

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, NOVEMBER 6, 2018
CITY HALL – 542 MAIN STREET – 2:00 P.M.**

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham, Ken Carson, William Motley, Bunny Dutton and Dave Pauley; Alternate Members Joe Mackin and Gordon Chize. Absent, None.

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Evelyn Dare, Pinellas County Sheriff's Deputy Miller and eighteen 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 October 2, 2018

MOTION: Vice-Chair Suplicki moved to approve the minutes of the regular meeting of October 2, 2018. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

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Ms. Dare 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 16-94 City vs. NICHOLAS GALIATSATOS
2. DCEB 17-542 City vs. TYRONE R / TABEA M CARTER
3. DCEB 17-883 City vs. 487 MAIN LLC
4. DCEB 18-184 City vs. WILLIAM C / PATRICIA K PRESCOTT
5. DCEB 18-598 City vs. TASIAS INC
6. DCEB 18-616 City vs. FOUR WIRE LLC
7. DCEB 18-680 City vs. ONA L / THOMAS COSENZA
8. DCEB 18-738 City vs. PRETIUM MTG ACQUISITION
9. DCEB 18-748 City vs. LSF9 MASTER PARTICIPATION TR *(Also Affidavit of Non-Compliance)*
10. DCEB 18-751 City vs. MATTHEW L / ELIZABETH A PERRINO
11. DCEB 18-817 City vs. MATTHEW R BROWN / STEPHANIE L & LANCE A ALLEN
12. DCEB 18-839 City vs. MARJORIE BINGHAM
13. DCEB 18-847 City vs. JOHN JAMES / VIRGINIA GRACE JACOBY
14. DCEB 18-898 City vs. SYLVIA A EARLE

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

VOTE: Motion carried unanimously.

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OLD BUSINESS

1. **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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-282:

- At the meeting of October 2, 2018 this Board ordered compliance by October 24, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on October 30, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 18-282 to accept the Affidavit of Non-Compliance. 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.

2. **DCEB 18-348 City vs. CHARLES D CARVER**
649 Pinewood Drive
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-348:

- At the meeting of August 7, 2018 this Board ordered compliance by October 19, 2018 or a fine of \$100.00 per day would be imposed.
- As of inspection of the property records on October 29, 2018 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 18- 348 to accept the Affidavit of Non-Compliance. 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.

3. **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

Chair Bowman determined the respondent was not present.

Mr. Kepto advised regarding case DCEB 18-602:

- He has been in contact with the attorney for the new owner of the property and a new compliance date was agreed upon of January 11, 2019 and City staff is requesting the Board amend the previous order to a compliance date of January 11, 2019.

MOTION: Mr. Carson moved in case DCEB 18-602 to amend compliance date to January 11, 2019. 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.

4. **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:

- At the meeting of September 4, 2018 this Board ordered compliance by October 5, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on October 18, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Dutton moved in case DCEB 18-710 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.

5. **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:

- At the meeting of October 2, 2018 this Board ordered compliance by October 12, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on October 18, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Pauley moved in case DCEB 18-748 to accept the Affidavit of Non-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.

6. **DCEB 18-757 City vs. CARLSBAD FUNDING MTG TRUST**
WILMINGTON SAVINGS FUN SOCIETY TRE
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:

- At the meeting of September 4, 2018 this Board ordered compliance by October 5, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on October 9, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 18-757 to accept the Affidavit of Non-Compliance. 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.

**7. 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:

- At the meeting of October 2, 2018 this Board ordered compliance by October 14, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 15, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- There has been no contact with the property owner.

MOTION: Mr. Motley moved in case DCEB 18-777 to accept the Affidavit of Non-Compliance. 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.

**8. DCEB 18-858 City vs. SUNCOAST FIRST TRUST (Request for Rehearing)
1341 Lady Marion Lane**

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

James Ficken for the respondent was present.

City Attorney Trask read the Rules of Procedure on Request for Rehearing since these are not heard very often:

Any aggrieved party may petition the Board to reconsider/rehear any Board order resulting from a public hearing. This petition must be made in writing and filed with the Board Clerk no later than 30 days after the execution of the order and prior to the filing of any appeal. The only grounds for petition to reconsider/rehear are that there is newly discovered relevant evidence that was not available and known to the petitioner at the time of the public hearing or that the Board made a mistake in determination of a relevant fact. Upon receipt of the petition the Board will consider whether or not to reconsider or rehear the case. A motion to approve a petition to reconsider/rehear must be made by a

Board Member who previously voted on the prevailing side. A motion to approve a petition to reconsider/rehear a case must set the date and time of the rehearing. The rehearing may be held at the time of the consideration of the petition if the petitioner and the City agree. The Board will not hear oral argument or evidence in determining whether to grant the petition or reconsider or rehear.

City Attorney Trask determined all the Board members present were in attendance at the first hearing for this case.

Vice-Chair Suplicki noted the request is in writing and asked if the Board was not to hear oral arguments from the petitioner and he had not seen that it was part of the package.

City Attorney Trask explained the appropriate action is to:

- Determine if the Board wants to rehear the case based upon the written petition received.
- If that motion is to approve and it fails, the Board has to do nothing further.
- If the motion is made to approve and it passes then both the City and petitioner determine whether or not they are going to proceed today. If either is not ready to proceed today, then it needs to be set, presumably for next month's hearing.

Time was allowed for the Board members to find and read the written request for rehearing

In response to the question from Mr. Pauley, Mr. Colbert acknowledged the case is currently in compliance.

City Attorney Trask advised the Board should be making this decision based solely on the written petition.

In response to the question from Vice-Chair Suplicki, City Attorney Trask explained:

- First the Board would determine whether or not they would rehear the case based on the Board's rule and the only grounds to reconsider/rehear *is newly discovered relevant evidence that was not available and known to the petitioner at the time of the public hearing, the is not at the knowledge of the Code Enforcement Officer, but the knowledge of the petitioner, or that the Board made a mistake in determination of a relevant fact.*
- Once the Board finds one of those two grounds to be there, the Board needs to consider whether or not to grant the petition. Then a separate motion would be if granted when to hear the case.

