

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

- PRESENT:** Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham and William Motley
- ABSENT:** Members Ken Carson, Bunny Dutton and Dave Pauley and 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 Roschock and twenty 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 September 4, 2018

MOTION: Mr. Motley moved to approve the minutes of the regular meeting of September 4, 2018. Second was made by Vice-Chair Suplicki.

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 17-537 City vs. KELLY A EICHHORN
2. DCEB 18-131 City vs. BAY TO GULF HOLDINGS LLC
3. DCEB 18-234 City vs. ELAIS MORRIS
4. DCEB 18-420 City vs. DAVID MC COMAS
5. DCEB 18-559 City vs. DAVID ELIAS
6. DCEB 18-622 City vs. LUANNE W COX
7. DCEB 18-678 City vs. TCVM6 LLC (*Also Affidavit of Non Compliance*)
8. DCEB 18-728 City vs. RC HOMES LLC
9. DCEB 18-745 City vs. USA FED NATL MTG ASSN
10. DCEB 18-758 City vs. CAROL DANG EST
11. DCEB 18-791 City vs. ROBYN LINDSEY
12. DCEB 18-858 City vs. SUNCOAST FIRST TRUST

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

VOTE: Motion carried unanimously. *****

OLD BUSINESS

1. **DCEB 18-585 City vs. TRIPLE B INVESTMENTS LLC**
240 Causeway Boulevard
Violation of the Florida Building Code Section 105.4.1 BUILDING PERMIT INTENT

Ms. McHale swore in Joe Londot of 6610 Seafarer Drive, Tampa, FL 33615

Mr. Colbert reviewed case DCEB 18-585:

- At the meeting of August 7, 2018 this Board ordered compliance by September 7, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on September 24, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Londot stated:

- He might have been naïve in thinking he could get this job done in 30 days; however, it is not for the lack of trying.
- In the summer with people being on vacation, he was working directly with Building Official Joe May who went on vacation after their original conversation.
- One of these permits involves his signs so he sent information to his sign company to complete an application for a new permit though the work has been done and it simply needs inspection. He kept calling and finally got in touch and the person said he did not do to the work, but subcontracted it to another company, Handyman for All that actually pulled the permit. He told them to get the application to that company because they hired them and get the permit extended and the inspection. After a while they got in touch with the owner who apparently was on vacation and she signed it and e-mailed it to the person he had hired and he e-mailed it to him and then the City said it was not good; it has to be the original document with the original signature. So he tracked the owner of the Handyman for All down and got her to sign a new copy and took it to the City of Dunedin and right before he left today he looked it up and it is still under review by the Building Department.
- The other permit involved the building extension and converting this property from residential to commercial. It was originally commercial property and the people he bought it from had converted it to a residence with dual use; she had a real estate office in a small part of the building and the rest of it was their home, so everything in there was not according to commercial code. It was a huge project to put everything up to code. He has been through two contractors. When he talked to Mr. May he explained the second contractor just disappeared, so he signed the application to renew the permit; all the work is done and has been for months, it only needs inspection.
- Through this process he was shown how to get on line for the permit status and so forth and he found the second contractor he hired was actually cancelling inspections, he would call for inspections and then cancel. He ended up hiring a skip tracer to find this contractor because even though he is the property owner and he paid for the permit, they belong to the contractor whose last known address was Orlando after bilking him out of a good amount of money.
- His application to renew the permit was rejected and he was told he had to find another contractor and because the work is complete not many contractors want to step into the middle of this and stand up for it; he interviewed more than a dozen licensed general contractors. He finally found a gentleman who specializes in this sort of thing, getting things finished and closing out contracts and permits with counties and municipalities and he has submitted and a certified letter has been sent to the City, notarized stating the change of contractors and it is in the hands of the City, but the new permit has apparently not been issued yet; could be any minute or any day.
- He cannot make any financial moves until he receives the Certificate of Occupancy from the City.

Mr. Colbert stated based on what the respondent has said and that he is making progress doing all the right things the City would agree to extending another 30 days.

- MOTION:** Mr. Motley moved in case DCEB 18-585 to extend the Compliance date to November 2, 2018. Second was made by Ms. Graham.
- VOTE:** Motion carried with Ms. Graham, Messrs. Motley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

2. DCEB 18-616 City vs. FOUR WIRE LLC

745 Kirkland Circle

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Rene Johnson on behalf of Four Wire LLC of 479 Main Street, Dunedin and Paul Mercer of 745 Kirkland Circle, General Contractor.

Mr. Kepto reviewed case DCEB 18-616:

- At the meeting of August 7, 2018 this Board ordered compliance by August 31, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection of the property records today October 2, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The owner was present to explained only a few items are left on the permit to be done and can provide an update and will be requesting an extension. The City would not object to an extension.

Ms. Johnson stated:

- She has hired a general contractor who has been working closely with the City and they have gone through a couple of reviews. They only have one item left which will be resolved tomorrow.
- This has been a learning lesson for her that if you do it right the first time it is a lot cheaper.
- Paul Mercer has been a help to correct the situation.
- The property is under contract as well on October 16, 2018.

Mr. Mercer stated everything is completely done except the energy calculations required and he will be ready for a permit and then he will call for final inspection. If all the inspections pass everything should be done depending on the City.

Vice-Chair Suplicki clarified with Mr. Kepto the permit required is when the permit is picked up and paid for there is compliance.

Ms. Johnson was informed the energy calculations have to be submitted before the permit.

Mr. Mercer stated the ball is in the court of the air conditioning company to submit the energy calculations.

Vice-Chair Suplicki suggested and Mr. Mercer agreed he should be able to obtain the permit within two weeks.

When Mr. Motley asked if he thought it could be completed by October 22, Mr. Mercer said yes.

- MOTION:** Vice-Chair Suplicki moved in case DCEB 18-616 to extend the Compliance date to October 25, 2018. Second was made by Ms. Graham.

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

Chair Bowman advised Ms. Johnson and Mr. Mercer to contact Mr. Kepto when they have the permit, e-mail him a copy and everything should be good.

3. **DCEB 18-678 City vs. TCVM 6 LLC** (*Also Affidavit of Compliance*)
150 Broadway (MK)
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 18-678:

- At the meeting of August 7, 2018 this Board ordered compliance by August 31, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection of the property records on September 3, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 18-678 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

NEW BUSINESS

1. **DCEB 17-542 City vs. TYRONE R / TABEA M CARTER**
2009 Douglas Avenue
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Tyrone R. Carter of 951 Greenway Avenue.

