and then just bought because it looked like this was going to go on for several months; he does own a home he rents out. Mr. Pauley clarified with Mr. Waters he does have property other than what he had in Palm Harbor.

When Mr. Motley asked if he had read the requirements for a reduction in fines, Mr. Waters stated he did, but he might have missed something. Mr. Motley asked Mr. Waters to tell him in his own words what kind of hardship he is having.

Mr. Waters stated it is either finish the home or pay the fine; he can probably pay the fine and eventually finish the home. His argument in this is that had the appraisal been used there never would have been an issue of non-compliance; he would have had permitting issues, but not of non-compliance. It is probably on record that he did not want to be in non-compliance, he wants to finish the home.

Mr. Motley asked other than that there are no personal hardships other than Mr. Waters was stating, finish the home or pay the fine. Mr. Waters stated it would be difficult; he could pay the fine if he had to.

**MOTION:** Mr. Pauley moved in case DCEB 17-838 to reduce the fine to \$10,500.00 to be paid by May 1, 2018 or the fine reverts to the original amount of \$21,596.91 plus interest. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the decision of the Board.

## **2. Request for Fine Reconsideration**

**DCEB 17-60 City vs. JENNI L / DANIEL R BOLDUC**  
2458 Bayshore Blvd (TC)  
Current Owner: JENNI L / DANIEL R BOLDUC  
Amount Due as of 4/3/18: \$31,929.95

Chair Bowman determined the respondent was present.  
Time was provided for the Board members to review the written request for fine reduction.

Chair Bowman verified with Mr. Colbert this case came into compliance on 9/17/2017.

Chair Bowman asked if it is supposed to be 30 days to file for fine reduction and City Attorney Trask advised the Code Enforcement Board Rules of Procedure say it has to be done within 30 days of the property being found in compliance by the Board, he is not sure when the Affidavit of Compliance was actually received, but thought it was last month even though it was dated back to September, he thinks it was done timely.

Ms. McHale advised that it was filed within the thirty days.

City Attorney Trask stated it had to be back dated because of something to do with the issuance of the permit being registered. He advised the Affidavit of Compliance was accepted on February 6, 2018 according to the chart in the agenda packet; therefore, he would assume it was timely.

Mr. Suplicki verified with Mr. Colbert the buyer bought this home that was previously renovated without a permit. He commented it seems the seller sounds questionable having done all this renovation and flipping the house and he is the one without any permits and then the buyer buys the house and all of a sudden is being fined after innocently buying the house. He questioned if it is buyer beware.

Ms. McHale swore in Daniel Bolduc.

When Mr. Mackin asked if he had trusted the seller enough that he did not look into whether or not he had done everything with permits, Mr. Bolduc stated that was correct they trusted the seller who was also the realtor and his realtor, plus he paid for two separate inspections and the title company did a search and the escrow company did a search to make sure there were no red flags and one came up and that was a fine for the owner parking his jet skis, so they had no idea about what was done with or without permits.

Vice-Chair Suplicki commented licensed home inspectors will usually check the permit records for something that looks relatively new. He commented it is ultimately come back to Mr. Bolduc and his due diligence and he paid the inspectors to do that, even though it is his first house and he did not know which is understandable. It is of concern that two licensed home inspectors did not see all that was new in the house and check the permit records.

Mr. Bolduc stated there were permits pulled for a new roof and a new air conditioner and mechanical; the issues for the permits not pulled were doors and windows, additional electric wiring and sheetrock which they found out about when they received the notice from the City about not being in compliance. They trusted the original home owner because he was a realtor and he was helping them to get into compliance and then he disappeared.

When Vice-Chair Suplicki asked how this all came to light, Mr. Colbert explained they saw the for sale by owner and that it was newly renovated and they were familiar with the history of the property that had been vacant for many years and was in very bad condition and all of a sudden it was a beautiful home and they checked the permits. Vice-Chair Suplicki commented that is every bit a part of their job. Vice-Chair Suplicki verified with Mr. Bolduc he had not had any interaction with Mr. Colbert before they closed on the house on December 28, 2016 and the owner/realtor diffused his company on January 6, 2017.