City Attorney Trask acknowledged that hearing could be today or at some point in the future.

Mr. Carson noted on the original hearing there was a vote and then a second vote and he did not know why there would have been a second vote because the first vote was carried 5 – 2 and then there was a second motion. He referred to Page 69 that he made a motion that it was a repeat violation and there was a vote of 5 – 2 and then there was a second motion; he asked why would there have been a second motion.

City Attorney Trask read from the minutes of the meeting:

Mr. Kepto explained that the City is asking for a two part order from the Board, first finding the property was a repeat violation for 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 and continuing until the property is brought back into compliance.

Mr. Pauley noted he thought it showed two separate fines also.

City Attorney Trask read more from the minutes:

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

Chair Bowman determined the Board members had reviewed the written request and were ready to make a motion on the request.

MOTION: Mr. Motley moved in case DCEB 18-858 to deny the request for rehearing based on the respondent's letter which does not meet the criteria for rehearing; the subject ample time at the first meeting to bring all the facts, if they are facts to light at that time. 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.

9. **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:

- At the meeting of October 2, 2018 this Board ordered compliance by October 21, 2018 or a fine of \$200.00 per day would be imposed.
- As of inspection on October 23, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The owner did call him yesterday and said she would be down tomorrow to mow the property.

MOTION: Mr. Carson moved in case DCEB 18-873 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.

NEW BUSINESS

1. **DCEB 18-134 City vs. MICHAEL BAILEY**

1443 Georgia Avenue

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-134:

- 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 February 1, 2018 and a notice of violation was sent to the owner with a requested compliance date of February 6, 2018.
- The violation includes the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on October 16, 2018 and October 23, 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 18-134 based on testimony, evidence and facts presented was in violation of Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of February 6, 2018 on the Notice of Violation; and is now in compliance. Any future violation within the next five (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.

2. **DCEB 18-423 City vs. MICHAEL J / CHRISTINA G ASHLEY**
2171 Lagoon 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 18-423:

- The violation existed on a single family residential property that is currently unknown who it is occupied by; however, it is a homestead property.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 9, 2018 and a notice of violation was sent to the owner with a requested compliance date of April 19, 2018.
- The violation includes the open parking or storage of recreational equipment to include boat trailers and utility trailers as prohibited in a residential area.
- There has been no contact with the property owner.

Mr. Colbert submitted into evidence photographs taken on April 9, 2018 and September 24, 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: Vice-Chair Suplicki moved to find case DCEB 18-423 based on testimony, evidence and facts presented was in violation of Land Development Code Section 105-27.1.1(f) after the requested compliance date of April 19, 2018 on the Notice of Violation; and is now in compliance. Any future violation within the next five (5) years will be considered a repeat violation. 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 Finding and Order of the Board.

3. **DCEB 18-502 City vs. EDWARD D KALAJAINEN III**
1528 Douglas Avenue
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Ms. Dare swore in Stephanie Kalajainen.

Mr. Colbert reviewed case DCEB 18-502:

- 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 April 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of May 11, 2018.
- This case is the result of citizen complaints related to "junk, trash and debris"; the back yard is supposedly quite bad with one complainant stating there were rats.
- The violation includes it being unlawful for any person to accumulate, leave, dump or store openly on any premises with a residential zoning classification and automobile, truck tires, automobile hoods, camper toppers and so forth.
- He spoke with the respondent present today and he does not think she was getting accurate information from her tenants. She is concerned and is willing to resolve the issue.

Mr. Colbert submitted into evidence photographs taken on April 23, 2018, July 12, 2018 and October 8, 2018. He recommends a compliance date of November 12, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Kalajainen stated:

- She went by the property this morning.
- They had an appraisal done on the house in July and appraiser took pictures and none of this was going on at the time.
- When they received the original notice they contacted the tenant who said they took care of everything. They have not been back in town since that time and were unaware this was going on.
- She went back this morning and took pictures of the yard and everything green and she offered to allow Mr. Colbert to go in the back yard and walk around the property.
- Today she did not see any signs of any rats or anything; the tenant does have a large dog so there is a lot of sand, but no signs of disorder to the extent there are in the photographs by Mr. Colbert.

In response to the question from Chair Bowman, Ms. Kalajainen stated the tenants would keep it clear or they would not live there anymore; she noted she and her husband grew up in Dunedin and this is his grandmother's house and they were shocked and it is not how they want Dunedin to be; they were gone for twenty years in the military. She acknowledge she had no problem with the November 12 compliance date

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-502 based on testimony, evidence presented in violation of the Dunedin Code of Ordinances Section 34-1(A), and that the Respondent shall come into compliance by November 12, 2018 or suffer a fine of \$100.00 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 nay. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 18-753 City vs. DONALD W EICHER III, DEBBIE F ANDERSON,
JUNE F MASKER EST**
446 Skinner Boulevard
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Ms. Dare swore in Donald Eicher III.

Mr. Colbert reviewed case DCEB 18-753:

- 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 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 23, 2018.
- This case is the result of a citizen complaint.
- The violations include the wooden structure has rotted wood in the front porch and various other areas; all exterior walls shall be free from holes, breaks, loose or rotting materials and maintain weatherproof and properly surface coated where required to prevent deterioration; the exterior structure has peeling or flaking or chipped paint in various areas.
- The property has been vacant for quite some time; it was overgrown. The respondent present did have the grass cut and has been keeping it cut and in speaking with him prior to the hearing there seem to be other issues going on; therefore the open compliance date.

Mr. Colbert submitted into evidence photographs taken on July 23, 2018 and September 28, 2018. He left the compliance date and a fine recommendation open.

When Mr. Motley inquired if permits are needed for any of the repairs, Mr. Colbert advised there are permits required for much of the work. In response to the question from Mr. Motley, Mr. Eicher stated he had the permits.

In response to the question from Vice-Chair Suplicki, Mr. Colbert stated he would say the house is secure.

Mr. Eicher stated:

- The original complaint was mowing. He took care of his mother and grandmother, got backed up and then had some medical bills for them, and then taking care of himself to get above water again to start working on the house.
- He was paying someone to mow and was sending checks to a P.O. Box and he moved to North Carolina, so that is how this transpired.

