

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, DECEMBER 4, 2018
CITY HALL – 542 MAIN STREET – 2:00 P.M.**

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Ken Carson, William Motley, Bunny Dutton and Dave Pauley; Alternate Members Joe Mackin and Gordon Chize

ABSENT: Member Arlene Graham

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Planning and Development Director Greg Rice, Pinellas County Sheriff's Deputy Clement and five 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 November 6, 2018

MOTION: Vice-Chair Suplicki moved to approve the minutes of the regular meeting of November 6, 2018. Second was made by Mr. Mackin.

VOTE: Motion carried unanimously.

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AFFIDAVITS OF COMPLIANCE

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

1. DCEB 17-772 City vs. SHADEEK A / SAFRAZ SHAKOOR
2. DCEB 18-187 City vs. WILLIAM J VIVIANO
3. DCEB 18-282 City vs. RAYMOND H / RICHARD JOSEPH SR. LE CLERC
4. DCEB 18-502 City vs. EDWARD D KALAJAINEN III
5. DCEB 18-585 City vs. TRIPLE B INVESTMENTS LLC
6. DCEB 18-816 City vs. RANDOLPH W RUSSELL
7. DCEB 18-873 City vs. STANLEY / PAULINE H MC KENZIE
8. DCEB 18-901 City vs. GEORGE S / ROBIN L BELLA
9. DCEB 18-949 City vs. RESITL1 BORROWER LLC
C/O ALTISOURCE ASSET MGMT CORP
10. DCEB 18-968 City vs. SOMPHANH KHOUSAKOUN
11. DCEB 18-1001 City vs. IOANNA KAPPIS

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

VOTE: Motion carried unanimously.

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Ms. McHale swore in Code Enforcement Inspector Michael Kepto and Code Enforcement Inspector Tom Colbert.

OLD BUSINESS

1. **DCEB 17-299 City vs. REVOLVE HOMES LLC**
803 Wilkie Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 304.1 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
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE
Violation of the International Property Maintenance Code Section 304.15 DOORS EXTERIOR
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH GARBAGE
Violation of the International Property Maintenance Code Section 605.1 ELECTRICAL INSTALLATION SAFE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-299:

- At the meeting of September 4, 2018 this Board ordered compliance by November 1, 2018 or a fine of \$200.00 per day would be imposed.
- City staff is requesting the Board quash the previous order as the property was sold with the deed dated November 27, 2018 and recorded on November 30, 2018; therefore, any lien would be unenforceable.

MOTION: Mr. Carson moved in case DCEB 17-299 to quash the previous Order of the Board. Second was made by Mr. Motley.

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

2. **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

Chair Bowman explained this is old business and the Board would not be rehearing the case, only any new information.

Ms. McHale swore in Natalie R. Barone, Re-Max of 4175 Woodlands Parkway, Palm Harbor, FL 34685; Manager.

Mr. Kepto reviewed case DCEB 18-749:

- At the meeting of October 2, 2018 this Board ordered compliance by November 16, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection on November 27, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

- This is a FNMA owned property which involves submitting bids.

Ms. Barone stated:

- It took some time to get bids for this property since it is very detailed.
- The first bid was \$56,000, the second at \$44,000 and it was approved and ready to go the day before Thanksgiving and they found a 7 degree slope in the home which stopped everything and they are getting Ramjack out to look at it prior to doing any work and they will be out on Thursday.
- She is requesting an extension, hopefully until the next meeting in order to receive the report and address that concern before the other work is done.

When Chair Bowman commented it might be a lot more work involved, Ms. Barone commented it may or may not depending on what is found and noted it is an older home built up with crawl space underneath so it might be a simple fix or it could be something huge.

When Mr. Motley asked the City's recommendation, Mr. Kepto advised the realtor submitted to the City a 10-page bid and he did not think the next Board meeting will be enough time and suggested a minimum of 60 to 90 days because of the amount of work to be done.

City Attorney Trask noted this is a building permit case and Mr. Kepto acknowledged a building permit is all that is necessary for compliance as it would cover all the violations inside.

MOTION: Mr. Pauley moved in case DCEB 18-749 to extend the compliance date to February 19, 2019. Second was made by Mr. Motley.

Ms. Barone thought it would be enough time and noted she wants to get this property on the market.