Mr. Kepto reviewed case DCEB 17-542:

- 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 by Inspector Colbert on June 22, 2017 and a notice of violation was sent to the owner with a requested compliance date of June 29, 2017.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to utility trailers as prohibited in a residential area. The utility trailer is allowed to be parked on or stored in the side or rear yard if it is behind a 6-foot solid fence. The parking of any utility type trailer in the street is also prohibited.
- Photographs were also submitted by neighbors who do not want to get involved; however, they are sending typed letters that were provided to the Board.
- This case is the result of numerous resident complaints including it appears to be a business being run out of the house of a lawn type business and there are several utility trailers brought in late at night when Code Enforcement is not working and leaving early in the morning and that is why neighbors are taking pictures and submitting them to the City.

Mr. Kepto submitted into evidence photographs taken on September 20 & 25, 2018, July 7, 2017. He recommends a compliance date of today October 2, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Carter stated:

- He is aware of the violations and has been in communication with the Code Enforcement Department over time.
- He knows the neighbors are upset with the tenant and he is also and he has contacted the tenant explaining he cannot do this and that he would pass on any fine; however, it continues.
- He has advised that the tenant has broken the lease and asked him to find another place to live since he does not know how to follow the rules.
- His concern with this is that now that he is leaving he does not care and the tenant will continue parking the utility trailer there until he vacates the property which only hurts him. He requested the Board consider putting any ruling on hold until after the tenant has vacated.

When Chair Bowman asked how long this has been going on, Mr. Carter stated it has been sporadic he guesses for a year, but he does not drive by the house every day and it is not reported to him other than by Code Enforcement.

Chair Bowman verified with Mr. Carter he understood as the property owner it is his concern and Mr. Carter stated that is why he is evicting him because he does not follow the rules and Chair Bowman noted it has been a year.

When Mr. Motley noted the violation has been incurred for a year, Mr. Carter stated but not all the time that he is aware of; he has been contacted a few times and each time he tells the tenant he has to stop and it is his understanding he stops for a while and then he does it again.

Mr. Carter stated he knows where the complaints are coming from and that the tenant and that neighbor are not on friendly terms, so there is some anger there. He does want the tenant gone and does not want to get hit with fines due to the tenants actions while he is moving out.

Mr. Motley explained the Board cannot do that; if the Code Inspector sees the violation then it is going to be cited; the Board cannot just go around the rules and ordinances.

Mr. Kepto advised he did explain to the owner that if the tenant does this in retaliation that liens would be put on the property; however, when it is in compliance after the tenant vacates he has the opportunity to make a written request for relief of the fines and explain the retaliation.

When Vice-Chair Suplicki asked if there was a tentative date when the tenant is moving out, Mr. Carter stated he spoke with him last night and he said he was supposed to hear from someone this week if he was approved for another place.

MOTION: Mr. Motley moved to find case DCEB 17-542 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1(f) was in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by October 2, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman suggested to Mr. Carter he emphasize to the tenant to comply and if he is cited again that he has 30 days after it is taken care of to file in writing a request for fine reduction and then he can come in and explain what has happened and to be sure that written request is before the 30 days after compliance or the tenant moves out.

2. **DCEB 17-918 City vs. SHANNON EUGENE / TIFFANY ANN MC INTOSH**
227 Lime Circle S
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Ms. McHale swore in Shannon Eugene McIntosh.

Mr. Kepto reviewed case DCEB 17-918:

- 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 December 7, 2017 and a notice of violation was sent to the owner with a requested compliance date of January 2, 2018.
- The violation includes the open parking or storage of any recreational equipment including jet skis in front of a residential property as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on approved parking surfaces

Mr. Kepto submitted into evidence photographs taken on August 29, 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.

Mr. McIntosh stated:

- As can be seen in the photograph it was for sale and they had just had a yard sale the day before on the weekend and it is hard to sell something behind a fence. That is why it was in the front yard.
- He has not sold it and it is now behind the fence.
- Two times being a repeat offender he understands, but there are cars parked all over yards in his neighborhood and he does not know if they have ever been cited. He has said something to Mr. Kepto about it. He works for the City and drives around the city and he sees it all the time.
- He related an incident at his mother's house where the jet skis was behind a bamboo fence; then he moved it to his house to try to sell it. He feels he is being targeted; he had to put in a rock driveway where there are other cars parked on the grass; he put up the 6-foot fence for the trailers and he just keeps getting more and more violations.

Chair Bowman explained numerous cases like this are seen every month and if the Inspectors see something they are going to cite them.

Mr. McIntosh asked if he needed to take pictures of cars parked on the grass after office hours and Chair Bowman stated if that is what he wanted to do he absolutely could; the Board does not want anyone breaking the rules.

Vice-Chair Suplicki stated he would say at least half the agenda every month is these types of violations.

In response to the question from Mr. Motley, Mr. Kepto advised:

- The first letter went out on December 7, 2017 and that compliance date was January 2, 2018 and there was compliance.
- Then not knowing it was his parents he cited them because he saw jet skis through a bamboo fence not knowing the connection; but they got rid of the jet skis and then he saw them in Mr. McIntosh's front yard across town.
- For the record as explained to Mr. McIntosh before if there are other houses in the neighborhood to call and let him know and most of the houses he called about before have already been cited.

MOTION: Ms. Graham moved to find case DCEB 17-918 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of January 2, 2018 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. McIntosh as long as he does not do it again it is all gone and if he wants to take pictures to go ahead and send them to Mr. Kepto.

3. **DCEB 18-187 City vs. WILLIAM J VIVIANO**
1671 Sparkling Ct
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-187:

- 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 February 13, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 22, 2018.
- The case is the result of a citizen complaint.
- The violation includes the open accumulation in a residential area to include, but not limited to building materials, tires, wood, tarps, ladders, hand carts and so forth and any and all articles of personal property.
- He recently spoke with the respondent who has had some medical issues and he requested a month to get the property cleaned up and that is why the extended compliance date is recommended.
- The City is trying to get some help for Mr. Viviano who lives alone and has difficulty in maintaining his property.

Mr. Colbert submitted into evidence photographs taken on February 13, 2018 and September 10 and 14, 2018. He recommends a compliance date of November 4, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-187 based on testimony, evidence and facts presented that at the time of the alleged violation the Dunedin Code of Ordinances Section 34-1(A) was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by November 4, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 18-282 City vs. RAYMOND H / RICHARD JOSEPH SR LE CLERK**
1436 San Mateo Drive
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Don Huber, Contractor of 327 Ceveda Drive, Dunedin.

