

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

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham, Ken Carson and 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 Frame and thirteen 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 June 4, 2019

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the June 4, 2019. Second was made by Vice-Chair Suplicki.

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 17-493 City vs. FRANKIE M CLARK
2. DCEB 18-742 City vs. CROSSFIRE FINANCIAL NETWORK
3. DCEB 18-1147 City vs. DAVID M RITTER
4. DCEB 19-144 City vs. SEIF M MANSOUR
5. DCEB 19-238 City vs. CYNTHIA A WHITING
6. DCEB 19-256 City vs. TAH 2016-1 BORROWER LLC
7. DCEB 19-280 City vs. MARIA PERIMENIS
8. DCEB 19-286 City vs. D W HOMES INC
9. DCEB 19-295 City vs. WALVEKAR FL PROP LLC
10. DCEB 19-321 City vs. ANNA IRENA LLC
11. DCEB 19-360 City vs. ELIZABETH E MURTAGH
12. DCEB 19-379 City vs. CHARLES A & JAN M SCHNEIDER

Vice-Chair Suplicki verified with Mr. Colbert #12 DCEB 19-379 is for the one violation related to the pest control; there were two motions for this case.

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

VOTE: Motion carried unanimously.

OLD BUSINESS

1. **DCEB 19-139 City vs. STEPHEN P PRUCHER**
646 Union Street
Violation of the Dunedin Code of Ordinances Section 70-72(a) BUSINESS TAX RECEIPT
REQUIRED

Chair Bowman advised this is Old Business; therefore, the Board would not be hearing the case again; only any new evidence.

Ms. McHale swore in Stephen Prucher.

Ms. Gilbert reviewed case DCEB 19-139:

- At the meeting of May 7, 2019 this Board ordered compliance by June 19, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection of the Business Tax Records on June 19, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Prucher stated he had everything in order for the new Business License on June 11. He was informed by the State there was a complaint last year they are investigating and they have lost all the records. Through a variety of people he supplied them with the records he had and they did not know why they had no records in place. He is on a list to be called to Tallahassee if it requires that. He does not know what to do. They know he is operating, so they do not seem to have a complication with that.

Ms. Gilbert stated if there was anything on the record showing that it is in review it comes up in the files system and there was nothing there on the 19th and she has been tracking it regularly. Unless it was presented since the 19th, she has not been in contact, no emails or phone calls.

Vice-Chair Suplicki asked if he had shown any of the documents to the Code Enforcement Officer and Mr. Prucher stated he thought that was what this hearing was for. Vice-Chair Suplicki explained that possibly would have avoided some this process and been helpful to keep the Code Enforcement Officer apprised of what is happening and that at this point it is not in compliance.

Mr. Motley verified with Ms. Gilbert there was no previous extension on this case, just a fair amount of time from the first hearing.

Vice-Chair Suplicki asked if he was given any indication when Tallahassee would figure this out and Mr. Prucher said, none just that they were reexamining and reevaluating the complaint and he explained to them (the State) his position with the City.

Vice-Chair Suplicki asked Ms. Gilbert thought it would be detrimental to give additional time to work this out and Ms. Gilbert commented she believed once she reviews the paperwork and sees what the State says that it would not be an issue; however, the fact he is still operating without the Business Tax Receipt and proper State licensing is of concern.

Mr. Prucher stated he does have the documentation it is paid for and it is just being held until this complaint is resolved.

- MOTION:** Mr. Carson moved in case DCEB 19-139 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.

Chair Bowman explained to Mr. Prucher he needed talk with Ms. Gilbert and as soon as this is worked out take the documentation in so the fine will stop on that date and then he can request a fine reduction.

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-352:

- At the meeting of June 4, 2019 this Board ordered compliance by June 14, 2019 or a fine of \$150.00 per day would be imposed.
- As of inspection on June 15, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

- MOTION:** Ms. Graham moved in case DCEB 19-352 to accept the Affidavit of Non-Compliance. 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.

NEW BUSINESS

1. **DCEB 18-280 City vs. JOHN PENNELL**
657 Marjon Ave
Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 18-280:

- The violation existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Inspector Kepto on March 12, 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 any utility trailer in a residential area as prohibited. A utility trailer is allowed to be parked or stored in the side or rear yard area if it is behind a solid 6-foot fence.
- She had a conversation with the mother of the owner and they are now in compliance and the trailer has been removed.

Ms. Gilbert submitted into evidence photographs taken on March 18, 2019 and May 31, 2019. She recommends the Board find the respondent was in violation after the requested compliance date; however,

is currently in compliance in order for any future violations within the next 5 years to be considered repeat violation.

MOTION: Vice-Chair Suplicki moved to find case DCEB 18-280 based on testimony, evidence and facts presented was in violation of Land Development Code Section 105-27.1.1(f) after the requested compliance date of March 18, 2018 on the Notice of Violation; however, is now in compliance. Any future violation within the next 5 years will be considered a repeat violation. Second was made by 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. **DCEB18-786 City vs. JOHN J KUHLING**
1270 San Christopher Drive
Violation of the International Property Maintenance Code Section 302.3 DRIVEWAY MAINTENANCE

Ms. McHale swore in John Kuhling of 8111 Lutz Lake Fern Road, Odessa, FL 33556.

Mr. Colbert reviewed case DCEB 18-786:

- The violation exists on a commercial 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 July 25, 2018 and a notice of violation was sent to the owner with a requested compliance date of September 9, 2018.
- The violation includes the parking and driving blacktop asphalt surface is in disrepair in various areas as evidenced by the holes and uneven surfaces. All repairs must be performed by a licensed contractor and may require a permit.

Mr. Colbert submitted into evidence photographs taken on July 25, 2018, October 10, 2018 and December 26, 2018. He recommends a compliance date of August 16, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Kuhling stated after the initial notice they put patches in that obviously were not adequate. He has a proposal to finish the work correctly and according to the contract should be complete in 2 to 3 weeks.

When Mr. Motley asked if he had obtained a permit for the work, Mr. Kuhling stated that would be the contractor and he is sure he will and his contractor does work for the City of Dunedin as well, so he is sure his is aware of the rules.

MOTION: Mr. Motley moved to find in case DCEB 18-786 based on testimony, evidence and facts presented that at the time of the alleged violation the International Property Maintenance Code 302.3 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by August 16, 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.

Chair Bowman advised Mr. Kuhling to call Mr. Colbert when the work is done and inspected.

3. **DCEB 19-248 City vs. VILLAS AT SAN CHRISTOPHER HOMEOWNERS ASSN INC**
1501 San Christopher Drive
Violation of the Land Development Code Section 105-29.1.3 SIGNS-PROHIBITED

Ms. McHale swore in Michael Willenbacher, Contractor of 1817 Gypsie Brooke Drive, Trinity, FL 34655

Mr. Colbert reviewed case DCEB 19-248:

- The violation exists on Home Owners' Association of single family residential property.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 7, 2019 and a notice of violation was sent to the owner with a requested compliance date of March 17, 2019.
- The violation includes flutter flags that are prohibited.

