

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, SEPTEMBER 4, 2018
CITY HALL – 542 MAIN STREET – 2:00 PM**

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

ABSENT: Alternate Member Joe Mackin

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 and eleven 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 the Minutes from Regular Meeting of August 7, 2018

MOTION: Ms. Dutton moved to approve the minutes of the regular meeting of the August 7, 2018. Second was made by Mr. Pauley

VOTE: Motion carried unanimously.

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 17-907 City vs. LTD FAMILY TRUST LLC *(Also Fine Reconsideration Request)*
2. DCEB 18-370 City vs. Melinda S Saaf-Nicewonger/William J Nicewonger
(Also Fine Reconsideration Request)
3. DCEB 18-574 City vs. ANTHONY A/ALEXANDRA D ZABROSKE
4. DCEB 18-629 City vs. MESA VERDE ASSETS LLC
5. DCEB 18-693 City vs. KELLIE L ANDREWS
6. DCEB 18-716 City vs. VASILE LIARIKOS

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 17-299 City vs. REVOLVE HOMES LLC**
803 Wilkie Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE
Violation of the International Property Maintenance Code Section 304.15 DOORS EXTERIOR
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE
Violation of the International Property Maintenance Code Section 605.1 ELECTRICAL INSTALLATION SAFE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-299:

- At the meeting of February 6, 2018 this Board ordered compliance by August 12, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection on August 27, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- He has spoken with the owner who sent a signed contract dated August 10, 2018 for the sale of the property. The owner was advised due to the amount of work that needs to be done and there might possibly be some settlement issues and sinkhole repair with the owner buying it as is, that he would request the Board reconsider a compliance date of 30 to 60 days out so there would be no liens on the property transfers.

When Chair Bowman asked if he felt the new buyer would know all of these issues, Mr. Kepto explained before telling the owner he would take this to the Board he asked for a copy of the contract taking out the price as he did not want to know the purchase price; it is a about a 20-page contract which is fairly intense and the new owner will be aware of all the issues.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-299 to amend the Compliance Date to November 1, 2018. Second was made by Mr. Motley.

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

2. **DCEB 18-598 City vs. TASIAS INC**
2763 Jarvis Circle
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE

Chair Bowman determined Attorney Christine Reighard was present.

Mr. Colbert reviewed case DCEB 18-598:

- At the meeting of August 7, 2018 this Board ordered compliance by August 9, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on August 10, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- There has been no contact with the property owner; however, the attorney present contacted him last week.

Attorney Christine Reighard stated:

- They were retained just last week; she could not speak to anything that happened prior to that.
- At this time the owner of the property has retained a maintenance man, it is her understanding he has been to the property and it was mowed. While it might need mowing again, chemicals have been put in the pool that take time.
- Unfortunately, the maintenance man who was supposed to supply her with photographs to prove all this over the weekend discovered his mother is very ill and in the hospital so she was not provided those photographs.
- The owner of the property is an entity and its principle is in Greece due to a death in the family and will be there until approximately September 11th when he does intend to return and make sure these maintenance issues are completely taken care of.

Chair Bowman though not speaking for what the Board will do explained normally in these cases it would be found in violation and then there can be a request for fine reduction after it comes into compliance.

Mr. Carson inquired if the overgrowth violation is in compliance and Mr. Colbert advised not as of last Friday, the grass has not been cut on a regular basis which this time of year needs to be cut twice a week.

When Mr. Motley asked how the case came about, Mr. Colbert advised it was an anonymous complaint from someone who lives in the area.

Mr. Motley asked if he had any remarks after hearing the testimony of the attorney and Mr. Colbert suggested going with the compliance date and explained he talked with the attorney about what could be done after in terms of reconsideration of fines and it really needs to be taken care of and come into compliance.

MOTION: Mr. Carson moved in case DCEB 18-598 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

Chair Bowman explained to Attorney Reighard as soon as the property is cleaned up and she receives the photographs to contact Mr. Colbert and then they are welcome to come back and request a fine reduction.

NEW BUSINESS

- 1. DCEB 18-131 City vs. BAY TO GULF HOLDINGS LLC**
1367 Dinner Bell Lane E
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 18-131:

- 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 January 31, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 16, 2018.
- The violation includes a building permit required for the renovations of the structure, including but not limited to bathrooms, kitchen, water heater, exterior doors, windows, enclosures and so forth.
- A permit was submitted on February 16, 2018 and has gone through several plan reviews with a number of items to be addressed. The permit was just approved on August 30, 2018 and now only needs to be paid and picked up.

Mr. Kepto submitted into evidence photographs taken on January 31, 2018 and copies of internet ads before and after pictures of the interior of the property. He recommends a compliance date of September 14, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find case DCEB 18-131 based on testimony, evidence and facts presented that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by September 14, 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, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

- 2. DCEB 18-234 City vs. ELAIS MORRIS**
1371 Ohio Avenue
Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Ms. McHale swore in Elias Morris.

