

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, JULY 7, 2020
CITY HALL – 542 MAIN STREET – 2:00 PM**

Chair Bowman called the Virtual Code Enforcement Board Video Teleconference to order at 2:00 pm.

ROLL CALL

Secretary to the Board Ms. McHale called the roll to which the members and staff present responded.

PRESENT: Chair Michael Bowman and Vice-Chair Lowell Suplicki; Members Arlene Graham, Ken Carson, Bunny Dutton and Dave Pauley

ABSENT: Member William Motley and Alternate Member Gordon Chize

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Code Enforcement Inspectors Michelle Gilbert and Peter Hinson, Interim Community Development Director Joseph DiPasqua and approximately fifteen plus attendees via ZOOM.

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of March 3, 2020
Regular Meeting of April 7, 2020 CANCELLED
Regular Meeting of May 5, 2020 CANCELLED
Regular Meeting of June 2, 2020 CANCELLED

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the March 3, 2020. Second was made by Ms. Dutton.

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

AFFIDAVITS OF COMPLIANCE

Chair Bowman read the case numbers for the Affidavits of Compliance.

1. DCEB 17-617 City vs. CHARLES H DIEHL EST
2. DCEB 18-249 City vs. CHRISTOPHER E MOZDY JR *(Also Fine Reconsideration Request)*
3. DCEB 18-292 City vs. USA FED NATL MTG ASSN
4. DCEB 19-281 City vs. CERBERUS SFR HOLDINGS II LP
5. DCEB 19-423 City vs. BELTREES PLAZA I LAND TRUST *(Also Fine Reconsideration Request)*
6. DCEB 19-642 City vs. GEORGE HENRY SWART III *(Also Fine Reconsideration Request)*
7. DCEB 19-660 City vs. DIANA KESSEL *(Also Affidavit of Non Compliance)*
8. DCEB 19-670 City vs. ROBERT RESS
9. DCEB 19-741 City vs. GLENN D / ANNE E SANDERS *(Also Affidavit of Non Compliance)*
10. DCEB 19-749 City vs. KRISTIAN QELESHI
11. DCEB 19-759 City vs. AIMEE HEGH *(Also Fine Reconsideration Request)*
12. DCEB 19-780 City vs. MACK HOME SOLUTIONS *(Also Affidavit of Non Compliance)*

13. DCEB 20-025 City vs. ROBYN JENNIFER BOONE
14. DCEB 20-027 City vs. EDDIE A TYSON/JAMES B TYSON/ESTELLE TYSON
15. DCEB 20-033 City vs. LAUREL OAKS AT COUNTRYWOODS CONDO ASSOCIATION
(Also Affidavit of Non Compliance)

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

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

OLD BUSINESS

1. DCEB 19-660 City vs. DIANNA L KESSEL (Also Affidavit of Compliance)
1704 Simmons Court
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not in attendance by requesting a raised Zoom hand.

Ms. Gilbert reviewed case DCEB 19-660:

- At the meeting of December 17, 2019 this Board ordered compliance by February 28, 2020 or a fine of \$100.00 per day would be imposed.
- As of inspection on March 16, 2020 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The respondent has not contacted the City of Dunedin; registered mail is being returned.
- Reinspection in June found the sticker was finally on the vehicles; therefore, an Affidavit of Compliance was also submitted.

Chair Bowman clarified with Ms. Gilbert this item is to consider the Affidavit of Non-Compliance and the Affidavit of Compliance was accepted at the beginning of the meeting.

MOTION: Mr. Carson moved in case DCEB 19-660 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

2. DCEB 19-725 City vs. US BANK NATL ASSN TRE C/O OCWEN LOAN SERVICING LLC
1351 Ohio Avenue
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE
Violation of the International Property Maintenance Code Section 305.3 INTERIOR SURFACES

Ms. Gilbert reviewed case DCEB 19-725:

- At the meeting of March 3, 2020 this Board ordered compliance by May 4, 2020 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 29, 2020 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Chair Bowman determined Attorney Peter Hernandez was in attendance representing the respondent.

Ms. McHale swore in Attorney Peter Hernandez with the firm of Henshaw and Culbertson of Coral Gables, Florida.

Attorney Hernandez stated:

- He has been in communication with Ms. Gilbert regarding the process in getting this property into compliance after the foreclosure. He understood one of the biggest concerns was the roof repair and he has a completion date from his client for July 10th; there has been some delay as everyone has been dealing with this pandemic. There have been delays in work orders, estimates, even bids from contractors to get the work completed.
- Not that the Affidavit of Non-Compliance is not accurate; they are asking for additional time.
- Once the roof repair is completed then the following would be the gutter, soffit and other items that cannot be done until the roof repair.

Ms. Gilbert commented:

- This property has been a problem for a long time and the neighbors are very upset that it is taking this long to get any type of movement forward. This case was already extended twice. She understands with the COVID pandemic and the City has been working with Mr. Hernandez. The neighbors are still very frustrated which she understands; she receives calls weekly from the neighbor next door.
- It is more than the roof that needs to be fixed; the entire house is not in good shape. The roof is a good start.
- She would need to know how long an extension they are requesting because it is more than the roof repairs.
- She is sure the neighbors are going to want to see more than just a roof being put on.
- Property Maintenance is another issue, one week it is cut properly, the next week it isn't, the leaves and grass are getting in the neighbor's yard and she gets multiple calls.
- She suggested there needs to be a plan and move forward with that plan.
- The property is not habitable at this point and is full of black mold.