Mr. Colbert reviewed case DCEB 18-282:

- 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 March 14, 2018 and a notice of violation was sent to the owner with a requested compliance date of April 15, 2018.
- The violation includes a building permit required for the alterations or renovations of the structure to include, but not limited to new doors, windows, drywall replacement, electrical, plumbing in the kitchen, bathrooms and so forth. All work must be performed by licensed contractors.
- In this case the building permit has been in Plan Review since June 28, 2018 for the addition and interior renovations. He just happened to come upon this in the normal course of his duties observing the addition being put on the back of the property. He made contact with the property owner and after a brief discussion he advised he did not live there and was not a licensed contractor. The owner was advised he could not do the work and a stop work order was posted.
- Recently the grass in the back was about 3 ½ feet high and another notice was sent and it is looking bad for the neighborhood and the City wants to see this moved along.

Mr. Colbert submitted into evidence photographs taken on March 14, 2018. He recommends a compliance date of October 14, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Huber stated:

- He became involved when he submitted the first set of plans and the owner spent a lot of money getting a set of drawings.
- The pictures show the back room. He found product approval for the roof panels and so forth, but it isn't going to work. The whole back room is going to go away.

- He got new plans on September 27, 2018 and the owner got with the architect and he spoke with the architect about what they could do as they could not get anything on the back of that room to meet code because it is an old screen room.
- The plan is to make an extra bathroom and he has to get them submitted. It took some time going back and forth because of this room that was built. He asked for 30 days.

Chair Bowman explained the Board is only looking for the permit to be in hand and then it will be in compliance with this.

Mr. Colbert did not object to 30 days for compliance.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-282 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 Respondents shall come into compliance by October 24, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Huber to contact Mr. Colbert when he has the permit approved and paid for.

5. DCEB 18-602 City vs. THOMAS J / MARJORIE A STEWART
616 Dogwood Court
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Thomas J. Stewart or 256 Presidents Street.
Attorney Laura Rubenstein was present representing Mr. Stewart.

Mr. Kepto reviewed case DCEB 18-602:

- 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 29, 2018 and a notice of violation was sent to the owner with a requested compliance date of July 13, 2018.
- The violation includes a permit required for renovation to the duplex including, but not limited to the new exterior doorways.
- This case was originally scheduled for the August Code Enforcement Board, but was postponed at the request of the owner.

Mr. Kepto submitted into evidence photographs taken on March 9, 2015 and May 2, 2018 and an internet ad where the property was for sale. He recommends a compliance date of October 14, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Attorney Rubenstein referred to the photographs submitted and Mr. Kepto explained the internet ad advises he did extensive renovations at the property and when the owner asked what doors he was advised to have

his contractor apply for a permit for any doors replaced on the exterior; therefore, it is whatever doors were replaced need to be permitted.

Attorney Rubenstein referred to Mr. Kepto's statement about the internet ad and asked if he was referring to the MLS page. Mr. Kepto asked if it was correct the property is for sale. Mr. Stewart stated it is not for sale and that he purchased the property on May 14, 2018 and the MLS in question was the MLS by which he purchased the property at that time, so he is not familiar with what Mr. Kepto is speaking to.

Attorney Rubenstein explained that is why they were asking for some clarification.

Mr. Kepto asked in the photograph in front of Attorney Rubenstein if she saw different doorways as he thought both front doors were replaced along with the west door of the carport.

Mr. Stewart stated the existing front doors are still there and have not been replaced and that clearly from the pictures Mr. Kepto has submitted into evidence the carport doors have been replaced, but that was prior to his purchasing the property.

Mr. Kepto explained unfortunately the current owner is responsible for any unpermitted work performed at the property.

Mr. Stewart stated he spoke with Mr. Kepto or Mr. Kepto left him a package that has been very helpful in this process, but now it can be seen there is confusion as to the MLS not being for him, but something he purchased the property based upon.

Attorney Rubenstein stated the MLS that has been discussed was the MLS advertised by the previous owner and that listing represented was renovations to air conditioning unit, exterior doors, renovations to the kitchen and bath and hot water heater. She asked Mr. Stewart if when he purchased the property were those representations correct. Mr. Stewart stated they were not except for perhaps the one door behind the scooter.

Attorney Rubenstein asked if it was correct that when Mr. Stewart purchased the property it appears that maybe there was a new door and there was a hot water heater that had been installed and Mr. Stewart stated that was correct.

Attorney Rubenstein asked after receiving the notice of violation did he come into compliance with that hot water heater and Mr. Stewart stated yes, within two weeks and he acknowledged he had not installed the hot water heater. Attorney Rubenstein stated that he purchased and it appeared that it had been installed illegally after he received this notice of violation; Mr. Stewart stated it appeared that it was older, but by looking at the code on the hot water heater it was manufactured in 2016, so he would accept that it was probably installed in 2017 because there is usually about a 6-month delay in getting it from the manufacturer to the distributor and put into place, so upon that he did reach out to Plumbing by Gus and sought a permit and brought it all up to code.

Attorney Rubenstein asked when he purchased the property did it appear to him to be a new door and Mr. Stewart stated new ware yes that is for sure and he acknowledged he did not install the door and he did not know when it was actually installed and he did not install it himself.

Attorney Rubenstein asked when he received the note from Mr. Kepto on Friday, the only remaining item was to pull a permit for exterior doors and Mr. Stewart stated that was correct and she asked if he attempted to do that. Mr. Stewart stated he attempted to seek clarification from Mr. Kepto as to the door that was being referenced because he had put a hand written note saying as previously discussed by phone the only remaining permit is for exterior doors, Mike Kepto. Attorney Rubenstein verified with Mr. Stewart he needed clarification because he was not the person who installed the doors and he was not sure which doors needed to be permitted. Mr. Stewart stated that was correct and he was trying to find out if it was the front door, the side door going into the carport into the building or the door that goes into what is effectively a laundry area.

Attorney Rubenstein stated upon hearing that it appears that it is the singular door by the carport that looks like it is in front of a scooter in the pictures presented to the Board; Mr. Stewart responded, yes. Attorney Rubenstein asked if he would be willing to contact a contractor and bring that into compliance. Mr. Stewart stated absolutely, but his concern is based upon Mr. Kepto's advice and information that the door would need specific information to fill out for the permit to come into compliance and he does not know how any contractor would be able to come up with that information to provide the necessary information to Mr. Kepto and the City staff. Attorney Rubenstein stated because it is not a new door he had installed and Mr. Stewart said yes, he would gladly come into compliance the same as with the water heater.

