

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, JULY 10, 2018
CITY HALL – 542 MAIN STREET – 2:00 P.M.**

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

ABSENT: Member Dave Pauley 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, Pinellas County Sheriff's Deputy Rice and nine attendees.

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

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of June 5, 2018

MOTION: Vice-Chair Suplicki moved to approve the minutes of the regular meeting of June 5, 2018. Second was made by Ms. Graham.

VOTE: Motion carried unanimously.
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Ms. McHale swore in Code Enforcement Inspector Michael Kepto and Code Enforcement Inspector Tom Colbert.

AFFIDAVITS OF COMPLIANCE

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

1. DCEB 11-18 City vs. ELAINE TSCHIRNER
2. DCEB 16-662 City vs. MARIE A PANOGOTOPULOS *(Also Affidavit of Non Compliance)*
3. DCEB 17-490 City vs. LYNNE C HUNTER
4. DCEB 18-155 City vs. ARNTON / JUDY CASH
5. DCEB 18-227 City vs. JOSHUA P GOLD
6. DCEB 18-240 City vs. WAYNE D LEFLEUR III *(Also Fine Reconsideration Request)*
7. DCEB 18-441 City vs. LUIS COLON

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

VOTE: Motion carried unanimously.
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OLD BUSINESS

- 1. DCEB 16-662 City vs. MARIE A PANOGOTOPULOS**
1621 Summit Way
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE

Mr. Colbert reviewed case DCEB 16-662:

- At the meeting of June 5, 2018 this Board ordered compliance by June 10, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on June 11, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- There was an Affidavit of Compliance also submitted today; therefore, there was a short time frame when the property was not in compliance.

When Chair Bowman inquired about the length of the time frame, Mr. Colbert recalled it was 8 or 10 days.

MOTION: Ms. Dutton moved in case DCEB 16-662 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

- 2. DCEB 18-249 City s. CHRISTOPHER E MOZDY JR**
1511 Gladys Cir
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 18-249:

- At the meeting of June 5, 2018 this Board ordered compliance by June 6, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection on June 7, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 18-249 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

3. **DCEB 18-292 City vs. USA FED NATL MTG ASSN**
149 Sky Loch Dr, E
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE
Violation of the International Property Maintenance Code Section 304.13.1 WINDOWS-BROKEN, GLAZING
Violation of the International Property Maintenance Code Section 305.3 INTERIOR SURFACES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-292:

- At the meeting of June 5, 2018 this Board ordered compliance by June 22, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on June 25, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 18-292 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

4. **DCEB 18-375 City vs. TRACEE / GRACE E CRAWFORD**
500 New York Ave Apt 6 (MK)
Violation of the Dunedin Code of Ordinances Section 10.4 ANIMALS OR FOWL/NOISE, ODOR

Ms. McHale swore in Tracee Crawford of 500 New York Avenue and Sharon McMullian, Legal Guardian for Grace E. Crawford of 216 Nina Way, Oldsmar, FL.
Attorney Robert Thompson was present.

Chair Bowman explained this is Old Business; therefore, the Board would not be hearing the entire case again, only any new information concerning the case.

Mr. Kepto reviewed case DCEB 18-375:

- At the meeting of June 5, 2018 this Board ordered compliance by June 15, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on June 29, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Attorney Robert Thompson representing Sharon McMullian the court appointed guardian for Grace Crawford who was found to be incapacitated by Order of the Court dated May 2, 2018 advised:

- They did not receive the notices on the jointly owned property between Grace Crawford and her daughter Tracee Crawford and learned about it subsequent to the last hearing.
- He contacted City Attorney Trask and spoke about getting the property into compliance.
- Since that time they contacted a few companies trying to get someone to come out which was difficult; they had one estimate for approximately \$10,000 and another was about \$20,000.
- They believe they can get another company to come out and give a reasonable estimate.

- In terms of funds, they are a little limited; there is a trust and request for distribution from the trust and also guardianship funds they are building up. They need to find out if they will be able to afford the extent of the repairs that will bring the property into compliance.
- Once he has a reasonable estimate he can petition the court for guardianship to enter into the contract.
- As an alternative they will pursue selling the property to get it into the hands of a buyer who can bring it into compliance disclosing the problems. That will be done simultaneously.
- They are requesting a small window of time to accomplish this without racking up fines every day.