- He has a permit and is siding the house now and replacing any rotten wood; he just needs a little more time and he will keep it mowed himself. He is taking time off from work to address this problem.

When Chair Bowman asked if he pulled the permit as the homeowner, Mr. Eicher explained he is moving out of his apartment and will be living in the house; he is not looking to flip the house or get rid of it and it belong to his children one day.

When Chair Bowman asked what time frame he was thinking to have everything Mr. Colbert mentioned completed realistically, Mr. Eicher thought about 45 days.

Mr. Motley cautioned that Mr. Eicher should check as he might need a contractor for some of the repairs; Chair Bowman noted as the homeowner he could do the work himself.

Vice-Chair Suplicki clarified Mr. Eicher he had the permit which he said is on the window right now, he pulled it last week.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-753 based on testimony, evidence and facts presented in law in violation of the International Property Maintenance Code Section 304.1, Section 304.6 and Section 304.2 and that the Respondents shall come into compliance by January 23, 2019 or suffer a fine of \$100.00 per day. 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 reviewed the Finding and Order of the Board.

Chair Bowman advised Mr. Eicher to get the work inspected when it is done and to contact Mr. Colbert to inspect.

5. DCEB 18-816 City vs. RANDOLPH W RUSSELL
801 Main Street (TC)

Violation of the International Property Maintenance Code Section 302.1 CLEAN, SAFE AND SANITARY

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

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

Mr. Colbert reviewed case DCEB 18-816:

- The violations exist 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 August 8, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 14, 2018.
- The violations include all exterior property and premises shall be maintained in a clean, safe and sanitary manner; the open parking or storage of inoperable vehicles to include, but not limited to vehicles that do not display a current license tag, have flat tires, etc. as prohibited; it shall be unlawful for any person to accumulate, leave, dump or store openly on any premises with a

residential zoning classification any articles of personal property to include, but not limited to shopping carts, furniture designed for indoor use, refrigerators and other appliances, vacuum cleaners, etc.

- He thought there were some witnesses present for this case.
- He had some conversations with the property owner who responded and it has been cleaned up quite a bit since the photographs submitted were taken. He went by yesterday and there is one vehicle remaining with no tag and that was discussed today and there was a living room couch outside.

Mr. Colbert submitted into evidence photographs taken on August 8, 2018. He recommends a compliance date of November 7, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Dare swore in Randy Russell.

Mr. Russell stated:

- He does not recall receiving the August notice.
- He was advised by his son last week and they have cleaned up everything.
- He had no excuse, but it will not happen again.
- Regarding the couch someone put that out over the weekend.
- The car was hidden and he did not notice it, there were three cars to be moved. They put a license plate on it but it expired and he sent a letter yesterday that if it is not fixed by Thursday the car would be towed according to the required 3 days' notice.

Mr. Colbert advised he had no objection to extending the compliance date based on the testimony.

MOTION: Mr. Carson moved to find case DCEB 18-816 in violation of the International Property Maintenance Code Section 302.1, Section 302.8 and the Dunedin Code of Ordinances Section 34-1(A) and that the Respondent shall come into compliance by November 21, 2018 or suffer a fine of \$150.00 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.

6. DCEB 18-824 City vs. ROBERT P RUSSELL REV LIV TRUS

763 Patricia Avenue

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES

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

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

Violation of the International Property Maintenance Code Section 305.1 INTERIOR STRUCTURE GOOD REPAIR

Violation of the International Property Maintenance Code Section 309.1 PEST INFESTATION

Violation of the International Property Maintenance Code Section 504.1 PLUMBING GOOD REPAIR

Violation of the International Property Maintenance Code Section 605.1 ELECTRICAL INSTALLATION SAFE

Ms. Dare swore in Robert Russell represented by Attorney Mike MacKenzie.

Mr. Kepto reviewed case DCEB 18-824:

- 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 October 14, 2018.
- This case is result of a complaint by a tenant who lived at the property for a long period of time.
- The violations include:
- A building permit required for the expansion of the kitchen area outward to block for cover; one of the two front doors; installation of the air conditioner unite manufactured in April 2014 with not permit on file which has now been addressed and is no longer an issue.
- The exterior of the structure is not being maintained in good repair, the soffit or fascia areas rotted and show what appears to be heavy termite damage.
- The exterior concrete walls in various areas are in disrepair as evidenced by shifting or settlement type cracks such as stair stepping; a permit will be required to perform the necessary repairs; however, prior to a permit being issued a current report from a licensed engineer will be required to determine the stability of the foundation and the subsurface areas. The engineer report should also indicate the testing methods performed and the recommended means of repair to not only repair the current issues, but also to stop future damage. Exterior wood walls in the rear attached room are rotted in various areas.
- The main roof appears to be leaking as evidenced by major signs of water intrusion on the interior ceilings.
- The interior of the structure is in various states of disrepair:
 - The interior walls are in various states of disrepair as evidenced by incomplete surfaces, openings in the walls, missing or peeling paint or plaster.
 - The interior doors are broken with open holes.
 - The walls and ceilings have cracks and show separation.
 - The interior surface is such as the walls, floors, carpets and ceilings are dirty or appear to be unsanitary.
 - The ceilings show evidence of water intrusion.
 - The interior floors have missing or broken floor tiles.
 - The areas under the sinks are rotted and have evidence of water accumulation.
 - The shelves in the kitchen are falling and cannot support normal kitchen item weight.
- There is evidence of heavy termite damage on the rear room wood attachment; an invoice from a licensed pest control professional will be required showing the property was inspected and treated if necessary to resolve the issue; this has now been addressed by the owner by showing an invoice.
- The plumbing system is not being maintained in a state of good repair; the bathroom and dishwasher drains very slowly, the bathtub spouts leak water at the wall attachment, it is believed this has also been addressed by an invoice from a plumbing company.

- The electrical plug in the kitchen only has one half of the outlet working. The tenant also complained the circuit breaker frequently trips when using the kitchen facility; an invoice from a licensed electrician will be required to resolve these issues; the invoice shall also show the work conducted for the electrical issues; an invoice has been presented and this issues has now been resolved.