Mr. Colbert reviewed case DCEB 18-234:

- 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 21, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 27, 2018.
- The violation includes the parking of vehicles in the right-of-way as prohibited including the grass area between the sidewalk and the roadway.

Mr. Colbert submitted into evidence photographs taken on February 21, 2018; March 15, 2018; July 2, 9 and 25, 2018 and August 2 and 23, 2018. He recommends a compliance date of September 4, 2018 or a fine of \$50.00 per day thereafter for non-compliance.

Mr. Morris stated:

- Back on those dates when he guessed was a first complaint he suffered a heart attack and stroke and was in rehab, so his daughter came to help him out. She brought this car which they have had removed.
- He received the letter and had the car removed and then Mr. Colbert informed him they were not allowed to park on the grass.
- The history is he has owned this property since 2002 and he has been parking between the grass and the sidewalk. He has pictures showing a telephone pole and they have been parking there because when the City approved the monstrosity that is behind his house and the other church down the street has gotten a lot bigger there has been a lot more traffic. He is on the bend right before the stop sign.
- Mr. Colbert wants him to put the car between the curb and the road; however, some of his vehicles are over \$100,000 and he can't put them on the road.
- The reason he moved the cars over which he has been doing since 2005 is because he had a brand new SUV there and a car sideswiped it in the middle of the night and he had to claim it on his homeowner's insurance.
- He has pictures; he is not complaining and could not care less where anyone parks. He has been living in Dunedin since 1987 and only left for a couple of years to serve in the first Gulf War.

Chair Bowman explained Mr. Morris cannot park there, whether he has pictures of even the past twenty years, he cannot park there.

Mr. Morris asked then if the Sheriff's vehicles and vehicles from the City have more preferential treatment than an average citizen who has been paying taxes on their house since 2002. Chair Bowman stated no one should be parking there. Mr. Morris explained there are Sheriff's vehicles who live in the neighborhood parking exactly as he does and he went through this morning and took pictures where there are over 6 vehicles parked exactly the way he does. He stated Mr. Colbert informed him he should call, but he is not a police officer and he does not want to call. He does not park his cars there on a regular basis, only when there is an extra car.

Chair Bowman explained the Board can only enforce what the rules are; they cannot change them or give exceptions, the cars cannot be parked there.

Mr. Morris asked why he is being singled out and Chair Bowman stated he is not and clarified with Mr. Colbert that if he saw others they would be cited. Mr. Colbert stated he spoke with Mr. Morris earlier and suggested if he saw violations of any type to e-mail or call and leave a message and those people will receive the same violation notice.

Chair Bowman commented the Board sees probably 5 to 10 of these violations every month and everyone it is the same, you can't park there.

Mr. Morris asked why now after 17 years it is an issue and Chair Bowman explained because there have been complaints. Mr. Morris commented it must be new people coming in and complaining about people who have been living there for years.

Chair Bowman reiterated this Board can do nothing except tell him he cannot park there; he can park on the roadway according to the ordinance. Mr. Morris stated because of the bend it is hard for people to see, but he will comply, but when Mr. Colbert first spoke he was on all kinds of medication and he was a little short with him, but the car that was originally cited he had towed within a week. Chair Bowman reiterated he cannot park there anymore and if his daughter comes she can't park there, she can park in the driveway or on the street.

Mr. Motley noted the photographs show a car parked in the right-of-way, but none parked in the driveway and Mr. Morris explained about his owning several vehicles including commercial vehicles and moving cars around in and out of the garage.

MOTION: Mr. Carson moved to find case DCEB 18-234 in violation of the Land Development Code Section 105-27.1.1.1(A) and that the Respondent shall come into compliance by September 8, 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, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained as long as Mr. Morris is not parked in the right-of-way after September 8, 2018 he is good.

3. DCEB 18-269 City vs. HEATHER R NORQUIST

1414 Santa Anna Drive

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

Ms. McHale swore in Heather Norquist of 2681 Resnik Circle E., Palm Harbor

Mr. Colbert reviewed case DCEB 18-269:

- The violation existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 9, 2018 and a notice of violation was sent to the owner with a requested compliance date of March 19, 2018.
- The violation includes the open parking or storage of boats as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on March 9, 2018; July 5 and 30, 2018 and August 6 and 22, 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. Norquist stated:

- This is a tenant's boat in the driveway and they have been informed it is not to be there.
- She drives by on a weekly basis to make sure there are no issues and she continues to monitor it.

Chair Bowman noted Ms. Norquist should stay on top of the situation because as Mr. Colbert explained she could be fined daily and a few days could cost her some money.

Ms. Norquist asked about bringing the boat to the property to rinse it and then takes it way and Mr. Colbert advised that the boat can be there from Friday 6:00 p.m. until 8:00 a.m. Monday.