When Chair Bowman asked how far past the original compliance date the case is, Ms. Gilbert advised from the very beginning of the case they were given until November 2019 and it has been extended twice since that time to even begin to come into compliance. Ms. Gilbert commented people have to be held accountable because it is not making progress and it is frustrating the neighbors and the neighborhood.

Vice-Chair Suplicki inquired regarding the Building Permit Required violation and Ms. Gilbert advised aside from the roof there were many issues inside including A/C, electrical, floors buckled, water damage, black mold requiring remediation assessment; parts of the roof are completely torn off and the

front port area. She advised they really need to hire a General Contractor to walk through and see everything that is required.

Vice-Chair Suplicki commented then this is not a 30-day fix, even if they fix the roof on July 10th. Ms. Gilbert noted she had not seen permit for that either.

Mr. Carson asked if there was anything on the list that has been done and Ms. Gilbert responded, no.

When Vice-Chair Suplicki asked what he thought was a reasonable time because if the Board does extend, it needs to be finite in order that Ms. Gilbert will be able to provide that feedback to the neighbors that it will be done by a certain date; Attorney Hernandez agreed that was reasonable and he was thinking a 60-day extension from July 10th.

Vice-Chair Suplicki noted that everything that Ms. Gilbert mentioned that is documented are all things requiring permits and suggested Mr. Hernandez reach out to the Building Department and do whatever submittals required ahead of time. He commented even at 60 days going through the permit process and getting things done it has to be moving along.

Attorney Hernandez advised he has a call with the General Contractor for 4:00 p.m. today to discuss the results of today's hearing. He is trying to push it forward and he thinks things have been moving forward in the past couple of weeks.

When Chair Bowman asked if he was talking about every single item being done in the 60 days, Vice-Chair Suplicki commented there are two ways it could be done; the roof has to be done to fix many of the other items as Mr. Hernandez said; he was thinking of everything being done so that the surrounding homeowners would have some confidence this was going to be taken care of once and for all.

Chair Bowman explained his concern that the case has been extended twice already and still the first thing has not been done.

Ms. Gilbert advised the property is also being put up for auction; they are trying to sell and no one wants to buy because of all the issues. She stated it is going to have to be someone who knows what they are doing and gets the job done to be able to accomplish everything in 60 days is her thought process.

Vice-Chair Suplicki commented he did not think he could get all the permits and get everything done in 60 days.

Attorney Hernandez commented the first extension he recalled was very brief, maybe 10 or 15 days.

Ms. Gilbert commented the City has been working with the respondent; however, it just has not been getting anywhere and this is not the first cold case open on this property and no one does anything about it. The last time the owner she thought was brought to foreclosure; this is a new case trying to get this house up to Code and a habitable space for a family, so the neighborhood can flourish. At this time the property is no where close. If Mr. Hernandez thinks he can get this person to have all this done in a 60-day time period that would be a wonderful thing.

Vice-Chair Suplicki commented speaking for himself, this would probably be the last extension.

Ms. Gilbert expressed concern of what if the contractor determines he cannot get it all done in the 60 days, then will there be another extension.

Mr. Pauley stated he is disappointed this respondent is not coming to the Board with a plan of action; the case was bumped from February to May and thinks they seem to be coming back and saying the onus is on the Board to tell them how and when to get it finished. They should have come with some form of plan with requested dates and give the Board a time line. He is not opposed to extending; however, is disappointed in what has happened to this point.

Mr. Carson commented since the respondent has had two extensions already and there is nothing on the list that has been done; he would like to make the motion.

MOTION: Mr. Carson moved in case DCEB 19-725 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.
VOTE: Motion carried 5 - 1 with Ms. Dutton, Ms. Graham, Messrs. Carson and Pauley voting aye. Chair Bowman voting aye. Voting nay, Vice-Chair Suplicki.

Chair Bowman reviewed the finding of the Board.

3. **DCEB 19-741 City vs. GLENN D & ANNE E SANDERS** *(Also Affidavit of Compliance)*
1669 San Mateo Drive
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 303.2 SWIMMING POOL ENCLOSURES

Chair Bowman determined there the respondent was not in attendance.

Ms. Gilbert reviewed case DCEB 19-741:

- At the meeting of March 3, 2020 this Board ordered compliance by March 20, 2020 or a fine of \$250.00 per day would be imposed.
- As of inspection of Permit Records on March 21, 2020 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- An Affidavit of Compliance was also submitted because they did obtain the permit after March 21, 2020, so there was a brief period when they were not in compliance of about a week, March 21 – April 1, 2020.

Vice-Chair Suplicki commented he did not think the short period of non-compliance was a big deal, unless the pool was left exposed with no screen.

Ms. Gilbert explained the person working on the house took the fence down, so there was no life/safety barrier and that was addressed; then she received a call back saying they took the pool out, but a big hole remained in the ground. Someone could fall into that hole, that was part of the violations. They have been in compliance since that time.