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

3. 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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-958:

- At the meeting of November 6, 2018 this Board ordered compliance by November 19, 2018 or a fine of \$250.00 per day would be imposed.
- As of inspection of the City's permit records on November 20, 2018 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 18-958 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

NEW BUSINESS

1. **DCEB 17-959 City vs. STEPHANIE SOMMER**
1094 Robmar Road
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-959:

- 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 December 12, 2017 and a notice of violation was sent to the owner with a requested compliance date of December 29, 2017.
- The violation involves an inoperative vehicle that was removed; however, it later returned.
- The violation includes the open parking or storage of inoperative vehicles as prohibited.
- The photographs being submitted indicate the vehicle is in poor condition; it is a large flatbed truck that is jacked up in the back, the transmission is not hooked up and is just lying on the frame.

Mr. Kepto submitted into evidence photographs taken on November 8, 2018. He recommends a compliance date of December 16, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

When Mr. Pauley asked whether or not the truck being jacked up is a safety hazard, Mr. Kepto explained he could only cite it for being inoperative.

MOTION: Mr. Carson moved to find case DCEB 17-959 in violation of the International Property Maintenance Code Section 302.8 and that the Respondent shall come into compliance by December 16, 2018 or suffer a fine of \$200.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 18-270 City vs. BAC PROPERTIES ORANGE LLC**
1601 Santa Anna Drive
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Attorney Robert J. Carroll as one of the property owners.

Mr. Colbert reviewed case DCEB 18-270:

- 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 March 9, 2018 and a notice of violation was sent to the owner with a requested compliance date of March 18, 2018.
- The violation includes the open parking or storage of boats as prohibited in a residential area.

- This case was originally scheduled for the Code Enforcement Board a few months ago; however, he had some contact with the property owner who seemed to think the violation had been corrected which obviously it was not. He had several conversations with the tenant which did not work; a few parking tickets were written and that did not work bringing the case to this point today. He met with Mr. Carroll last week and he thinks there was a miscommunication with the tenant and possibly the City; however, he thinks everyone is on the same page and the issue will be resolved.

Mr. Colbert submitted into evidence photographs taken on March 9, 2018, March 21 and 22, 2018, April 16, 2018, June 29, 2018, September 5, 2018, September 26, and 28, 2018, October 23, 24 and 26, 2018, November 7, 9, 2018, November 14 and 16, 2018. He recommends a compliance date of December 4, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Carroll stated:

- He had no reason to dispute the facts.
- There is one aspect of this he would mention suggesting it might be wise to think of some sort of procedure to avoid the problem.
- He and his wife own several corporations and each one has a number of pieces of property and they want the City to enforce the codes and want the neighborhoods to look good and for their tenants to comply. They even have restrictions about boats, cars and property without concern over the ordinances.
- They will act to evict tenants who violate. After one year none of their tenants are given more than a month to month lease and they can easily tell them good-bye.
- This happened at a time when shortly thereafter they thought everything was taken care of and they would not have to attend the hearing and went on without any other word. Prior to that when the original notice came they reacted and thought things worked out and then after a period of time the tenant kept bringing the trailer back and the Inspectors are good at finding these things and he does not object. He just wishes at that point he had received the same kind notice received originally because he would have taken care of it. He thought this still would have come to the Board, but in a much shorter time period.
- He is just saying if the land owner is going to end up paying the fine and the original notice is sent to the land owner and they are told the hearing is canceled it seems another notice to the land owner should be almost mandatory in the rules, a written notice. They know how to give the 30 day notice to tenants to leave and it is not a problem.
- This situation has been taken care of as far as they are concerned the boat is not there, unless it shows up tomorrow, he cannot stop it.

When Chair Bowman asked if he was okay with the December 4th compliance date, Mr. Carroll stated he did not think it was there; however, since it is on wheels it could be there any day.

Mr. Carroll explained he is not legally permitted to hook up a car or truck to the tenant's boat to remove it and he was not aware whether or not the City could authorize that; the police will not do anything for them. He can only talk to the tenant and if he does not listen give him very short term notice and he has to leave. He acknowledged this is the same tenant he spoke to before and he did it again and he might do it again, but he did not think so as he is still there under a December 31, 2018 deadline to leave.

Vice-Chair Suplicki inquired how often he drives by the property and Mr. Carroll stated they have a lot of properties in north Pinellas County and neither he nor their management person drives by on a regular

basis; however, the nature of the business is they are by their properties and he was at that house at least five or six times for other reasons and talked to the tenant and he cannot believe he saw a boat on those occasions and did not take action; this is a moveable object and that is the problem.

