

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, JUNE 4, 2019
CITY HALL – 542 MAIN STREET – 2:00 PM**

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham, Ken Carson, William Motley; Alternate Member Gordon Chize

ABSENT: Members Bunny Dutton and Dave Pauley

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Tom Colbert, Code Enforcement Inspector Michelle Gilbert, Pinellas County Sheriff's Deputy Hirschman and fourteen attendees.

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

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of May 7, 2019

MOTION: Vice-Chair Suplicki moved to approve the minutes of the regular meeting of the 2016. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspectors Tom Colbert and Michelle Gilbert.

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 17-162 City vs. ESTATE BUYERS LLC
2. DCEB 17-957 City vs. LIANA CAROLINE SUMMER
3. DCEB 19-119 City vs. JP MORGAN MTG ACQUISITION TRU DEUTSCHE BANK
NATL TRUST CO TR *(Also Affidavit of Non Compliance)*
4. DCEB 19-132 City vs. ANTHONY TELLER
5. DCEB 19-173 City vs. CHRISTINE A / DENNIS METZGER
6. DCEB 19-247 City vs. NICE GREEN & BEAUTIFUL LANDSCAPING INC
7. DCEB 19-258 City vs. EUGENE E / LEZLIE A JOHNSON *(Also Affidavit of Non Compliance)*
8. DCEB 19-285 City vs. WAYNE MOLINA / CYNTHIA RIVERA MOLINA *(Also Affidavit of Non Compliance)*
9. DCEB 19-288 City vs. HIRAM CERDA
10. DCEB 19-368 City vs. KENNETH W NORMAN *(Also Affidavit of Non Compliance)*

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

VOTE: Motion carried unanimously.

OLD BUSINESS

1. **DCEB 18-1002 City vs. JOHNNIE L MC GEE / JACOB D DELIESSLINE**
476 Lexington Street
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 18-1002:

- At the meeting of May 7, 2019 this Board ordered compliance by May 7, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 9, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 18-1002 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

2. **DCEB 18-1083 City vs. STEPHEN J WARNER**
639 Michigan Blvd Unit 400
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-1083:

- At the meeting of January 8, 2019 this Board ordered compliance by February 20, 2019 or a fine of \$200.00 per day would be imposed.
- This case was also heard on March 5, 2019 when the Code Enforcement Board extended the compliance date to May 22, 2019.
- As of inspection on May 24, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Vice-Chair Suplicki asked if he had heard from the respondent, Mr. Colbert advised he had not and the tarp is still on the roof.

MOTION: Ms. Graham moved in case DCEB 18- 1083 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

3. **DCEB 19-86 City vs. SANDRA C PIERCE**
428 Marjon Ave
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GRBGE
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE
Violation of the International Property Maintenance Code Section 302.5 PEST-RAT CONTROL

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-86:

- At the meeting of April 2, 2019 this Board ordered compliance by May 22, 2019 or a fine of \$250.00 per day would be imposed.
- He contacted the property owner on May 28, 2019 and asked had the violations been corrected and she said no that she is having financial difficulties. He asked that she contact the City when the violations are corrected.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 19-86 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

**4. DCEB 19-119 City vs. JPMORGAN MTG ACQUISITION TRU DEUTSCHE BANK
NATL TRUST CO TR**

1060 Concord Drive W

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 19-119:

- At the meeting of April 2, 2019 this Board ordered compliance by May 10, 2019 or a fine of \$200.00 per day would be imposed.
- As of inspection of the permit records on May 24, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- There is also an Affidavit of Compliance submitted today because of the short time it was not in compliance. The permit was issued on May 28, 2019 that brought the case into compliance.

MOTION: Mr. Carson moved in case DCEB 19-119 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

5. DCEB 19-144 City vs. SEIF M MANSOUR

84 Palm Boulevard

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman explained to the respondent the Board had already heard the case; therefore, they would not be hearing the entire case again; only any new information.

Ms. McHale swore in Seif Mansour.

Mr. Colbert reviewed case DCEB 19-144:

- At the meeting of April 2, 2019 this Board ordered compliance by May 13, 2019 or a fine of \$150.00 per day would be imposed.
- As of inspection of the permit records on May 28, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Mansour stated when he was doing the job he hurt himself and he provided a copy of a letter from his doctor. He asked for some time to recover.

Chair Bowman asked when he went to the doctor and Mr. Mansour stated May 6, 2019.

Vice-Chair Suplicki verified with Mr. Mansour this case involved the garage into living area.

Vice-Chair Suplicki recalled there were no life/safety issues involved.

Mr. Colbert advised only that he received a call from the tenant who said he was living in there and paying \$500 a month for the last several years which he wanted him to know as he did not think that information had been provided in the past. The tenant said he had been a tenant there since 2012 and at the time he called he was in that hospital and his status is not known at this time.

When Mr. Motley inquired whether or not there had been any submittals or applications for permit at all, Mr. Colbert advised there were not.