When Vice-Chair Suplicki asked if the respondents were responsive, Ms. Gilbert stated they were and it was just they were working on some items and some were left off the plans and had to be added to the permit which they did. Vice-Chair Suplicki commented at the end of the day what matters is they got it taken care of.

Ms. Gilbert clarified the Affidavit of Compliance was accepted at the beginning of the meeting.

Vice-Chair Suplicki verified with Ms. Gilbert that accepting the Affidavit of Non-Compliance would mean the respondents would have the fines for those days after the compliance date until compliance.

MOTION: Vice-Chair Suplicki moved in case DCEB 19-741 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

Vice-Chair Suplicki requested that Ms. Gilbert review the Request for Fine Reduction process with these respondents. Ms. Gilbert advised they receive that information with the Order of the Board.

4. **DCEB 19-780 City vs. MACK HOME SOLUTIONS LLC** (*Also Affidavit of Compliance*)
668 Dexter Drive
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the Florida Building Code Section 115 STOP WORK ORDER

Ms. Gilbert reviewed case DCEB 19-780:

- At the meeting of March 3, 2020 this Board ordered compliance by March 20, 2020 or a fine of \$250.00 per day would be imposed.
- As of inspection of the Permit Records on March 21, 2020 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.
- At the beginning of this hearing an Affidavit of Compliance was issued and accepted. There was a brief period in which the respondent had no permits within the compliance time frame because they did everything independent of permits and not a one permit system.

When Chair Bowman inquired whether or not there were any dangerous issues, Ms. Gilbert advised they were a garage door, re-roof and renovation permits; she advised there was a permit issued in May, one in June and one in April. Chair Bowman verified with Ms. Gilbert there was non-compliance for more than just a few days.

Vice-Chair Suplicki reiterated there were no life/safety issues and Ms. Gilbert explained the work involved the older home to include removal of doors and windows and so forth and wall and the home was vacant.

Ms. McHale swore in Charlene Mobsby of Mack Home Solutions LLC.

Charlene Mobsby of Mack Home Solutions LLC stated:

- The problem they had with this property was they hired a General Contractor in January and he was slow moving with an architect out of Tampa and getting the combined drawings and permit released because of the architect being slow due to COVID-19.

- The company made sure anything they did at the property, they pulled their own permit, even though the GC was also pulling permits.

Chair Bowman thought there could not be two permits for the same thing on a property and Ms. Mobsby responded she understood and explained there were no permits from the GC with the architect drawings, so in order for them to proceed they had to hire a reputable company that could obtain a permit.

When Chair Bowman clarified the original General Contractor did not pull a permit, then the company hired someone who could; Ms. Mobsby stated it was not that the first GC could not pull a permit it was that the items were stuck in the drawings because of the City of Dunedin requirements due to a load bearing wall coming down and they requested a new truss system so it had to go back to the architect to revise.

Ms. Mobsby stated nothing major was done, just the garage door was looked at for converting to a garage, so they hired a reputable company to provide an estimate and so forth. She stated they finally got the permit issued she recalled it was April 5th; unfortunately the delay was with the GC and architect. They purchased the property in September and nothing was done for several months.

MOTION: Mr. Carson moved in case DCEB 19-780 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

5. **DCEB 20-033 City vs. LAUREL OAKS AT COUNTRY WOODS CONDO ASSOCIATION**
(Also Affidavit of Compliance)
2660-2670 Sequoia Terrace
Violation of the International Property Maintenance Code Section 309 PEST ELIMINATION

Ms. Gilbert reviewed case DCEB 20-033:

- At the meeting of March 3, 2020 this Board ordered compliance by March 20, 2020 or a fine of \$250.00 per day would be imposed.
- An email was received from the Attorney of Laurel Oaks through the City Attorney's Office on April 3, 2020.
- The violation remained for a short period of time, March 20 – March 27, 2020; 6 days for a fine amount of \$1,539.42 with interest according to the Code Enforcement calculation sheet.
- An Affidavit of Non-Compliance is being submitted for consideration and an Affidavit of Compliance was submitted as well that was accepted at the beginning of the meeting.
- The respondent will have to do a Request for Fine Reduction which Ms. McHale will send in the mail along with their packet.

Chair Bowman determined Attorney John Kimbrough was in attendance representing the respondent.

Attorney Kimbrough stated:

- They have been in compliance. An email was sent on March 20, 2020 informing of the compliance and that everything was done.

- The retained TruTech Wildlife Service to do everything that needed to be done to prevent the rodent infestation and they are on retainer, so if anything comes up the company will come right back out.
- He would disagree about being in non-compliance for that 6-day period.

Ms. Gilbert stated there was more than only the rodent infestation that had to be addressed. Adam Gurley sent the City Attorney's Office an email with guidelines and dates to include plumbing, another person called Ducts that had to go in; there was a short period of non-compliance according to the email from Mr. Kibrough's office or Adam Gurley. That was the information she was going by.

Attorney Kimbrough stated he was looking at what they sent to the City that says there might be remaining points of potential, but unlikely plumbing stacks, dryer vents and gaps. He knows those things were corrected, but he thinks they were not at first because they were very unlikely entry points to the building; therefore, TruTech followed the likely entry points to the buildings where rodents could possibly access and they relied on the experts in this situation.