Chair Bowman noted they have had a month so far.

Attorney Thompson stated it has been difficult to get people to do estimates.

Ms. McMullian stated she did speak with Serv-Pro and once they heard the situation they were not interested. She actually talked to about 15 different places.

Attorney Thompson stated if they could get one more estimate that is reasonable and it is something that the guardianship and Tracee Crawford can afford. Today he will talk with them about getting a broker for the property. He thinks there were a couple of offers made in the past and people they can approach who have an interest, possibly even people in the same complex.

Mr. Carson asked if they plan to wait until they sell to get this rectified or are they working on it now.

Ms. McMullian stated that is why they are looking at the numbers and have other people coming in.

Attorney Thompson stated it is their objective to pursue one more estimate, because Ms. McMullian had a difficult time getting people to come out and she did a good job of contacting them, but some were just not interested. Then he will know if the guardianship can afford it, but they will go ahead and list the property.

Chair Bowman explained the concern of the Board was the next door neighbor who attended the hearing last month and has been dealing with this for quite a while and is now being asked to deal with it some more in order to try to save some money.

Ms. Crawford commented she was in there last week she took her in, just to say she appreciated her working really hard just herself.

Attorney Thompson stated his communication has been with Sharon McMillian and they became aware of this after the last hearing.

Mr. Carson asked what they estimated the time it would take to rectify the situation once they find a company to do it.

Attorney Thompson stated in a case like this he thought they would go ahead and do the repairs and seek gratification from the court afterwards because this is time sensitive; it would probably take 2 or 3 weeks for Court approval and he would explain to the Judge and it is completely okay for him to do that. In terms of dealing with the company actually doing the repairs he thought it would be 3 to 5 days to complete the work.

When Ms. Graham asked if the cats are still in the house, Ms. Crawford stated, yes three of them. Ms. Graham commented it is not going to do anything if the cats are still making a mess, which is the problem. Ms. Crawford stated she is no longer pet sitting them and that is where all that was coming from.

Mr. Kepto commented what he was hearing was that because of the cost of the repairs, that shows evidence of the severity of the problem being faced. As he explained to the owner just prior to the meeting that there are liens already in process and basically the procedure would be when the property is brought into compliance then she can enter a written statement requesting a lien reduction explaining the hardship of why it took so long. The City would object to allowing any more time on this case.

Attorney Thompson noted in this case there are two owners and one is incapacitated.

When Chair Bowman asked if that had any effect on this case, City Attorney Trask advised:

- It would not because the notice as sent to the proper address and he does not see that to be an issue.
- He stated with the concern they will sell the property and pass the problem on to the next homeowner instead of taking care of it; that is not getting compliance; therefore, as City Attorney his advice to the Board would be to accept the Affidavit of Non-Compliance and let the respondent come back and petition for a fine reduction when everything is in order, that would be the most simple way to proceed and avoid having the next owner coming to the Board and asking for another extension.

Mr. Motley stated it sounds to him that they have cause and concern for a reduction in the fine and that they would meet the criteria for the hardship. Chair Bowman noted once they are in compliance.

MOTION: Mr. Motley moved in case DCEB 18-375 to accept the Affidavit of Non-Compliance. Second was made by Mr. Carson.

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

Chair Bowman advised the respondents to get the work done as quickly as possible and as soon as it is completed to contact the City to inspect and when they say it is okay then they can come back to the Board and ask for lowering or abolishing the fine depending. He would recommend getting it done quickly.

Mr. Motley recommended to Attorney Thompson that he read the criteria for fine reduction in order to have everything in place.

5. **DCEB 18-420 City vs. DAVID McCOMAS**
1130 Idlewild Dr N
Violation of the Florida Building Code Section 105.4.1 BUILDING PERMIT INTENT

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-420:

- At the meeting of June 5, 2018 this Board ordered compliance by June 22, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on June 29, 2018 the violation remains.