MOTION: Ms. Graham moved to find case DCEB 18-269 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of March 19, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within 5 years will be considered a repeat violation. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. DCEB 18-474 City vs. ROBMAR LAND TRUST

1100 Robmar Road

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-474:

- The violation existed on a residential vacant property.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of April 27, 2018.
- The violation includes grass or weeds exceeding 10 inches in height.
- He spoke with the property manager and they now have a regular landscaper who will be mowing on a regular basis.

Mr. Colbert submitted into evidence photographs taken on April 17, 2018; July 9, 26 and 30, 2018 and August 21, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Graham moved to find case DCEB 18-474 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of April 27, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within 5 years will be considered a repeat violation. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 18-559 City vs. DAVID ELIAS**
2020 Princeton Avenue (TC)
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in David Elias of 2045 Golf View Drive, Dunedin.

Mr. Colbert reviewed case DCEB 18-559:

- The violation exists on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 1, 2018 and a notice of violation was sent to the owner with a requested compliance date of May 13, 2018.
- The violation includes parking of vehicles in the front yard area as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on May 1, July 18 and 29, 2018. He recommends a compliance date of September 4, 2018 or a fine of \$50.00 per day thereafter for non-compliance.

Mr. Elias stated:

- After receiving the notice he immediately told the tenants it is a single car driveway and they cannot park on the grass.
- He had not realized even they had originally had the area at one time where it is partially blocked off or had gravel, but the property manager did. It is not what it needs to be and he wanted to find out what he can do.
- He can't be there all the time to tell the renters and he thinks one photo is because she had an operation, but she should never park in the yard like that.
- If he has time he will replenish the side like it is supposed to be and he told them until then do not park there.

Chair Bowman explained to Mr. Elias he should check with the City before doing anything with the area for parking as there are some things that can and some things not allowed for parking a car beside the driveway.

MOTION: Ms. Dutton moved to find case DCEB 18-559 in violation of the Land Development Code Section 105-27.1.1(h)1 and the Respondent shall come into compliance by September 4, 2018 or suffer a fine of \$50.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman reiterated there are only certain materials that can be used for the driveway and Vice-Chair Suplicki emphasized Mr. Elias should check with the Building Department first because the rules might have changed since the last time.

6. **DCEB 18-622 City vs. LUANNE W COX**
1368 Robin Hood Lane
Violation of the International Property Maintenance Code Section 304.3 HOUSE NUMBERS – PREMISES IDENT

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-622:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 25, 2018 and a notice of violation was sent to the owner with a requested compliance date of June 13, 2018.
- The violation includes the requirement for approved house numbers positioned to be legible and visible from the street or road fronting the property.
- The Respondent called this morning and he explained it is a simple fix and she said she would have it done today.

Mr. Colbert submitted into evidence photographs taken on May 25 and August 21, 2018. He recommends a compliance date of September 5, 2018 or a fine of \$50.00 per day thereafter for non-compliance.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-622 based on testimony, evidence and facts presented that at the time of the alleged violation the International Property Maintenance Code Section 304.3 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by September 5, 2018 or suffer a fine of \$50.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. **DCEB 18-623 City vs. NELLY F / CHRISTOPHER J ANTAYA**
1367 Robin Hood Lane
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 18-623:

- The violation existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 25, 2018 and a notice of violation was sent to the owner with a requested compliance date of June 13, 2018.
- The violation includes the parking of vehicles in the front yard area as prohibited in a residential area unless parked on an approved or permitted and properly maintained surface.
- He spoke with the property owner recently and since that time he expanded the driveway pad properly and is aware the violation has been corrected.

Mr. Colbert submitted into evidence photographs taken on May 25, July 18, and August 21, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Pauley moved to find case DCEB 18-623 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of June 13, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within 5 years will be considered a repeat violation. Second was made by Mr. Motley.

City Attorney Trask clarified there is no fine set and acknowledged it could be up to a \$500.00 fine depending on the situation at that time of a repeat violation.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 18-694 City vs. ADAM CHRISTOPHER / PAGE LANE**
2032 Princeton Lane
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-694:

- The violation existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 29, 2018 and a notice of violation was sent to the owner with a requested compliance date of July 12, 2018.
- The violation includes the open parking or storage of boats as prohibited in a residential area.
- He spoke with the property owner last week and advised of the ordinance issue which he understands and the procedure today and the owner assured him it would not be in violation again.

Mr. Colbert submitted into evidence photographs taken on June 29, 2018 and July 18, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within 5 years to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 18-694 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of July 12, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within 5 years will be considered a repeat violation. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. **DCEB 18-710 City vs. TCVM6 LLC**
150 Broadway
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 18-710:

- 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 13, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 17, 2018.
- This case is the result of numerous citizen complaints.
- The violation includes a building permit required for the installation of the A/C unit, new second floor wood deck/balcony area, installation of exterior doors, installation of the electric water heater and installation of the new wood fence.