Mr. Motley asked if this requires engineering. Mr. Colbert stated or the removal of the wall and living area issues in the garage to put it back to a garage that would simplify matters he thinks.

When Mr. Motley asked his plans and whether or not he was taking down the wall and turning it back into a garage, Mr. Mansour stated, absolutely. Mr. Motley asked if he was paying someone to do that and Mr. Mansour stated he is doing it himself and he is taking it easy doing it little by little, but he will be done if he has a little more time. Mr. Motley asked if he had started the work, Mr. Mansour stated a little maybe 15%-20% because before that he was working on the back yard.

Vice-Chair Suplicki asked if someone was living in the garage area and Mr. Mansour stated no one lives there, there was, his son before he passed away.

In response to the question from Vice-Chair Suplicki, Mr. Colbert recalled it was last Thursday the gentleman called and said he lived there until very recently until he was admitted to the hospital and that was in the last few days from last week. The gentleman said he had been living there since 2012 paying \$500 a month and he wanted the City to know that.

Vice-Chair Suplicki explained the reason he asked about any life/safety issues is because it is a habitable area that has not been permitted and you don't know what someone is or is not exposed to in there. He personally does not see a problem if there is no one living there, but there is a conflict here.

Vice-Chair Suplicki asked when he thought he could have it done and Mr. Mansour stated if it was alright with the Board by August 15 he would be done one hundred percent and he would give the City a call to come and inspect.

Chair Bowman commented the alternative is to be found in non-compliance and he can come back for a fine reduction when it is over or the Board can postpone the compliance date.

MOTION: Mr. Chize moved in case DCEB 19-144 to accept the Affidavit of Non-Compliance.
Second was made by Mr. Motley.

VOTE: Motion carried 5 - 1 with Messrs. Carson, Motley, Chize and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham.

Chair Bowman explained to Mr. Mansour this means that once he gets completely done, the permit or everything taken care of and everything is finished then he has 30 days to request a fine reduction or a fine waiving or reconsideration.

Mr. Mansour asked if he needed a permit to tear it down as he was told he did not need a permit to do that.

Mr. Colbert stated he was not sure regarding any electrical as to whether or not it needs to be capped.

When Chair Bowman asked if there was an electrical outlet, Mr. Mansour stated no, that he tore that all down and there was an extension cord and he took that down, that was the easy one.

Vice-Chair Suplicki commented to Mr. Mansour that is something he might want to clear with the Building Official at the Building Department to make sure.

Chair Bowman reiterated when he gets it down to let Mr. Colbert know and then he has 30 days to request a fine reconsideration.

When Mr. Mansour stated then the Board was giving him an extension, Chair Bowman explained, no that he was in violation as of May 22 and he was in violation right now so as soon as he can get it done he can talk to Mr. Colbert .

Mr. Mansour said then he is paying money and Chair Bowman explained when he gets it done then he can ask for a fine reconsideration to lower or perhaps wipe out the amount he owes.

Mr. Mansour commented that he had the doctor's certificate and Vice-Chair Suplicki explained that is something to bring next time for the fine reconsideration.

Mr. Mansour asked about his doctor's certificate and City Attorney Trask explained when it was provided it was submitted into evidence and cannot be returned. Mr. Mansour stated he thought a copy would be made, but no problem.

6. DCEB 19-229 City vs. EDNA B MINOR
1048 Douglas Avenue
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 19-229:

- At the meeting of May 7, 2019 this Board ordered compliance by May 22, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on May 28, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 19-229 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

7. **DCEB 19-258 City vs. EUGENE E / LEZLIE A JOHNSON**
200 Glennes Lane Unit 206
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 19-258:

- At the meeting of May 7, 2019 this Board ordered compliance by May 7, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on May 8, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 19-258 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

8. **DCEB 19-285 City vs. WAYNE MOLINA / CYNTHIA RIVERA-MOLINA**
1884 Brae Moor 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 19-285:

- At the meeting of May 7, 2019 this Board ordered compliance by May 22, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 24, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Chize inquired if there is any record of the respondent applying for the permit.

Mr. Colbert explained they did obtain a permit on May 28, 2019; however, he did not want to confuse matters by mentioning the Affidavit of Compliance that was also submitted today. He recalled it was a 4-day period of being out of compliance.

MOTION: Vice-Chair Suplicki moved in case DCEB 19-285 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

9. **DCEB 19-367 City vs. IOANNA KAPPIS**
180 Milwaukee Avenue
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-367:

- At the meeting of May 7, 2019 this Board ordered compliance by May8, 2019 or a fine of \$150.00 per day would be imposed.
- As of inspection on May 9, 2019 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- One of the violations is corrected for the motor home that is now shielded by a privacy fence only because the neighbor installed a fence. The other two violations remain.

MOTION: Ms. Graham moved in case DCEB 19-367 to accept the Affidavit of Non-Compliance. Second was made by Mr. Carson.