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

MOTION: Mr. Carson moved in case DCEB 18-420 to accept the Affidavit of Non-Compliance. Second was made by Mr. Suplicki.

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

NEW BUSINESS

1. **DCEB 18-127 City vs. TONI M WIESMAN**

1445 Cottonwood Ter

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 18-127:

- 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 January 30, 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 including a boat or trailer in front of a residential property is prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface and the parking or storage of any vehicle in the front yard area is prohibited unless parked on an approved or permitted surface; grass, mulch and leaves are not approved for parking.

Mr. Kepto submitted into evidence photographs taken on June 7, 2018 and June 14, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-127 *based on testimony, evidence and facts presented* 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 within five (5) years will be considered a repeat violation. Second was made by Mr. Motley

VOTE: Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, 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 18-437 City vs. RESITL 1 BORROWER LLC/C/O ALTISOURCE ASSET MGMT**
757 Pinewood 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 18-437:

- The violation exists on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 13, 2018 and a notice of violation was sent to the owner with a requested compliance date of May 18, 2018.
- The violation includes a building permit required for the alteration, renovation and installation of various aspects of the structure to include, but not limited to bathrooms, kitchens, water heater, windows, overhead garage door, exterior doors, drywall and et cetera.
- He received a call this afternoon from the new tenant complaining that they just moved in and there are issues with the house including plumbing that has flooded the downstairs apartment. He has made arrangements to inspect the interior on Thursday.

Mr. Kepto submitted into evidence photographs taken on June 8, 2015, September 2, 2015, September 15, 2015, and December 6, 2017. He recommends a compliance date of July 27, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 18-437 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 27, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, 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 18-533 City vs. SUNUP HOLDINGS LLC**
1660 San Helen Dr.
Violation of the Dunedin Code of Ordinances Section 34.31 OVER GROWTH OF WEEDS/GRASS
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the Florida Building Code Section 115 STOP WORK ORDER
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Ms. McHale swore in Roman Sobole of Sunup Holdings LLC of 27812 Pleasure Ride Loop, Wesley Chapel, FL 33544.

Mr. Kepto reviewed case DCEB 18-533:

- 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 May 7, 2018 and a notice of violation was sent to the property owner with a requested compliance date of June 8, 2018.
- The violations include a building permit required for the alteration of the structure to include, but not limited to new drywall, plumbing, electrical, et cetera; a Stop Work Order has been posted at the property and all work that requires a permit must immediately be stopped until a permit is obtained; the other two violations including grass or weeds exceeding 10 inches in height has been resolved and a permit for the roof has been obtained.

Mr. Kepto submitted into evidence photographs taken on May 7, 2018. He recommends a compliance date of July 27, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Motley inquired regarding the roof, Mr. Kepto advised the roof has been repaired with a permit and the grass has been cut and are in compliance.

Mr. Carson inquired if the power is live with all the wires shown in the photograph and Mr. Kepto stated he hoped the power was not on based on what he saw with the change out of the electrical meter and fuse box.

Mr. Sobole stated:

- There was a delay on the architectural side and miscommunication with his builder, so he had to go himself to the City and made a number of calls to Mr. Kepto to find out what was going on. Finally he figured it out and was on top of the architect and picked up the plans this morning.
- The roof was done and the grass was cut as required that was sent to his building on June 19 that he claims he has not seen it.
- He will submit all the paperwork to the City when he is done with this hearing.
- He acknowledged he had a builder doing all the work and he has a contract to be completed by September 1 and he thought everything was going the way if should until the stop work order was posted and he closed the door and no other work was done.

Chair Bowman inquired if it was a licensed building and Mr. Sobole stated he is and supposedly he was waiting for the architect who was on vacation and plans were submitted but he did not see an e-mail from the City on June 19, otherwise he would have met the deadline noted in the letter and now he has gone to the City himself to find out what is going on.

Mr. Sobole comment the bottom line was he relied too much on his builder rather than checking it out himself. He found out about it and he wondered why he did not hear from the City and he went himself which he thought was about July 2 and they gave him a print out they mailed to the builder on June 19 and he had everything fixed within 7 days. Now he is taking care of things.