Mr. Kepto submitted into evidence photographs taken on June 28 and July 13, 2018. He recommends a compliance date of October 5, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki inquired about the type of housing, Mr. Kepto explained he was allowed to go inside; he always thought it was a duplex; however, it is a single family house and in fact the front door is on the second floor.

In response to the question from Vice-Chair Suplicki about any comments from the owner, Mr. Kepto stated not on this case; however, he has had contact with them because of the paved driveway which already was before the Board. When he was at the property he did point out all the permits they will need and he has had no response.

When Mr. Pauley asked if any permits will require engineering, Mr. Kepto stated he thought so with the balcony that would have to support human weight that is on the second floor and they have had since July 13, 2018 to get it done.

Mr. Kepto noted he also contacted Duke Energy because they had full power going, but the red sticker on the meter which indicates no power had been cut and was hanging off, so Duke Energy did their own investigation there.

MOTION: Mr. Motley moved to find in case DCEB 18-710 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by October 5, 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, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 18-728 City vs. RC HOMES LLC

2218 Snead Avenue

Violation of the International Property Maintenance Code Section 304.3 HOUSE NUMBERS – PREMISES IDENT

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-728:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of July 22, 2018.
- The violations include approved house numbers positioned to be legible and visible from the street or road fronting the property and grass or weeds in excess of 10 inches in height.

Mr. Colbert submitted into evidence photographs taken on July 17 and August 21, 2018. He recommends a compliance date of September 4, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

In response to the question from Ms. Dutton, Mr. Colbert explained the property is owned by an out of state company and it is vacant.

- MOTION:** Mr. Carson moved to find case DCEB 18-728 in violation of the International Property Maintenance Code Section 304.3 and Section 302.4 and that the Respondent shall come into compliance by September 4, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.
- VOTE:** Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Motley, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

11. **DCEB 18-738 City vs. PRETIUM MTG ACQUISITION TRUST**
2268 Snead Avenue
Violation of the International Property Maintenance Code 303.1 SWIMMING POOL MAINTENANCE

Ms. McHale swore in Tara Molloy and Henry Rivera with Pretium Mtg Acquisition Trust of 311 W. Martin Luther King Jr. Blvd., Tampa, FL 33606.

Mr. Colbert reviewed case DCEB 18-738:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 12, 2018.
- The violation includes the swimming pool water not being maintained in a clean and sanitary manner. The pool is partially filled with dirty and stagnant water.
- This pool might look familiar to the Board because it has been before the Board three times he is aware of with different owners. It is an ongoing problem; the property has been vacant and is in need of a lot of maintenance, updating and repairs.

Mr. Colbert submitted into evidence photographs taken on July 17, 2018 and August 21, 2018. He recommends a compliance date of September 4, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Molloy presented documents regarding the property.

Chair Bowman explained the Board was only concerned about the pool and that is all they needed to hear about.

Ms Molloy stated:

- They took possession of the property on February 1, 2018 and had an engineer submit a report on the pool because the supporting wall was falling and they were not sure if it was a sinkhole.
- The engineer provided an inadequate report and they then sent a general contractor out and got another engineer report for which the scope of work was approved August 12, 2018.
- There was no power at the property so it was turned on August 26, 2018.
- They have photos of a sump pump they started on the 30th; the pool was drained and chlorinated this morning clear; they will keep the pump going until there is an approved permit by the County.
- The reason she mentioned the scope of work, she is aware there are other violations, but everything is taken care of in the scope of work.
- An engineer is going to the property tomorrow as there was further damage with the storm that came through and he advised it would be a week before he submits to the County for permitting and she is requesting an extension on the violation.
- Photographs of the pool were provided.
- For the pool once they have the permit that will be the first thing they will work on along with the roof and the pool should be done within two weeks.

Mr. Kepto read the section the violation was cited under:

Swimming pool shall be maintained in a clean and sanitary condition and in good repair.

He stated it can be pumped, but if it is not in good repair it is not in compliance.

When Chair Bowman asked what they were doing to the pool, Ms. Molloy stated they are putting in a patio, removing it, putting in 45 yards of fill dirt and putting in a new retaining wall and patio.

Vice-Chair Suplicki clarified with Ms. Molloy that they are removing the entire pool and the pool is cracked and not repairable.

City Attorney Trask advised once the pool is removed the property will be in compliance; the permit to remove the pool will not bring it into compliance because they were not cited for failure to have a building permit.

When Chair Bowman asked the time frame for removing the pool, Ms. Molloy the contractor said two weeks; however, she is requesting 30 days.

Vice-Chair Suplicki commented a demolition permit should not take very long, not more than a week since there is no engineering to be done.

