

**DUNEDIN CODE ENFORCEMENT BOARD  
REGULAR MEETING OF TUESDAY, NOVEMBER 5, 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, Bunny Dutton and Dave Pauley; Alternate Member Gordon Chize

**ALSO PRESENT:** City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspectors Tom Colbert and Michelle Gilbert, Pinellas County Sheriff's Deputy Prime and ten 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 October 1, 2019

**MOTION:** Mr. Carson moved to approve the minutes of the regular meeting of October 1, 2019. Second was made by Vice-Chair Suplicki

**VOTE:** Motion carried unanimously.

\*\*\*\*\*

Ms. McHale swore in Code Enforcement Inspector Tom Colbert and Code Enforcement Inspector 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 09-1090 City vs. CHARLES A / JAN M SCHNEIDER *(Also Fine Reconsideration Request)*
2. DCEB 19-17 City vs. ANN LOKEY
3. DCEB 19-199 City vs. CG 103 LLC
4. DCEB 19-436 City vs. ANDREA H / CARL S DIVITO
5. DCEB 19-560 City vs. IH5 PROPERTY FLORIDA LP
6. DCEB 19-580 City vs. DAVID P & BARBARA K WHEELER

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

**VOTE:** Motion carried unanimously.

\*\*\*\*\*

**OLD BUSINESS**

1. DCEB 18-825 City vs. JOHN P ST HILAIRE & JULIE FRASE  
*340 Socrates Drive*  
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Ms. McHale swore in Julie Frase.

Mr. Colbert reviewed case DCEB 18-825:

- At the meeting of October 1, 2019 this Board ordered compliance by October 13, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 14, 2019 the violation remains.

- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. Frase asked if he had been by the house in the last few days, Mr. Colbert stated not in the last few days; it was the day after the compliance date that he was there. Ms. Frase stated she had not done anything by that time, but she has done things now.

When Chair Bowman asked if everything was done, Ms. Frase stated she thought so and that the tarp is off and she had pictures.

Mr. Colbert explained if she had called he would have been there that day.

Chair Bowman explained there was a compliance date that the work was supposed to be done and Ms. Frase explained she did not have the money. He explained that the Board can find it in non-compliance and she can contact Mr. Colbert tomorrow or whenever and set a time for him to come out as long as everything is done and he can find it in compliance. He explained further, if it is found in non-compliance then she can request a fine reduction, she would have to write something within 30 days.

Mr. Motley inquired if this was a total roof repair and Mr. Colbert explained the violation was based on the tarp that had been on the roof for quite some time and it was remaining when he went to check. In response to the question regarding whether or not permits were needed Mr. Colbert stated he was not sure of the condition of the roof and deferred to the respondent.

Ms. Frase explained the roof just needed a patch job, but it was expensive and she was able to do it with a couple of friends.

**MOTION:** Mr. Carson moved in case DCEB 18-825 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

Chair Bowman explained to Ms. Frase if she thinks it is all finished to contact Mr. Colbert and schedule for him to come out and inspect and if everything is good he will issue an Affidavit of Compliance and then as long as she gets it done quickly she can come back and see if the Board can lower the fine.

**2. DCEB 19-281 City vs. CERBERUS SFR HOLDINGS II LP**  
*1391 Dinner Bell Lane*  
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 19-281:

- At the meeting of October 1, 2019 this Board ordered compliance by October 23, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on October 24, 2019 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Vice-Chair Suplicki asked if no one had reached out to him, Mr. Colbert advised he received a call after the last Code Enforcement Board hearing again asking the same question and it was a very simple, get a permit for the rehab, the kitchen, the bathrooms and that was the extent of the conversation.

**MOTION:** Mr. Motley moved in case DCEB 19-281 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

**3. DCEB 19-310 City vs. MONDI GJONI**

*1444 Overcash Drive*

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-310:

- She spoke with Mr. Gjoni prior to the meeting, his case file is on her desk; he is in compliance.
- An Affidavit of Compliance was supposed to be submitted, but it was too late, so she will present it at the next meeting, if that is possible.