Chair Bowman commented a licensed builder should know if the architect does not have the plans ready not to start work however long it takes to get the permit. Mr. Sobole stated her understood and he believed the paperwork for the permit was done but never turned in, but he will have to talk to the builder.

Chair Bowman noted the City's recommended compliance date of July 27, 2018 and if the architect has everything done there is no reason to not meet that date. Mr. Sobole agreed and stated he would go to the City right now to turn in everything and he did not think there was any reason not to meet that date and he will go to the City in two days and not rely on any other communication by other people.

MOTION: Mr. Motley moved to find in case DCEB 18-533 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 Section 115; Dunedin Code of Ordinances Section 34.31 and the International Property Maintenance Code Section 304.7 were in full force and effect and the Respondent is found in violation thereof and that the Respondent/s shall come into compliance by July 27, 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. Carson, 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. Sobole to call Mr. Kepto as soon as he obtains the permit.

4. **DCEB 18-534 City vs. ERNEST J EICHLER**
1474 Chesterfield Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Mr. Kepto advised the City is withdrawing the case as the required building permit was issued on July 2, 2018 bringing it into compliance.

5. **DCEB 18-555 City vs. BARBARA J DE VIVO**
621 Pinewood 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 18-555:

- 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 records were inspected on May 8, 2018 and a notice of violation was sent to the owner with a requested compliance date of June 8, 2018.
- The violation includes a building permit required for the installation of or the replacement of the new sewer line from the street to the house.
- Just prior to this hearing he received a phone call from a Joshua Williams claiming this was his grandmother who could not attend the hearing because of an illness in the family.
- Numerous contact letters have been sent to the respondent and e-mails. This case started long before the May 8, 2018 date. The City replaced the streets and sewer lines on this street and after the work was done they were back with the online cameras and discovered on this property there was a collapse of the sewer that was effecting the City's sewer so the City requested he send a violation notice and that is when the courtesy contacts began. He thinks there are some financial issues and there are liens for numerous other violations at the property; he was trying to work with the respondent to just obtain the permit.

Mr. Kepto submitted into evidence photographs taken on March 12, 2018. He recommends a compliance date of July 27, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Mr. Carson moved to find case DCEB 18-555 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 27, 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. Carson, 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 18-562 City vs. CHARLES A/JAN M SCHNEIDER**
2050 Pinehurst Rd
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Ms. McHale swore in R. L. Goodwin, Caregiver for the Owner.
Attorney Joseph Hobson was present representing the respondent.

Mr. Colbert reviewed case DCEB 18-562:

- 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 May 7, 2018 and a notice of violation was sent to the owner with a requested compliance date of May 20, 2018.
- The violations include the swimming pool not being maintained in a clean and sanitary manner, the water appears to be green in color and has a swamp-like appearance and the open parking or storage of inoperative vehicles to include, but not limited to vehicles that are elevated on jacks and/or do not display a current license tag as prohibited.
- He and Mr. Kepto were requested by the Pinellas County Sheriff's Office to meet them at this property pursuant to a criminal investigation they were doing as they were concerned about the condition of the property. At that time they took photographs and so forth and the Deputies were concerned about the interior of the home and asked if the City could condemn the interior; however, they were not allowed inside the home. They were trying to get interior photographs to assist the Sheriff's Office in this open case, but he does not believe the City will be able to do so.
- He has not had any contact with the property owner. When he posted the notice, he did not check the pool or walk around the property; he did observe two of the three inoperative vehicles remaining.
- Mr. Kepto might be able to speak to another case from 2009 in which liens have been running.

Mr. Colbert submitted into evidence photographs taken on May 7, 2018. He recommends a compliance date of July 11, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Kepto acknowledged the City has liens on this property running from a 2009 case. At that time the violations were regarding a permit and exterior conditions. He believes a fine of \$100.00 per day has been running since that time.