Mr. Motley asked when they brought the two engineers out did they say there might be a sinkhole; Ms. Molloy stated there is no sinkhole, it was the way the retaining wall was built and then the crack in the pool.

In response to the question of 30 days for compliance, Mr. Colbert noted they took ownership in February and the notice of violation went out about July 17, 2018 and now there seems to have been sufficient time

to have corrected this matter. He noted this has been the subject of a lot of complaints from neighbors based on the conditions.

Ms. Molloy stated it was a foreclosed property so they had to get their own scope of work, get the power activated and so forth; it took some time and they just knew about this in July, they were not aware of the violations with the previous owner and they are trying to protect their asset.

Mr. Carson questioned why it took so long to take action and Ms. Molloy explained they are the agent for Pretium Mtg Acquisition Trust and while they did not have anything to do with that Pretium had to get someone to assess the property and get the power turned on and they had to get another local agent and then it was turned over to her company. When Mr. Carson asked if there are any safety issues, Ms. Molloy stated she was at the property and the only problem she saw was the ceiling from the roof leaking which has nothing to do with the pool.

Chair Bowman noted the concern is the pool being secured for safety of children and so forth. Ms. Molloy stated it is enclosed and it is padlocked, both doors to the pool which is empty now.

Mr. Pauley verified with City Attorney Trask for compliance the pool has to be removed only and not the fill dirt and everything done.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-738 based on testimony, evidence and facts presented and at the time of the alleged violation the International Property Maintenance Code 303.1 was in full force and effect and the Respondent is found in violation thereof and the Respondent shall come into compliance by October 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. Carson, Motley, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

12. **DCEB 18-745 City vs. USA FED NATL MTG ASSN**
512 Norfolk Street
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-745:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 5, 2018.
- The violation includes grass or weeds in excess of 10 inches in height.
- Apparently after receiving the notice of violation they mowed half the property; it appears to be two lots combined and they have only mowed the part where the house is; it is obvious it is one lot and he is not sure why they did not mow all of it. He noted there is another case for this property where

they are seeing no activity except mowing half the yard; the owner is FNMA and there is never any communication.

Mr. Kepto submitted into evidence photographs taken on August 6 and 13, 2018. He recommends a compliance date of September 9, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

MOTION: Mr. Pauley moved to find case DCEB 18-745 in violation of the International Property Maintenance Code Section 302.4 and that the Respondent shall come into compliance by September 9, 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, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

13. DCEB 18-757 City vs. CARLSBAD FUNDING MTG TRUST
1618 Amberglen Drive
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 18-757:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 25, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 17, 2018.
- This case is the result of a citizen complaint.
- The violation includes a building permit required for the interior renovations of the structure.
- A number of liens have accumulated on the previous owner; this company apparently just picked up the property at a foreclosure or somehow. When the complaint was received and he went to the property, the commercial dumpster in the front was completely full and they had gutted two bathrooms and the kitchen. He has been in a lot of communication with the property manager who is very cooperative and frustrated about this as this was a contractor picked from Home Depot that was a low bid and that is why the bank took them only to find what he bid on was not everything they were looking for. Since the bid has been accepted it increased significantly, so the property manager is very frustrated with this contractor.

Mr. Kepto submitted into evidence photographs taken on July 25, 2018. He recommends a compliance date of October 5, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Vice-Chair Suplicki commented it did not look like anything structural going on and he thought the October 5, 2018 compliance date should be fine for a permit. Mr. Kepto stated he did not see a problem with it; however, there are some roof issues and they will obtain a roof permit which is completely separate.

Mr. Kepto advised a new air conditioner was installed without a permit. They contacted the air conditioning company and he just did not want to pay four times the fee and just recently picked up that permit to clear that issue; the permit is the only issue that has been cleared. This property manager is trying to get this contractor moving.

- MOTION:** Vice-Chair Suplicki moved to find in case DCEB 18-757 based on testimony, evidence and facts presented and that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by October 5, 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, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

14. **DCEB 18-758 City vs. CAROL DANG EST**
433 Chicago Avenue
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-758:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 24, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 7, 2018.
- This case is the result of numerous citizen complaints.
- The violations include grass or weeds in excess of 10 inches in height to include the side and rear yards and the open storage of any inoperative motor vehicle as prohibited to include any vehicle that has an expired tag or flat tires.
- This property has come before the Board for the overgrowth violation and it really should have been a repeat violation; however, because it was an estate there were probate issues. He has made a number of phone calls and left messages for the relative with no response; a public notice sign was put up indicating a Code Enforcement Board case at this property. He did receive a call from the relative in a panic saying this will be taken care of hopefully by next week and he explained it has to be done; she stated the probate is cleared up and she has had multitudes of people trying to buy the double lot.