Chair Bowman clarified Ms. Gilbert was testifying she had an Affidavit of Compliance, it was not quashing the case, but an Affidavit of Compliance will be submitted at the next hearing. Ms. Gilbert advised the case is in compliance.

Mr. Pauley verified with Ms. Gilbert there was compliance long before the compliance date. He asked if it should be removed from the agenda.

Chair Bowman explained it was already on the agenda so it has to be closed out and the Board has the testimony of the Code Inspector that it is in compliance.

**MOTION:** Vice-Chair Suplicki moved in case DCEB 19-310 based on the evidence and testimony provided today to find the respondent is in Compliance. Second was made by Mr. Motley.

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

**4. DCEB 19-379 City vs. CHARLES A & JAN M SCHNEIDER**

*2050 Pinehurst Road*

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 Christa Radulovich of 36181 East Lake Rd. Ste 25, Palm Harbor, FL 34685. Attorney Tripp was also present representing Christa Radulovich, the Guardian for Jan Schneider.

Mr. Colbert reviewed case DCEB 19-379:

- At the meeting of June 4, 2019 this Board ordered compliance by September 27, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on September 30, 2019 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Vice-Chair Suplicki noted there are different violations on the paper agenda and the screen.

Mr. Colbert explained the violation for pest infestation was corrected shortly after the hearing date, so the only remaining violations are the ones on the paper agenda.

Ms. Radulovich stated:

They found a buyer for the property and they would like to ask for an extension for three months so these things can be taken care of after the closing.

Attorney Tripp stated:

- His understanding of this case was in working with staff there were many issues at the property that clearly needed to be fixed and there were some issues on the interior of the house. No one occupies the house.
- They took care of the rodent aspect.
- The roof violation was based on the Deputy's testimony that it looked like a roof leak and City staff never went inside. It was an old leak that had been repaired so there was never a leak that needed to be repaired.
- The plumbing was not working and still does not work.
- They had a closing scheduled for October 15, 2019 and the title company came up with the violation from 10 years ago which negated sale; otherwise there would be new owners there would not be these issues.
- It was his understanding since there was no one living in the home and that they took care of the rodent issue; the fact the plumbing was not working they were not worried about because that would be taken care of by the new owners when it became occupied; the roof was just wrong as there was no problem with the roof, they had that checked out.
- He thought as long as they were moving forward and trying to fix everything that was all they needed to do; apparently he misunderstood. He has not seen the Affidavit of Non-Compliance. He did remember discussion in June how much money they should spend on this issue that was just going to be torn down, if there were new owners and that is what they are trying to do now.

When Chair Bowman asked if that is the intent of the new owners, Attorney Tripp stated meeting with their broker, he is waiting to have this completed and they are hoping to resolve the other issue later on in the agenda, set a new closing date and they were thinking a month to get the title cleared assuming it goes the way they want in a few minutes, then they will set a new closing date and have court approval to sell based on the title being cleared.

Mr. Colbert advised the reason this case was cited was based on testimony from the Sheriff's Office based on the condition of the home which kindly said was in "poor" condition. The reason he cited the case is so that no one would live there. There were issues with the boyfriend of the property owner who was back and forth and the City did not want anyone living in that environment. He understands the new owner is going to demolish the property and that is a great idea. The City also is understanding if they want to extend the compliance date and they would not expect them to fix the violations; the main concern was to not have anyone living in that environment.

Chair Bowman noted obviously they have a buyer and are moving forward and the house will come down, so that negates everything.

Vice-Chair Suplicki clarified with Mr. Colbert that obviously if no one is going to be living there he has no problem with extending the compliance date to something that works for the respondent.

Mr. Motley inquired how the Board knows the home is going to be demolished.

Attorney Tripp stated they could not swear to that, they are not the new owners, they are hoping to still get there, but they have a binding contract.

Mr. Motley commented this is involving a home not in good repair and the interior of the structure and questioned how to make sure this is complied with if it is sold to another owner.