Mr. Colbert submitted into evidence photographs taken on March 4, 2019 and June 11, 2019. He recommends a compliance date of July 2, 2019 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Willenbacher explained:

- In order to be in compliance with his license and for the job site, securing the job site the signs he showed in a picture are required to be posted and a permit board is required to be posted also.
- He is confused and any clarification the City wants done he will do, but he does not understand why job site signs cannot go up. These are not flutter flags they are his model identification signs which are on a private road he owns right now. They are \$400.00 banners and not flutter flags.
- When he received the call he removed all the flutter flags seen in the other pictures on the site and he removed the signs that were not required. When he spoke with Mr. Rice about it he said to come in and state his opinion.
- He does not agree with the date; he would like some time for his sign company to take them down if it is necessary. They are concreted in and are not flutter flags.
- He has one unit left for sale and for future business he hopefully will be building in the city again, he understands about flutter flags and he agrees with those not being on the boulevard; he does not understand the two model signs, Now Selling that are on his private road on the driveway of the last unit he is selling and asked if those are considered flutter flags.

Mr. Colbert stated the flags are located in the right-of-way and they are flutter type flags; the sign ordinance encompasses flutter flags, snipe signs, the waving of signs in the street and so forth. The area from the sidewalk to the roadway is the right-of-way. He advised the signs would not be in compliance if they were on the other side of the sidewalk.

Mr. Willenbacher clarified with Mr. Colbert it is the same on a private road in a gated community. He commented regarding having one unit left for sale and for people to drive by and not know there is one for sale, he was told that out front he can have 2 square feet. Mr. Colbert explained he would have to look at the regulation and it is best to give him a call; today the issue is about the 2 signs in the right-of-way. Mr. Willenbacher verified with Mr. Colbert the two signs he is cited for. Mr. Colbert explained Mr. Willenbacher would have to talk with Zoning about some of his questions that he could not answer at this point.

Vice-Chair Suplicki clarified the two signs that have to be removed that say Model and Now Selling are concreted in and not just stuck in the ground and compliance will be when those two are removed.

Mr. Colbert noted the notice of violation went out March 7, 2019 in reference to the recommended compliance date.

Mr. Motley discussed with Mr. Willenbacher that he talked with Planning and Development Director Rice about the issue and asked the same questions he asked today; Mr. Rice told him to wait to come to the meeting today.

Mr. Colbert advised he spoke with Mr. Rice and recalled the conversation did include him telling Mr. Willenbacher to come to the Code Enforcement Board and they would make a decision on the violation.

Ms. Graham asked if this is the property backing up to the Post Office and Mr. Willenbacher advised that it was. Ms. Graham stated there is a young man on the corner there with a sign flipping and asked if that was for Mr. Willenbacher and he acknowledged that it was. Mr. Colbert noted that is a violation also and he thought Mr. Rice discussed that with Mr. Willenbacher also.

Vice-Chair Suplicki asked how long it would take for his sign company to get there and Mr. Willenbacher stated about two weeks; they are out of Tampa and if he does it he always bends the poles so he has them do it and take the signs to another subdivision out of Dunedin.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-248 based on testimony, evidence and facts presented and that at the time of the alleged violation the Land Development Code Section 105-29.1.3 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 12, 2019 or suffer a fine of \$100.00 per day. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 19-277 City vs. DEBRA S MIKELS**
1365 Windmoor Drive
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Ms. McHale swore in Debra Mikels.

Ms. Gilbert reviewed case DCEB 19-277:

- The violations exist 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 Inspector Kepto on March 18, 2019 and a notice of violation was sent to the owner with a requested compliance date of March 31, 2019.
- The violations include grass or weeds in excess of 10 inches in height; the open parking or storage of any inoperative motor vehicle is prohibited including vehicles that do not display a current license plate and vehicles with flat tires or no tires. Working on a vehicle in a residential area is prohibited unless the repairs are conducted in a fully enclosed structure. Parking or storage of any vehicle in the front yard as prohibited unless the parking is on an approved or permitted surface; grass, mulch or leaves are not approved surfaces.

Ms. Gilbert submitted into evidence photographs taken on May 8, 2019 and May 21, 2019. She recommends a compliance date of July 5, 2019 or a fine of \$-250.00 per day thereafter for non-compliance.

Ms. Mikels stated:

- There is no parking in the front yard anymore.
- Her husband had to undergo lifesaving transplant surgery and has been in and out of the hospital since last August; therefore, things have become very difficult, but he is recovering.
- They still need to get the hill mowed because of the rainy season and the washout that happens there; they are working on that.
- They would like a little more time to get the vehicles moved. They had a plan last year, but were unable to follow through. They have a new plan and would like to the end of July.

When Vice-Chair Suplicki asked if this was a citizen complaint, Ms. Gilbert advised there were multiple complaints on this property.

When Mr. Motley inquired what the new plan is, Ms. Mikels explained they are looking for storage space to move the vehicles that they were not able to do after her husband went into the hospital and recovering. Mr. Motley asked if they were able to afford that storage and Ms. Mikels stated they would have to find a way and she thought it more likely they could get it done by the end of the month as she is back to work and only has two days a week off.

Vice-Chair Suplicki asked about the hill that is part of the violation and Ms. Mikels explained they have been mowing it a little at the time; usually they and the neighbor let that grow during the rainy season because of the water washing down the hill.

Ms. Mikels explained the day the parking in the front yard was seen was when her husband came home from the doctor and she had to park for him to have an easy path to the front door. She acknowledged that does not happen anymore.

When Mr. Motley asked if she understood there are complaints from numerous citizens about their property, Ms. Mikels stated she did understand now, but did not know it had been numerous complaints before.

MOTION: Mr. Motley moved to find case in DCEB 19-277 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.4 and Section 302.8 and the Land Development Code Section 105-27.1.1(h)1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into

compliance by July 31, 2019 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried 4 - 2 with Messrs. Carson, Motley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham and Mr. Chize.

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 19-297 City vs. BRIAN D & LISA D M BROCKMAN**
862 Crosley Drive (MG)
Violation of the Land Development Code Section 107-31.2 TEMPORARY STORAGE STRUCTURES

Ms. Gilbert reviewed case DCEB 19-297:

- 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 by Inspector Kepto on March 22, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 14, 2019.
- The violation includes a canopy or tent type structure is only allowed to be in a place for 30 days.

Ms. Gilbert submitted into evidence photographs taken on February 19, 2018, March 12, 2018, March 19, 2018 and May 31, 2019. She 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.

Vice-Chair Suplicki verified with Ms Gilbert the respondent is in compliance; she advised the respondent was present and did exactly what was asked.

Ms. McHale swore in Brian Brockman.

Mr. Brockman explained this began with Mr. Kepto and he shared the emails with Ms. Gilbert. When Mr. Kepto addressed the structure on the side, he advised he was good. Almost 2 months later he received notice in his mailbox from Ms. Gilbert and the next day the issue was resolved. The reason it wasn't in compliance sooner was that he spoke with Mr. Kepto who said he was good, but as soon as he found out he wasn't he resolved the issue.