In response to the question of why it took so long for compliance Mr. Colbert stated it took a long time which the respondent could probably answer due to permitting and all the FEMA issues.

Mr. Bolduc commented now his house is black balled from FEMA for life and he has to pay triple for flood insurance plus triple home insurance; his original mortgage company he is at risk of losing because of not being FEMA backed with private insurance so they went out and bought insurance for him and now he pays six times the flood insurance.

When Mr. Motley inquired if the previous owner can be held responsible since they owned and did the work prior to this respondent purchasing the home, City Attorney Trask explained it would be a civil action of this respondent and the previous owner, the City could not do anything because of the prior owner no longer being the property owner.

When Mr. Pauley asked about the home inspectors being held responsible, City Attorney Trask explained to the extent that more than likely this gentleman has signed a contract with them and they probably limit their liability to the cost of the inspection, that is how he has seen these types of contracts.

Mr. Motley noted the questions he asked were for the benefit of the respondent.

**MOTION:** Mr. Mackin moved in case DCEB 17-60 to waive the entire fine. Second was made by Vice-Chair Suplicki for discussion.

Vice-Chair Suplicki explained his concern with waiving the entire fine is based on the testimony of the respondent as well as the City; he asked of Mr. Colbert that it seems the respondent had no intent to do anything and Mr. Colbert recalled at a previous Code Enforcement Board hearing the former owner testified on this gentleman's behalf during this process, so he would like to know that association and why he would do so. Vice-Chair Suplicki explained his concern is if this gentleman is innocent of doing anything malicious or trying to violate any codes or ordinances that is fine, but unfortunately what happens is these run with the property so if it was done two or twenty years ago it runs with it and to absolve it could pose a problem later on as setting a precedent because it still exists even though this respondent did not do it he did assume it and the problems still exist that the work was done without permits and possibly by unlicensed contractors violating the Florida Building Code.

Vice-Chair Suplicki asked if Mr. Marsh had any previous relationship with the previous owner other than him being a person with a house for sale and he liked the house and wanted to buy it.

Mr. Marsh stated he never met him prior to and he did not even see him when he saw the house because he was not there. He met him at the closing and that was it.

Vice-Chair Suplicki noted the previous owner was at a Code Enforcement Board hearing and asked, he came on behalf to do what.

Mr. Marsh stated he came here because as he said it was his problem and his and that is when he disappeared, after that hearing.

Vice-Chair Suplicki asked if he could succinctly for his benefit and probably the other members of this Board tell what his hardship is because according the Board rules and they reject many of these requests because there is no real hardship.

Mr. Marsh responded that he makes \$60,000 a year, they just had a baby and his insurance has gone up six times the amount, so right now he pays \$3,500 a year for insurance on top of his mortgage that is \$1,700 a year. He does not have the money to get a lawyer to keep this going, it has been a year and four months already. He has tried to be as compliant and do everything right and now he has a house he potentially cannot sell because it is private flood insurance.

**Vice-Chair Suplicki let his second to the motion stand.**

**VOTE:** Motion carried 6 – 1 with Ms. Dutton, Ms. Graham, Messrs. Pauley, Mackin and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Mr. Motley.

Chair Bowman reviewed the decision of the Board.

**3. Memorandum from City Attorney dated 3/12/18  
DCEB 17-181 254 Sky Loch Drive**

City Attorney Trask advised:

- This property is basically an investor flip by an LLC that has done a couple in the Sky Loch subdivision both of which had issues relative to work without permits.
- This property has a fine of approximately \$23,000.
- He has been in contact with the attorney for the owner and has been unsuccessful in getting the situation resolved and he has advised that unless there was some resolution of the lien he would be requesting authorization to foreclose.
- There has been no response; therefore, he is requesting the Board's authority to begin foreclosure proceedings on this property.

**MOTION:** Mr. Motley moved in case DCEB 17-181 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

**VOTE:** Motion carried unanimously.

Meeting adjourned at 4:25 P. M.

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

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Michael Bowman, Chair  
Dunedin Code Enforcement Board