Vice-Chair Suplicki stated the communication aspect is duly noted; however, if it is a known problem then Mr. Carroll or his agent or someone should just drive by because the Code Enforcement Inspectors are on it and it does come back to the owner. Mr. Carroll responded he does not object to strict code enforcement and in fact encourages it and he will do as the Board says; however, this is on wheels, it is there and then it is not there. Vice-Chair Suplicki commented the Inspectors have other issues to attend to and if the property owner can "head it off at the pass" it is better for everyone and would be appreciated.

When Mr. Motley asked if the assumption is the boat is still there, Mr. Colbert stated he thinks it has been gone and Vice-Chair Suplicki commented based on testimony Mr. Carroll says it has been gone.

Mr. Carson asked if the City does not send out notices if it was cleared up the first time and Mr. Colbert explained he did send out a notice a few months ago and after the conversations he had removed it from the agenda thinking it was resolved; this property is not on a main road and he just happened to see it and took a photograph; possibly it should have been brought to the Board a couple of months earlier; however, it was not.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-270 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 Respondent is found in violation thereof and that the Respondent shall come into compliance by December 4, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Carson.

When Mr. Motley inquired about the motion in terms of the indication of being in compliance; Vice-Chair Suplicki stated it is not known for sure that it is in compliance.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. DCEB 18-456 City vs. ROBERT W / BARBARA A LUETH REV LIV TRUST
315 Buena Vista Drive S
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Barbara A. Lueth.

Mr. Colbert reviewed case DCEB 18-456:

- The violation exists on a single family residential property that currently it is unknown who it occupied by.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on April 16, 2018 and a notice of violation was sent to the owner with a requested compliance date of April 23, 2018, 8:00 a.m.

- The violation includes the open storage of any recreational vehicle or equipment in front of a residential property as prohibited except on Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface; boats or trailers parked on stored on the side or rear yard must be screened behind a solid 6-foot fence. The open parking of any recreational equipment including a boat or RV in the side or rear yard is prohibited, the equipment must be stored or parked behind a 6-foot solid fence.

Mr. Colbert submitted into evidence photographs taken on April 16, 23 and 30, 2018 and November 16, 19 and 21, 2018. He recommends a compliance date of December 4, 2018 or a fine of \$200.00 per day thereafter for non-compliance.

Ms. Lueth stated:

- She was ignorant of the code in April; those people left.
- Their son sold everything, bought an RV and spent six months on the road and they came back for the holidays and she was doing some landscaping in the back.
- The RV is now in the back behind a 6-foot fence she had put in, so it has been taken care of she recalls the day before Thanksgiving.

MOTION: Mr. Motley moved to find case DCEB 18-456 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 December 4, 2018 or suffer a fine of \$200.00 per day. Second was made by Ms. Dutton.

It was clarified one of the photographs submitted was taken on November 21 and the December 4 date written on it was probably in reference to the hearing date. Ms. Lueth assured the Board the RV is not there as their son has gone on the road again.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 18-720 City vs. CARLSBAD FUNDING MTG TRUST**
1618 Amberglan Drive
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-720:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.

- The property was inspected on July 17, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 19, 2018.
- The violations include the eaves, fascia or soffit boards are rotted in various areas and the gutters on the roof are obstructed with vegetative matter and plants are actively growing.
- This property was vacant for years going through foreclosure and this mortgage company picked it up and the City issued a stop work order as there was major work going on. They have since obtained a permit for a roof; however, there has been no work done and the house is continuing to deteriorate.

Mr. Kepto submitted into evidence photographs taken on October 22, 2018 and November 8, 2018. He recommends a compliance date of December 16, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

In response to the question from Vice-Chair Suplicki, Mr. Kepto reiterated the house has been vacant for some time and advised there is a commercial dumpster in the front that is empty except for the water from the recent rain.

MOTION: Mr. Carson moved to find case DCEB 18-720 in violation of the International Property Maintenance Code Section 304.1 and Section 304.7 and that the Respondent shall come into compliance by December 16, 2018 or suffer a fine of \$150.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 18-814 City vs. ARXIDIA DEVELPERS LLC**
1029 Park Drive
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Mr. Kepto advised in case DCEB 18-814 City staff is withdrawing and explained this week they cleared the brush and lot and began building a duplex on the property. It is not expected to see this violation return.