Chair Bowman explained a repeat violation means he can be fined daily if it is done within the next five years and Mr. Brockman acknowledged he understood.

Mr. Motley referred to the last photograph of the house with the temporary wooden fence in front of it and Ms. Gilbert advised that was gone, the chain link, the wooden fence, everything is gone.

MOTION: Mr. Carson moved to find case DCEB 19-297 was in violation of Land Development Code Section 107-31.2 after the requested compliance date of April 14, 2019 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation. 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.

6. **DCEB 19-306** **City vs. BRANDON & SUSAN A LESKE**
1038 Angle Road
Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-306:

- The violation existed on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Inspector Kepto on March 25, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 7, 2019.
- The violation includes the open parking or storage of any utility trailer in a residential area as prohibited. A utility trailer is allowed to be parked or stored on the side or rear area if it is behind a 6-foot solid fence.
- She received a call from the owner who indicated the trailer was removed on June 21, 2019.

Ms. Gilbert submitted into evidence photographs taken on March 25, 2019, May 14, 2019 and June 11, 2019. She recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violation within the next 5 years to be considered repeat violation.

MOTION: Ms. Graham moved to find case DCEB 19-306 was in violation of the Land Development Code Section 105-27.1.1 (f) after the requested compliance date of April 7, 2019 on the Notice of Violation; however, is now in compliance. Any future violation within the next five (5) years will be considered a repeat violation and subject to fines of up to \$500.00 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.

7. **DCEB 19-355** **City vs. CAROLYN E PEAKE**
1287 Dinner Bell Lane E
Violation of the International Property Maintenance Code Section 304.15 DOORS-EXTERIOR

Ms. McHale swore in Carolyn Peake.

Ms. Gilbert reviewed case DCEB 19-355:

- 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 by Inspector Kepto on April 3, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 28, 2019.
- The violation includes the overhead garage door that appears to be broken, propped up and in a state of disrepair.

Ms. Gilbert submitted into evidence photographs taken on April 3, 2019 and May 31, 2019. She recommends a compliance date of July 12, 2019 or a fine of \$-50.00 per day thereafter for non-compliance.

Ms. Peake stated she has video of the garage door working perfectly fine, opening and closing.

Vice-Chair Suplicki asked if she had contacted the Code Enforcement Officer and Ms. Peake stated she had someone fix the rollers on April 15, 2019 and emailed Code Enforcement after that to whoever was on that letter. Vice-Chair Suplicki clarified with Ms. Peake no one from Code Enforcement has been out to inspect the door.

Ms. Gilbert advised she never received any contact about the violation or she would have been out to check it. Vice-Chair Suplicki commented he did not know whether or not in the transition from Mr. Kepto to Ms. Gilbert that it got lost and Ms. Gilbert stated, possibly.

Vice-Chair Suplicki explained to Ms. Peake she needs to set a time with Ms. Gilbert for her to inspect the door.

MOTION: Vice-Chair Suplicki moved to find case DCEB 19-355 based on testimony, evidence and facts presented in violation of the International Property Maintenance Code 304.15 and that the Respondent shall come into compliance by July 12, 2019 or suffer a fine of \$200.00 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.

8. **DCEB 19-357 City vs. DANIA ORTIZ**
1271 Dinner Bell Lane E
Violation of the International Property Maintenance Code Section 308 RUBBISH AND GARBAGE

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-357:

- 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 by Inspector Kepto on April 3, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 10, 2019.
- The violation includes the outdoor storage of a refrigerator as prohibited, if the doors are removed and the refrigerator considered as junk storing it outside is also prohibited.
- She received a call today regarding the owner who has been in the hospital and has taken care of everything outside and is now in compliance.

Ms. Gilbert submitted into evidence photographs taken on April 3, 2019, May 31, 2019 and June 13, 2019. She recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations within the next 5 years to be considered repeat violation.

MOTION: Mr. Carson moved to find case DCEB 19-357 was in violation of the International Property Maintenance Code Section 308 after the requested compliance date of April 10, 2019 on the Notice of Violation; however, is now in compliance. Any future violation within the next 5 years will be considered a repeat violation. Second was made by Mr. 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.

9. **DCEB 19-375** **City vs. SELVIYE TZEKAS**
1040 Broadway
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 19-375:

- The violation exists on a commercial property that is currently vacant.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 24, 2019; a stop work order was issued and a notice of violation was sent to the owner with a requested compliance date of May 22, 2019.
- The violation includes a building permit required for work being done to include a new roof, existing concrete pad under the new roof has been removed, paver sidewalk and handicap parking still have not been installed. A new permit and engineering is required. The owner needs to provide who did the work at the property.
- The owner came into the City on June 28 to speak with Code Enforcement and is out of town this week; she requested a 30 day grace period. Ms. Gilbert and Mr. Colbert discussed this with the owner and determined to allow 30 days in order to obtain a new permit and new general contractor and engineering in order. The owner has been in touch with Building Official DiPasqua who has assisted in guiding her.

Ms. Gilbert submitted into evidence photographs taken on November 8, 2008, April 17, 2019, April 24, 2019 and May 30, 2019. She recommends a compliance date of July 26, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find in case DCEB 19-375 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 26, 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.

10. **DCEB 19-376** **City vs. LUCIENNE S VALLON EST**
1581 Roxburg Lane

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 19-376:

- 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 April 18, 2019 and a notice of violation was sent to the owner with a requested compliance date of April 28, 2019.
- The violation includes grass or weeds in excess of 10 inches in height including, but not limited to the right-of-way area.
- This case is the subject of many complaints and has been cited in the past two or three times for the same violation.
- There has been no contact with the property owner until today when he was here earlier and he spoke to him about it.
- On June 25, 2019 he went back out to the property because a neighbor complained about the pool water being green and it looks like some chemicals have been put in and the back yard is extremely overgrown.

Mr. Colbert submitted into evidence photographs taken on April 18, 2019 and May 29, 2019. He recommends a compliance date of July 2, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Carson moved to find case DCEB 19-376 in violation of the International Property Maintenance Code Section 302.4 and that the Respondent shall come into compliance by July 2, 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.

11. **DCEB19-381** **City vs. DENNIS JANSSEN**
1820 Shirley Court
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. Colbert reviewed case DCEB 19-381:

- 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 April 16, 2019 and a notice of violation was sent to the owner with a requested compliance date of May 10, 2019.
- The violations include the parking or storage of utility trailers as prohibited in a residential area and the parking of vehicles in the front yard area as prohibited in a residential area.
- He received a call from the property owner who lives out of state yesterday who indicated his tenant advised him the violation was corrected. That was inaccurate upon inspection this morning

the violation remained and he called the owner back to let him know and explained it is a simple fix and most likely today would be the compliance date for the violation to be corrected.

Mr. Colbert submitted into evidence photographs taken on April 16, 2019 and June 19, 2019. He recommends a compliance date of July 2, 2019 or a fine of \$150.00 per day thereafter for non-compliance.