Mr. Motley stated the way to resolve that is to go to the Building Department and get the information from the Building Department as to how to come into compliance with the new door; it is Mr. Stewart's requirement to have the permit even though he did not own the property at the time the door was installed, it was not permitted and that is for his safety. Mr. Stewart stated he understood.

Chair Bowman asked if he had looked at the door to see if there are any stickers inside like on the side where it closes or for any kind of identification and Mr. Stewart said no.

Mr. Stewart asked if it would be acceptable to the City if he were to be able to match the door to something off the shelf at Lowe's; Vice-Chair Suplicki stated that is a Building Department question.

Vice-Chair Suplicki commented most newer doors have, even if they have been painted there is always some type of identifier on them, so if someone could look really close or if someone was really knowledgeable about the doors they could probably find what type it is and then it is easy to get the FL number.

Mr. Stewart requested 30 days to come into compliance.

MOTION: Mr. Motley moved to find case DCEB 18-602 based on testimony, evidence and facts presented in law 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 Respondents shall come into compliance by October 25, 2018 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman reiterated often on the inside side of the door where it closes there is some type of identifying paper and once you get that you can easily match up the door and it is an easy permit to get.

6. DCEB 18-630 City vs. LARIH LLC

1042 Oak Street Apt A

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 18-630:

- 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 30, 2018 and a notice of violation was sent to the owner with a requested compliance date of June 13, 2018.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles that do not display a current license tag, have body damage and so forth as prohibited.

Mr. Colbert submitted into evidence photographs taken on May 30, 2018, September 12, 2018 and email correspondence from the property owner. 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 18-630 based on testimony, evidence and facts presented was in violation of the International Property Maintenance Code Section 302.8 after the requested compliance date of June 13, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within the next five (5) years will be considered a repeat violation. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. DCEB 18-680 City vs. ONA L & THOMAS COSENZA

1706 Simmons Court

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

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

Ms. McHale swore in Thomas Cosenza.

Mr. Colbert reviewed case DCEB 18-680:

- The violations exist 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 2, 2018 and a notice of violation was sent to the owner with a requested compliance date of July 22, 2018.

- This case is the result of an anonymous complaint about the pool and observing rats and snakes and other wildlife due to the condition of the pool in the area.
- The violation includes the swimming pool water is not being maintained in a clean and sanitary manner, the water is green in color.

Mr. Colbert submitted into evidence photographs taken on July 2, 2018, July 23, 2018 and September 13, 2018. He recommends a compliance date of October 7, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Vice-Chair Suplicki noted the agenda on the computer lists two violations to include boats, RV's and trailers.

Mr. Colbert stated he did not notice it on the agenda and did not bring that violation; however, it remains on the property and he read it into the record. That violation includes the open parking or storage of utility trailers as prohibited in a residential area.

Mr. Cosenza stated:

- He is not staying at the property right now, just his wife and children.
- In July the pool filter broke and he had to replace it.
- The problem is he is there on the weekends and he tries to keep the pool clean and it is clean right now and it was cleaned the next day after he saw the notice on the door.
- The pool is not the problem is the problem any longer and with the new pump it should be no problem.
- He did not know he could not have trailer in the back yard; the fence is only a 5-foot stockade fence and you can see one of the trailers from the street, so if he needs a 6-foot fence to keep them.

Mr. Colbert acknowledged it has to be a 6-foot fence.

Chair Bowman added to be sure to get a permit for a new fence and in response to whether or not a permit was needed to replace the fence, he explained it depends on how much of the fence is replaced and if it is the entire fence, then yes a permit is needed.

Vice-Chair Suplicki noted the permit is a clarification the Building Department would make.

When Chair Bowman asked when he thought he could have the fence done or move the trailers, Mr. Cosenza asked if he could get another week or so to get that done and Mr. Colbert had no objection.

Chair Bowman reiterated Mr. Cosenza should go through the Building Department regarding the fence.

MOTION: Mr. Motley moved in case DCEB 18-680 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 303.1 and the Land Development Code Section 105-27.1.1(f) were in full force and effect and the Respondent is found in violation thereof and that the Respondents shall come into compliance by October 16, 2018 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki for discussion.

Vice-Chair Suplicki suggested in case a permit is needed for the fence to give another week for compliance to October 24, 2018.

Mr. Motley amended the motion to come into compliance by October 24, 2018. Vice-Chair Suplicki let his second stand.

VOTE: Motion carried with Ms. Graham, Messrs. Motley 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. Cosenza to contact Mr. Colbert when everything was done.

8. **DCEB 18-748 City vs. LSF9 MASTER PARTICIPATION TRUST**
921 Parkwood Drive
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 18-748:

- 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 records were inspected on July 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 26, 2018.
- The violation includes two expired permits with no actions or re-inspections for over 6 months. The remaining one is Permit #17-2837 that was issued on July 18, 2017 for the air conditioner unit with no re-inspections for that permit that is expired.

Mr. Kepto submitted into evidence photographs taken on January 11, 2017 and March 15, 2017. He recommends a compliance date of October 12, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved in case DCEB 18-748 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.4.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by October 12, 2018 or suffer a fine of \$ 250.00 per day. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

9. **DCEB 18-749 City vs. USA FED NATL MTG ASSN**
512 Norfolk Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Natalie Barone of 448 – 6th Street S., Safety Harbor, Realtor for FNMA.

Mr. Kepto reviewed case DCEB 18-749:

- 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 31, 2018.
- The violation includes a building permit required for the alteration or installation of the bathroom on the front porch area; the new exterior windows; the in-fill of windows that have been removed; new exterior doors including the rear French doors and the electric water heater.
- FNMA picked up this property on a foreclosure and the work was not performed by them; they acquired the property as it is.

Mr. Kepto submitted into evidence photographs taken on January 26, 2016. He recommends a compliance date of November 16, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Barone stated:

- She got the property on September 5 and there was an overgrowth violation and she got that done within a couple of days.
- She then received the notice of violation for the building permit.
- They are in the midst of a full repair/marketing strategy on the property; they are going to fix the roof, the windows and doors and removing that front bathroom.
- She cannot get everything accomplished under one permit as there is a lot going on including countertops, painting inside and out and it has to be checked for lead based paint.