Mr. Kepto submitted into evidence photographs taken on July 24, 2018 when the tenant met the City at the property. He recommends a compliance date of February 10, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Carson noted it looked like the doors are not working and asked if people can just walk in and out; it looks like it is not secure; Mr. Kepto advised it is secure.

Attorney MacKenzie stated:

- Mr. Kepto indicated several of these items have been corrected.
- With regard to the fact there is according to Mr. Kepto the wall in the kitchen has been extended outward; he has both photo. He noted he did a private search and this property has been owned by three people since 1971. He has an affidavit from the person who purchased the property in 1971 and a photo of the front door from the interior saying the property was in this condition in 1971. Whether or not it was permitted in 1971 he has no idea; however, he thinks 47 years later citing someone for a code violation that occurred that long ago. He was not exactly sure how the Board would waive something like that which has been around for 47 years and now is cited.
 - He offered to provide the photograph and Chair Bowman advised if he submitted the photo it would have to be kept for the record. City Attorney Trask asked if he had seen the photograph and Mr. Kepto advised he was shown the photograph just prior to the meeting. City Attorney Trask advised a copy of the photograph could be made for Mr. MacKenzie after the meeting as it would be part of the public record.
- With regard to the stair stepping, although he has some photos that show that the stair stepping is not essentially as bad as it looks there, he is glad Mr. Kepto had those photos. He submitted photographs for which he had copies. He does not know of many concrete block houses in Dunedin or this part of Florida that do not have stair stepping cracks. Mr. Kepto's photos which are worse than theirs do not show that the crack is separating or displaced which is really an indication typically of a structural problem. The requested requirement for the engineer, he thinks goes far beyond what typically should be required to determine whether something is typical stair step settlement cracks or something major structural. In fact it goes so far as to say the engineer has to say that the means to repair the current issues and to stop future damage; he does not know many engineers who would certify to that. He would like for the Board to look at these photos, before and after and determine if this is indeed something that would require this degree of investigation and reporting by a licensed engineer.
- With regard to the other permitted items the wood damage on the back porch caused by termites, the interior damage will all be addressed by a licensed contractor and whatever permits are required to do that type of repair.
- He thinks the discussion is really about the kitchen wall and structural cracks.
 - Mr. Kepto noted also the covering up of the structure in the back, the screen room that shows the extensive termite damage.
- They would request that with regard to the kitchen wall that simply be determined to have been waived many years ago, grandfathered in or whatever and with regard to the settlement cracking

they would like if the Board would require some type of testimony or report they would do that, but would request that it not be required to go to the extent the Code Inspector has requested.

Mr. Kepto asked Attorney MacKenzie if he was a licensed engineer and he responded he is not licensed, but he is an engineer. Mr. Kepto stated he is not a licensed engineer either and he did not want to make that call if that foundation is safe or not. He asked if he was aware that area has numerous documented sink hole or settlement issues and Attorney MacKenzie stated he is pretty much aware that most of Dunedin has documented. When Mr. Kepto asked if he was familiar with particularly this Lakewood area and Mr. MacKenzie stated he was familiar with almost all of it. Mr. Kepto stated that is why he thought the City of Dunedin would have due diligence to make sure that property is safe.

Attorney MacKenzie stated he understands also this property is 55 years old and it is still there and the cracks do not show that type of deviation. He has been here for a long time and he knows what one looks like that is getting ready to go and if it has been here 55 years, there could be a sinkhole under there, but there could be a sinkhole under any house and you would not know it until, not just a little crack, but the whole thing fell in the hole. He thinks it is a little over the top as far as the requirement is concerned.

Chair Bowman noted it is not an unusual requirement and he has seen several times when the City wanted an engineer's report on houses with that stair step cracking. It is not like this one was singled out, it is done quite a bit.

Mr. Kepto addressed the issue of the kitchen wall, when going through the house there is a double door, front door, only half the door is operational, the other half is now part of the kitchen. When the Deputy Building Official saw the picture he said the same thing as to how did that kitchen evolve over into that doorway area. He thinks if Attorney MacKenzie would like to discuss that with Building Official DiPasqua that could probably be an issue overlooked due to now having affidavits that it was done prior to the 1970's.

Vice-Chair Suplicki clarified with Mr. Kepto a Building Official has not been at the property, Deputy Building Official May has only seen the photographs. Vice-Chair Suplicki suggested it would be prudent to make sure there are no issues of life safety on that; he is a licensed contractor, but that is not his call, he is not a Building Official. He understands it has been there a long time, but he thinks the Building Official would be the one to make that determination. Mr. Kepto agreed the City's recommendation is for him to meet with the Building Official and he does not think it will be an issue.

Chair Bowman noted the recommended compliance date is out a few months and Mr. Kepto explained usually that is done because of requiring engineer reports and keeping in mind the holiday season is coming up and it will be difficult to get people to work.

Chair Bowman agreed with Vice-Chair Suplicki that it would be good to have Building Official DiPasqua go to the property to look at some of the items.

Mr. Kepto noted some of the damage, such as what was cited on the exterior walls is no longer seen because the owner took it upon himself to have that covered up.

Vice-Chair Suplicki asked if a meeting can be set up with the Building Official, he would say that the requirement for an engineer should be addressed with them and reiterated that is fairly standard in these

types of cases. Attorney MacKenzie stated if the Building Official shows up they will talk with him about any issue.

MOTION: Mr. Motley moved to find in case DCEB 18-824 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 304.1, Section 304.6, Section 304.7, Section 305.1, Section 309.1, Section 504.1 and Section 605.1 and the Florida Building Code Section 105.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by February 10, 2019 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.

Chair Bowman suggested setting up a meeting at the property with Building Official DiPasqua who can modify the requirements if he feels fit.