Ms. Gilbert explained the last email she received from the City Attorney's Office the City Attorney stated the compliance date was March 20th or a \$250.00 fine and it says the last item completed was on March 27th and that was entered into the system. Based on what was submitted to the Code Enforcement, and it is a very simple fix, there is a \$1,500 difference in which the respondent can apply for a fine reconsideration and then it is brought back before the Board. She went by the paperwork sent to her by the offices of Adam Gurley.

Mr. Carson asked if the respondent contacted Ms. Gilbert on March 20th to advise they were in compliance and for her to check it out or did they just assume because they thought they were in compliance they did not have to tell anyone.

Ms. Gilbert explained the respondent was not communicating with her at all and the City Attorney's Office had to tell them they needed to talk to the Code Enforcement Inspector on their case and they never did. The City Attorney's Office, Attorney Robert Eschenfelder, was the one who told the respondent in email form to please contact Code Enforcement with the information; however, in the meantime he passed the information along to her to get the paperwork done and take care of the case.

Mr. Carson stated his point being the respondent cannot just say they are in compliance; they have to let the Inspector know to check it and apparently they did not do that.

Attorney Kimbrough inquired about something coming in the mail regarding the fine and that they need to apply for reconsideration.

Chair Bowman explained the Board had not voted as yet; however, if the vote goes that way they would receive something in the mail.

MOTION: Mr. Pauley moved in case DCEB 20-033 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

NEW BUSINESS

Ms. Gilbert advised for the New Business cases that Mr. Hinson would be presenting the photograph evidences sharing the screen while she read the case.

1. **DCEB 19-572 City vs. ERC HOMES LLC**
305 Rowena Lane
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the Florida Building Code Section 105.4.1 BUILDING PERMIT INTENT

Chair Bowman determined the respondent was not in attendance.

Ms. Gilbert reviewed case DCEB 19-572:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Inspector Colbert on July 19, 2019 and a notice of violation was sent to the owner with a requested compliance date of August 30, 2019.
- The violations include a building permit required for the replacement and change out of the windows and building permit intent for Permit # 14331 for a fence and Permit # 161323 for an alteration, both have expired.
- Recently the City has been receiving complaints about the condition of the pool that is black/green and there are still issues with missing pieces. The next step will be to call the County for mosquito control.
- Staff has tried emailing and reaching out to the homeowner with no response. The City even requested the Sheriff's Office go to the property because during an inspection it looked like someone had been tampering with the door.
- There are permits that were obtained, but one had no plumber and one was close to expiration and never paid for or picked up for the windows.

Ms. Gilbert submitted into evidence photographs taken on February 28, 2017 and July 19, 2019. She recommends a compliance date of July 24, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Carson inquired regarding the "permit intent" and Ms. Gilbert explained they have a permit which has either expired or never paid for or picked up; they initially made an effort and then did not follow up.

Chair Bowman determined the respondent was not present.

MOTION: Mr. Carson moved to find case DCEB 19-572 in violation of the Florida Building Code Section 105.1 and Section 105.4.1 and that the Respondent shall come into compliance by July 24, 2020 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. DCEB 19-721 City vs. JOSEPH A DOWE
607 Lyndhurst Street
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND
DRAINAGE

Ms. Gilbert reviewed case DCEB 19-721:

- The violation exists on a single family residential property that is believed to be currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Inspector Colbert on October 2, 2019 and a notice of violation was sent to the owner with a requested compliance date of November 15, 2019.
- The violation includes the roof in disrepair and according to the tenants has a leak, the interior bedroom ceiling appears to be sloped inward; there are rotting eaves and soffits; a section of missing ceiling drywall located at the exterior entrance. This work must be done by a licensed contractor.

Ms. Gilbert submitted into evidence photographs taken on October 2, 2019, March 9, 2020 and March 18, 2020. She recommends a compliance date of July 17, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Vice-Chair Suplicki noted this seems to have been the tenant bringing this to her attention and asked about the owner.

Ms. Gilbert advised there has been no contact with the owner or anyone representing the property. She stated it looks as though the went ahead and did the work, which is why she submitted the older photographs in order to see the transition. They needed a permit and were sent that information and she would not know if it was done to Code. They will need an after-the-fact permit with a contractor since it is rental property with more than one unit.

Mr. Carson inquired whether or not there was any concern about the loose wires inside shown and Ms. Gilbert advised that was prior to and looked like the removed a light fixture and there are caps on it; she would say that is not safe, but she is sure they corrected it and put a face cover on it; she is not a building inspector, so that is an area that needed to have full replacement of the drywall.

Ms. Dutton noted the code violation is for the roof and drainage, but if they have done all this construction should there not be a permit violation.

Chair Bowman determined the respondent was not in attendance.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-721 based on testimony, evidence and facts presented in violation of the International Property Maintenance Code Section 304.7 and that the Respondent shall come into compliance by July 17, 2020 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. **DCEB 19-728 City vs. WILLIAM A CONKLIN/CHRISTIAN W OLSON**
560 Marjon Avenue
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Ms. Gilbert advised case DCEB 19-728 is being removed from the agenda and moved to the August meeting. She received an email and a phone call today from the respondent who is in the hospital.