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

10. DCEB 19-368 City vs. KENNETH W NORMAN

615 Frederica Lane

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 19-368:

- At the meeting of May 7, 2019 this Board ordered compliance by May 7, 2019 or a fine of \$100.00 per day would be imposed.
- As of inspection on May 9, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Vice-Chair Suplicki moved in case DCEB 19-368 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

NEW BUSINESS

1. DCEB 18-742 City vs. CROSSFIRE FINANCIAL NETWORK INC

969 Lake Drive (TC)

Violation of the Florida Building Code Section 105.4.1 BUILDING PERMIT INTENT

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 18-742:

- The violation exists on a single family residential property that is currently vacant.

- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on July 23, 2018 and a notice of violation was sent to the owner with a requested compliance date of August 17, 2018.
- The violation includes a building permit issued on January 18, 2018 that has expired with no activity including inspections within the past 6 months. The permit is currently not valid and must be reinstated.
- This property has been vacant for quite some time and the neighbor recently made contact regarding his concerns for the back yard that is unattended as is the rest of the structure and showed a picture of a pygmy rattlesnake he found in his yard and when he went to kill it went next door.
- He spoke with a contractor recently about the condition of the property as there will probably be other violations coming before the Board unless corrected. The contractor might have already reinstated the permit and is aware of the issues.

Mr. Colbert submitted into evidence an email complaint received May 16, 2019 from a neighbor. He recommends a compliance date of June 7, 2019 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find in case DCEB 18-742 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Florida Building Code Section 105.4.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 8, 2019 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 19-238 City vs. CYNTHIA A WHITING**
2484 Del Rio Way
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 19-238:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 6, 2019 and a notice of violation was sent to the owner with a requested compliance date of March 11, 2019.
- The violation includes the open parking or storage of recreational equipment to include, but not limited to jet skis as prohibited in a residential area.
- The property owner was present at the beginning of the meeting; she chose not to stay and stated the boat has been removed and that her garage door had been broken and she could not get it inside.

Mr. Colbert submitted into evidence photographs taken on March 6, 2019 and March 13, 2019; May 22 and 24, 2019 and a copy of an email complaint. He recommends a compliance date of June 5, 2019 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Mr. Carson moved to find case DCEB 19-238 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondent shall come into compliance by June 5, 2019 or suffer a fine of \$150.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. DCEB 19-280 City vs. MARIA PERIMENIS

1178 Lazy Lake Rd E

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Maria Perimenis, owner; Argyrios Bitros, owner and Gus Tsamvis of 6653 Catalpa Drive, friend.

Ms. Gilbert reviewed case DCEB 19-280:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on March 18, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 12, 2019.
- The violation includes a building permit required for the alteration of the interior of the structure including, but not limited to bathroom and kitchen area.
- An owner/builder permit was applied for on May 29, 2019 and is currently in Plan Review.

Ms. Gilbert submitted into evidence photographs taken on March 18, 2019 and March 29, 2019. She recommends a compliance date of June 16, 2019 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Perimenis stated:

- When Mr. Kepto first came out and took pictures what he found that was in violation was a bathtub.
- Her husband with limited English came to the Code Enforcement office and found Mr. Kepto and told him the bathtub was in their garage and had nothing to do with the bathroom and Mr. Kepto did not believe it. She called Mr. Kepto herself and told him he was welcome to come to her house and see. Then he realized through these pictures that no bathtub existed in the bathroom and she explained it was a half tub gifted to them from her disabled mother which was never used as she passed away.
- Her intent was never to do the bathroom, she was just cleaning out her garage to paint it and because she had the dumpster in the yard she thought she would re-tile the bathroom and her understanding was that tile is cosmetic so it does not require a permit; she did not take into consideration the old drywall that would come off with the tile. That is where the problem began.
- When she was told she was in violation she did speak with Mr. Kepto and he realized there was no ill intent on their end. He did say she had until May; it was April and Easter was approaching and

she was doing fundraisers for the high school. She did not get that in writing and when she tried to find him she was told he had left the City. Then she received a letter.

Chair Bowman verified with Ms. Perimenis that she had applied for a permit with the City. When he asked if she talked with anyone there about what she needed or any information about the permit, Ms. Perimenis said she just applied after she received the notice of violation, it was a building permit for the bathroom, just for the drywall she had to put back up.

When Chair Bowman asked how long ago she turned the application in to the City, Ms. Perimenis said less than two weeks and she had not heard from anyone; she initially did it on line, but they said she had to go in person with her ID; it was on a Friday and then it was Memorial Day when they were closed and she went on that Wednesday.

Chair Bowman noted the violation is basically a building permit and once she has that in hand then she is in compliance, but it has to be inspected when it is done. He suggested calling the Building Department to see what is going on with the permit.