Mr. Motley noted it was difficult to see in the photograph and asked if the trailer is in front of the black vehicle. Mr. Colbert explained it is on the front lawn, it is a black opening utility trailer and it is difficult to see in the photograph, but it is in the center of the front lawn.

MOTION: Ms. Graham moved to find case DCEB 19-381 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 July 2, 2019 or suffer a fine of \$150.00 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.

12. **DCEB 19-398 City vs. WORLD OF BOATS LLC**
520 Lexington Street
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Colbert review case DCEB 19-398:

- 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 April 25, 2019 and a notice of violation was sent to the owner with a requested compliance date of May 31, 2019.
- This case is the result of neighbor complaints.
- The violations include grass or weeds in excess of 10 inches in height and the wooden privacy fence is in disrepair, dilapidated, falling down and not being maintained to industry standards.
- When he responded to the neighbor complaints regarding the condition of the property there was a big dumpster in the back full of construction debris and they had already started renovating the home without permits. He posted a stop work order and shortly after he received a call from the property owner who indicated he would take care of everything.

Mr. Colbert submitted into evidence photographs taken on April 25, 2019 and June 19, 2019. He recommends a compliance date of July 2, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Motley inquired regarding the work requiring a permit, Mr. Colbert advised they were gutting the interior, he thought they had removed the kitchen preparing to renovate.

Vice-Chair Suplicki inquired regarding the construction materials and other items around the property and Mr. Colbert advised they did remove the dumpster with the materials shortly after his contact, but there are still items around the yard.

MOTION: Mr. Motley moved to find in case DCEB 19-398 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.4 and Section 302.7 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 2, 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.

13. **DCEB 19-405** **City vs. AMANDA KATHLEEN NORTON**
809 Virginia Street
Violation of the Land Development Code Section 103-14.4 TRANSIENT USE PROHIBITION

Ms. McHale swore in Amanda Norton

Ms. Gilbert reviewed case DCEB 19-405:

- 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 May 13, 2019 and a notice of violation was sent to the owner with a requested compliance date of June 11, 2019.
- The violation includes the regulation that all rentals must be 3 calendar months or 90 days whichever is greater; short term rentals are prohibited in a residential neighborhood.
- She spoke with the owner prior to the hearing who advised she has a property manager and was not aware she was not allowed to do daily rentals; however, is now aware and she has hired a property manager to take care of the property.

Ms. Gilbert submitted into evidence from online from HomeAway on May13, 2019 and June 13, 2019. She recommends a compliance date of July 5, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Norton stated:

- She does not live here and did not know when she bought the house, but enjoys coming here when she is not working and she does not want the house to sit empty, but does not want a full year tenant.
- When she bought the house she was told it was okay and did not know about the zones and the 90-day minimum.
- She changed it and decided to hire a property manager to lease it for 3 months or however long.

Mr. Carson asked if she had anyone presently that cannot meet the qualifications and Ms. Norton stated she did not have a tenant there.

When Ms. Norton stated she had some questions, Chair Bowman advised she should email questions to Code Enforcement about the rentals.

Vice-Chair Suplicki verified with Ms. Norton the July 5th compliance date was good as she had already taken care of the issue.

- MOTION:** Vice-Chair Suplicki moved to find case DCEB 19-405 based on testimony, evidence and facts presented in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by July 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.

14. **DCEB 19-412 City vs. SOUTHLAND CORP**
801 County Road 1
Violation of the Dunedin Code of Ordinances Section 70-72 (a) BUSINESS TAX RECEIPT REQUIRED

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-412:

- The violation existed on a commercial property that is currently occupied by tenants.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 15, 2019 and a notice of violation was sent to the owner with a requested compliance date of June 13, 2019.
- The violation includes a Business Tax Receipt was not obtained for the 7-Eleven store.
- There was a representative present earlier in the meeting.

Ms. Gilbert submitted evidence taken from online indicating no renewal since 2011. She recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance as of June 26, 2019 in order for any future violations to be considered repeat violation.

- MOTION:** Mr. Carson moved to find case DCEB 19-412 was in violation of the Dunedin Code of Ordinances Section 70-72 (a) after the requested compliance date of June 13, 2019 on the Notice of Violation and is now in compliance. Any future violation will be considered a repeat violation. Second was made by Mr. Motley.
- VOTE:** Motion carried with Ms. 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.

15. **DCEB 19-414 City vs. LAUREL OAKS COUNTRY WOODS**
2660-2670 Sequoia
Violation of the International Property Maintenance Code Section 302.5 PEST-RAT CONTROL

Mr. Colbert reviewed case DCEB 19-414:

- The violation exists on a single family residential property that is currently occupied by the owners.
- Ownership was confirmed by County Tax Rolls and Pinellas County Property Appraisers' Office.

- The property was inspected on March 20, 2019 and a notice of violation was sent to the owner with a requested compliance date of June 7, 2019.
- The violation includes rodent harborage; all structures shall be kept from insect and rodent infestation. All structures in which insects or rodents are found shall be properly exterminated by approved process that will not be injurious to human health. An invoice from a licensed pest control company will be required documenting services provided. The structure should also be inspected by a licensed contractor to determine any entry points to the interior of the structure by wildlife. If wildlife entry points are found they must be properly sealed and repaired.
- This is a unique case in which he does not have a lot of evidence to submit. He has two witnesses who are residents of this condominium complex and one of them opted not testify. Residents have told him it is an ongoing issue with rodents, squirrels, rats and so forth getting in.

Mr. Colbert submitted into evidence photographs taken on March 21, 2019 and a construction invoice dated June 5, 2019 and a pest control invoice dated May 22, 2019. He recommends waiting to recommend a compliance date until after discussion.

In response to the question from Chair Bowman, Mr. Colbert explained the properties involved are in one building; he recalled there was a case in the past with another building for the same type of issue.

Vice-Chair Suplicki inquired regarding ownership and how the property was cited.

Mr. Colbert explained the Homeowners' Association was cited. He spoke with the attorney representing the HOA and he has had conversation with the President of the HOA. He felt compelled based on what he is being told by the residents and the ongoing problems with rodents to bring the case to the Code Enforcement Board.

Ms. McHale swore in John Walsh of 2648 Sequoia Terrace, Palm Harbor 34683, President of the Condominium Association. Barbara Moseato of 2666 Sequoia Terrace; Jodi Ball of 2660 Sequoia Terrace. Attorney Lea Tottle for Laurel Oaks was present.