Mr. Kepto submitted into evidence photographs taken on July 27 and August 13, 2018. He recommends a compliance date of September 16, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

- MOTION:** Mr. Carson moved to find case DCEB 18-758 in violation of the International Property Maintenance Code Section 302.4 and Section 302.8 and that the Respondent shall come into compliance by September 16, 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. Carson, Motley, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 18-791 City vs. ROBYN LINDSEY**

1457 Santa Anna Drive

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

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the International Property Maintenance Code Section 304.3 HOUSE NUMBERS – PREMISES IDENT

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

Ms. McHale swore in Dale Hunter, Real Estate Broker of 818 S. Davis Blvd., Tampa, FL 33606.

Mr. Colbert reviewed case DCEB 18-791:

- The violations exist on a single family residential property that is currently occupied by the
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 30, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 19, 2018.
- This case is the result of a complaint.
- The violations include grass or weeds exceeding 10 inches in height; a building permit required for the storage type structure located on the north side of the property; the requirement for approved house numbers positioned to be legible and visible from the street or road fronting the property and accumulation and open storage in a residential area of building materials, buckets, bathroom fixtures or any other articles of personal property, these items are located in the back yard and could harbor rodents, snakes and other types of wildlife.
- It is his understanding the property owner passed away November 2017 and then he was recently contacted by the gentleman present.

Mr. Colbert submitted into evidence photographs taken on July 30 and August 23, 2018. He recommends a compliance date of September 9, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Hunter stated:

- The owner of the property passed away and his daughter, his client Robyn Lindsey inherited the property and had a newborn around the same time.
- She has been working through it and dealing with a newborn trying to get the house empty and ready for sale. It has taken her several months.
- He has the property under contract and the buyer was going to take care of everything as far as putting a dumpster on the site and clearing the debris. There were some delays with the buyer's financing and they are not sure of a close date yet, but it should be the end of this month.
- In good faith the owner set up some cleaning debris and he has receipts for 2 tons of debris that was in the side yard and he has some pictures.

When Chair Bowman asked if the property still looks like the photographs submitted into evidence, Mr. Hunter said no and the shed has been taken down, but the roof structure of it needs to be cut with a saw.

Mr. Hunter stated:

- The notice was not received until last Tuesday and this is only one week of progress, the mailing address was the property address and not to Ms. Lindsey's residence.
- The lawn can be seen in the photographs and trash in the front was removed along with some of the other items, kitchen sink and so forth.
- There was a problem with the equipment so they will have to come back and finish the back yard.
- He did take a picture of the numbers on the house with his phone.
- The buyer plans to have a dumpster to take care of the rest of the debris.

Chair Bowman asked what time frame he thought was needed to complete the work as listed; Mr. Hunter stated at least another 30 days; she has to make sure to get set up with a vendor to remove the shed.

Mr. Motley verified with Mr. Colbert when the shed is removed that will take care of the building permit violation.

Mr. Colbert stated he thought the back yard is a concern as there is quite a bit of debris not conducive; there have been complaints of rats from the neighbors and if that can be worked out quickly; it will take a lot of manual labor.

Vice-Chair Suplicki discussed with Mr. Colbert the recommended compliance date of September 9 which he assumed was the result of this going on for some time; Mr. Colbert acknowledged that was correct; however, the City just learned about it July 30, 2018 when his letter went out, but he has been told it has been vacant since November 2017, so these are issues that should have been addressed, at least the grass cut and getting the debris from the back yard.

Vice-Chair Suplicki asked in his professional opinion would it harm the neighborhood to give an extra week to get everything figured out and Mr. Colbert stated he had no problem with that.

Mr. Hunter explained it is going to take a special vendor to lift that shed and haul it away.

MOTION: Ms. Graham moved to find case DCEB 18-791 in violation of the International Property Maintenance Code Section 302.4 and Section 304.3; Florida Building Code Section 105.1 and Dunedin Code of Ordinances Section 34-1(A) and that the Respondent shall come into compliance by September 25, 2018 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Motley, Pauley 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. Hunter to contact Mr. Colbert when the work was done in order for him to make an inspection.

16. **DCEB 18-858 City vs. SUNCOAST FIRST TRUST**
1341 Lady Marion Lane (TC)
REPEAT Violation of the International Property Maintenance Code Section 302.4
OVERGROWTH OF WEEDS/GRASS

Chair Bowman noted there was a letter handed out pertaining to this case and provided time for the Board members to read the letter.

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-858:

- The violation existed on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 5, 2018 and observed the repeat violation and a notice of repeat violation was sent to the owner.
- The violation includes grass or weeds in excess of 10 inches in height.
- The Code Enforcement Board heard this same violation on May 5, 2015 regarding DCEB 15-116 and found the violation did occur and any future violations would be a repeat violation with a higher fine.
- The property owner came into the City's office on Friday August 24, 2018 and asked for a continuance and they discussed the matter at which time he suggested the property owner have an attorney present for today and he said he would be out of state. The property owner was told he should have someone speaking on his behalf. On Monday, August 27, 2018 the property owner dropped off an additional letter basically with the same content and after that mailed the City Clerk another letter just recently provided to the Board.
- The grass was cut on August 22, 2018 and he believes on August 20 he was driving by the property the owner was out front and he asked if was the grass was going to be cut any time soon and he indicated his lawn mower was not working and the owner asked that he not come back tomorrow, but in two days when it would be cut.