Chair Bowman explained for this violation she just needs to obtain the permit, the job does not have to be completed and as long as all the items are covered on the permit then she is good as far as this Board is concerned, but make sure they get the inspections otherwise she will be back.

Ms. Barone commented she was aware they would have to have a structural engineer because of the doors. She acknowledged they should be able to get the permit by November 16 and Chair Bowman advised if there were any issues with that to contact Mr. Kepto

MOTION: Ms. Graham moved to find case DCEB 18-749 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by November 16, 2018 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

10. **DCEB 18-751 City vs. MATTHEW L & ELIZABETH A PERRINO**
963 Greenway Avenue
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Matthew Perrino.

Mr. Colbert reviewed case DCEB 18-751:

- 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 July 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of July 30, 2018.
- The violation includes the open parking or storage of boats as prohibited in a residential area.
- Records reveal this property and the same owner was cited seven (7) times for the same violation from 2006 to the present.

Mr. Colbert submitted into evidence photographs taken on July 23, 2018 and September 7, 2018. He recommends a compliance date of October 7, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Perrino stated he needed some clarification on the issues and asked if it was because the boat was in the front of the house, parked in his driveway. Mr. Colbert responded, yes.

Mr. Perrino verified with Mr. Colbert the photograph on July 23, 2018 was taken at 12:17 p.m. that was a Monday and Mr. Perrino noted the exemption in the code that allows for parking from Friday to Monday. Mr. Colbert clarified that is Friday 6:00 p.m. to Monday 8:00 a.m.

When Mr. Perrino asked the intent of that exemption, Mr. Colbert explained it was to allow for the use of the boats and recreational equipment. When Mr. Perrino asked why it is only on certain days, Mr. Colbert said he did not know and Chair Bowman explained Mr. Perrino would have to ask the City Commission that question.

When Mr. Perrino asked if this is a new ordinance; Mr. Kepto recalled it came into effect in 2010. He asked if there were any recent changes to the interpretation of the ordinances in terms of enforcement and Mr. Colbert stated no, he goes by the ordinance. When Mr. Perrino asked if there has been any change in intended enforcement of the ordinance; Mr. Colbert stated they enforce the ordinances. Mr. Perrino asked if the ordinance had been enforced in the same way since 2010 and Mr. Colbert responded, yes.

Mr. Perrino asked the number of the specific ordinance and Mr. Colbert noted as provided in the Notice of Violation it is the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS.

Mr. Perrino noted there were nine items under (f).

Mr. Motley stated he did not understand the questions and Mr. Perrino asked if he was limited to the number of questions to which Mr. Motley advised he is not and Mr. Perrino stated he was trying to get clarification and there are nine items listed under (f). Mr. Motley commented he did not understand the question as it was obvious the evidence indicates he had a boat and trailer parked in his driveway which is against the ordinance in the Land Development Code Section 105-27.1.1(f), that is clear.

Mr. Kepto noted if Mr. Perrino is referring to Section 1 he would read it: "Utility trailers, boats, recreational equipment and recreational vehicles may not be parked or stored in any portion of the front yard to include the buildable area unless actually loading or unloading is taking place."

When Mr. Perrino asked how he could resolve this as the boat is removed, Chair Bowman stated if the boat is removed then it is resolved.

Mr. Perrino stated there is another picture. Chair Bowman stated it cannot come back.

Mr. Colbert reiterated boats can be in the driveway from Friday 6:00 p.m. to Monday 8:00 a.m. and cannot be parked in the street or the front grass or back unless actively loading or unloading.

Vice-Chair Suplicki added they cannot be visible from the street.

When Chair Bowman asked if he was clear on what he can and cannot do, Mr. Perrino said yes.

Mr. Perrino explained his weekends are not the same as other people, he travels extensively and his days off vary and if he is home and goes fishing on a Tuesday and gets in late he does not have the same right to park as someone who works and has Saturday off. Chair Bowman explained he would have to take that question to the City Commission and this Board has to follow the rules as written and only enforce them. When Mr. Perrino commented that the Board has some say in how they are enforced and he was asking for some leniency.

Mr. Motley commented to answer the question, the respondent seems to think if he brings his boat in from fishing on a week day that there would be a problem in him washing out the engine and flushing out the boat and cleaning it up; would that be a violation or can he do that and then park it in the back yard or wherever he parks.

Mr. Kepto explained if they see someone actively loading or unloading, obviously washing the boat they would take that into consideration, but if you wash it and then leave it for a day or so out of that time frame they do not have the authority to allow people to violate ordinances. They do get this a lot with people who for example go camping on Wednesday and the RV is going to be there Wednesday and Thursday can they allow that and the answer is no as they do not have the authority to allow people to violate the ordinance. If that was the case they would be like reservation agents and it would not work. They do use common sense.

Mr. Perrino stated if he comes in at 9:00 p.m. his neighbors are not going to want him to wash the boat and clean the motor into the late hours and if he leaves it out he understands he is subject to a fine.

MOTION: Vice-Chair Suplicki moved in case DCEB 18-751 based on testimony, evidence and facts presented and that at the time of the alleged violation the Land Development Code Section 105-27.1.1(f) was in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by October 7, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Perrino the Board is saying he has to be in compliance by October 7, 2018, so as long as the boat is out of the driveway.

11. DCEB 18-777 City vs. DUNEDIN ACADEMY & DAY SCHOOL
1408 CR 1

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-777:

- The violation exists on commercial property that is a school and is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 20, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 31, 2018.
- The violation includes a building permit required for the installation of the modular home structure which is currently in two separate sections and not connected as designed.
- Both of the trailers/modular homes have been setting at this location for many years. There has been no contact with the property owner as cited. The property owner sometime ago, because the sides to the structures were not covered was cited as he recalled for exterior disrepair which would allow wildlife entry and so forth and then someone installed a black tarp-like material to enclose them. After that he contacted Deputy Building Official May who advised these structures need to be anchored and on a cement-type/concrete surface and that is why the case is before the Board today.
- He has still had no contact with the property owner.

Mr. Colbert submitted into evidence photographs taken on April 20, 2018. He recommends a compliance date of October 14, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved in case DCEB 18-777 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 14, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

12. **DCEB 18-800 City vs. MADIKENN DEVELOPMENT GROUP INC**
612 Orange Ave
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 18-800:

- The violation existed on a residential property that is currently a vacant lot.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 10, 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 several citizen complaints.
- The violation includes overgrowth of grass or weeds exceeding 10 inches in height.