Ms. Moseato read an opening statement:

- Two years, 1 building, 6 units, 6 single women all living in fear of rats and squirrels that have infiltrated their homes and to date no solid resolution from our Condo Association. Two years of no sleep or lack of sleep listening to rats and squirrels running throughout our attics from one unit to the next and listening to them scratching as they are trying to make their way into our homes and no solid resolution from the Condo Association. Two years of listening to rodents fall in-between the wall and experiencing the horrific smell that permeates throughout our living space and the aftermath of the flies that swarm in our homes and no solid resolution from the Condo Association. Two years of living in fear that you will walk into your home and find rats or squirrels running throughout your living quarters. This is not a horror movie draft, this is the way we have lived in our building. I have documents to back up starting in October 2017 to present.
- I have the invoices and what the Condo Association and the Attorney has said is their resolution. They submitted DolFan Construction, which is the company that came out and supposedly replaced the wood upon two sections of the building; it was Jodi's section of the building and only that section of the building was inspected and repaired; I was home the entire day and they never came anywhere near my end of the building to inspect.
- I have pictures here taken yesterday to show there is still rotted wood and entry points on that building. What I am to believe with this document they sent is that one section of the building was

inspected and repaired, but the rats and will only want to come into that end of the building, not the rest of the building.

- I have an invoice from Dr. J's Pest Control which they submitted showing that based on his findings for the past two months he went to one attic in the building and not to every attic in the building and he has not been to Jodi's section of the building this year, which Jodi is now living with a live squirrel in her home.
- We have brought two residents at both ends of these buildings, one has had squirrels and rats live running throughout their homes and Jodi with live squirrels now still running throughout her house.
- And we've got two years which I will show in the document here of Dr. J coming to these residences, sometimes without a ladder asking to borrow our ladder, sticking his arm up the entry to our attic and setting a trap. No one has ever inspected our attic, taken pictures of our attic or repaired our attic and closed up any entry points. I also have pictures to show my own attic in which the squirrels have eaten through my air conditioning vent. No company as ever been in any of our attics to inspect, take photos and repair it. All they get is Dr. J sticking his arm up with a trap. Sometimes they do not get Dr. J; he sends his girlfriend or his girlfriend's daughter. This is ridiculous. So, six women continue to live in fear. This is not a draft for a horror movie, this is the way live. I am asking you to stop it.

Chair Bowman verified there are six living spaces there with a common roof and he assumed fire walls between. Vice-Chair Suplicki commented he was not sure about when they were built; the living spaces are probably not separated according to today's regulations.

Ms. Moseato stated she had pictures to show in evidence of one of her neighbor's homes where the sheetrock in her attic has been eaten down to the ground by rodents trying to escape. She had documents showing that Mr. John Walsh and the Condominium Association and property management company were advised, were given these photos, and were called by Dr. J two years ago.

Chair Bowman explained if she gave the Board the photos the City would have to keep them and she stated she made them for the Board.

Mr. Chize verified there were six units in each building and asked if there were any other buildings affected by this situation. Ms. Moseato stated she did not have witnesses here to tell him; however, she could say there are people who have fled living in their neighborhood; the vast majority of them single women, people who have been sitting down watching TV and have three rats run across their legs. She has people in the neighborhood that live with live squirrels in their homes. They have left and sold and won't come forward.

Ms. Moseato reiterated this is not a draft for a horror movie, but she can make it so because she thinks it is a real newsworthy story.

Ms. Ball stated:

- She lives on the end of the building.
- Two years ago she heard sounds and at first she was told by the board probably it was birds up there. She kept hearing it and finally Dr. J went into the crawl space and came out with two rats.
- Last year she had a situation with rats in her garage and she went to the Condo Association meeting and told them there was a problem with rats and their response was that Pinellas County has an issue with rats, they are everywhere and we are lucky because it is not that bad of a problem. He mentioned a condo complex that had rats coming up through the dishwasher and she responded it needed to be handled before that happened.

- On Mother's Day she came home and found a squirrel in her toilet, so she called the emergency number to the Condo people and one of the ladies from the condo management company came and took it out of the toilet and she said this is a squirrel, not a rat.
- She came home two days ago and these droppings were on her coffee table. She works for an airline so travels for two to three weeks at a time. Before she left she made sure she did not have a crumb or anything anywhere. Something is still living in her place, she has not seen it.

Chair Bowman asked when the last time Dr. J was out. Ms. Ball said for her unit it was about a year ago when she had to pay him since the Condo Association would not, because since the rat she saw in her garage ran in and Dr. J came in the next day and he found two baby rats, but she never saw the big one she saw walk into the garage.

Mr. Motley clarified that two of the ladies live on the ends and one in the middle, so the attic area is open.

Ms. Moseato said there is a firewall, but they get in the soffits and then they chew through. She explained all they get is Dr. J coming in and setting a trap, not a professional to come in and inspect and repair.

When Mr. Motley asked if Dr. J had a license to exterminate, Ms. Moseato said she did not know.

Mr. Chize inquired whether or not it was possible in a situation like this where there are six people involved in a very delicate situation, he is thinking about proposing some kind of a plan in the short term within a week or two to be presented to the condo owners. Then if the plan is not executed within a certain amount of time issue a fine against the Homeowners' Association.

City Attorney Trask explained the role of the Board today is to determine whether or not a violation of the Code exists and if it does exist then the Board would need to provide a reasonable period of time for the property owner, or in this case the Condo Association to gain compliance. Should they fail to gain compliance then assess a fine in a dollar amount up to \$250.00 per day. Those are the confines the Board has to work under. If the Board wants to give them a week or ten days, then it would be give them a week or ten days and associate a fine after that time.

City Attorney Trask noted the Board has only heard half the case so far and needs to hear the other half of the case before reaching that point.

Mr. Walsh stated he has been on their board since 2012 and an officer on the Board since 2013 on as President. He stated:

- Laurel Oaks has a long history going back that far with the City with Fire and Code Enforcement regarding getting rid of open flame grills, fire extinguishers, parking on the streets, Solid Waste and now with the Water Department. They work closely with the City and respond pretty rapidly to things they need to fix.
- Laurel Oaks has wood fascia buildings and 877 mature Oak Trees, most of them not far from buildings; they trim them back to keep squirrels off the roofs.
- One of the issues they faced in an ongoing program to refurbish the community and he offered to bring it down to show Code Enforcement, but he guessed the time constraint, this was last year prohibited him from coming to show the overall plan the board has been working on for the last few years to revitalize the community with roofs, lights and including wood.
- One of their issues by an engineer's decree was that they did not need the gutters on the buildings a couple of years ago because they were constantly getting clogged with leaves and the

water was going behind the gutters rotting the wood that was soft wood when they were first built and the gutters should come off, which they did. Needless to say they found a lot of damaged or soft wood behind the gutters, so that worked itself into their plan.