7. **DCEB 18-870 City vs. VIRGINIA I FARDELLA / GIUSEPPE DI MILLO**
2032 Sourwood Boulevard
Violation of the Land Development Code Section 105-42.14 VISIBILITY AT INTERSECTIONS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-870:

- 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 28, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 23, 2018.
- This case is the result of a citizen complaint.
- The violation includes the vegetation/hedges at the front corner of the property by the intersection that are obstructing the visibility of oncoming traffic on Belcher Rd at the intersection of Sourwood.
- Because of the liability issue he did have the City go out and trim as much as they could without going far into the owner's property. The owner is coming down at the end of this month to trim back more. Hopefully it will remain in compliance.

Mr. Kepto submitted into evidence photographs taken on August 29, 2018 and October 1, 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. Carson moved to find case DCEB 18-870 was in violation of Land Development Code Section 105-27.1.1(f) after the requested compliance date of September 23, 2018 on the Notice of Violation and is now in compliance. Any future violation 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.

8. DCEB 18-894 City vs. TARGET INVESTMENTS GROUP LLC
1630 Santa Anna Drive
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Dare swore in Juan Carlos Castaneda of 880 SW 18th Street, Boca Raton, FL 33486 and Miguel Delgado of 408 Carriage House Lane.

Mr. Kepto reviewed case DCEB 18-894:

- The violation exists on a single family residential property that is unknown if it is currently occupied.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property records were inspected on September 7, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 5, 2018.
- The violation includes a building permit required for the renovations, alterations or remodeling of the structure to include, but not limited to kitchens and bathrooms and conversion of the garage into a living area.

Mr. Kepto submitted into evidence photographs taken from the internet and from real estate advertisements. He recommends a compliance date of December 7, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Castaneda stated:

- They have been working diligently since receiving notice of this issue that they needed permits.
- When the house was purchased the garage that was converted was done previously and they were not aware under the circumstances that needed permitted.
- As soon as they received the notice they contacted Mr. Kepto who was on vacation and they were unaware of how to proceed and they were told to get the plans done of the house so they had that done which have been completed.
- They were just told by the General Contractor who has been in contact with Mr. Kepto to get efficiency for the air conditioner for that part of the home and the permit is pending which will be applied for this week.
- They are getting everything in order to ensure they are doing this correctly.

Chair Bowman explained in order to be in compliance the permit has to be in hand and that is for pretty much everything that has been done there.

In response to the questions from Vice-Chair Suplicki, Mr. Castaneda stated they did not know they needed a survey because they never added any additional and Mr. Kepto advised the submittal has been in Plan Review for some time. Vice-Chair Suplicki thought there might be a slow down with the permit in case there are comments and with the holidays and determined with Mr. Kepto his concern with moving the compliance date out would be if the house is going to be for sale.

Mr. Castaneda stated originally Mr. Delagado was going to retire and move there, then it was put on the market but now he is planning to move there again. Mr. Kepto stated then the City would have no objection to extend the compliance date.

MOTION: Ms. Dutton moved to find case DCEB 18-894 in violation of the International Florida Building Code Section 105.1 and that the Respondent shall come into compliance by January 23, 2019 or suffer a fine of \$250.00 per day. 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 reviewed the Finding and Order of the Board.

9. **DCEB 18-897 City vs. T & G PROPERTY MANAGEMENT OF CENTRAL FLORIDA**
508 Vine Avenue
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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-897:

- The violations existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 7, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 16, 2018.
- The violations include the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface; grass, mulch or leaves are not an approved or permitted surface and 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 the side or rear yard area if it is behind a 6-foot solid fence.
- Just prior to this meeting he met with the owner and tenant and the property is now in compliance and the tenant is aware of what needs to be done to keep in compliance.

Mr. Kepto submitted into evidence photographs taken on September 20, 2018 and September 25, 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 (5) years to be considered repeat violation.

MOTION: Mr. Pauley moved to find case DCEB 18-897 based on testimony, evidence and facts presented was in violation of Land Development Code Section 105-27.1.1(h)1 and Section 105-27.1.1(f) after the requested compliance date of September 16, 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. 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.

10. DCEB 18-901 City vs. GEORGE S / ROBIN L BELLA

1141 Friar Tuck Lane

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

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

Ms. Dare swore in George Bella.

Mr. Colbert reviewed case DCEB 18-901:

- 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 August 31, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 16, 2018.
- The violations include the parking or storage of any vehicle in the front yard area in a residential area as prohibited unless the parking is on an approved or permitted surface and the open parking or storage of inoperative vehicles to include but not limited to vehicles that do not display a current license tag as prohibited.

Mr. Colbert submitted into evidence photographs taken on August 31, 2018 and October 10, 2018. He recommends a compliance date of today, November 6, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Bella stated:

- The vehicle has been there because his son had a leave of absence. The vehicle has been registered as inoperable and not able to start and so forth. It has developed a flat, but it has been there for a long time.
- He has been trying to get this resolved because it is not really his car.
- He does have an area which he has taken pictures of and noted the pictures submitted show clearly this like what they call beach sand which is very expensive and he has 4X4's on the sides the vehicle has been turned around. He thinks with a flat tire it would have to be turned around with a tow truck maybe.

Chair Bowman explained vehicles not properly licensed and tagged.

Mr. Bella stated that is why he was here to show it is registered and insured and brought the tag to show he is willing to take care of this and he really wants to get rid of this car.

When Chair Bowman asked about the surface he said the car was on and Mr. Bella stated he forgot to mention the sewer that was just replaced on the corner overflows into his yard almost to his garage and it is brand new and has been re-fixed and it takes all his mulch, shell and the beach sand that is called gritty beach sand that was brought in and he has had rocks there and he placed 4X4's around it and the car is running now and has a tag. Chair Bowman explained the only issue is there are only certain materials that can be used for like a driveway for parking a car. Mr. Bella stated when he first started it was mulch, but that wore away; he has been told mulch is no longer acceptable but he has used it when it was.

Mr. Bella commented one of his problems is that within 200 yards of his house he could show about eight surfaces like this; however, he knows that is not relevant, so he got the vehicle insured and it is now functional and he fixed this area. Chair Bowman explained the surface will have to be something that is allowed and the Building Department has a list of approved materials for surfaces.

Mr. Colbert stated most people use crushed shell or gravel that is usually the least expensive or concrete; it is a simple solution of not parking there until it is resolved and then it will be fine.