- Apparently there are two neighbors of this vacant property who seemed like they did not want to complain about the property when it was a vacant house that was falling down there, but once this person purchased the house and demolished the structure the neighbors began bombarding the office with complaints about the overgrowth.
- He has spoken with the property owner who he thinks is on board now with mowing on a regular basis because of the rainy season.

Mr. Kepto submitted into evidence photographs taken on August 18, 2018 and September 9, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Graham moved to find case DCEB 18-800 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of August 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 Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. **DCEB 18-803 City vs. COLLEEN P HUFFMAN**
1939 Valley Drive

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 18-803:

- 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 August 10, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 17, 2018.
- The violation includes the open parking or storage of utility trailers as prohibited in a residential area.
- Someone did call the office about the property and spoke with Ms. McHale and advised the utility trailer had been removed.

Mr. Colbert submitted into evidence photographs taken on August 10, 2018, August 23, 2018 and September 10, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within 5 years to be considered repeat violation.

MOTION: Vice-Chair Suplicki moved in case DCEB 18-803 based on testimony, evidence and facts presented and that at the time of the alleged violation the Land Development Code Section 105-27.1.1(f) was in full force and effect to find the Respondent was in violation after the requested compliance date of August 17, 2018 on the Notice of Violation; however, is now in compliance. Any future

violation within the next 5 years will be considered a repeat violation. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

14. **DCEB 18-817 City vs. MATTHEW R BROWN / STEPHANIE L & LANCE A ALLEN**
701 Bay Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-817:

- 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 August 14, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 27, 2018.
- The violation includes a building permit required for installation of the driveway located on the Bass Boulevard side of the property.
- He has received a couple of phone calls and a couple of emails from the property owner who indicated they were attempting to get the permit; he has heard nothing further.

Mr. Colbert submitted into evidence photographs taken on August 14, 2018. He recommends a compliance date of October 14, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 18-817 in violation of the Florida Building Code Section 105.1 and that the Respondents shall come into compliance by October 14, 2018 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 18-839 City vs. MARJORIE BINGHAM**
1163 Jackmar Road
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Stuart McCray and Marjorie Bingham

Mr. Colbert reviewed case DCEB 18-839:

- 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 August 16, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 24, 2018.

- The violation includes the open parking or storage of utility trailers as prohibited in a residential area; front yard parking is also prohibited.

Mr. Colbert submitted into evidence photographs taken on August 16, 2018 and September 5, 7, 10 and 14, 2018. He recommends a compliance date of October 4, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Bingham asked if pictures were taken of them complying with the front yard, that they got the gravel and everything and Mr. Colbert stated he took a photograph of the trailer parked there which is not allowed and it is not an approved parking surface.

Ms. Bingham stated when she received the notice she went right down to Tampa Bay Ponds and Parks.

Mr. Colbert explained the citation is not for front yard parking; it is for the utility trailers.

Ms. Bingham stated the trailer is moved and they paid and got the front yard taken care of; however, she does not understand why she is being cited multiple times for the front yard.

Chair Bowman reiterated the only thing being cited is for boats, RV's and trailers and regarding the front yard parking if they obtained a permit for a parking area that is okay.

Vice-Chair Suplicki noted however, they cannot park the utility trailer there.

Mr. McCray stated the only reason the one trailer was there was to put more shell in the driveway to make it more presentable as it was four or five years old.

Chair Bowman clarified with Ms. Bingham and Mr. McCray they would not have boats, trailers or RV's parked there.

When Mr. McCray explained they cannot park it in the back yard because of a 100 year old Oak tree, Chair Bowman noted he owns a boat and parks it at the Marina.

When Mr. Motley asked if he was saying the respondent is in compliance, Mr. Colbert stated he had not been by the property and he recommended a compliance date of October 4, 2018.

MOTION: Mr. Motley moved in case DCEB 18-839 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1(f) was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by October 4, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

1613 Greenwood Drive

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

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

Ms. McHale swore in Karen Dombrowski.

Mr. Kepto reviewed case DCEB 18-845:

- The violations 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 August 20, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 26, 2018.
- The violations include the parking or storage of any vehicle in the front yard as prohibited unless the parking is on an approved or permitted surface; grass, mulch or leaves are not an approved or permitted surface; the open parking or storage of any utility trailer in a residential area as prohibited; the utility trailer is allowed to be parked or stored in a side or rear yard if it is behind a 6-foot solid fence.

Mr. Kepto submitted into evidence photographs taken on August 20, 2018 and August 27, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within the next five years to be considered repeat violation.

Ms. Dombrowski stated she had nothing to offer and Chair Bowman verified with her she knew she could not park there anymore.

Mr. Motley also verified Ms. Dombrowski understood if it happened again it would be a repeat violation.

MOTION: Ms. Graham moved to find case DCEB 18-845 was in violation of the Land Development Code Section 105-27.1.1(h)1 and Section 105-27.1.1(f) after the requested compliance date of August 26, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within five years will be considered a repeat violation. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

17. DCEB 18-847 City vs. JOHN JAMES JACOBY

992 Cedarwood Avenue

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

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-847:

- The violations exist on residential property that is currently a vacant lot.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 20, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 9, 2018.
- The violations include grass or weeds in excess of 10 inches in height and a wood fence in various states of disrepair with broken, missing or rotted pieces.
- This property had a structure the City was placing liens on for quite some time. It was owned by Bank of America that demolished the house because of sinkhole issues and a person purchased the property and all the mail is coming back to the City because they are listing this vacant lot as their home address. He has posted the property with a public notice with the violations attached and still there has been no response from the owner.

Mr. Kepto submitted into evidence photographs taken on September 10, 2018. He recommends a compliance date of October 21, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved in case DCEB 18-847 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.4 and Section 302.7 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by October 21, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

18. **DCEB 18-873 City vs. STANLEY / PAULINE H MC KENZIE**
1000 Michigan Drive W
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 18-873:

- The violation exists on a residential property that is currently a vacant lot.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 28, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 9, 2018.
- The violation includes grass or weeds in excess of 10 inches in height. The photographs being submitted into evidence show the grass is probably 2 to 3 feet high.
- There was a structure on the lot that had been vacant for many, many years. A couple bought the lot and decided to renovate the property and move into it; however, unfortunately the husband passed away. Then there was talk from the wife that she was going to put in another structure at the property; however, there has been no contact since then.