When Chair Bowman asked if he thought by the 16th they should have the permit, Vice-Chair Suplicki thought so unless there is plumbing or electrical it should go right through and the date proposed or the date for the deadline for the next meeting should be okay based on his experience.

Vice-Chair Suplicki agreed with Chair Bowman regarding reaching out to the Building Department to see if there is anything else they need.

Ms. Perimenis asked if it does not move along quickly on the City's end for whatever reason what happens, does she get an extension. Vice-Chair Suplicki stated if it gets close to the date the Board decides on the he would talk to the Code Enforcement Officer and then maybe there is a legitimate reason to ask for an extension.

Chair Bowman noted when Ms. Perimenis has the permit in hand she should call Ms. Gilbert.

MOTION: Mr. Chize moved to find case DCEB 19- 280 at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and based on the testimony and evidence presented the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 19, 2019 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

Mr. Colbert advised Planning and Development Director Rice had just advised him the permit was issued in this case.

Ms. Gilbert advised once the permit is picked up and paid for then there will be compliance.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 19-295** City vs. **WALVEKAR FL PROP LLC**
2666 Bayshore Boulevard

Violation of the Land Development Code Section 150-29.1.3 SIGNS - PROHIBITED

Ms. McHale swore in Linda Habel, Property Manager.

Ms. Gilbert reviewed case DCEB 19-295:

- The violation exists on a commercial property that is currently occupied by the tenant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 8, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 12, 2019.
- The violation includes the business known as Living Salty has prohibited signage to include, but not limited to right-of-way signage and sandwich board signage that it not in compliance. Violation two is a right-of-way sign that is not permitted which is under the same Land Development Code Section that must be removed from the right-of-way.
- The property was re-inspected after a call from the property owner on May 28, 2019 and the right-of-way sign remained.
- She was told Ms. Habel would be getting together with her maintenance person today and having the sign that is left removed.

Ms. Gilbert submitted into evidence photographs taken on February 22, 2019, April 4, 2019, May 9, 2019 and May 15, 2019. She recommends a compliance date of June 7, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Habel stated she just received the notice on her door two weeks ago and she was not aware of any of this and it is all being done right now.

Chair Bowman stated now she knows if she sees any signs like that up they are not supposed to be there.

MOTION: Ms. Graham moved to find case DCEB 19-295 in violation of the Land Development Code Section 150-29.1.3 and that the Respondent shall come into compliance by June 7, 2019 or suffer a fine of \$200.00 per day. Second was made by Vice-Chair Suplicki.

City Attorney Trask advised the Code Section was not cited correctly and while the agenda does say Section 150, there is no such section. He thinks it is 105-29.1.3.

Ms. Gilbert noted that is what she read and City Attorney Trask noted that is not what Ms. Graham read, she read what was on the agenda; he wants to make sure the motion is accurate.

Ms. Graham amended the motion to Section 105-29.1.3 and Vice-Chair Suplicki agreed to the amendment.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 19-296 City vs. OUTBIDYA INC**
1685 Chaplene Ct
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the Florida Building Code Section 115 STOP WORK ORDER

Ms. McHale swore in Roy Skelton of 1877 Marla Court, Dunedin, President of Corp./owner.

Ms. Gilbert reviewed case DCEB 19-296:

- The violations exist on a single family residential property that is currently vacant from what the City can see.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on March 22, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 19, 2019.
- The violations include a permit required for the alteration or renovation or construction in the structure including, but not limited to new French doors, interior drywall and possible window replacement and unlawful continuance, a stop work order was posted on this property and any work that requires a permit is to cease until the appropriate permits are obtained.
- No permit has been issued to date as of inspection of the records on May 3, 2019.

Ms. Gilbert submitted into evidence photographs taken on March 15, 2016, March 22, 2019, August 31, 2018 and the listing from the real estate. She recommends a compliance date of June 7, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Skelton stated:

- He is a 32-year resident of Dunedin and lives at 1877 Marla Court; he is president of Outbidya, Inc.
- This is a property acquired last year through foreclosure that was in need of a roof and a building permit was issued and a roof was put on and finalized with no problems.
- There has been some work done on the property, but the work done he believes does not require a permit that consisted of the interior of the structure as a large fire place that had flagstone on it that was removed and marble was put on it which he considers to be cosmetic; there was nothing structural done to that.
- In addition some laminate flooring was taken out and replaced, the front door slabs were replaced, but the door jamb was not replaced; he did not believe that required a permit; however, could be mistaken on that.
- There are some things he does wish to do which he has not and he was surprised that Mr. Kepto issued a stop work order and he called his number and spoke with Mr. Colbert who informed him that Mr. Kepto no longer worked for the City. Mr. Colbert asked the address and he told him the story and that he had a general contractor who would be pulling a permit and he was going to get an engineer and he needed some more time. He did not realize he was under a particular time constraint; no work was being done at that time.
- He was surprised to get this notice of hearing. He thought because no work was being done he wasn't under a time constraint to go get a building permit. It is certainly his intention to do so. He asked for additional time to get with my architect, he already has a general contractor and to get a building permit to do what little needs to be done, a bathroom remodel and moving some plumbing and electrical.