Vice-Chair Suplicki noted there would still be a case open with an extended date and based on the testimony they are going to demolish the house, as soon as the demo permit is pulled then theoretically an Affidavit of Compliance could be issued at that point. He thought they were just looking for a little more time to finish the negotiations and legalities to get there.

**MOTION:** Vice-Chair Suplicki moved in case DCEB 19-379 to extend the compliance date to February 20, 2020. Second was made by Mr. Carson.

Mr. Pauley stated the comments by Mr. Motley also concerned him. He verified with Mr. Colbert it would be accurate to say as the house sits now it is uninhabitable. He asked in order to expedite this and get the house sold could the property be condemned. Mr. Colbert advised that would be a call made by Building Official DiPasqua; however, he did not think it would be worth it seeing there is no one living there to have that process going forward here; but he could ask. Mr. Colbert did not think that process would expedite the demolition.

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

**5. DCEB 19-484 City vs. LETA D BAZO**  
*1540 Pleasant Grove Drive*

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

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-484:

- At the meeting of October 1, 2019 this Board ordered compliance by October 6, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 7, 2019 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- There has been no contact with the property owner or anyone related to the property since this process started.

When Ms. Dutton requested refreshing her memory of Clean, Safe and Sanitary, Mr. Colbert explained in this case the respondent has dogs in the back they do not pick up after.

**MOTION:** Ms. Graham moved in case DCEB 19-484 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

**6. DCEB 19-548 City vs. RICHARD BRINCKLOW**

*620 San Salvador Drive*

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

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

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

Ms. McHale swore in Richard Brincklow.

Mr. Colbert reviewed case DCEB 19-548:

- At the meeting of October 1, 2019 this Board ordered compliance by October 23, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 24, 2019 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Carson verified with Mr. Colbert all three violations remain.

Mr. Brincklow stated:

- He rented a bobcat for three days and he has scraped the ground clean.
- He still has cars remaining, but they are spoken for and should be removed hopefully within the next week.
- He was a little slow because he cut his hand with a chain saw and could not do as much work as he thought. He thought he could get it done by the 23<sup>rd</sup>, but he could not. He has to wait for the stitches to come out.
- He is serious about getting this cleaned and he had some photographs.

When Mr. Motley asked who was going to pick up the debris stacked at the road, Mr. Brincklow stated he did not know, he was just getting it out of the back yard, the last time he put two loads out and the City came by and just put it in the truck; he could get a trailer if the Board wanted him to do that.

Chair Bowman suggested Mr. Brincklow check with the City first to see if they will do that.

When Vice-Chair Suplicki asked he was here to ask for an extension and if so about how long, Mr. Brincklow stated he hoped to get the remainder out and clean cut in two weeks, everything.

When Mr. Motley asked if the City was agreeable, Mr. Colbert stated no, that this case was cited on March 21, 2019 and he was there the day before the inspection date on October 23, 2019 and saw very little progress other than piles of stuff being move to different areas. He was unable to even view the two vehicles due to vegetation, trees and so forth. Based on the complaints he has received he believes the City has an obligation to them. He would have to oppose any extension.

Mr. Motley noted the respondent can always come back and ask for a reduction in any fine.

Ms. Dutton inquired regarding the cars that are spoken for and Mr. Brincklow explained someone was coming to pick up the classic cars and he acknowledged he had good faith they would be taken care of.

Mr. Brincklow stated there are two trees that grew there, in terms of not being able to see the cars; they are huge ear trees or something he has to take care of, but the cost is prohibitive, so he is trying to take another avenue to get them cut out. There is one other tree he can take care of now.

- MOTION:** Mr. Motley moved in case DCEB 19-548 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.
- VOTE:** Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Motley, Pauley, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman explained to Mr. Brincklow that the fine will start running, so as soon as everything is done, the cars gone, everything on the list done to call Mr. Colbert to come out and inspect and then the fine will stop. Then he can ask for a reduction or removal of the fine, but it has to be completely done before Mr. Colbert can issue the Affidavit of Compliance.