4. **DCEB 19-762 City vs. MAIN STREET PLAZA INC**
1780 Main Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. Gilbert advised the respondent sent her a letter; he is out of town on family matters.

Ms. Gilbert reviewed case DCEB 19-762:

- The violation exists on commercial property that is currently occupied by multiple tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Inspector Colbert on November 4, 2019 and a notice of violation was sent to the owner with a requested compliance date of November 22, 2019.
- The violation includes a permit required for the parking lot resurfacing and restriping.
- This is a case in which she also introduced the company that did the work and refused to register as a contractor with Pinellas County. The owner is having a difficult time getting them to comply, she even sent PCCLB (Pinellas County Licensing Board) there so that they can get everything together. They applied for the permit, but when asked for their licensing or competency license they did not have one as they did not register with Pinellas County; they were given the information to do so; however, the contractor said they were not going to do that and pay that money. The owner has been having a very difficult time with the contractor and might have to take legal action.
- Pinellas County also reached out to the contractor and explained to work in Pinellas County they have to register and take a competency test and they just did not want to do it and said they do this work all over.
- The respondent now has to find someone who will do this work and requested an extension to October 6 so he can get someone registered with Pinellas County. He has been making every attempt to make this right.
- There are no life/safety issues involved and the owner did not realize the contractor was not registered with Pinellas County.

Ms. Gilbert submitted into evidence photographs taken on November 7, 2019. She recommends a compliance date of October 6, 2020 or a fine of \$100.00 per day thereafter for non-compliance.

It was clarified the original requested compliance date on the Notice of Violation was November 22, 2019; however, it was not brought to the Board; therefore, a fine still needs to be put in place for after October 6, 2020.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 19-762 based on testimony, evidence and facts presented in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by October 6, 2020 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 20-15 City vs. SCOTLAND SEASIDE LLC**
221 Scotland Street
Violation of the Land Development Code Section 103.14.4 TRANSIENT USE PROHIBITION

Ms. Gilbert reviewed case DCEB 20-15:

- The violation exists on a single family residential property that is currently a vacant vacation rental.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected by Host Compliance on January 8, 2020 and a notice of violation was sent to the owner with a requested compliance date of February 7, 2020.
- This case is the result of a
- The violation includes in the MF-15 zoning district only a Bed and Breakfast Inn is permitted as transient use and only after a Conditional Use Permit is granted by the Board of Adjustment and Appeals (BAA).
- The City's definition of a Bed and Breakfast Inn: The lodging facility which is within owner occupied building principally used as a residence providing a temporary form of overnight guest lodging in which bedrooms are rented and breakfast may be served; each bedroom or suite of rooms rented shall constitute a unit for density purposes excluding the private residence of the owner. Unit density will not exceed the density allotment for the zone district in which the facility is located unless granted a Conditional Use Permit from the BAA to operate an owner occupied Bed and Breakfast Inn a described above, you must stop renting or leasing this property for less than 90 days or 3 calendar months whichever is greater.
- As can be seen by what is being posted on the Host Compliance website, the VRBO website in April he had one stay, in March 4 stays in February 8 stays. Conditional Use Permit is required for this particular property and he has not applied for one as of yet, but continues to rent outside of the conditions of 90 days or three calendar months without having BAA approval.

Ms. Gilbert submitted into evidence the Host Compliance vacation listing; 2 VRBO accounts – one on June 1, 2020 and one on June 23, 2020 and 2 Airbnb accounts – one on June 1, 2020 and one on June 23, 2020. She recommends a compliance date of July 17, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Dutton asked with all the listings on Airbnb and VRBO does that mean he has stopped it now or not. Ms. Gilbert explained the respondent is continuing to rent outside the realm of what is required and was told that he has to get a Conditional Use Permit through the BAA or he can only rent 90 days or 3 calendar months whichever is greater. That is clear by February having 8 stays.

Ms. McHale swore in Danny Pawnell, partner in the company of 1784 Longbow Lane, Clearwater, FL.

Mr. Pawnell stated in the exhibit it showed the listings on Airbnb and VRBO and it showed they were advertising 90 plus days which is what they advertised. He is confused if they are allowed 90 plus days why they would be in violation.

Ms. Gilbert noted there are two different ones, one shows 90 days and it shows it was removed and then it shows single days after that. It has been put up and removed multiple times.

Mr. Pawnell stated they were given 60 days and he does not handle this particular property, so he did some due diligence. They were given 60 days to become compliant which they did; he and Lorie who is a partner sent Joan (Ms. McHale) a 6-month lease and a 90-day lease for the two units.

Ms. Gilbert stated she never received either of those. Mr. Pawnell stated they just sent it about 20 minutes ago to jmchale@dunedinfl.net. Ms. McHale noted that was her email, however, she is at this meeting.

Mr. Pawnell stated they sent two different leases, one a 6-month lease he believed was signed in March and one which was a 90-day lease signed he believed July 1. Both those properties once they got the notice of 60 days to comply which it should have been in compliance, so he is not sure why they are not in compliance.

Ms. Gilbert explained until she has those papers in front of her, she cannot make that decision. Her testimony is based of what she has in front of her because she was never contacted by anyone until today.