6. **DCEB 18-914 City vs. WILLIAM J VIVIANO**
1671 Sparkling Court
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 18-914:

- 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 September 10, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 23, 2018.
- The violation includes the open parking or storage of inoperable vehicles to include but not limited to vehicles with flat tires, body damage or do not display a current license tag as prohibited.
- He spoke with the property owner who has been cited previously; he has had some health issues and was in the hospital; he lives alone and no one is maintaining his home that is deteriorating. He has not heard from the owner since this violation was cited.

Mr. Colbert submitted into evidence photographs taken on September 10, 2018, September 14, 2018 and November 2, 2018. He recommends a compliance date of December 9, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Vice-Chair Suplicki inquired about neighbor complaints and Mr. Colbert advised a neighbor did complain initially and he has cited the property for some other issues that sort of came into compliance.

MOTION: Mr. Motley moved to find in case DCEB 18-914 based on testimony, evidence and facts presented in law that at the time of the alleged violation the International Property Maintenance Code Section 302.8 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by December 9, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. **DCEB 18-973 City vs. CERBERUS SFR HOLDINGS II LP**
645 Lexington Street
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 18-973:

- 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 27, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 19, 2018.
- The violation includes a building permit required for the renovations including, but not limited to the shed, electric going to the shed, air conditioner unit, water heater, bathrooms, kitchen, doors or windows.
- He received a call from a representative of the company and when questioned about the permit he was very adamant that his company has over 30,000 properties in the U.S. and they have never had to obtain permits like this before and that they had pulled a permit for this; however, it was not found in checking the records and he asked the representative to send it to him and is still waiting for it.

Mr. Kepto submitted into evidence photographs taken on September 27, 2018 and November 8, 2018 and also photographs from the internet advertising this property. He recommends a compliance date of December 16, 2018 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 18-973 based on testimony, evidence and facts presented that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by December 16, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 18-986** City vs. **STEPHEN L KAHNE/CARLTON SCOTT**
928 Lakewood Drive
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 18-986:

- 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 31, 2018.
- The violation includes the vegetation in the front yard area that overhangs or encroaches over onto the street area.

Mr. Kepto submitted into evidence photographs taken on September 27, 2018 and November 8, 2018. He recommends a compliance date of December 16, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

When Chair Bowman asked if he had spoken with the respondent about this, Mr. Kepto advised:

- In this case there has been no contact with the owner; he periodically goes by this house because the City is running liens on the property because of outdoor storage for quite some time.
- The City had a volunteer group work on the house; however, apparently the owner became somewhat belligerent with them in terms of language and accusing them of pulling and/or cutting the wrong plants, so the crew left the property.
- The respondent called the City about a year ago and wanted the crew to come back; however, he is not sending anyone back and advised it was up to the respondent to maintain his property.
- The respondent has not contacted him on this particular case.

Mr. Motley inquired when he went back to the property was there any safety issue noted as far as visibility and Mr. Kepto stated not that he was aware of and recalled years ago people did complain about this property because of the vegetation, but there have been no recent complaints. There is no ordinance

regarding the vegetation and Code Enforcement cannot do much except for what is hanging over the street.

- MOTION:** Mr. Motley moved to find in case DCEB 18-986 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1.1(A) was in full force and effect and the Respondent is found in violation thereof and that the Respondents shall come into compliance by December 16, 2018 or suffer a fine of \$250.00 per day. Second was made by Mr. Carson.
- VOTE:** Motion carried with Ms. Dutton, Messrs. Carson, Motley, Mackin, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

- 9. DCEB 18-992 City vs. RAND JENKINS**
408 3rd Avenue
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-992:

- 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 October 5, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 21, 2018.
- The violations include the open parking or storage of any recreational equipment or vehicles in front of residential property as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on an approved or permitted surface; boats or trailers parked on the side or rear yard must be screened behind a 6-foot solid fence and 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 surfaces.

Mr. Kepto submitted into evidence photographs taken on November 8, 2018 and November 13, 2018. He recommends a compliance date of December 16, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

In response to the question from Mr. Motley, Mr. Kepto advised there has been no contact with the respondent and notices have been posted at the door where the tenant lives with no response.

- MOTION:** Ms. Dutton moved to find case DCEB 18-992 in violation of the Land Development Code Section 105-27.1.1(f) and Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by December 16, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Mackin.
- VOTE:** Motion carried with Ms. Dutton, Messrs. Carson, Motley, Mackin, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

10. **DCEB 18-1037 City vs. DENISE R CATANZARITE**
481 Oakwood Drive
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 18-1037:

- 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 October 22, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 28, 2018.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on October 22, 2018 and November 8, 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. Mackin moved to find case DCEB 18-1037 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of October 28, 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. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

11. **DCEB 18-1052 City vs. JEFFREY H / STACEY L BUTTS**
1490 Fresh Drive Apt A
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Ms. McHale swore in Jeffrey Butts.