- 7. **DCEB 19-642 City vs. GEORGE HENRY SWART III**  
*1042 Idlewild Drive N*  
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS  
Violation of the International Property Maintenance Code Section 504.1 PLUMBING-GOOD REPAIR  
Violation of the Dunedin Code of Ordinance Section 34-1(A) OFFENSIVE ACCUMULATION

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 19-642:

- At the meeting of October 1, 2019 this Board ordered compliance by October 3, 2019 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 4, 2019 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The International Property Maintenance Code Section 504.1 PLUMBING-GOOD REPAIR was related to the water being turned off and the meter was illegally tampered with and turned back on has been resolved and is in compliance; the other two violations remain.

In response to the question from Mr. Motley, Mr. Colbert advised early on he had contact with the owner prior to the last hearing he received a phone call and discussed the violations that include the back yard not being cut probably in a few years and debris around the property, simple issues that could be taken care of fairly quickly. He has not heard from the owner since that time.

- MOTION:** Mr. Carson moved in case DCEB 19-642 to accept the Affidavit of Non-Compliance with the exception of International Property Maintenance Code Section 504.1. Second was made by Ms. Dutton.
- VOTE:** Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Motley, Pauley, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.



**NEW BUSINESS**

\*\*\*

1. **DCEB 19-406 City vs. THEODORE & ZENOVIA VLAHAKIS & DIMITRI VLAHAKIS**  
*414 Patricia Avenue (MG)*  
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Gilbert advised this case is removed from the agenda; it is in compliance.

City Attorney Trask advised the case is removed from the agenda; therefore, the Board did not need to take any action.

2. **DCEB 19-418 City vs. DIMITRI & DONNA VLAHAKIS**  
*404 Patricia Avenue*  
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Gilbert advised this case is removed from the agenda; it is in compliance.

3. **DCEB 19-589 City vs. MICHAEL SILLA**  
*479 Limewood Avenue*  
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE  
Violation of the International Property Maintenance Code Section 302.1 CLEAN, SAFE AND SANITARY  
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES  
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS  
Violation of the International Property Maintenance Code Section 302.5 PEST-RAT CONTROL

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-589:

- The violations exist on a residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 6, 2019 and a notice of violation was sent to the owner with a requested compliance date of August 26, 2019.
- The violations include:
  - Accumulation of rubbish or garbage including, but not limited to newspapers around the mailbox and grass, piles of yard trimmings in the rear yard and the wooden structure in the back yard and all the debris in the front and side and back yards;
  - Clean safe and sanitary condition to include, but not limited to the entire yard, sidewalk, driveway and so forth;
  - Maintenance of structures to include but not limited to the rotted and deteriorated wood fascia, eaves, troughs, bird bath with standing water and rotting vines and weeds overgrown on the exterior walls.
  - Grass and/or weeds exceeding 10 inches in height; and
  - Pest-rat control that includes but not limited to the entire yard.
- To date there has been no contact with the owner.

Ms. Gilbert submitted into evidence photographs taken on October 14, 2019. She recommends a compliance date of November 26, 2019 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Motley inquired if the property is homesteaded.

Ms. Gilbert stated if it was it would have been sent to the Pinellas County Property Appraiser, so no.

Vice-Chair Suplicki verified with Ms. Gilbert this case was the result of a neighbor complaint who sees snakes and rats in the back yard all the time; they will cut the grass on occasion, but nothing else.

Ms. Gilbert advised the property is vacant; there is a lock box on the door. She explained at one point it looked like he had cleaned up the area and started to work on, but there was still no contact so she went back again and she thought enough time had been given to come into compliance and he just didn't. The respondent is an out-of-state landlord.

Mr. Pauley inquired if there is something the City can do about the pest control that is of concern to the neighbors and then charge it back in the form of lien or something.

Ms. Gilbert stated there is so much area and there is wood and an old wooden swing and it can be seen where rodents can make nests and there is an old metal shed she is sure they are living in. The back corner is to the point of needing machete to get back there.