- One of the things they did was institute a work order system which with the management company for service. The owners have the ability to go in and register the work order for various issues and that works very well because they can respond by category.
- As a side note to what has been said one of the people who just testified had one work order in two years and that was the one on Mother's Day when the service came out on Sunday and the next day they repaired the building immediately; that was until the phone call yesterday.
- The other individual at the other end of the building is not here has several work orders for squirrels and they addressed them with Dr. J who is licensed and does a great job.
- They also have two demand letters from their attorneys two different times for the person on one end of the building to stop harassing vendors and chasing them away telling them they are incompetent, not only with pest control, but roofers. It has been a struggle to get into that person's unit and that is the one with the most.
- The other 4 people, there are no work orders in for any pest activity, so this is hearsay.
- Going back to their plan they have a plan for all the wood, all the roofs, all the painting of the buildings which they started after they took the wood off the buildings. They have a plan to methodically replace all the wood, but they also have a work order system for in the interim if someone needs something fixed immediately like a squirrel has a small hole that quickly becomes a large hole. He has the money spent by building for the past three years that is up to \$168,000 and this is the fascia board on the buildings they are replacing.
- They finished building 14, the building in question in February when this other incident happened, they came out and where the old boards met the new boards the squirrels dug another hole and he is guessing that is how the squirrel got in again and there is a bill showing they immediately replaced that piece of wood.
- He has all the invoices to back up those charges.
- He wanted to bring to attention he did not do one side or two sides of the building, he gave a list of all the places on the building they had to fix. They got two bids for the building so, they did just take one guy, they had two bids that listed the same things that had to be replaced within \$100.00 of each other to do the job.
- They have finished all the buildings, they had a plan, and they have a work order system that works well when it is used. They also have some people who are just disgruntled about some things and he guessed pest control is where it comes out. Dr. J is very good, DolFan and is licensed and very good. They respond immediately to work orders that come in.

Attorney Tottle stated:

- She wanted to speak in terms of a condominium and certain laws in Florida that pertain to condominiums under Section 718 of the Florida Statutes. There is a cooperative relationship between the owners and the association.
- Under the declaration of the association Section 21, the unit owner has certain obligations to maintain portions of their condominium and they shall maintain, repair and replace at their expense all windows, screens and glass, doors, the garage door, carpeting, all kitchen equipment, heating and air conditioning equipment serving the unit whether contained inside or outside the unit, the chimney serving the unit whether contained inside or outside the unit, electrical, plumbing elements associated thereto and any other contents of the unit including all non-supporting walls and partitions .

- If those places have deficiencies where squirrels can get in it is the unit owner's obligation; the Condo Association cannot go in there and repair those, the unit owner has to take care of those. Those ladies have presented no evidence that they have done so. They (the Condo Association) do not know where the squirrels and rodents are coming in; the Association has done everything they can on their end. The ladies have presented no evidence they have done anything on their own end, so if there are holes in the air conditioning ducts and things are getting in, the squirrels, there is nothing the Association can do.

Mr. Walsh commented it is known that mice or rats will come in through the sewer lines, vents, dryer vents and there have been those incidents where an owner has to call a dryer vent business to take care of it.

Attorney Tottle stated the Association cannot hire people to do that, the owner must do that. They have not hired their own pest control to make sure their units are secure; the Association has done everything when they get the notice, they respond and they worked with Mr. Colbert when they were given notice. She thinks the Association has done everything they can on their end and ask what more the City wants them to do.

Mr. Walsh reiterated in the spirit of working with the City he has offered to come down anytime and they do try to keep ahead of issues before getting into trouble. The buildings have all been fixed; there are two more to paint and they are in the process of rebuilding the roofs and take care of the water issues that is another story.

Chair Bowman commented he wondered if the attics are the homeowner's or the association and Vice-Chair Suplicki stated he was also going to ask a question along those lines.

Attorney Tottle stated DolFan Construction has inspected the roof and the attics and they have their reports.

Chair Bowman asked how long ago the work was done that he spoke about on the building and Mr. Walsh stated on that particular building it was February and they came back as soon as they got word about the Mother's Day incident they had the contractor come back and he said there is a new hole in the new boards where they met the old boards. Mr. Walsh noted with 900 trees they have thousands of squirrels and they dig into stuff, they just do.

Vice-Chair Suplicki commented then basically the exterior envelope of the building, the siding which he thought these were mostly siding, that is the responsibility of who?

Attorney Tottle stated the Association and they have hired DolFan. Vice-Chair Suplicki continued that includes the soffit, fascia, siding all those, because condominiums are set up differently in different places, so he is trying to clarify.

Mr. Walsh stated he knew where Vice-Chair Suplicki was going and that the common element is anything from the paint out and the ceiling up, so the owner owns from the paint in. The caveat to that is: screens, windows, doors, and any external vents that go out belong to the homeowner.

Vice-Chair Suplicki stated then in this subject building he knows the Association had the contractor come out and fixed the spot between the old and new board. He asked to his knowledge is there any penetration, understanding that once you get into the drywall and paint that becomes the responsibility of the individual owner and asked if their building has not exterior penetration at all right now in the things the

association is responsible for and Mr. Walsh stated they did that work after the Mother's Day incident before they ever knew anything about this hearing and so forth; but in light of all of this he will have the contractor come back and sweep it again for sure. Vice-Chair Suplicki noted there is some old wood left as Mr. Walsh spoke of the old meeting the new.

Vice-Chair Suplicki asked if to the best of his knowledge the screens are on the chimneys too and Mr. Walsh said absolutely. Attorney Tottle stated that would be the unit owner's responsibility.

Mr. Motley asked if Mr. Walsh had seen the photographs the witnesses have and Mr. Walsh said yes. Mr. Motley said then he assumed he saw the rats and rodents had chewed up the attic area and gotten through some way or another and he asked if that part has been repaired or is there any idea how they are getting in there and that is the association responsibility.

Mr. Walsh stated the air conditioning ducts no matter where they are is the unit owner's responsibility; the association has to fix anything that is a common element that is not unique to that unit. They have sealed the outside of the building and he will get someone back to look again, but on the inside of the building if there is damage and it is their responsibility which they would know by looking at their documents, they put in a work order and say I need this piece of drywall fixed, can you come fix it and they send people out to fix it.

Mr. Motley reiterated some way or another the rats and rodents are getting into the attic; there is evidence to indicate that in the photographs and Mr. Walsh is saying that has been repaired.

Mr. Walsh stated the entry points have been repaired and he will have it checked again and the only other caveat to that is that if there was a squirrel in the attic after the last repair trying to get out, that is another issue and that is why they send Dr. J back and he acknowledged Dr. J has been back to another unit in that building since then.

Mr. Motley asked if it would be unquestionable to have every attic checked and Mr. Walsh stated they can.

Mr. Chize asked who in the condominium regulations is responsible for the control of active pests.

Attorney Tottle stated it depends on the entry point, so if a rat has chewed through air conditioning unit the unit owner has to control that. Mr. Walsh stated also it is the type of pests, if you have ants in the kitchen closet that is the unit owner's responsibility; if you have fire ants outside your building that is the association; rats inside the building they will come and address, but if they come in through the garage door, he does not know how to fix that.

Mr. Motley commented if they come in through the attic and chew through the duct work and go down into the residence. Mr. Walsh commented they have never said we won't come get rats or squirrels out of your place.

Attorney Tottle stated if they chewed through the attic, the association has to repair the attic, if they chew through the duct work the unit owner has to take care of that; Mr. Motley noted the duct work is in the attic.

Mr. Walsh stated unique things like electrical wires that run to your condo, your dryer vent that goes up to the attic, your fire place that goes to the attic or your air conditioning ducts are yours.