Mr. Colbert reviewed case DCEB 18-1052:

- 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 26, 2018 and a notice of violation was sent to the owner with a requested compliance date of October 31, 2018.
- The violation includes the parking of vehicles in the front yard area as prohibited in a residential area unless the parking is on an approved or permitted and properly maintained surface.
- Today is the first time he has spoken with the property owner and he believes the property was cited about a year ago for this same violation; however, he only sent another letter in October.

Mr. Colbert submitted into evidence photographs taken on October 26, 2018; November 2, 14 and 21, 2018. He recommends a compliance date of December 9, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Butts stated:

- He would be glad to comply with whatever is necessary to be in line with the ordinances.
- He would like maybe a couple of months to get everything together.
- His supposed he needed a permit to do driveway work.

Mr. Colbert suggested Mr. Butts talk with Zoning as they discussed earlier because one parcel there has no driveway. Mr. Butts stated that is what he planned to do.

In response to the question from Chair Bowman, Mr. Butts explained Fresh Drive is on San Christopher between Pinehurst and C.R.1.

When Mr. Motley noted this violation occurred last year sometime, Mr. Colbert recalled he had sent a notice in the past probably over a year ago. Mr. Butts explained at that time he had different people coming and going with three houses on the property and for some time he did not have very many people parked around the property and now again there seems to be more. Chair Bowman asked if this is a street people can park on and Mr. Colbert commented it is pretty narrow, but he supposed that would be the alternative if there is no driveway; however, there is a driveway that could probably hold two vehicles.

Mr. Butts explained the main driveway at the main house could handle two cars, but the driveway for the little house to the south used to have a shell filled driveway and it has gotten overgrown with grass over the years and he could rehabilitate that if that is acceptable.

Mr. Kepto advised for a driveway washed shell or gravel is acceptable which if it goes across the public right-of-way is required to have a concrete apron, the driveway area has to be bordered with what Engineering calls concrete curbing.

Chair Bowman explained the Board could not allow Mr. Butts to continue parking out there for a couple of months, so they will have to park on the street or do something in the meantime.

Mr. Butts asked since he has the two houses there on the main part of the property is it okay to extend the driveway wide enough to handle maybe four cars and Chair Bowman explained he would have to talk with the Zoning Department and suggested taking a survey of the property if he had one in to see what is allowed.

Vice-Chair Suplicki commented while it takes some time to get the materials and so forth; however, typically the permitting has a quick turnaround and asked how much time he needed and Mr. Butts stated he would hope by February 4 he could have it all straightened out.

Mr. Motley commented he would say two vehicles could park in the driveway and if the shell area was rehabilitated some could get on there and otherwise the other vehicles could be parked on the edge of the street.

Vice-Chair Suplicki cautioned to speak with Engineering before rehabilitating anything as that is their call in terms of permitting and so forth. He noted the cut off for February is January 23.

Vice-Chair Suplicki asked if the respondent makes other arrangements, parking in the driveway and on the street, putting the cars elsewhere is that acceptable and Mr. Colbert stated he thought there would be compliance as long as there is no parking in the front yard and noted it is a corner lot so the side yard is also considered the front yard, as long as there is no parking on the grass there is compliance.

Vice-Chair Suplicki explained there could be compliance today or tomorrow as long as the cars move and then Mr. Butts could work on the long term solution and it would be up to the maker of the motion as to whether or not to extend the compliance date past the 9th.

Mr. Carson stated he thought there could be compliance fairly quickly to the satisfaction of everyone.

MOTION: Mr. Carson moved to find case DCEB 18-1052 in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondents shall come into compliance by December 9, 2018 or suffer a fine of \$100.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Butts to park the cars in the street and the driveway and so forth as discussed and then talk with the City.