Mr. Pawnell stated he left voice mail yesterday and it said they would be returning calls within a few hours.

Ms. Gilbert stated she was at her desk yesterday and never received any calls and any calls she did get, she returned.

Mr. Pawnell stated he was not saying it was Ms. Gilbert, he just called the number. Ms. Gilbert noted her name is on the information that was sent.

Ms. Gilbert explained once she receives that information she will deal with it; she cannot present that with her correspondence and testimony at this time; therefore, she is giving him until July 17, 2020 or the \$250.00 a day will be imposed, if she receives that information then at that time an Affidavit of Compliance will be submitted.

Ms. McHale swore in Lori Wentworth of 414 Locklie Street who stated:

- She spoke with Ms. Gilbert after receiving the letter and she gave an extension until March 31, which for the most part honored that. They did get several cancellations through the end of March.
- She would say they had one that checked out on April 1st and that was the end. They got a lease checking in April 1st on a 6-month lease and they have been there the entire time and in fact came

in early because of the cancellation so, they were well within their time frame of March 31 and then they got two leases, they are on their second one.

- She as well called and left a message for Joan and got a voice mail.

Ms. Gilbert explained all they need to do is send her a copy and she will put them with the case file and she will do an Affidavit of Compliance once received.

Ms. Wentworth commented regarding the Airbnb and VRBO seen that she manages ten properties on the beach so what might necessarily be seen in the reviews is the sum of all her reviews. She is a property manager and has several properties so that is not in itself an indicator of booking.

Ms. Gilbert explained Ms. Wentworth is not being pulled up, but the property itself and it is pulling the reviews from that particular property, that is her evidence. She made note of what was seen on Host Compliance. She noted it is past the March 31 and after that she did not hear anything else. She recalled Ms. Wentworth saying they were trying to get long term rentals.

When Ms. Wentworth explained she did not realize she needed to send Ms. Gilbert that information, she asked if she had to send every lease they get hereafter. Ms. Gilbert explained just the ones they just started because if it comes up as being rented illegally again the City will be able to tell by the report from Host Compliance.

MOTION: Mr. Carson moved to find case DCEB 20-15 in violation of the International Property Maintenance Code and the Land Development Code Section 103.14.4 and that the Respondent shall come into compliance by July 17, 2020 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. DCEB 20-99 City vs. EMPIRE DAWN LLC

657 Laura Lane

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the Florida Building Code Section 115.3 STOP WORK ORDER

Ms. Gilbert reviewed case DCEB 20-99:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 20, 2020 and a notice of violation was sent to the owner with a requested compliance date of May 21, 2020.
- The violations include a permit required to include, but not limited to the interior renovation being done without a permit; this also inclusive of all windows, doors, garage door, hot water tank and all mechanical, electrical and plumbing; also a stop work order was issued by a Building Inspector and Code Enforcement did an inspection later after receiving a call there were people working without permits.

- Ms. Gilbert reviewed the photographs being submitted and pointed out the various violations and issues:
 - A permit was pulled for the garage door and for an A/C change out and flat roof replacement that was only for a small section of the roof; however, the remainder of the roof has areas in disrepair. They have closed up a window; all brand new electrical wires and cables the whole house has been rewired, a bathroom was added to the garage and a new window. There is new plumbing and all new windows and doors all around and framing for walls had started. The fascia wood is rotted and falling down. A hole was drilled in the side of the house where the meter is located and wires and cable coming out and running through the garage. There was all new concrete fill for the windows. There is termite damage from the roofing. There are gaps in the windows not properly installed.

Ms. Gilbert submitted into evidence photographs taken on April 15, 2020, May 18, 2020 and June 16, 2020. She recommends a compliance date of July 24, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Pauley inquired if there were other fines in addition for the stop work order to what the Board might impose.

Ms. Gilbert explained that would be only if they continued work after the order and she thought that is something the State would enforce.

Ms. Dutton noted on the printout she did it did not list a Code number for the Stop Work Order and Ms. Gilbert advised is Section 105.1.

Ms. McHale swore in Saverio Barbarito of 960 66th Street Ct S, St. Petersburg, FL 33707.

Mr. Barbarito stated he just purchased this house yesterday and he trying to bring the property into compliance and see what he needs to do.

Ms. Gilbert explained he needed to hire a General Contractor to apply for the permits for the renovation and the GC should know what is required after a walk of the property to see the work that has already been done by non-contractors and make sure it is up to Code and apply for permits for the alterations.

Mr. Barbarito stated he already contacted a GC who is looking to put in a work order and bring everything into compliance.

Ms. Gilbert explained the permits that were pulled were for the garage door, the A/C and a portion of the flat roof which have nothing to do with all the other issues and work that was done.

When Ms. Gilbert asked if the General Contractor gave him a time frame, Mr. Barbarito stated he thought he was looking to start this week and when she asked if July 24 was enough time he stated if it was okay maybe until September.

Ms. Gilbert explained one he obtains the permit she will be able to close the case and she agreed with September 24, 2020 or the \$250.00 a day fine would be imposed and the it would be up to the Board to

vote on that. She noted this is a new owner and he wants to bring the property into compliance and the City is willing to work with him.