Mr. Kepto submitted into evidence photographs taken on August 29, 2018 and September 10, 2018. He recommends a compliance date of October 21, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

- MOTION:** Ms. Graham moved to find case DCEB 18-873 in violation of the International Property Maintenance Code Section 302.4 and that the Respondent shall come into compliance by October 21, 2018 or suffer a fine of \$200.00 per day. Second was made by Vice-Chair Suplicki.
- VOTE:** Motion carried with Ms. Graham, Messrs. Motley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

19. DCEB 18-898 City vs. SYLVIA A EARLE
527 New York Ave (MK)
REPEAT Violation of the International Property Maintenance Code Section 302.4
OVERGROWTH OF WEEDS/GRASS

Mr. Kepto reviewed case DCEB 18-800:

- The repeat violation exists on a residential property that is currently a vacant lot.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 30, 2018 and a notice of repeat violation was sent to the owner of record notifying them of the repeat violation.
- The violation includes overgrowth of grass or weeds exceeding 10 inches in height.
- The Code Enforcement Board heard this same violation on July 11, 2017 regarding DCEB 17-430 and ordered the violation did occur and any future violation would be a repeat violation with a higher fine.
- For the record he received a last minute email from the owner Sylvia Earle yesterday requesting this case be postponed because she lives in California. He submitted a copy of the letter to the Code Enforcement Board. Just prior to the CE Board hearing today he received another email from her again explaining that she works for National Geographic and again requesting a postponement. In his email back to her, his reply was no, she feels the property is in compliance.
- At the last meeting in July 2017, her property manager who allegedly still manages the property argued about the lot which is about 200' X 210' and used to have a house on it that was demolished in 2015 that was a residential lot; it was agreed upon that it is a residential lot, it is to be maintained as a residential lot. His argument in 2017 was that they wanted to make this a conserve area where they could have natural wildlife come back into being and that the native growth would come back and his reply back to the owner Sylvia Earle is that half of her dream has come true; there is a lot of growth back of the property, but it is mainly invasive species; he has talked with the City Arborist Wilson about them choking out larger Oak trees and the other half of her dream is true, they do have coyotes at the property and there are complaints being received that the coyotes are a nuisance at night because dogs and cats are being eaten at night by the coyotes; there are apartments next door that have small kids and they have received complaints from mothers that they fear the coyotes are going to attack their kids. He and Mr. Colbert have gone out several times in the daytime and there are coyotes laying in the overgrowth right at the edge of the road. It does present a problem.
- Their argument is going to be that this is a preserve area and he thinks at the last meeting in July of last year after going back and reading the minutes that Mr. Suplicki i.e., granted them 30 days to bring the property into compliance and the recommendation was they were going to go to our Zoning Department to try to get it re-zoned so that this property would be "exempt" from our

International Property Maintenance Code regarding overgrowth. As far as he knows there has been no contact with our Zoning Department.

- In the past year and the property is extremely overgrown. It was recently mowed but they are only mowing the front portion of the property that goes back 210' and the back end of the property now has a lot of small trees or they look like trees, but are actually overgrown weeds that are turning into trees. They are not maintaining this property according to our International Property Maintenance Code; it is a residential lot and overgrowth is in excess of 10 inches in height.
- Regarding the request for postponement the property is not in compliance, it is a repeat violation and if a lien is imposed his recommendation is it continues until the property is brought into compliance.

Mr. Kepto submitted into evidence photographs taken on August 30, 2018. He recommends a daily repeat fine of \$400.00 per day until compliance beginning August 30, 2018.

Vice-Chair Suplicki clarified with Mr. Kepto that he had no indication from the person he spoke with that they were going to take care of the violation.

Mr. Kepto commented it is unusual because before it was the property manager who would argue about different points; however, he has had no contact or response on this violation. In fact the overgrowth was so bad he posted a public notice at the property and attached the violation notice hoping that if he is the property manager who should be going by on a regular basis he would see the public notice in the drive and call.

Mr. Motley verified with Mr. Kepto this property is still zoned Residential and there has been no contact from the property owner about getting it re-zoned. Mr. Kepto noted until 2015 there was a house standing on the property which is a residential lot.

MOTION: Mr. Motley moved in case DCEB 18-898 with the address of 527 New York Avenue, a residential lot based on testimony, evidence and facts presented in law that at the time of the alleged violation the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS was in full force and effect and the Respondent is found in repeat violation thereof and that the Respondent shall suffer a fine of \$500.00 per day commencing on August 30, 2018 and continuing until compliance. Second was made by Vice-Chair Suplicki.

Chair Bowman reviewed the Finding and Order of the Board.

OTHER BUSINESS

1. **Request for Fine Reconsideration**
DCEB 17-747
508 Vine Avenue
Current Owner: T & G Property Management of Central Florida
Amount Due as of 10/2/18: \$31,489.91

Chair Bowman determined the respondent was present

Chair Bowman explained that requests for fine reduction are done in writing; the Board did not take testimony and 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.

Vice-Chair Suplicki noted the photographs seem to indicate the sheeting and the fascia and soffit all on that part of the house they are in place and it looks fairly substantial; he asked how far back from the eaves did it extend roughly. Mr. Kepto explained he could not tell without getting on the roof, but he thought the photograph might show a fairly large Oak tree that might give some indication of the weight of the tree that fell on the house.

When Vice-Chair Suplicki requested the respondent answer some questions, the attorney came forward and City Attorney Trask advised the attorney should not be testifying, he can make arguments and so forth; questions should be addressed to the property owner directly.

Ms. McHale swore in Tatiana Willens of 1150 Fox Hunt Drive, Winter Haven, FL 33880.

Mr. Motley noted the agenda indicated the property owner is T&G Property Management of Central Florida. Ms. Willens explained she is a physician; therefore, keeps her property in a LLC and she is the owner.

Vice-Chair Suplicki stated it looks like in the pictures there was structural damage and by Florida Code anytime there is structural damage if it is not the owner's primary residence which was indicated in the letter that it is not, there has to be a licensed contractor to do the work from what he could see was all structural damage.