Attorney Hobson stated:

- First of all he thought there was partial compliance and Char Bowman advised there has to be full compliance.
- Mr. Goodwin is trying and has called a number of contractors to the property and many do not show up; his is laboring to get this done. Chair Bowman noted 9 years and it was clarified those were separate cases.
- He asked the Board to give a window of time for Mr. Goodwin to continue his work.
- He believed regarding the vehicles, one has been removed and one has been sold.

Mr. Goodwin stated:

- The '46 Lincoln has been sold to a man in Maine and he is waiting for him to transport it back to Maine; the Ferrari is on jacks because the gas tank had a leak and it had to be removed and that has been done and it is no longer on the property. Also, all the cars are totally licensed and operable. Two of the vehicles are parked on grass and he can move them to the driveway.
- He has been laboring to cut the grass and worked around the pond to get it done and people say they are coming and they do not show up. He has called ten different pool contractors and one came and wanted a deposit and he told him if he started today they would give him a deposit and he never came back.
- He has friends coming down from Georgia and they will have the pool drained, acid washed and refilled and all the pumps serviced and working properly; they will start on the 14th and it should take 3 days.
- In regard to a permit they had a structural engineer redesign and make sure everything on the back building was proper. That was from the 2009 case.

Chair Bowman explained the concern for the Board at this time is the pool which Mr. Goodwin says will be complete in 7 or 8 days and the vehicles he says there are places to park to be in compliance and they are licenses and operable.

Mr. Colbert stated his concern is that it is about two months since these violations were noticed. The pool situations are taken very seriously in light of the Zika and other viruses from mosquitoes and everything else they attract. The testimony today is the work has not even been started on the pool which in his opinion should have started quickly. The other violations remain with inoperable vehicle. He thinks there has been ample time to correct the violations and continues to recommend the July 11, 2018.

Mr. Kepto noted the City receives numerous complaints about this property because it is seen to continue to deteriorate.

When Mr. Motley questioned the maintenance of the right-of-way, Mr. Goodwin explained the City had agreed to maintenance of the right-of-way when they put up the no parking signs.

MOTION: Mr. Motley moved to find in case DCEB 18-562 based on testimony, evidence and facts presented that at the time of the alleged violations the International Property Maintenance Code Section 303.1 and Section 302.8 and the Land Development Code Section *were* in full force and effect and the Respondent is found in violation

thereof and that the Respondent shall come into compliance by July 11, 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. Carson, 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 suggested the work be done as quickly as possible and to contact Mr. Colbert when it is completed in order for him to inspect.

OTHER BUSINESS

1. **Request for Fine Reconsideration**
DCEB 18-240 City vs. WAYNE D LEFLEUR III
1727 Douglas Ave (TC)
Current Owner: Wayne D LeFleur III
Fines Due as of 7/10/18: \$12,575.31

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

Chair Bowman determined the respondent was present, Wayne Le Fleur of 510 Marie Street Palm Harbor, FL.

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

Mr. Motley asked the initial violation date on this case and Mr. Colbert stated it was shortly before the notice of violation went out, maybe a few days to a week prior. Mr. Motley stated this was a very easy fix with just moving the travel trailer away. Mr. Colbert added and not parking in the front yard.

Mr. Motley requested the respondent come forward to answer some questions.

Ms. McHale swore in Wayne D LeFleur III.

Mr. Motley verified with Mr. LeFleur that received a phone call from the Code Inspector advising him of the violation and he spoke with Mr. Colbert.

When Mr. Motley asked if he fully understood the situation with how many complaints there were, Mr. LeFleur stated he understood the violations were occurring.

When Mr. Motley noted by his own admission Mr. LeFleur did not follow up, he stated he followed up after the phone call with the tenants and as Mr. Motley said it was an easy fix and he did not see any reason to do anything else and he did not hear anything else after that. Mr. LeFleur agreed he just assumed.

Mr. Motley commented in his letter Mr. LeFleur did not really meet the criteria for any kind of a hardship. Mr. LeFleur stated that fine in itself is a hardship, that is a lot of money he does not have. Mr. Motley explained there has to be a reason for a hardship whether it be medical or whatever and he does not see that in the letter.

Mr. Motley verified with Mr. LeFleur he lives and owns a house in Palm Harbor and no other properties and that his occupation is a production manager.