City Attorney Trask advised:

- First of all under the abatement provisions per the Code it does not allow for that.
- Secondly, the City does not like to go on private property to take care of that type of issue other than cutting the grass.
- Under Chapter 162 and the City's Code the Board is allowed to award the City costs of repair; the City would have to come forward with some recommendation for the Board to approve. He would not want for the Board to just blanket say, but let the City come back with a recommendation for consideration.
- A short compliance date could be just as important.

Vice-Chair Suplicki commented he thought because of what Ms. Gilbert was saying is correct; there is so much going on it would not be just one thing the City could do to remedy the problem. He noted with holes in the fascia rodents could be living in the house and Ms. Gilbert stated that was her concern.

**MOTION:** Mr. Motley moved to find case DCEB 19-586 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 308.1, Section 302.1, Section 304.1, Section 302.4 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 November 26, 2019 or suffer a fine of \$250.00 per day. Second was made by Mr. Pauley

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 19-603 City vs. DANNY LUKIC**  
*1798 Pasadena Drive*  
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS  
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 19-603:

- The violations exist on a residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 12, 2019 and a notice of violation was sent to the owner with a requested compliance date of September 15, 2019.
- The violations include grass and/or weeds in excess of 10 inches in height and a building permit required for the installation of the driveway located on the north side of the structure.
- There has been no contact with the property owner. He called the phone number in the City's system and left a message for them to call; however, there has been no call received.
- There have been several citizen complaints about the property.

Mr. Colbert submitted into evidence photographs taken on August 21, 2019 and October 4, 2019. He recommends a compliance date of November 11, 2019 or a fine of \$250.00 per day thereafter for non-compliance.

In response to the question from Mr. Motley, Mr. Colbert advised he sent certified letter and posted the property and put a code enforcement sign at the property.

- MOTION:** Mr. Carson moved to find case DCEB 19-603 in violation of the International Property Maintenance Code Section 302.4 and the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by November 11, 2019 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.
- VOTE:** Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Motley, Pauley, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 19-661 City vs. JOSHUA W & MELISSA A PENNINO**  
*1160 Idlewild Drive N*  
Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RV's, TRAILERS

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-661:

- The violation existed on a residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 19, 2019 and a notice of violation was sent to the owner with a requested compliance date of September 17, 2019.
- The violation includes utility trailers, boats, recreational equipment and recreational vehicles that may not be parked or stored in any portion of the front yard; it may be stored within the secondary front yard, side yards

and must be effectively screened from adjacent lots by a 6-foot privacy fence. This is to include the boat and trailer parked in the driveway and in the rear side yard.

Ms. Gilbert submitted into evidence photographs taken on August 19, 2019, September 19, 2019, September 26, 2019 and October 4, 2019. She recommends the Board find the respondents were 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. Dutton moved to find case DCEB 19-661 was in violation of the Land Development Code Section 105-27.1.1 (f) after the requested compliance date of September 17, 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. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 6. DCEB 19-690 City vs. JAMES HYPOLITE JR**  
*657 Richmond Street (MG)*  
Violation of the Land Development Code Section 103-14.4 TRANSIENT USE PROHIBITION

Chair Bowman determined the respondent was not present.

Ms. Gilbert advised regarding case DCEB 19-690 she was requested to move to the December 10, 2019 hearing and it was approved by Planning and Development Director Rice. She is requesting the case be moved to the December 10, 2019 hearing.

Chair Bowman verified with City Attorney Trask the Board did not need to take any action.

- 7. DCEB 19-695 City vs. JOHN & LYNN CREWE AND ALLAN & ANNE JONES**  
*1138 Somerset Circle*  
Violation of the Land Development Code Section 103-14.4 TRANSIENT USE PROHIBITION

Chair Bowman determined the respondent was not present.