Mr. Colbert submitted into evidence photographs taken on July 5, 2018 through August 20, 2018 for a total of 48 days. He submitted photographs taken July 5, 12, 17, 19 and 25, 2018; August 1, 3, 8, 14 16 and 20, 2018. He also submitted into evidence three letters from the property owner received and a computer print out of the City's cases documenting overgrowth at the same property with the same property owner for a total of 15 times from 2007 until 2018, the most recent case.

Mr. Colbert also submitted today photographs taken last Friday, August 31, 2018 that weren't in your packet, and today when he drove by the property it was still overgrown but don't have any photographic evidence but my testimony that it is still overgrown.

Mr. Kepto explained what the City is asking for is a two-part order from the Board; first, finding the property was a repeat violation for the 48 days and then it came into compliance. When they were at the property on August 31, 2018, they found the property was once again not in compliance, so the second order would be that it is another repeat violation beginning on August 31, 2018 and continuing until the property is brought back into compliance.

Mr. Colbert stated the City recommends based on the facts and circumstances, it is a shame to get to this point over something as simple as cutting the grass, but based on the history of this property with the same owner, the same violation that the respondent receive a daily repeat fine of \$500.00 per day.

Ms. Dutton asked if this is a residential property and Mr. Colbert stated it is a residential property; however, he was sure the respondent lives there on a regular basis.

Mr. Motley inquired how a motion would be worded in this case for a continuing repeat violation.

City Attorney Trask suggested two different motions, address the issue of the violation from July 5 through August 20 and then a separate motion would be to address the current situation from August 31, 2018 until compliance in order to avoid confusion.

MOTION: Mr. Carson moved to find case DCEB 18-858 was in repeat violation of the International Property Maintenance Code Section 302.4 on July 5, 2018 through August 20, 2018 for a total of 48 days and that the Respondent shall suffer a fine of \$500.00 per day for those days documented. Second was made by Mr. Pauley.

Vice-Chair Suplicki noted in the case of a repeat violation there is no opportunity for consideration of a fine reduction through the Code Enforcement Board.

Mr. Motley commented there are other avenues the respondent can take.

City Attorney Trask advised:

- Rule 5 Section 4 specifically says the Board is not to reduce a fine if it is a repeat violation.
- As for other options in bringing it into compliance is to contact the City Attorney and he will discuss the situation with the respondent and City staff and if the respondent wants to make a settlement offer to the City Commission then the City Attorney would take it to the City Commission; it would not come back to the Code Enforcement Board.

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

SECOND MOTION

MOTION: Vice-Chair Suplicki moved to find in case DCEB 18-858 the repeat violation of the International Property Maintenance Code Section 302.4 is in existence and the Respondent shall suffer a fine of \$500.00 per day commencing on August 31, 2018 continuing until compliance. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

OTHER BUSINESS

Chair Bowman explained that requests for fine reduction are done in writing and if the Board had any questions the respondent would be asked to be sworn in to address the Board. There will not be additional testimony only answers to questions.

1. **Request for Fine Reconsideration**
DCEB 16-662
1621 Summit Way
Current Owner: Marie A. Panagotopoulos
Amount Due as of 9/4/18: \$4,578.55

Chair Bowman determined the respondent was present.

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

Mr. Pauley asked how this complaint was handled on July 21, 2016; how was that resolved. Mr. Colbert explained it was resolved some time afterward, but then it went back to the former condition. Mr. Pauley stated there was no fine or anything and Mr. Colbert responded, no.

Mr. Motley commented he thought the letter was pretty explanatory, it's a long one.

MOTION: Mr. Pauley moved in case DCEB 16-662 to accept the City staff recommendation to reduce the fine to \$2,000.00 to be paid by September 18, 2018 or the fine reverts to the original amount of \$4,578.55 plus interest. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the decision of the Board.

2. **Request for Fine Reconsideration**
DCEB 17-907
1345 Winding Brook Way
Current Owner: LTD Family Trust Inc
Amount Due as of 9/4/18: \$12,072.54

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 Terrance Doherty, Property Manager was present for this case.

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

Ms. McHale swore in Terrance Doherty.

Mr. Carson referred to the letter in which Mr. Doherty indicated he was told he did not have to come to a Code Enforcement Board meeting.

Mr. Doherty stated yes, someone from their office called prior to one of the previous meetings and asked if they could come and ask for an extension, but they were told if they did not have the permit it was not necessary for them to come.