When Chair Bowman asked if no work has been done in the past couple of months, Mr. Skelton stated, no none since the stop work order was issued.

When Chair Bowman asked the time frame he was looking at, Mr. Skelton commented because it is sort of out of his hands in terms of the architect he has to work under his schedule, so he would like 30 days; he acknowledged he had already hired the architect.

Vice-Chair Suplicki clarified with Mr. Skeleton the subject property is not occupied.

When Chair Bowman asked if 30 days is an issue for the City, Ms. Gilbert acknowledged there could be no work done and the City was willing to work with that as long as there is honest effort for the permit and engineering it should not be an issue.

MOTION: Vice-Chair Suplicki moved to find case DCEB 19-296 based on testimony, evidence and facts presented and that at the time of the alleged violations the Florida Building Code Section 105.1 and Section 115 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 8, 2019 or suffer a fine of \$200.00 per day. Second was made by Mr. Motley.

Mr. Carson inquired if it would be a problem for the compliance date to be July 24, 2019.

Vice-Chair Suplicki amended the motion to compliance by July 24, 2019 and Mr. Motley let the second stand.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. DCEB 19-321 City vs. ANNA IRENA LLC
678 Roanoke St

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-321:

- The violation exists on a single family residential property that is currently thought to be vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on March 27, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 26, 2019.
- The violation includes a permit required for complete renovation of the structure including, but not limited to exterior doors, plumbing, water heater, kitchen, bathroom, drywall, electrical and so forth. A contractor will be required.
- After checking the system a permit was applied for on May 28, 2019 and is currently in Plan Review with notes from the Building Official stating items to be addressed on the 30th which have not been addressed as of today.

Ms. Gilbert submitted into evidence photographs taken on March 25, 2013 and the MLS listing from the real estate and the after renovations listing from the MLS. She recommends a compliance date of June 16, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Carson noted a lot of loose wires shown in the photographs and asked if they are live. Ms. Gilbert explained that has all been changed out and they have flipped the house.

- MOTION:** Mr. Motley moved to find in case DCEB 19-321 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 16, 2019 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.
- VOTE:** Motion carried with Ms. Graham, Messrs. Carson, Motley, Chize and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

7. DCEB 19-348 City vs. PEDRO & MARIA CARMAYA
72 Lexington Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Gilbert advised the respondent applied for their permits on June 3 and obtained it the same day; therefore, they are in compliance and she closed the case.

8. DCEB 19-352 City vs. CITIMORTGAGE INC
1286 Overcash Drive
Violation of the International Property Maintenance Code Section 304.13.1 WINDOWS BROKEN, GLAZING

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-352:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on April 3, 2019 and a notice of violation was sent to the owner with a requested compliance date of May 5, 2019.
- The violation includes some of the windows have either missing or broken glass panes.
- This is a vacant bank owned property. Some of the violations had been corrected; however, it is a subject of neighborhood complaints.
- There has been no contact from the property owner.

Mr. Colbert submitted into evidence photographs taken on April 3, 2019 and May 14, 2019. He recommends a compliance date of June 14, 2019 or a fine of \$150.00 per day thereafter for non-compliance.

- MOTION:** Vice-Chair Suplicki moved to find in case DCEB 19-352 based on testimony, evidence and facts presented and that at the time of the alleged violation the

International Property Maintenance Code Section 304.13.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 14, 2019 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. DCEB 19-354 City vs. RONALD A HILL

541 Milwaukee Avenue

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 19-354:

- The violation 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 by Mr. Kepto on April 3, 2018 and a notice of violation was sent to the owner with a requested compliance date of April 14, 2019.
- The violation includes the open parking or storage of any inoperative vehicle as prohibited to include vehicles that do not display a current license plate or vehicles with flat or no tires. Working on a vehicle in a residential area is prohibited unless the repairs are conducted in a fully enclosed structure.

Mr. Colbert submitted into evidence photographs taken on April 3, 2019 and May 23, 2019. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Graham moved to find case DCEB 19-354 was in violation of the International Property Maintenance Code Section 302.8 after the requested compliance date of April 14, 2019 on the Notice of Violation; however, is now in compliance. Any future violation within the next five years will be considered a repeat violation. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 19-360 City vs. ELIZABETH E MURTAGH

1005 Victoria Drive

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Robert Leaper of 8104 Ridge Road, Weekie Wachee, FL 34613, agent/contractor.

Mr. Colbert reviewed case DCEB 19360-:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Mr. Kepto on April 3, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 19, 2019.
- The violation includes a permit required for the installation or construction of the wood fence located on the southeast portion of the property.
- A call was received from a Public Works Supervisor about the fence being installed with the concern it was installed in the right-of-way which will be determined through the permit process. He believes the permit is in Plan Review at this time.