Ms. Gilbert reviewed case DCEB 19-695:

- The violation exists on a residential property that is a vacation rental that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The home vacation software the City has inspected the proper on August 28, 2019 and a notice of violation was sent to the owner with a requested compliance date of October 10, 2019.
- This case is the result of a
- The violation includes the property is in a prohibited rental zone and any rentals at this address must be 3 calendar months or 90 days whichever is greater.
- There has been no contact from the property owners to date.

Ms. Gilbert submitted into evidence the online advertising from Flip Key which has a 7 night minimum. She recommends a compliance date of November 19, 2019 or a fine of \$150.00 per day thereafter for non-compliance.

Mr. Pauley inquired what the respondent has to do to come into compliance.

Ms. Gilbert explained it is very simple; they just have to remove the advertisement completely or change it to reflect 90 nights. It is something that can be done in about 10 minutes.

**MOTION:** Ms. Graham moved to find case DCEB 19-695 in violation of the Land Development Code Section 103-14.4 and that the Respondents shall come into compliance by November 19, 2019 or suffer a fine of \$150.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

\*\*\*\*\*

### OTHER BUSINESS

- 1. Request for Fine Reconsideration**  
**DCEB 09-1090 City vs. Charles A/Jan M Schneider**  
*2050 Pinehurst Road (TC)*  
Current Owner: Jan M Schneider  
Amount Due as of 11/5/19: \$324,929.72

Chair Bowman explained that requests for fine reduction are done in writing and if the Board had any questions the respondent would be asked to be sworn in to address the Board.

Chair Bowman noted representatives for the owner were present, Christa Radulovich of 36181 East Lake Rd. Ste 25, Palm Harbor, FL 34685 was previously sworn in. Attorney Tripp was also present.

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

Mr. Carson asked how much time the City has in this case. Mr. Colbert stated he could not answer; however, was sure there had been some Code Enforcement Board appearances and inspections, he could not give an estimate.

Chair Bowman commented the case has been going on for a long time and it looks like there was opportunity for things to be taken care. He would definitely like to see the property be cleaned up or the structure torn down and move on.

**MOTION:** Vice-Chair Suplicki moved in case DCEB 09-1090 to reduce the fine to \$0. Second was made by Mr. Motley for discussion.

Mr. Motley stated he really believed the Board should try to charge the very minimum amount that has been discussed in the past as to the enforcement of these cases. This has been going on since 2009 and there is \$324,000 over that. There has been a lot of Code Enforcement and a lot of City time and effort of this Board with hearings. He really believes the Board should charge at least enough to try to recoup what the City has put into this enforcement. He suggested a minimum of \$1,200 at least charged to this case.

Mr. Pauley commented he thought the Boards Rules of Procedure support the comments by Mr. Motley. He would concur.

Vice-Chair Suplicki stated he normally would be the one making that suggestion. This has been going on so long and he thought with the situation the owner is in, basically being indigent. He understands the property has value. Given the guardianship and so much going on here he did not know if it would be appropriate in this particular situation.

Mr. Motley stated he understood the circumstances and that the property owner is being taken care of now. He understands she was taken advantage of and there were criminal acts, but still believe the Board should try to recoup what the City has involved in enforcing these codes for the city and the Board has an obligation to do that.

Mr. Carson commented that was why he was trying to find out how much the City did have invested. Vice-Chair Suplicki commented this case is so old.

Mr. Motley commented that is why he suggested charging just the minimum. Vice-Chair Suplicki commented he knew a minimum had been established that was fairly consistent.

#### **MOTION RESTATED**

**MOTION:** Vice-Chair Suplicki moved in case DCEB 09-1090 to reduce the fine to \$1,200.00 to be paid by November 22, 2019 or the fine reverts to the original amount of \$324,929.72 plus interest. Second was made by Mr. Motley.

**VOTE:** Motion carried 5 - 2 with Ms. Dutton, Messrs. Motley, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, Ms. Graham and Mr. Carson.

Chair Bowman reviewed the decision of the Board.

Meeting adjourned at 3:00 P. M.

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

---

Michael Bowman, Chair  
Dunedin Code Enforcement Board