12. DCEB 18-1069 City vs. SWAY 2014-1 BORROWER LLC
1582 Dinner Bell Lane E
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 18-1069:

- 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 October 31, 2018 and a notice of violation was sent to the owner with a requested compliance date of November 11, 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 31, 2018 and November 19 and 20, 2018. He recommends a compliance date of December 16, 2018 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Mr. Mackin moved to find in case DCEB 18-1069 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(h)1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by December 16, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. **DCEB 18-1102 City vs. MARLENE / REYES ROMAN**
2005 Briarwood Street
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 18-1102:

- 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 November 8, 2018 and a notice of violation was sent to the owner with a requested compliance date of November 18, 2018.
- The violation includes the open parking or storage of any inoperative motor vehicle as prohibited including vehicles that do not display a current license plate or vehicles with flat tires or no tires.
- This case is the result of a number of citizen complaints regarding this vehicle parked in the street.
- He did receive a call from the owner and he explained. He believes it is a relative who lives at the house and the owner had no input as far as when the issue would be resolved.

Mr. Kepto submitted into evidence photographs taken on November 7, 2018. He recommends a compliance date of December 9, 2018 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Ms. Dutton moved to find in case DCEB 18-1102 based on testimony, evidence and facts presented to be in violation of the International Property Maintenance Code Section 302.8 and that the Respondents shall come into compliance by December 9, 2018 or suffer a fine of \$150.00 per day. Second was made by Mr. Mackin.

VOTE: Motion carried with Ms. Dutton, Messrs. Carson, Motley, Mackin, 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. **FINE RECONSIDERATION REQUEST**
DCEB 17-883 City vs. 487 MAIN STREET
487 Main Street
Fine due as of 12/4/18: \$50,020.32

Chair Bowman disclosed he and a gentleman had a quick talk about this; he called for information and he referred him to City Attorney Trask; there was no discussion concerning the case whatsoever.

Chair Bowman explained that requests for fine reduction are done in writing and if the Board had any questions the respondent would be asked to be sworn in to address the Board. Chair Bowman determined the respondent Zack Feinstein was present. Time was provided for the Board members to review the written request for fine reduction.

Chair Bowman determined Planning and Zoning Director Rice had been sworn in and inquired if he had any thoughts on this case; however, City Attorney Trask reminded him only specific questions were allowed.

Vice-Chair Suplicki asked based on what was listed and what the Board has read there was some time delay based on a use agreement if the time frame incurred here was average or normal for that type of action.

Mr. Rice stated the time frame was his fault for not getting it scheduled in a timely manner; City Attorney Trask drafted the agreement very quickly and it took him a couple of months to get it on the City Commission agenda. He would like for the Board to take that into account in this case.

Vice-Chair Suplicki asked if those use agreements which he understands was downtown and involves many elements if that is typical for the use this structure.

Mr. Rice stated especially in the downtown where the buildings are right up to the right-of-way, whenever, anyone applies for any kind of awning for outdoor dining structure it is often in the right-of-way which requires that agreement. He did present that to the City Commission and they did approve it and liked the addition of the awning as an improvement giving people a shade structure.

Vice-Chair Suplicki noted the difference in other parts of the city and this being in the downtown it is built up to the right-of-way. Mr. Rice stated the downtown is the only zoning district where buildings can come out like that.

Mr. Motley referred to the narrative he read that the contractor has not furnished complete information as to the height of the structure and asked if that has been completed.

Mr. Kepto advised the contractor finally provided the height restriction that was the last item to be addressed.

Mr. Pauley asked if this is now a permanent awning.

Mr. Kepto stated it is a retractable awning; it is not metal, is it material that it can be put out and brought back in; it is permanently mounted and is electrical.

Ms. Dutton noted obviously there was a delay, hence the fine and Mr. Rice has stated there was a delay and partially his fault; she is confused with who is being found at fault here. The owners have done this and it is their responsibility to speak to their contractor to make sure everything is done in a timely fashion.

Mr. Kepto commented this all could have been avoided if a permit had been obtained first. There is an issue now between the owner and the contractor that would be a good civil case for a civil action against the contractor not following through and causing the lien.

Mr. Motley stated his understanding is that the contractor and the owner of the building were at the Code Enforcement meeting and heard what they needed to do to come into compliance.

Chair Bowman commented it sounds as though that is when the delay happened.

Mr. Motley commented there was a delay between the owner and the contractor first and they had thirty days to come into compliance and get a permit and they did not; it took them eight months.

When Chair Bowman noted there was a delay by the City during those eight months and Mr. Motley noted that was only for two months.

Ms. Mc Hale swore in Zack Feinstein.

Chair Bowman explained the Board would not be really taking testimony and Mr. Feinstein would only be answering questions.

Vice-Chair Suplicki referred to the written request where it states Mr. Feinstein had attended a Commission meeting to rectify the situation and Mr. Feinstein stated he believed that was in April. Vice-Chair Suplicki noted the next sentence says Mr. Feinstein was informed by the Board that they had as much time as they needed to correct the permitting issue and clarified with Mr. Feinstein in that sentence "Board" was actually referring back to the City Commission.