Mr. Colbert submitted into evidence photographs taken on April 3, 2019. He recommends a compliance date of June 14, 2019 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Leaper stated:

- He was given the notice of violation about April 15 or 16. He called Michael Kepto, the Inspector and explained his company had been hired to get a permit because she had a maintenance guy install fencing. He talked to Mr. Kepto about the deadline being the 19th and asked what he wanted them to do, take the fence down until all that was squared away. Mr. Kepto said there was no need to do that, just go ahead and when the permit is issued to call and let him know.
- They had to get a survey which he just got last week and the same day he applied for the permit.
- The permit was denied because of the right-of-way, being on the neighbor's property.
- They are going to just take the fence down.

Chair Bowman asked if they can take the fence down by June 14 and Mr. Leaper said yes.

Chair Bowman verified with Mr. Colbert it would be in compliance if the fence is taken down.

Chair Bowman noted the entire fence will have to be down and off site by June 14, 2019 if that is the date the Board sets to be in compliance.

Vice-Chair noted to be sure that someone contacts Mr. Colbert when it is done to verify the fence is gone.

MOTION: Mr. Carson moved to find case DCEB 19-360 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by June 14, 2019 or suffer a fine of \$100.00 per day. Second was made by Mr. Chize.

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

Chair Bowman reviewed the Finding and Order of the Board.

11. DCEB 19-379 City vs. CHARLES A / JAN M SCHNEIDER

2050 Pinehurst Road

Violation of the International Property Maintenance Code Section 309.1 PEST INFESTATION

Violation of the International Property Maintenance Code Section 302.5 PEST RAT CONTROL

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

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

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

Ms. McHale swore in the following:

Christa Radulovich of 36181 East Lake Road, Ste25, Palm Harbor, FL 34685, Guardian

Sue Whitney of 2057 Nolan Drive, Dunedin, adjacent property owner

Ginger Noble of 2035 Nolan Drive, adjacent property owner

CPL James Cooper of 10750 Ulmerton Road, Largo, FL 33778, Law Enforcement

Also present Attorney Tom Tripp representing Christa Radulovich the Guardian.

Mr. Colbert reviewed case DCEB 19-379:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by the Pinellas County Sheriff's Office on April 24, 2019 and observed the violation and a notice of violation was sent to the owner with a requested compliance date of May 12, 2019.
- The violations include:
 - All structures shall be kept free from insect and rodent infestation. Per the Pinellas County Sheriff's Personnel dozens of rats, cockroaches, ants, spiders, flies and mosquitoes were observed throughout the interior of the structure. Documentation of a pest/rodent control treatment will be required from a licensed pest control company.
 - All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found they shall be promptly exterminated by approved process which will not be injurious to human health. Documentation of work performed will be required from a licensed pest control company.
 - The roof is in disrepair as evidenced by the large hole in the ceiling exposing insulation and also signs of water intrusion.
 - All plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. There were no working toilets as evidenced by them being full of human waste.
 - The interior of the structure and the equipment therein shall be maintained in good repair, structurally sound and sanitary condition. Pinellas County Sheriff's Personnel observed a black substance on the walls, piles of old and rotting trash and human and animal urine and feces on the floors.
- This case is unique. He has no photographs of the interior; however, Corporal Cooper is present to testify in that regard. Based on his conversations with the Sheriff's Office and the investigation he felt compelled to take this case and cite it for the interior of the structure. It is very sensitive in that Ms. Schneider who is the owner of the property has recently been appointed a guardian and Attorney Tripp is her representing her. Since that has happened there has been a lot of progress by the folks present.
- The City's concern is there were complaints, the City does not want anyone living there or to have pets or birds in there like there were before.

Chair Bowman verified with Mr. Colbert this is the house on the corner of Michigan and Pinehurst on the lake at the dead end.

Mr. Colbert recommends a compliance date of September 27, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Attorney Tom Tripp wished to point out while most of the facts he did not dispute; he could nickel and dime some of them, but the house is a complete mess. He advised:

- Ms. Schneider was removed in 2018 from the home and Richard Goodman was arrested and the same thing happened on April 24, 2019. Both times he was arrested for neglect of Ms. Schneider who is a stroke victim and cannot move other than her left arm and leg and was totally dependent on this gentleman who is in jail and she is in a facility.
- As of May 6 they had an emergency guardianship hearing and had the other Deputy testify; he proceeded then to go through the pictures and all of this in the Circuit Court and Ms. Schneider can no longer control any of this; as of May 6 Ms. Radulovich can, but she is getting up to speed.
- There were numerous cars there they had towed away.
- They have started the chop down process for some of the aspects of the yard.
- There is a contract he saw today for the rodent work.
- On their end they have to figure out what to do with everything there. If they go through and do every one of these items it might be financially imprudent. What might be financially prudent is to bulldoze the house and start over; they would need Court approval for all of this.
- The rodent issues they are going to do. The roof was fixed in 2014 and he does not know if that is an old problem or a new problem they saw, but the can certainly remedy that. Some of the other things like the pool were messed up from before and he is not sure whether or not that is something they will fix or will it be removed.
- There is a 3-car garage in the back is filled with things that have to be inventoried before considering them trash. Mr. Schneider who is deceased was a car aficionado and he does not know if something that looks like trash is some kind of valuable part or not. Someone has to be paid to do all of that and then run it through the Court.
- If he lived next door to this house he would be upset. It has been this way for years from what he can tell. He was there today. It is going to take someone with a pocketbook and determination of contractors quite some time to fix all of this in an intelligent fashion that makes since for Ms. Schneider and is approved by the Court. He is not sure all of this can be done by September 27, 2019. It might be that they petition the Court for authorization to sell as is and then developers can come in and tear it down and get the City to let them put two houses there; he does not know how that will work.

Chair Bowman explained the main concern obviously is that it has been this way for quite a while and the Board needs to see something moving on this. It needs to be not another two years of it being the way it is now.

CPL Cooper stated:

- He has been at the property on three occasions. The first time was in 2018 and it was horrific, it was the worst place he had ever been in through his 33 year career and he did have a hazmat suit on then.
- He acknowledged they were still living in there at that time and that was when Mr. Goodman was arrested and Ms. Schneider was removed from the home, but what takes place after that was out of his hands.

- They went back recently for a welfare check and kind of restarting the process from 2018 and he will say he saw some improvements, not a lot. There is a large pool in the back and it was completely green.
- As far as the property he understands from the law enforcement side this is a bad situation for the actual homeowner, Ms. Schneider because she was depending on Mr. Goodman to take care of things and he is not doing anything; he literally takes the trash and throws it on the floor.
- They have removed animals from that home that their beds were literally their feces. Every toilet in that house is filled to the brim, no exaggeration with human feces, they cannot flush a toilet.
- He understands both sides because she can't control any of it and that is why they need the legal guardian because she unfortunately wants to stay in that environment because it is her freedom which is still allowing Mr. Goodman to control that property and it is horrendous.
- As far as the rodents and everything it is out of control there, they need an exterminator in there.

Chair Bowman thanked CPL Cooper for his testimony because the Board had no photographs of this.

CPL Cooper commented he had never been to one of these calls and he did not know the process for pictures, what they can get from the Sheriff's Office. He brought forensics in and had both the interior and the exterior photographed and they still have the photos from 2018 as well. It is bad and definitely needs professional help for not only the structure, but the rodent and insect population.

Chair Bowman commented if it has sat in disrepair for this many years it might have to go. CPL Cooper commented in terms of the structure it would take a licensed professional contractor to determine that. He can say there are rodents that go in and out of the house; there is a colony there. He was an exterminator before going into law enforcement, it definitely needs it.

Mr. Motley also thanked CPL Cooper for a job well done and taking responsibility.

Chair Bowman stated he thought the main thing was the Board wanted to see some movement on this. He understands the problem of deciding the right move to make; however, this has been an eyesore for the lack of a better word for a long time. He would hate to be living close to that house.

Vice-Chair Suplicki suggested in consideration of the September 27th date; in the past what the Board has done; although they do not do it very often is to set two dates. He thought everyone was in agreement as to the immediate things that need to be done, but if no one is living there and some of the other things like plumbing which is gross, but there is no one being exposed to it. He understands the legal guardian has to do an assessment; he is a contractor so he understands. Whatever date the Board sets they could also keep in contact with the Code Enforcement Officer and if there are lingering problems the Board could look at possibly an extension. He grew up in that neighborhood so he knows that house from 1968, he knows everything about it and it is a shame because it is a beautiful house. He will say the neighborhood around it is a great neighborhood. He thinks the immediate things and as Chair Bowman said, we see movement and then there are some things that are lingering. Speaking for himself that is something in the past the Board has considered for certain sections they could extend the date if necessary. He noted this is a very atypical situation.

Sue Whitney of 2057 Nolan Drive, Dunedin, adjacent property owner stated:

- She is extremely concerned with the rat infestation and she is here what is going to be done about it and how it is going to be done. To come in and exterminate the buildings, whatever is going to be done they are going to go somewhere and they are already coming onto her property and her

neighbor's and the adjacent neighbor's property who was not present. She has pictures of rats coming into her yard.

- Her other question is has anyone here walked the property and if so she did not know if they could explain to the Board how horrendous it is. She suggested the Board go look at it then make their determination.
- Her question is exactly what is going to be done with the extermination process.

Chair Bowman commented he thought the Deputy described it pretty vividly. He explained the Board could not answer exactly what is going to be done, only set time frames of when things need to be done.

Mr. Colbert stated when he first got word from the witness about the rats he contacted the guardian who immediately hired a pest control company to do an analysis of what needed to be done. She was right on it; however, he did not know the status. They were pretty responsive to his call.