Vice-Chair Suplicki commented the fire walls between these units he recalled when these were built in the 1980's were just drywall, but now it is different; Mr. Walsh stated he had no idea. Vice-Chair Suplicki explained he asked because if a rodent gets in at one end, it is a lot easier for them to get through drywall than the way it is done today with plywood and other materials.

Mr. Walsh reiterated in 4 of the 6 units they have had no work order for any of this. Vice-Chair Suplicki clarified that is their official way of communicating these issues. Mr. Walsh noted they have board meetings regularly and an annual meeting with a two hour presentation as part of what they are doing for every building and the people in this room have not been to those meetings.

Ms. Moseato commented:

- First of all in the spirit of working with the City of Dunedin about fire extinguishers and parking; they are not here about that. They are here about her having to live with rats and squirrels. Regarding no work orders, she gave correspondence that goes back and forth between the property management company, the association and the resident in questions, so while there might not be a work order every single week, you will see the chain going back and forth that no action was done. It is not hearsay, they are not disgruntled residents, they are six women living with rats and squirrels in their homes.
- Number 2, demand letters given to one, struggle to get vendors in, yes that did happen because she no longer wanted a man, Dr. J coming into her home sticking up a trap and walking away.
- Also, no one has ever inspected their attics. They get a man, an arm, a trap and a good-bye and when he comes back he shows you what he caught and asks if you have a bag he can put it in.
- Number 3, the copy of the invoice showing work done on the entire building, that was not given to Tom, the invoice she has shows the section of the building that was done was Jodi's end of the building as she testified under oath, that company came nowhere near her building and not to the unit on the other end of the building. She has photograph of the rotted wood she took yesterday, she does not know what kind of company DolFan was, but they did not do much of a good job.
- About the attic, contrary to what the Attorney has to say, she has had someone come and inspect her home for every little opening and every wall and she had no openings and that is why she does not have any rodents in her home yet; they are in the attic; they are coming in from the attic; she hears them, she smells them die and listen to them fall between the walls.

Mr. Motley asked who went up in the attic and took those photographs. Ms. Moseato stated it was Sandy who is not here today hired her own person to do that; he was a handyman and he removed the dead squirrel in her house and those pictures are her attic on the other end, opposite of Ms. Ball.

Vice-Chair Suplicki noted in his testimony he said he would have a "sweep" and being a builder, he calls it the envelope of the building that keeps things from the outside going inside and asked how long would it take to have a licensed contractor do a sweep of the envelope of that building and Mr. Walsh stated he could not give a date, but maybe a week as they are very responsive to them. Vice-Chair Suplicki commented depending on the amount of work it would probably take another day or two.

Mr. Motley asked regarding the photographs taken yesterday if a rat could get through that siding; and Ms. Moseato stated it is the wood; she has other pictures of the siding.

Mr. Motley asked if he inspected the residence and Mr. Colbert responded obviously he did not go up on the roof as Code Enforcement is not equipped for that nor did he go in the attic area. Mr. Colbert stated it is very difficult to see from the ground and pretty much have to be at eye level to see any roof line damage.

Chair Bowman asked what the limitations for the Board are in this case.

City Attorney Trask advised it is to determine whether or not there is a violation of Section 302.5 and if there is, set a compliance date and if they do not come into compliance associate a fine with every day they are not in compliance; that is the guideline. He thought the Board should give them all options to come into compliance.

Vice-Chair Suplicki inquired regarding compliance, is it a receipt from a licensed pest control company saying they did all this and it is good or the residents confirming.

Mr. Colbert stated it is twofold and that usually the City requires an invoice documenting the work performed. He thinks in this case being unique and unusual that the City would have to rely on the witnesses and the activity they are having at their home. One observation he had, not being a contractor or exterminator, but it seems an exterminator or someone should go up in the attic area and do a thorough inspection of any damage or evidence of rodents and respond accordingly.

Vice-Chair Suplicki asked if it would be fair to say a sweep of the building, the attic, whatever and they had a receipt. He wanted to clarify for setting a compliance date and a fine to run thereafter, what do they need to do to get that. With a building permit it is easy, when the building permit is picked up and paid for there is compliance; with this it is more complicated and he wanted time frame to be reasonable and so both sides know what has to be accomplished for it to be met.

Mr. Colbert stated from what was mentioned earlier it would be a good way to go, once the entry points are sealed, that should pretty much have the problem solved and hopefully that will resolve the issue unless he receives more calls from the residents.

Vice-Chair Suplicki stated when everything is done they also have to confirm they are not still having the problem.

Mr. Motley agreed it is complicated and the complication is they are cited for pest control, rat and pest control and it should have also been for the building. Vice Chair Suplicki and Mr. Chize said "maintenance of structures". Mr. Motley noted the Board can only rule on Section 302.5 pest and rat control.

Vice-Chair Suplicki commented in order to cure that it is part of it, but that is not for the Board that is for the respondent to figure out. Mr. Motley agreed.

Mr. Carson commented this Dr. J who is supposed to be the expert on this on May 22nd said there were no issues; he thinks that is an important element.

Chair Bowman commented if you have a licensed contractor go around the building and check and seal off any entrance areas or any bad wood and then a licensed pest control go through the attics.

Mr. Carson questioned if this pest control person has a license.

Mr. Motley stated at this point the Board has evidence showing there are rodents and rats in the attic by the photographs.

Mr. Walsh explained his concern based on what he said before, that he will leave here and do everything he said they would do; how is this going to be verified so they are not back here because someone takes another picture of something and they didn't do it.

Chair Bowman explained the Board would set up what needs to be done in this time frame.

Mr. Walsh asked then if they have a licensed contractor and he verifies that.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-414 based on testimony, evidence and facts presented and that at the time of the alleged violations the International Property Maintenance Code Section 302.5 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 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.

Chair Bowman reviewed the Finding and Order of the Board.

Mr. Walsh asked when he would receive what they have to do and if they would get that in writing. Vice-Chair Suplicki noted it was what was just discussed and explained they would have to abate the IPMC Section 302.5 however, they need to do that.

OTHER BUSINESS

- 1. FINE RECONSIDERATION REQUEST**
DCEB 19-132 City vs. ANTHONY TELLER
1325 Georgia Avenue (TC)
Current Owner: Anthony Teller
Amount Due as of 7/2/19: \$6,046.44

Chair Bowman determined the respondent was present.

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.

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

Vice-Chair Suplicki clarified with Mr. Colbert this case involved a rehab without permits.

MOTION: Mr. Chize moved in case DCEB 19-132 to deny the request for fine reduction. 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 decision of the Board.

- 2. FINE RECONSIDERATION REQUEST**
DCEB 19-144 City vs. SEIF M MANSOUR

84 Palm Boulevard (TC)
Current Owner: Seif M Mansour
Amount Due as of 7/2/19: \$3,466.77

Chair Bowman determined the respondent was not present.
Time was provided for the Board members to review the written request for fine reduction.

Vice-Chair Suplicki discussed with Mr. Colbert this was the case involving a person living in the garage and paying \$500.00 a month rent.