MOTION: Mr. Motley moved in case DCEB 18-240 to deny the request for fine reduction based on the fact it does not meet the criteria.
The motion failed due to lack of a second.

MOTION: Mr. Carson moved in case DCEB 18-240 to reduce the fine to \$8,000 to be paid by July 31, 2018 or the fine reverts to the original amount of \$12,575.31 plus interest. Second was made by Vice-Chair Suplicki.

Ms. Graham suggested reducing the fine to \$5,000 and noted the respondent still has four children at home. Mr. Carson agreed to amend the motion to the fine amount of \$5,000 and Vice-Chair Suplicki let his second stand.

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

Chair Bowman reviewed the decision of the Board.

2. Memorandum from City Attorney Regarding Foreclosure dated 5/30/18
DCEB 17-837 City vs. BRET KRASMAN
554 Baywood Drive

City Attorney Trask advised he was requesting authority to move forward with foreclosure proceedings in order to use that authority as leverage to receive that last portion of the lien of \$250.00 from this property owner for non-payment on a repeat violation of having a boat parked in the front yard. This is homestead property. He does not see actually filing the foreclosure; however, he wants to be able to tell the property owner he has that authority from the Code Enforcement Board because it does not make economic sense to file.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-837 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Motley.

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

3. Memorandum from City Attorney Regarding Foreclosure dated 5/30/18
DCEB 17-546 City vs. US BANK TRUST NA
960 Lakewood Drive

City Attorney Trask advised this is a bank owned property with \$7,250.00 due for a Code Enforcement Lien for failing to obtain a building permit as well as additional violations. The property is in compliance and the fine has stopped. He has made an attempt to collect by way of a collection demand letter with no response and the green card was returned. He has found there are other properties owned by this same bank and he will use the Board's authority to go after the more valuable of the properties they own to gain payment for this fine. He is requesting authority to move forward with the foreclosure proceedings.

MOTION: Mr. Motley moved in case DCEB 17-546 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Mackin.

VOTE: Motion carried unanimously.

DCEB 17-773 City vs. MARK G MONTGOMERY
1019 Martin Luther King Jr. Avenue

City Attorney Trask advised:

- The Board had heard this owner's name several times before, most recently because he has been cited for inoperative motor vehicles picking them up from one property and moving them to another property trying to gain compliance. He has moved them around the city.
- He has had a couple of conversations with Mr. Montgomery who does want to come into compliance; however, does not seem to understand what that means even though everyone has told him what it is.
- There is an outstanding fine of \$4,100.
- He is asking for authority to foreclose to collect since he has been otherwise unable to get Mr. Montgomery to respond to the demand letters sent.
- Mr. Montgomery does own several pieces of commercial property in the city. Once he has the authority from the Board he thinks he will be able to collect. He advised this is not homestead property.

MOTION: Mr. Carson moved in case DCEB 17-773 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

VOTE: Motion carried unanimously.

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Chair Bowman acknowledged a person in the audience and inquired if she was there for something in particular. The lady explained she was late for one of the hearings and it was determined it was DCEB 18-375. Chair Bowman explained the Affidavit of Non-Compliance was accepted and that means the problem needs to be taken care of quickly or there are fines now. When she asked if the attorney showed up, Chair Bowman advised he did and she would have to talk to them on everything else.

City Attorney Trask stopped the conversation and advised the Board would not be hearing any more testimony.

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When she asked if it was in writing somewhere where she could look it up Chair Bowman advised it would be very soon.

Mr. Kepto inquired regarding the \$4,100 for case DCEB 17-773 City Attorney Trask advised the amount was for only the one case; however, there might be others pending and he has to wait for 90 days so there might be another one coming up shortly. Mr. Kepto stated the property on Broadway is a repeat violation and there is some time on that one. Chair Bowman commented he ran into Mr. Montgomery at Best Buy about two or three weeks ago and he came over to shake hands. City Attorney Trask stated he just needs to give this situation some priority. Chair Bowman commented that is it, you cannot move things from one property to the next and think you have out-smarted everyone.

Meeting adjourned at 3:11 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board