Ms. Willens agreed and stated:

She is not a contractor, so when they first had the damage to the house they tried to contact several roofers in the area including the one who installed their roof two years ago and basically they said it was minor damage and after the hurricane they were swamped and they were not willing to do minor damage work. They looked for a while and then her husband went there with his handyman and spent \$300.00 and fixed it. They contacted the City of Dunedin and they said a permit was not needed, then they reversed the decision saying it was major damage and a permit was needed. They complied, completely understanding and not wanting to break the law, but follow the instructions. They asked their roofer in Polk County to come over here and fix the problem and he went to the City of Dunedin but was unable to obtain a permit because he needed a license in Pinellas County, unfortunately it took six months for Pinellas County to give him the license. They were in contact with the City and explained the situation and even asked for recommendations for local roofers who could perform an \$800 job on short notice, but nobody wanted it. In the area where she lives there are still roofs covered and just because it was such a small job, they do not want it, they want \$20,000 - \$30,000 jobs. They did not even contact their insurance company because it was such a small damage. The amount of material it took to fix the roof was \$231.00; she does not know anything about roofing but she did not think it was a major expense; her deductible is \$3,000.

Vice-Chair Suplicki stated his understanding the respondent did not have a roofer or anyone look at this; she thought or was pretty sure she needed a permit because she tried to get a roofer to do the work. Apparently that roofer that came was not licensed in the State of Florida because if licensed in the State of Florida you can get a permit immediately in any town or county in the State, so he must have only been

licensed locally. This is why he could not understand since looking for a roofer she must have thought it was more than just a little repair.

Ms. Willens stated that Alycia LePage told her they did not need a permit, then the decision was overturned and they said okay a permit is needed now and they asked their roofer in Polk County to drive up here and obtain a permit and they told him he could not get a permit without the decision from Pinellas County that he is allowed to basically do the work in Pinellas County, so Pinellas County was moving and it took them 6 months to actually issue the license in order to obtain a permit which is easy to obtain.

Vice-Chair Suplicki commented he saw the email from Elisha in Permitting referenced, but he thinks she would have responded to this based on what was told her over the phone as far as the nature of the repairs and Mr. Kepto advised that is correct. Mr. Kepto thought the email described this as "minor damage" and he thought one email said "there is not even a hole in the roof" which he thought might have been a little deceptive just calling a permit clerk saying there is minor damage when it is obvious there is major damage. When he heard from the Permit Tech that she told someone they did not need a permit for the roof, he explained they did and the owner knows that because there was major damage and that is why there was a change and now Elisha knows after seeing the picture that this is not minor damage.

Vice-Chair Suplicki explained he was looking at the email and understands that they are submitting that as verification of their side of what transpired, but he does not know that really counts for anything even though it is from the City, that is not the person who would normally inspect. He questioned what weight the Board should give that.

City Attorney Trask advised that whatever probative value the Board member thinks that it should have.

Chair Bowman asked who actually fixed the roof and Ms. Willens stated their roofer from Polk County and he spend \$231 on the material and actually charged them \$800 total.

Chair Bowman asked if he had his license here yet and Ms. Willens stated he did have his license and did the work within a week of pulling the license; they have the letter from him and the proof of everything step by step.

Chair Bowman asked prior to the roofer coming over here nothing was done to the roof, Ms. Willens stated, yes her husband had to come out and fix the roof because they were told it was not major damage, so her husband drove from Polk County and went to Lowe's to get supplies because they were told they did not need a permit.

When Chair Bowman asked if they were getting water inside is why they had to fix it, Ms. Willens stated, no they were not getting water inside and in fact the repainted the house inside.

Vice-Chair Suplicki stated clearly from the pictures there is a hole in the roof; Chair Bowman agreed. Vice-Chair Suplicki noted in her email she said there is not even a hole in the roof and that is a pretty significant void; he asked her to look at the pictures and speak to that because in the pictures it shows a hole, but the email she sent says it is purely cosmetic work and not even a hole in the roof.

Ms. Willens stated she did not know the difference, she is not a general contractor and all she is asking is if \$900 is what the general contractor to fix it and she is being charged \$32,000 that she does not have to

pay; her rental property is not generating an income and she cannot afford \$32,000, she will have to go to foreclosure and kick her renter with six kids out of their house.

Vice-Chair Suplicki noted in the email submitted on 9/7 it says there is not even a hole in the roof and she speaks to no one coming from the roofing companies. He finds that somewhat misleading based on the pictures, but he was not there, but the picture clearly shows significant damage to the house. He could see her thinking that is cosmetic.

Ms. Willens stated she learned her lesson and she is here asking for a break, and not charge her \$32,000, she does not have it.

Mr. Motley stated based on the Inspector's rebuttal to this request for reduction in fine which indicates there is a photograph taken of the roof and it was repaired in December without a permit and that is a violation and it needed a permit.

MOTION: Mr. Motley moved in case DCEB 17-47 to deny the request for fine reduction based on the testimony given today and the written testimony by the Code Inspector; also in the case that there is no hardship physical or financial it does not meet the criteria for fine reduction. Second was made by Vice-Chair Suplicki for discussion.

Vice-Chair Suplicki stated he actually agreed in as far as based of the Board's Rules of Order he does not see where there is a hardship in any of the written documents; therefore, he would let his second stand because according the Rules of the Board he sees nothing.

VOTE: Motion carried 3 - 1 with Messrs. Motley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham.

Chair Bowman reviewed the decision of the Board.

2. **Memorandum from City Attorney Regarding Collection dated September 10, 2018**
DCEB 18-118
862 Crosley Drive

City Attorney Trask advised:

- This property has a \$2,497.00 fine.
- Although the property is in compliance the fine has not been paid.
- His request is for authority to move forward to begin collection procedures against Mr. and Mrs. Brockman to collect the approximately \$2,500.00 due.

MOTION: Vice-Chair Suplicki moved in case DCEB 18-118 to authorize the City Attorney to move forward with the collection procedures. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

3. **Memorandum from City Attorney Regarding Foreclosure dated September 10, 2018**
DCEB 13-761
328 Pershing Street

City Attorney Trask advised:

- This case has a fine of \$154,000. Mr. Bushway has not paid this fine on the non-homestead property.
- His request is to begin foreclosure proceedings on the property which is still not in compliance.

MOTION: Mr. Motley moved in case DCEB 13-761 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

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

4. **Memorandum from City Attorney Regarding Foreclosure dated September 10, 2018**
DCEB 17-547
1208 Royal Oak Drive

City Attorney Trask advised:

- This property is owned by FNMA and has a fine of \$2,600.00 and is in compliance.
- His request is to begin either foreclosure or collection proceedings on the property to collect the \$2,600 due.

MOTION: Mr. Motley moved in case DCEB 17-547 to authorize the City Attorney to move forward with proceedings to collect the fines due. Second was made by Ms. Graham.

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

Board Comments and Questions

Chair Bowman recognized members of the Citizens Academy who were present for the meeting.
Meeting adjourned at 4:20 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board