When Chair Bowman asked the time frame he thought he needed, Mr. Bella explained the physical problems he had and time constraints in running small operation, so he asked for as much time as the Board could permit him, he thought since he just spent a few hundred dollars on this, plus the work he is missing today, probably a minimum of a month with the holidays and all.

Mr. Bella was cautioned to be sure the material used is one on the list from the Building Department.

Mr. Kepto stated this could be taken care of today by putting the tag on the car that takes care of the inoperative vehicle violation and parks it legally on the driveway or the street the problem is solved; a month is not needed to move the car and park it legally, especially now that it is running and properly tagged.

Chair Bowman discussed with Mr. Bella that he has a single garage that is filled with storage.

Mr. Bella stated he can move the vehicle.

Chair Bowman stated that would be good because the Board would like to see this done as soon as possible.

Mr. Bella stated he has cameras and he sees someone constantly stopping by and looking at his house.

Chair Bowman explained he is half way there and now he just needs to get something down for the car to set on or put it somewhere else, the driveway or something.

Mr. Bella asked for two weeks because he needs a mechanic to switch out the tire and then he can park it wherever.

Vice-Chair Suplicki noted the respondent needed a couple of weeks. When Mr. Colbert asked how long it takes to change a tire, Mr. Bella commented about his herniated disc and other physical problems that he cannot do it. Mr. Colbert agreed with if the maker of the motion wants to give the time to change the tire.

MOTION: Ms. Dutton moved to find case DCEB 18-901 in violation of the International Property Maintenance Code and the Land Development Code Section 105-27.1.1(h)1 and the International Property Maintenance Code Section 302.8 and that the Respondent shall come into compliance by November 21, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham for discussion.

Ms. Graham suggested amending the motion to a compliance date of November 13, 2018; Ms. Dutton accepted the amendment.

AMENDED MOTION: Ms. Dutton moved to find case DCEB 18-901 in violation of the International Property Maintenance Code and Land Development Code Section 105-27.1.1(h)1 and IPMC Section 302.8, and that the Respondent shall come into compliance by November 13, 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.

11. **DCEB 18-916 City vs. DANIEL M VIVIO / NERINA N MARTINEZ**
500 Chicago Avenue
Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-916:

- 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 September 13, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 23, 2018.
- This case is the result of a citizen complaint.
- The violation includes grass or weeds exceed 10 inches in the public right-of-way area between the sidewalk and Lyndhurst Street.

Mr. Kepto submitted into evidence photographs taken on September 13, 2018 and September 25, 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 (5) years to be considered repeat violation.

MOTION: Ms. Graham moved to find case DCEB 18-916 was in violation of the Land Development Code Section 105-27.1.1.1(A) after the requested compliance date of September 23, 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 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.

12. **DCEB 18-949 City vs. RESITL1 BORROWER LLC**
C/O ALTISOURCE ASSET MGMT CORP
757 Pinewood Drive (MK)
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 18-949:

- 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 September 25, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 7, 2018.
- The violation includes grass or weeds exceeding 10 inches in height.
- The respondent has already paid the City over \$100,000 in a previous lien in regard to unpermitted work. Currently there is a lien running on the property for even more unpermitted work. The property is currently vacant and obviously is not being maintained.

Mr. Kepto submitted into evidence photographs taken on September 25, 2018, October 10, 2018 and October 23, 2018. He recommends a compliance date of November 11, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find case DCEB 18-949 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 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by November 11, 2018 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. **DCEB 18-958 City vs. NATIONAL HOME BUYERS GROUP LLC**
1669 San Mateo Drive
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Dare swore in T. J. Hines, owner of 8807 Citrus Village Drive, Tampa

Chair Bowman determined that Mr. Hines was the owner of National Home Buyers Group LLC.

Mr. Colbert reviewed case DCEB 18-958:

- 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 September 18, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 14, 2018.
- This case is the result of an anonymous complaint from a neighbor regarding work being done.
- The violation includes a building permit required for the alterations or renovations of the structure to include, but not limited to doors, windows, drywall replacement, kitchen/bathroom etc. All work must be performed by licensed contractors. An engineer's report will be required to identify the cause or causes of the damage to the structure.
- When he arrived at the property two gentlemen were working and there was clearly work going on and demolition in progress. Both gentlemen said they did not speak English and he asked to speak to their supervisor; they got a gentleman on the phone who did not give his name; however,

said he was working with the owner. He explained about the lack of permits and the work being conducted and so forth and the gentleman indicated he was not aware he needed permits.

- He issued a stop work order at the property.
- Also in July of 2017 he and Mr. Kepto responded to this property at the request of the previous owner, an elderly lady who was going through an insurance claim for damage to her home with some cracking they noticed on the interior of the home on the walls and she asked for their advice. She was not cited based on the ongoing litigation with the insurance company, so they were aware of that damage.

Mr. Colbert submitted into evidence photographs taken on September 18, 2018. He recommends a compliance date of November 19, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

When Ms. Dutton noted the photographs showed distinctly the pool water is very green, Mr. Colbert advised he subsequently sent a letter regarding the pool which by the compliance date was clear, so that was resolved.

Mr. Hines stated:

- He was caught doing work without the permits and he is here to rectify the situation.
- They have been in continuous communication with Mr. Colbert through the whole process and he has been good in that regard.
- They have plans drawn as requested and submitted to the City which they reviewed, but based on the information back in 2016 the City required them to do a test on the soil to determine the cause of the cracks in the foundation. They hired an engineering firm to test the soil and there are some land settlement issues there. When they found out that information it was relayed to Mr. Colbert and not they have requested another set of plans drawn which should be done by the end of the day of how they will fix the foundation.

Chair Bowman verified with Mr. Colbert there would be compliance with the permits in hand. Mr. Colbert commented as long as the property is not going to be sold before resolving the issue.

Chair Bowman discussed with Mr. Hines the compliance date of November 19 should not be a problem with the plans going into plan review.

Vice-Chair Suplicki noted if there are not a lot of comments from the Plan Review then November 19 should be fine, but no one knows at this time. He asked Mr. Colbert if the maker of the motion sets a date and they have been progressing, but something comes up there could be a request for an extension and Mr. Colbert stated that would be fine.