Vice-Chair Suplicki asked if it was Mr. Feinstein's testimony that the City Commission had said basically verbatim they had as much time as was needed to correct the permitting issue. Mr. Feinstein stated the exact words from Mr. Bowman were if it is not in compliance by next month we'll give you a couple more months to get it in order.

Chair Bowman clarified with Mr. Feinstein he was talking about being in front of this Board and he and the other members thought he was talking about being before the City Commission.

City Attorney Trask explained the City Commission cannot overrule anything the Code Enforcement Board does as a separate quasi judicial board.

Vice-Chair Suplicki explained he did not want any information Mr. Feinstein may have received from the City Commission to be in conflict or different from what he had learned from this Board. He noted it turns out Mr. Feinstein did not go to the City Commission so it is not a problem.

Mr. Motley asked if when he was here at the Code Enforcement Board did he completely understand that he had 30 days or however long was given to come into compliance and get the permit. Mr. Feinstein stated what happened after that meeting when he was here with the contractor he filed for the permit and there were several things to be done, drawings and so forth that the contractor handled and the last time he talked to the contractor it was in the City's hands and then he received a letter with a large fine attached which caught the eye of his landlord, they then contacted the contractor and Mr. Kepto about the right of use agreement and spoke with Mr. Rice.

Mr. Motley commented there was a very long delay between the time of the Code Enforcement Board meeting and what Mr. Feinstein was supposed to do from that time that occurred until the time he actually got the permit which was April. Mr. Feinstein recalled the permit was issued in October. Mr. Motley noted it was applied for April 17th. Mr. Feinstein stated he was dealing with the contractor.

Mr. Motley asked whether or not Mr. Feinstein was having any kind of hardship, any kind of financial hardship the Board needs to hear about. Mr. Feinstein stated being in the restaurant business there is always a hardship and they did just open another restaurant in Palm Harbor that is not doing fantastic, so definitely there have been issues there, but operating here in Dunedin it is always very slow in the summer and this is probably the worst time; this would put him out of business. Mr. Motley stated he did not see any financial or medical hardship or any other kind which is a requirement for a reduction of fine.

Chair Bowman noted the written request does say it would put him out of business, that would be a financial hardship. Mr. Feinstein noted that would be both businesses.

Vice-Chair Suplicki referred to the written request and noted understanding this goes back to the awning contractor, he/she did not get in writing when they had said initially a permit was not needed because it was a temporary structure and he understands why the contractor would have said that. Mr. Feinstein stated he was not sure if that was in writing somewhere. Vice-Chair Suplicki commented that would have been very helpful to show the Code Enforcement Officer what they were told by the contractor and that is where he is having a problem in that this all could have been avoided and as a contractor he always gets things in writing because people sometimes have bad memories.

Vice-Chair Suplicki asked in regard to temporary structures would there have been some confusion up front whether or not this would be a temporary structure in his opinion and Mr. Rice commented it is a tough question as he did not know this contractor, different jurisdictions look at things differently and it is certainly possible, but he is aware that Building Official DiPasqua is very accomplished and trusts his judgment and both Mr. Kepto and Mr. Colbert go to him for these types of questions; however, from Mr. Feinstein's position he could understand that also.

Chair Bowman asked if he believed a good amount of the delay in getting this permit was due to the City and Mr. Rice commented the right-of-way use agreement was a significant scheduling item and that is one hundred percent on himself as City Attorney Trask had it ready and he did not get it on a Tuesday morning agenda.

Chair Bowman commented he was thinking of the time frame this took and vaguely remembers when they were before the Board, but then all this occurred after that meeting. There as a set time from the Board to have it done in 30 days to have the permit; he asked when the Board meeting was and noted the application was at the Building Department in April and the permit was issued October 3, so the application was in the City for that period of time. He noted the process through the City with items to be addressed and so forth.

Mr. Kepto addressed the issue in the delay of the permit being issued and explained when he received inquiries from the owner he went to Building Official DiPasqua to find out the hold up and the last item to be addressed and it was that Mr. DiPasqua wanted to see the final height measurement from the sidewalk to the bottom of the extended awning and the contractor was not responding to that request. He personally spoke with some of the Permit Techs and asked that they continually call the contractor to get that information that was holding up the permit. Code Enforcement was also anxious to get the permit closed as it was dragging on.