An inaudible comment from a member of the audience was made. To which, City Attorney Trask advised there could not be the back and forth conversation as this is a quasi judicial hearing and asked speakers to come forward to the microphone and state their name and address:

Ginger Noble of 2035 Nolan Drive stated:

- She would like to know if Ms. Schneider is cooperating or if she is trying to get back in the house, just for her peace of mind.
- Her house backs up to this property and she probably has the best view of anyone in the neighborhood. Since Ms. Schneider had a stroke about six years ago the property has declined to great extent.
- A few times they have been on their patio or in their pool and they smelled what she learned was kerosene, that somebody is dumping kerosene in that lake that connects to the lake at the Community Center.
- She thought from the Deputy's testimony you could get an idea about what it is like, but you can't really have any idea what it is like. She agreed the Board members should walk over there and look at it.
- The 3-car garage is filled with junk, the yard is filled with junk and it is overgrown and they had to get used to that.

Chair Bowman noted the feelings of the people surrounding the property and that is why the Board was emphasizing that things need to be done quicker rather than slower. He stated he did understand the position of the guardian also, but the rodent infestation needs to be dealt with very quickly and very effectively, not just scaring them off to other houses.

Mr. Motley asked if some type of schedule could be provided with some dates as to when the pest control people are coming and so forth. Ms. Radulovich said the pest control is coming tomorrow to start the work; they came on Friday and looked and they just faxed the contract. Mr. Motley asked if they explained how they are will go about the extermination and Ms. Radulovich stated they are going to lay out baits.

Mr. Motley stated he would like to know how they are going to take care of the infestation.

Vice-Chair Suplicki commented the Board would have to trust they are going to do it correctly because they are licensed.

Vice-Chair Suplicki recalled that the Board in the past has broken up the violations setting different compliance dates for different code violations. He did not recall anything in particular that had to be done other than a date for certain items and a different date for other sections.

City Attorney suggested making different motions and then there are no complications as to how it will be perceived or intended at the end. So doing a separate motion for the ones you want on a particular date and a separate motion for the ones you want to do on another date.

Chair Bowman commented the first thing to deal with is the pest control and rodent control.

Vice-Chair Suplicki commented he thought the respondent was in agreement and they are working on it and it should be addressed soon. He also understands some of the other things are going to take a little time and he does not think it hurts anyone as long as there is no one in the house. If the roof needs to be fixed then they have to get bids and so forth.

Mr. Motley commented there is an ordinance that requires the property owner or home owner is responsible for the right-of-way. He has noticed in the past that out in front of that wall that abuts Michigan Boulevard it is all overgrown and it would look much nicer if that were taken care of as well. In front of the lake there is a wall that abuts the Michigan Boulevard and there is a parcel of land between Michigan Boulevard and the wall and then the lake comes after that. He is talking about in front of that wall. He knows the City holds a lot of events in that area of Michigan Boulevard and the Community Center and it would look a lot better if that were taken care of.

Vice-Chair Suplicki inquired if they thought in the next couple of weeks the pest control contract will be executed and have them on the job; they are coming out tomorrow, but they won't be done tomorrow, they will start the process.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-379 based on testimony, evidence and facts presented and that at the time of the alleged violations the International Property Maintenance Code Section 309.1 and Section 302.5 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 19, 2019 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

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

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-329 based on testimony, evidence and facts presented and that at the time of the alleged violations the International Property Maintenance Code Section 304.7, Section 504.1 and Section 305.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by September 27, 2019 or suffer a fine of \$ 250.00 per day. Second was made by Mr. Motley

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman advised should the respondent run into any issues to call Mr. Colbert.

Vice-Chair Suplicki reiterated if they run into any problems with those last three violations to contact the Code Enforcement Officer.

OTHER BUSINESS

CITY ATTORNEY UPDATE

City Attorney Trask advised in the case of the Kathryn Speed at 227 Aberdeen in which the Board found the violation has been ongoing for seven or eight years. It was taken to trial court and was won at trial court level with a judgment. The Court ordered the property to be sold. Just before the sale date the property owner appealed the decision. It has been on appeal for well over a year. Ms. Speed had filed 13 separate motions for continuance. In order to get a continuance she has to file an appellate brief. The first twelve were granted; the thirteenth was denied and her appeal was dismissed. That leaves the City in the situation where the Appellate Court will issue a mandate and it will come back down to the trial court that will take jurisdiction of the case again and then the property will be put up for sale. What normally happens is a judicial sale. There is still a window of opportunity for Mrs. Speed to file another appeal, that is actually a petition for rehearing and then ultimately she could appeal to the Florida Supreme Court. He does not believe she will be successful with either of those. It will probably be another 60 or 75 days before that comes back to trial court and then maybe a month after that before the property is put up for judicial sale. That is the property that has been vacant for six or seven years.

Meeting adjourned at 3:45 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board