- MOTION:** Mr. Pauley moved to find in case DCEB 20-99 based on testimony, evidence and facts in violation of the Florida Building Code Section 105.1 and Section 115.3 and that the Respondent shall come into compliance by September 24, 2020 or suffer a fine of \$250 per day. Second was made by Mr. Carson.
- VOTE:** Motion carried with Ms. Dutton, Ms. Graham, Messrs. Carson, Pauley and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

7. DCEB 20-144 City vs. CAROLYN G JAMES

2470 Bayshore Boulevard

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

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 PARKING

Violation of the Land Development Code Section 105-27.1.1(d) VEHICLE SERVICE AND REPAIR

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

Ms. Gilbert reviewed case DCEB 20-144:

- 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 on March 26, 2020 and a notice of violation was sent to the owner with a requested compliance date of May 27, 2020.
- The violations include:
 - the open parking or storage of inoperative vehicles to include but not limited to the large truck and truck bed in the state of major disassembly being parked or stored in the driveway in front of the house as in the previous case DCEB 19-397 for the same;
 - the parking or storage to include, but not limited to the motor home parked or stored on the grass on the side yard beside the garage;
 - parking must be on a permitted service, grass is not a permitted service, no parking is allowed in or on the City right-of-way, sidewalks or curb lines this is to include but not limited to the motor home parked or stored on the grass on the side yard beside the garage the VW bus being parked or stored on the opposite side of the home and the black pickup truck being stored on the grass in front of the home to the side of the concrete driveway;
 - all vehicle repair must be done inside a fully enclosed structure to include, but not limited to the truck that is in the state of major disassembly being parked or stored in the driveway in front of the house as in the previous case DCEB 19-397 for the same; and
 - the open storage of tires, motors and miscellaneous vehicle parts.
- This particular property every other day of the week there is a new care coming or going; there is a project ongoing, they use the right-of-way parking vehicles. The neighbors are calling and

complaining. There is a portion of the grass in front that has been completely run down and is yellow now.

- The motor home has been seen to be towed away; she is not aware for what purpose as there has been no contact with the homeowner since the Notice of Violation was sent.
- When there is no project going on in the driveway there is one on the front grass for example a boat on saw horses.
- The property is being used as a garage more than anything and the neighbors are tired of it.

Ms. Gilbert submitted into evidence photographs taken on March 26, 2020, April 3, 2020, May 12, 2020, May 14, 2020, May 15, 2020, June 9, 2020 and June 10, 2020. She recommends a compliance date of July 10, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Carson inquired whether or not any of these are repeat violations.

Ms. Gilbert explained previously they had it in the back yard and now everything is moving to the front yard; is it the same, maybe the big truck might have been, but she could not say for certain. The City was told at the time it was taken care of and it would not happen again; clearly it is happening.

Mr. Carson asked City Attorney Trask his opinion as to whether or not any of the violations would be considered repeat violations. (Answer was unable to understand from recording)

Ms. Gilbert advised the previous case brought to the Board was closed out and that was by Inspector Colbert for Offensive Accumulation, Vehicle Repair in June 2019 and there was a different case for a large garage canopy in the back that was closed out in September and the Front Yard Parking they were cited on that as well last year and was also closed coming into compliance right in time of the compliance date.

Vice-Chair Suplicki verified with Ms. Gilbert this is owner occupied property and it is the same people.

Ms. McHale swore in Carolyn James.

Ms. James stated:

- She has had this house for about 30 years and has never had any compliance issues until her son discovered he likes working on cars. They are in the process of figuring out a plan for that, but it has snowballed.
- They are not trying to aggravate the neighbors.
- The reason the parking is on the street is because it is very hard to get through on their street if you part on the street and it is not only them, it is the neighbors and then had asked to make parking spaces there.
- She will add some pavers where the bus is stored. There are pavers in that yellow patch of grass underneath; they have been there since she got the house.
- Once the truck was moved it was not brought back.
- They do have a lot of vehicles including an RV. She knows the neighbors are complaining and they are trying to figure out a plan.
- There are also a lot of kids there so there are a lot of cars on the street and in order not to run over the grass of the next door neighbor they try to stay as far out of the street as possible.

- She did not realize Ms. Gilbert was waiting for a phone call or email from her, she thought once the truck was gone and they had talked that it was done.

Ms. Gilbert advised any new pavers will require a permit. Ms. Gilbert clarified they had not spoken on this case; they had talked last year on a completely different case. She explained there is not compliance and every day she drives by there is something new in the driveway, it is constant.

Ms. James stated they have a lot of cars and that is not against the law, they will park them on the driveway.

Ms. Gilbert explained an extension to the driveway was needed Ms. James should talk to Ms. Fuller in Zoning.

When Ms. James stated she did not want an extension to the driveway, she would put in pavers and that will take care of it, Ms. Gilbert reiterated a permit is needed for the pavers and she needed to talk with Ms. Fuller to find out if that is allowed. Ms. James agreed she could do that, but they have been in compliance and whenever they get the letters they do what is asked.

Ms. Gilbert noted on the Notice of Violation, right on the front it says once in compliance to contact the Inspector on the case.