Mr. Carson stated, but Mr. Doherty was not told that and Mr. Doherty said no.

Mr. Motley asked what type of business he was in and Mr. Doherty stated real estate. Mr. Motley asked if he bought homes and remodeled them and Mr. Doherty stated yes. Mr. Motley asked how many properties he owns and Mr. Doherty stated as a company maybe 20, not personally, the LTD Family Trust is their company.

When Mr. Motley asked if he had any personal hardships that he cannot pay this fine or any financial hardships, Mr. Doherty stated no, just that they are a for profit business and has already suffered a lot of hardships in regard to this property being that it took a lot longer than anticipated.

Mr. Motley noted the letter does not indicate any type of hardship which is a criteria for reduction of fine.

MOTION: Mr. Motley moved in case DCEB 17-907 based on the letter received and the testimony given and that the Respondent does not meet the criteria for reduction of fine to deny the request for fine reduction. Second was made by Mr. Carson.

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

Chair Bowman reviewed the decision of the Board.

**3. Request for Fine Reconsideration
DCEB 18-370**

2467 Del Rio Way

Current Owner: MELINDA S SAAF-NICEWONGER / WILLIAM J NICEWONGER

Amount Due as of 9/4/18: \$6,542.95

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 and reiterated if the Board had any questions the respondent would be asked to be sworn in to address the Board.

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

MOTION: Mr. Carson moved in case DCEB 18-370 to reduce the fine to \$1,000.00 to be paid by September 29, 2018 or the fine reverts to the original amount of \$6,542.95 plus interest. Second was made by Mr. Motley for discussion.

Mr. Motley recalled a few years ago the Board agreed upon a basic amount for reduction of fine and he believed that it was \$1,200.

City Attorney Trask noted the reference to the Board approximately five years ago tried to determine the actual cost in prosecuting a case.

Vice-Chair Suplicki recalled the amount took into consideration the clerical time involved, mailing and hours from Code Enforcement.

City Attorney Trask advised the analysis was done in July 2013 with the amount determined at \$1,167.18.

Mr. Carson amended the motion to reduce the fine to \$1,200 and Mr. Motley let his second stand.

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

Chair Bowman reviewed the decision of the Board.

In response to the question from the respondent, City Attorney Trask advised there will be a Board Order that will be issued in about ten days and it will go to the property owner listed by the Property Appraiser's rolls.

4. Memorandum from City Attorney Regarding Foreclosure dated 8/23/2018
DCEB 17-772 City vs. SHADEEK A AND SAFRAZ SHAKOOR
1014 Michigan Drive W

City Attorney Trask advised regarding the memo in relation to this case:

- This is a property that is not in compliance as of yet and the fine is in excess of \$40,000.
- Certified Demand Letters have been sent to the property owner and they appear to have been received; however, there has been no response.
- Since the property is not in compliance and the fine continues to run he is requesting authority to foreclose this property. He does not believe the property is homesteaded.

MOTION: Mr. Motley moved in case DCEB 17-772 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

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

5. Memorandum from City Attorney Regarding Foreclosure dated 8/30/2018
DCEB 17-907 City vs. LTD FAMILY TRUST LLC
1345 Winding Brook Way

City Attorney Trask advised regarding the memo in relation to this case:

- The Board received the Affidavit of Compliance for this case today and also heard a request for fine reduction that was denied.
- A Demand Letter was issued with no response.
- There is \$11,750.00 due as of August 30th.
- This property is in compliance.
- He is requesting authority to foreclose on this property for non-payment.

MOTION: Ms. Dutton moved in case DCEB 17-907 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Mr. Carson.

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

6. Memorandum from City Attorney Regarding Foreclosure dated 8/23/2018
DCEB 18-181 City vs. Paramount Court LLC, Trustee of the 1978 Valley Drive Land Trust
1978 Valley Drive

City Attorney Trask advised regarding the memo in relation to this case:

- This property has in excess of \$31,000 in fines.
- It is a repeat violation.

- He has had recent contact from an attorney for Paramount and a conference call with the attorney is planned for next week.
- He is asking for authority to foreclose if the issue cannot be resolved by that telephone call.

MOTION: Vice-Chair Suplicki moved in case DCEB 18-181 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

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

Chair Bowman announced on Thursday, September 6, 2018 at 6:00 p.m. Mr. Motley will be recognized in front of the City Commission and hoped all the members of the Board could attend.

7. Discussion of Appointment of Alternate Member to Code Enforcement Board

The members of the Board discussed the resignation of Alternate Member Wade Davenport, that there were a number of applications and the recommendation of Gordon Chize for the position.

Ms. McHale will notify the City Clerk of the Code Enforcement Board recommendation for Gordon Chize to be appointed to the Alternate Member position.

Meeting adjourned at 3.50 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board