MOTION: Mr. Carson moved to find case DCEB 18-958 in violation of the Florida Building Code 105.1 and that the Respondent shall come into compliance by November 19, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

14. **DCEB 18-968** City vs. **SOMPHANH KHOUSAKOUN**
2178 Harbor View Drive

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

Ms. Dare swore in Somphanh Khouasakoun.

Mr. Colbert reviewed case DCEB 18-968:

- The violation exists on a single family residential property that is currently it is not known if it is occupied.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 24, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 8, 2018 at 8:00 a. m.
- This case is result of an anonymous letter that the boat trailer had been in the driveway for months.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to boat trailers as prohibited in a residential area.
- This is the first contact he has had with the owner.
- The original notice of violation came back from the Post Office indicating, moved, left no address, unable to forward, return to sender. He took that letter and posted it at the property along with the Code Enforcement Board Letters.

Mr. Colbert submitted into evidence photographs taken on September 24, 2018 and October 9, 2018. He recommends a compliance date of November 7, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Khouasakoun stated:

- He bought the boat trailer thinking he would transport a boat he got and ended up not needing and kept the boat at the property.
- He had the trailer repaired thinking he would sell it and it has been setting there for a couple of months and when he got the letter he lowered the price and kept lowering it down and now he may as well get rid of it or put it in storage.
- He did not think he could move it in the next day or two because he is on call for the next few days, but maybe this weekend.

Mr. Colbert stated he did not object to moving the compliance date back a few days, but not too long.

MOTION: Mr. Pauley moved to find case DCEB 18-968 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondent shall come into compliance by November 13, 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.

15. **DCEB 18-981 City vs. FRANKLIN G / FRANCINE D JANSEN FAMILY TRUST**
340 Cevera Drive

Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Ms. Dare swore in Catherine Jansen.

Mr. Colbert reviewed case DCEB 18-981:

- The violations exist on a single family residential property that is currently possibly occupied by the owner.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 3, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 21, 2018.
- This case is the result of a complaint from the Public Works Division in regard to the visibility issues with vehicles and pedestrian traffic.
- The violations include the right-of-way vegetation overgrowth located on the Pasadena Avenue side of the property is not being maintained in a neat and orderly manner, the vegetation is encroaching onto the roadway further obstructing the view at the intersection of Cevera Drive and Pasadena Avenue for vehicular and pedestrian traffic and the open parking or storage of utility trailers as prohibited in a residential area.
- Upon arrival in regard to the visibility issue he observed the utility trailer.
- He believes there has been quite a bit of trimming done at the property and he will check that at the compliance date.

Mr. Colbert submitted into evidence photographs taken on October 3, 2018. He recommends a compliance date of November 11, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Jansen stated:

- She is a snowbird and she did not receive any of the notices, apparently one was sent October 5 and it was not forwarded to her. She returned on October 25th and saw it immediately and she does have a yard service so this should not have happened.
- On October 26th she received the certified letter and started cutting on the 27th and cut and cut.
- She was shocked that the service she pays for did not take care of this; she thinks it will be found totally in compliance this time and it will stay that way.
- Regarding the trailer this is family property since 1941. In 1982 the pad was put there for the trailer and there has been a trailer on that spot since 1982 as was their right and has been their right. Always there has been a car in front of it, but this summer the car was put at the wrong place. The trailer is not in the front yard, it is way in the back on the parking spot that was made for it.

Chair Bowman explained the utility trailer has to be fenced in with a gate and that it has been the rule for quite a while to have a 6-foot solid fence, just apparently no one had noticed it and no that it is.

Ms. Jansen stated she did not want a fence around her yard and asked if she can have something that blocks the front and sides and has a gate on the front.

Mr. Colbert suggested Ms. Jansen check with permitting before going to the expense.

Chair Bowman explained the trailer had to have a fence or something in front of it and not a car. He suggested the best thing is to go to the Building Department and they can tell her what can be done to disguise that, but something will have to be done now.

When Ms. Jansen asked if it was not grandfathered in and when did the rule take effect.

Vice-Chair Suplicki stated the rule is in effect today and it is there today and it does not matter.

Mr. Kepto explained the City is not asking for her to put a fence around her whole property; it basically says that trailer has to be screened behind a 6-foot solid fence and 2 sections of fence might be enough to screen it, one across the front and one down the side screening it from the street.

Chair Bowman reiterated to talk with the Building Department to make sure before doing something.

When Chair Bowman asked how long she thought it would take to do that, Ms. Jansen stated it would take a little time because she just go back and she is here until May, she will get right to work on it, but will need to talk with the Building people; she acknowledged at least a month would be good to get a permit and company that knows what they are doing to attach it.

Mr. Colbert explained the concern is with a fence company it might take two or three months and in the meantime people drive around and see these violations and question the City why it is allowed. Once the property has been cited he thinks the City has the obligation to move it along more quickly.

When Ms. Jansen asked if two sections of fence require a permit, Mr. Colbert explained he could not answer that. The Building Department could tell her that. Mr. Colbert explained the reason he recommended the compliance date is that the trailer has wheels and could be moved in an hour.

Mr. Pauley verified with Mr. Colbert that compliance is the fence being up, not just having a permit.

Ms. Dutton asked if it has to be a fence or could it be a hedge or hedges and Chair Bowman noted the Building Department could tell Ms. Jansen exactly her options.

MOTION: Mr. Carson moved to find case DCEB 18-981 in violation of the Land Development Code Section 105-27.1.1(A) and Section 105-27.1.1(f) and that the Respondents shall come into compliance by December 26, 2018 or suffer a fine of \$100.00 per day. 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 reviewed the Finding and Order of the Board.

Chair Bowman gave directions to the Building Department to Ms. Jansen and City Attorney Trask gave the address, 737 Loudon Avenue.

16. **DCEB 18-1001 City vs. IOANNA KAPPIS**
180 Milwaukee Avenue
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. Dare swore in Ioanna Kappis.