Mr. Motley commented the respondent was renting this property in the garage in an unsafe manner for over six years at \$500.00 a month which comes to about \$36,000. He understands the respondent had some medical issues which gives him a hardship, but the fact is the tenant living in the garage in possible hazard conditions without it being permitted. He would say the Board should not accept his request and deny it.

MOTION: Mr. Motley moved in case DCEB 19-144 based on the evidence submitted and the comments by the Code Enforcement Inspector and the rebuttal letter to deny the request for fine reduction. Second was made by Mr. Chize for discussion.

Mr. Chize commented that in a way he agreed with Mr. Motley's comments; however, when Mr. Mansour was presenting his case the Board sort of led him down the path that he could do this. He does not think he should get away with anything and would reduce the amount owed now that is \$3,000 plus; he would reduce it to \$500.00; he would second the motion on that basis.

Mr. Motley stated while he understood what Mr. Chize was saying the respondent was incapacitated for some of that time and he had some health problems; however, he rented the property in an unsafe condition for over six years at \$500.00 a month; that was \$36,000 he earned on that at the expense of the health and safety of the tenant. He thought the request should be denied.

Vice-Chair Suplicki commented that is assuming he received \$500.00 a month every month; he did agree with the concept Mr. Motley was presenting completely; however, the respondent inherited this from his son who passed away and there might be other mitigating circumstances. He thought the respondent maybe could have done something sooner to get the tenant out which seemed to be the problem with getting compliance from what he recalled. He suggested there is some middle ground.

Mr. Motley commented the respondent does have a legitimate reason for requesting a fine reduction with the health conditions; therefore, he would amend the motion as has been done in the past to 50% of the full amount.

MOTION RESTATED:

MOTION: Mr. Motley moved in case DCEB 19-144 to reduce the fine to \$1,750.00 to be paid by July 31, 2019 or the fine reverts to the original amount of \$3,466.77 plus interest. 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 decision of the Board.

3. **FINE RECONSIDERATION REQUEST**
DCEB 19-258 City vs. EUGENE E AND LEZLIE A JOHNSON
200 Glennes Lane Unit 206 (TC)
Current Owner: Eugene E and Lezlie A Johnson
Amount Due as of 7/2/19: \$504.86

Chair Bowman determined the respondent was not present.
Time was provided for the Board members to review the written request for fine reduction.

- MOTION:** Mr. Carson moved in case DCEB 19-258 to deny the request for fine reduction. 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 decision of the Board.

Ms. Graham had to leave the meeting at 4:20 p.m.

4. **MEMORANDUM FROM CITY ATTORNEY DATED 6/6/19 REGARDING FORECLOSURE**
DCEB 18-437 City vs. RESI TL1 BORROWER LLC
757 Pinewood Avenue

City Attorney Trask advised:

- The memorandum is a request of authorization to begin foreclosure proceedings for the property at 757 Pinewood Avenue. The property is owned by a corporation, RESI TL1 BORROWER LLC.
- He had made an attempt to get this matter resolved; however, has been unsuccessful in talking with the attorney representing this company.
- The outstanding fine is approximately \$75,000 plus costs and attorney fees; the fines are continuing to accrue at a rate of \$250.00 a day. The \$75,000 figure was as of May 23, 2019 so, it is significantly more now.

- MOTION:** Mr. Motley moved in case DCEB 18-437 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Vice-Chair Suplicki.
VOTE: Motion carried with Messrs. Carson, Motley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none. Mr. Chize advised he had to abstain.

5. **MEMORANDUM FROM CITY ATTORNEY DATED 6/26/19 REGARDING FORECLOSURE**
DCEB 16-512 City vs. FRANK AND ANN MONGELLUZZI
1978 Lynnwood Court

City Attorney Trask advised:

- The memorandum is a request of authorization to begin foreclosure proceedings on the property at 1978 Lynnwood Court. This property had a huge Code Enforcement Lien until it was foreclosed in the amount of \$164,500.
- In researching this property after it was foreclosed by the bank he found a different property owned by the same people in Gibsonton at 6135 Shirley Avenue.

He is requesting authority to begin foreclosure proceedings on the property in Gibsonton to collect the Code Enforcement Lien that was wiped out on the property at 1978 Lynnwood Court.

Chair Bowman noted that can be done anywhere in the state of Florida.

Mr. Motley asked the value of the property in Gibsonton and City Attorney Trask advised it is a commercial business; there are some unpaid ad valorem taxes on that property for seven or eight years, so he is not really sure of the actual value and to obtain that information he needs to do the title search and see what other liabilities are on it. Receiving permission from the Board he can take the next step. If he determines there is no value on the property he will not pursue the foreclosure.

MOTION: Vice-Chair Suplicki moved in case DCEB 16-512 to authorize the City Attorney to move forward with the foreclosure process on the property at 6135 Shirley Avenue, Gibsonton, FL. Second was made by Mr. Motley.

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

6. MEMORANDUM FROM CITY ATTORNEY DATED 6/26/19 REGARDING FORECLOSURE

DCEB 18-958 City vs. NATIONAL HOME BUYERS GROUP LLC
1669 San Mateo Drive

City Attorney Trask advised he was withdrawing this case from the agenda. He has been pursuing collection on the property located at 1669 San Mateo Drive and finally got the attention of the property owner and they have offered to pay everything due on the property. A closing is supposed to take place tomorrow and there is approximately \$13,600 the City will collect tomorrow.

Chair Bowman advised there was an application for an alternate member to the Code Enforcement Board which is something to consider as the Board is supposed to have two alternate members. He asked if anyone had any thoughts regarding the applicant Karen Wells.

Ms. McHale summarized the application noting basically Ms. Wells lives in Dunedin; she has been a realtor for eleven years. She came to a meeting a couple of times when interested people were asked to attend; however, it was a very long meeting and she left right before they were asked to speak.

Mr. Motley noted she meets the criteria and shows interest.

Vice-Chair Suplicki asked if there were any other applicants and Ms. McHale explained they were all vetted them out many times and the last three people who were offered positions declined. Vice-Chair Suplicki commented it would be nice to have two or three people like alternates for the alternates because of people falling out at the last minute like the last time.

Ms. McHale advised there are only two alternate positions according to the Board's Resolution. This application was the only one left. If the Board wants to go back out and advertise she will have to check with the City Clerk to check with the City Manager to put it back on the website.

Vice-Chair Suplicki would like to try for one or two more applicants and have them sit through a meeting rather than just having one and then nominating someone.

Regular Meeting
July 2, 2019

Dunedin Code Enforcement Board

Mr. Carson asked didn't the Board usually rely on the Chair to select the person for the position. Vice-Chair Suplicki was not opposed to that.

Mr. Motley asked how urgent it is to have another alternate. Chair Bowman commented the concern is not to have to cancel a meeting.

Chair Bowman suggested asking City Clerk Kirkpatrick to post it and ask this applicant to come to the next meeting and in the meantime see if there are more applicants. The Board Members agreed.

Meeting adjourned at 4:30 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board