Mr. Kepto wanted to clarify the question from Vice-Chair Suplicki regarding a temporary structure; if it had been a temporary structure it could have been taken down immediately and that would have solved the problem. Prior to sending the violation letter he took a photograph of the structure and sent it to the Building Department to make sure that this was something requiring a permit and it was a definite, yes. Had it been a temporary structure it could have been taken down immediately, gone through the process and then put back up.

Mr. Motley asked if what is being said is a large amount of the delay was because of the City. Chair Bowman said that it looked like the vast majority of it was.

Mr. Pauley asked if it would be safe in assuming in talking about Building Department responding to items to be addressed as April 23, to the Zoning approval on August 27 that is where it fell apart and Mr. Rice responded, yes. Chair Bowman commented it looks like it was received by the City on April 17th. Mr. Rice explained the Zoning was his piece, the right-of-way use agreement.

Chair Bowman determined there were no other questions of anyone.

MOTION: Mr. Carson moved in case DCEB 17-883 to reduce the fine to \$10,000.00 to be paid by January 31, 2019 or the fine reverts to the original amount of \$50,020.32 plus interest. Second was made by Vice-Chair Suplicki for discussion.

Vice-Chair Suplicki agreed with the premise; however, suggested amending the fine amount to \$5,000. Mr. Carson explained because of the circumstances and confusion he would agree to amend the motion to reduce the fine amount to \$5,000 and Vice-Chair Suplicki let his second stand.

Mr. Motley stated he did not agree with the motion at all.

Chair Bowman commented personally he would go a little lower on the fine because there has been a lot of confusion.

Mr. Mackin stated he would like to see the fine reduced to zero.

Ms. Dutton stated she was in agreement with Mr. Mackin for reducing the fine to zero. She feels this gentleman is working very hard in the City of Dunedin and there have been "screw ups" all the way around, minor in his fault and between the City and his contractor he was run over the rails here.

Mr. Carson commented he did not know about screw ups, but definitely there has been some confusion and Ms. Dutton agreed she used the wrong term.

Vice-Chair Suplicki explained his problem with zero is to make sure the City is whole and there have been many discussions on that and what that is. He said this has been dragging on, so as long as Code Enforcement is covered he would agree with that. Chair Bowman commented that could probably be done with \$1,000 and Vice-Chair Suplicki noted for the average case historically that is kind of the number when things get to this point, but that is up to the maker of the motion and the second.

Mr. Motley commented he would recommend going with the suggestion from the City. Mr. Pauley suggested \$2,500 would make sense for him.

Mr. Carson stated he did think the City needed to be made whole whatever that figure is and he recalled it was more than \$1,000 and that it was \$1,500.

When Chair Bowman asked if there were a lot of Code Enforcement hours in this case, Mr. Kepto stated there were a lot of people involved in the case and Vice-Chair Suplicki asked just for Code Enforcement. Mr. Kepto commented it is a good question and difficult to determine the value of the time.

Chair Bowman commented some of these cases are people ignoring rules and that is one thing, but here there is someone trying to better the city in many ways and he hates to slap him on the wrist, that is his concern, he hates to punish someone over a big mess especially someone who is working hard to better the city too.

AMENDED MOTION:

MOTION: Mr. Carson moved in case DCEB 17-883 to reduce the fine to \$1,500.00 to be paid by January 31, 2019 or the fine reverts to the original amount of \$50,020.32 plus interest. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried 6 - 1 with Ms. Dutton, Messrs. Carson, Motley, Mackin, Pauley and Suplicki voting aye. Chair Bowman voting nay.

Chair Bowman reviewed the decision of the Board.

2. **MEMO FROM CITY ATTORNEY REGARDING COLLECTION DATED 11/28/2018**
DCEB 14-71 City vs. KRISTI S HILL
1658 Douglas Avenue

City Attorney Trask advised he was requesting authorization to move forward with collection on the property formerly owned by Kristi S. Hill; the fine is still associated with her name of \$92,600.00. He has made a couple of demands upon Ms. Hill and numerous letters back and forth with her attorney attempting to get the case resolved and he basically is saying she is not going to pay and looks forward to the lawsuit kind of thing. This is a high fine and normally it would be in County Court; this is in the Circuit Court because it is over \$15,000.

MOTION: Mr. Motley moved in case DCEB 14-71 to authorize the City Attorney to move forward with the collection process. Second was made by Ms. Dutton.

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

Meeting adjourned at 3:35 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board