Mr. Kepto reviewed case DCEB 18-1001:

- 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 October 5, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 14, 2018.
- The violation includes the parking or storage of any vehicle in the front yard area or the side street yard on a corner lot as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on October 5, 2018 and October 17, 2018. He recommends a compliance date of November 12, 2018 or a fine of \$50.00 per day thereafter for non-compliance.

Ms. Kappis verified with Mr. Kepto the side street of a corner house is a violation also; he explained by definition of the City ordinance, front yard also includes the side yard when it is a corner house on a street.

Mr. Kepto explained the fenced in area behind the house is the back yard and a vehicle can be parked in the back yard, but not on the side.

Ms. Kappis stated there are houses along Lexington that have parking along the side of the street, but she is the only one the City bothered. Mr. Kepto noted he has cited quite a few houses along there for parking.

When Ms. Kappis asked if she could send pictures to the Board, Chair Bowman explained she could send them to the City. Chair Bowman also noted the Board has 30 to 40 cases every month of people in here.

Ms. Kappis stated she always thought it was just the front yard where she was not allowed to park and that is why she was making sure to park past the front yard of her house; she stated she will throw some mulch down where she parks. Mr. Kepto advised mulch cannot be used.

It was explained to Ms. Kappis that there is a list of materials that can be used and those certain things have to be used.

Mr. Kepto cautioned that if she puts out gravel or shell on the Lexington side of the house, if it goes across the City right-of-way, the City will require a concrete apron 6 inches deep, so make sure to have it approved by the Zoning Department and through the Engineering Department. He noted she has adequate parking already and Ms. Kappis advised there is a roommate as well.

Ms. Kappis commented: "I have been planning on finding a lawyer about "you guys" because "you guys", you lie a lot and I have been listening to all the things about the grass and this is Florida it rains every day and nobody can cut their grass every day. About three years ago you guys violated me for my grass and I mowed it the very next day. You've met me before. I've come down here when I felt I needed to plead my case about something. I've always been in compliance with everything. It all started back with Leavengood when I bought my house and I bought a fixer upper and I've always complied with everything. The proof is in the pudding too, you guys have been trespassing on my property."

When Chair Bowman noted by "you guys" was she talking about. Ms. Kappis stated she was not talking about the Board members she was talking about their staff and Chair Bowman clarified the Board members are volunteers.

Ms. Kappis stated she is talking about the people in code inspection, the people who work for the Board and she asked to let her have her say and asked if she had a voice here. Chair Bowman explained she had a voice pertaining to this case and if she wanted to talk about the City she is talking to a Board.

Ms. Kappis stated "he" just violated me the other day for my grass as well, that is why I'm bringing this up and I complied, but she heard a couple of cases about the grass earlier today. Do you fine somebody as a repeat offender if they get violated again for the grass, it's Florida, it rains every day during the summer, doesn't it, so if they are violated again they are considered a repeat offender. The thing I mow my grass, I have other people I pay to mow my grass. Right now I got violated because I was waiting for somebody to come mow my grass.

Chair Bowman explained telling this to the Board doesn't do anything; she should talk to the City Commission if there are concerns about this.

Ms. Kappis stated: "I'm just saying sir, three years ago you guys found me and violated me and I mowed it the very next day and then fast forward to about 156 days later you guys send me a letter saying I was now in compliance and saying I owe \$32,000."

Chair Bowman explained none of that comes from this Board, they do 300 to 400 cases a year and they did not send it, so she is talking to people who have nothing to do with what she is talking about.

Ms. Kappis stated: I have been hearing you say you're going to fine somebody \$250.00 a day for something, that I know I mow my grass in 156 days.

Chair Bowman reiterated Ms. Kappis needs to talk to the City Commission and telling the volunteers on the Board, if it makes her feel better, fine, but it is accomplishing nothing because the Board cannot do anything about it.

Ms. Kappis stated: All the times I have been down here, there are minutes recorded here, right? Could I get copies of anytime I've ever been down here. Chair Bowman stated she can request them, he does not know what channels she has to go through. Ms. Kappis asked if she can get them today and Chair Bowman explained no he is sure she would have to write a request and there would be a procedure to go through to get them.

Chair Bowman advised if they were done with the case there was nothing more the Board could do for her.

Mr. Colbert responded to the comment accusing the Code Inspectors of being liars and stated their integrity is above reproach, there is nothing important enough for them to lie about, high grass or her being parked in the front yard. He takes offense at that allegation that is a false allegation. If she wants to back it up she should contact law enforcement and report it.

Chair Bowman called for a motion.

MOTION: Mr. Pauley moved to find case DCEB 18-1001 in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by November 21, 2018 or suffer a fine of \$50.00 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.

17. **DCEB 18-1022 City vs. BARBARA W COOPER EST**
1037 Mary Jane 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 18-1022:

- The violation existed 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 October 16, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 21, 2018.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to boat trailers and utility trailers as prohibited in a residential area.
- There has been no contact with the property owner.

Mr. Colbert submitted into evidence photographs taken on October 16, 2018. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within five (5) years to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 18-1022 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of October 21, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within five (5) years will be considered a repeat violation. Second was made by 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.

OTHER BUSINESS

1. **Memorandum from City Attorney Regarding Collection**
DCEB 17-719 204 Citrus Avenue

City Attorney Trask advised:

- He was requesting authority to begin collection procedures, which is the filing of a case in County Court to collect the Code Enforcement Lien on the property located at 204 Citrus Avenue.
- Even though the memo says that the property is owned by William H. Valentine Jr. as Trustee; it is also part owned by Robert Valentine.
- He has made several attempts and demand letters, some have been signed on the green card. There has been no response to the dollar amount owned which was \$12,400.00 as of October 12, 2018.

MOTION: Mr. Pauley moved in case DCEB 17-719 to authorize the City Attorney to begin collection procedures for the property at 204 Citrus Avenue. 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.

STAFF/BOARD COMMENTS

Mr. Kepto reiterated what Mr. Colbert was trying to bring out earlier. When the Inspectors come here to testify it is under oath; they are not going to commit perjury. The things they testify about they have evidence usually backed up by photographs. Chair Bowman and members of the Board voiced that they concur.

Meeting adjourned at 4:30 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board