Ms. James stated she did not know that, but after this she will contact whoever needs to be contacted. Ms. James stated as far as she is concerned she is in compliance as her cars are in the driveway and on the pavers and they have been since receiving the letter. She cut the grass so you can see the pavers.

Ms. Gilbert commented she did not want to argue and noted there is photo evidence from March to June.

Ms. James stated Ms. Gilbert thinks the yellow grass is grass, but it is pavers and the car is parked on the pavers.

Ms. Gilbert explained Ms. James needed to talk with Ms. Fuller to find out where parking is allowed; she will explain as she is the Zoning Technician. The Building Code reads parking is allowed on a permissible surface. She stated if the pavers were there when she moved in and there was no permit she would be responsible.

When Ms. James asked what needs to be done by July 10th, Ms. Gilbert noted the list is on the Notice of Violation and Ms. James responded all of that is from six months ago and none of it is current other than the pavers.

Ms. Gilbert explained there needs to be compliance regardless of how many people are coming to the house they cannot park on the grass. Ms. James stated she does not have control over who is parking there, the neighbors are parking there too and she cannot tell them what to do.

Vice-Chair Suplicki noted regarding the Offensive Accumulation, Ms. James should know if she has tires or other vehicle parts that would be a violation.

Ms. James stated there are no vehicles parts in the front of the house or anything laying in front of the house. She commented if the kids are working on a car in the garage and the set something in the driveway; they do own the house and they should be able to use it, just because they do not do it the same as everyone else, it is still clean, the grass is cut and the house is in good condition. The neighbors all down the street are parked on the grass because there is not enough parking, everyone knows that.

Chair Bowman stated as long as she stays in compliance everything will be fine, that is all she has to do. If things are done that are violations then she can get fined.

Ms. James stated she did not understand why she was here if the truck was gone a while ago; she understands the no grass, but that is new. She will try to be in compliance by July 10th, but she does not understand exactly what is wanted so, Ms. Gilbert might have to check and she will send pictures or she can come by.

Vice-Chair Suplicki explained Ms. James would have to contact the Inspection Officer who is Ms. Gilbert and she would need to go out there and go down the checklist and say you are all good.

Ms. James said, yes and then the next day if the kids are working in the garage and set something on the driveway and she comes by and takes a picture because a neighbor called; she gets it, but we do stuff here, there are a lot of kids here and a lot of cars here, a lot going on and they are trying not to aggravate the neighbors or run over their grass.

Ms. Gilbert noted there is not supposed to be any dismantling of vehicles in a residential area unless it is in an enclosed area.

Mr. Carson noted one of the violations is vehicle service and repair and those photos showed work horses on the driveway and grass and that is a violation. Ms. James responded it is not like that now and she has told the kids they cannot do that anymore.

Vice-Chair Suplicki commented for example Ms. James was in compliance now, but if in the next couple of days the bed of a truck is laying in the front yard again that is a problem. He noted he was just trying to clarify so we are not all here again.

MOTION: Ms. Dutton moved to find case DCEB 20-144 based on testimony, evidence and facts presented in law in violation of the International Property Maintenance Code Section 302.8; the Land Development Code Section 105-27.1.1(f), Section 105-27.1.1 and Section 105-27.1.1(d) and Dunedin Code of Ordinances Section 34-1(A) and that the Respondent shall come into compliance by July 10, 2020 or suffer a fine of \$250.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 20-146 City vs. JONNIE L MCGEE/JACOB D DELIESSLINE**
476 Lexington Street
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Ms. Gilbert reviewed case DCEB 20-146:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 15, 2020 and a notice of violation was sent to the owner with a requested compliance date of May 31, 2020.
- The violation includes utility trailers, boats, recreation equipment and recreational vehicles that may not be parked or stored in any portion of the front yard in a residential area, this is to include but not limited to the extremely large boat and trailer being stored on the grass in front of the home. The previous case for the same was in 2018.

Ms. Gilbert submitted into evidence photographs taken on January 31, 2020 April 29, 2020, May 15, 2020 and June 2, 2020. She recommends a compliance date of July 10, 2020 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Gilbert referenced the photographs submitted and pointed out the three boats on the property including the large boat in the front. She advised there were citizen complaints; the City has reached out to the respondents and received call which she returned; however, never received a response.

Chair Bowman determined the respondent was not in attendance.

MOTION: Vice-Chair Suplicki moved to find case DCEB 20-146 *based on testimony, evidence and facts presented* in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondents shall come into compliance by July 10, 2020 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

OTHER BUSINESS

It was determined the Rules of Procedure for the Board had not changed as yet; therefore, the respondents were not to provide testimony.

1. **DCEB 18-249 Request for Fine Reconsideration**
City vs. CHRISTOPHER E MOZDY JR
1511 Gladys Circle
Current Owner: Justin & Stephanie Jones Inc.
Fine due as of 5/5/20: \$133,314.17

Chair Bowman determined Stephanie and Justin Jones of 560 Bay Street, Dunedin were in attendance; however, were not asked to speak.

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.

Mr. Carson asked the estimated administration costs to the City for these cases. City Attorney Trask advised the amount is \$1,167.00 which has in the past been rounded up to \$1,200.00 which was established July 2013.

Vice-Chair Suplicki asked if he thought the costs had increased significantly since 2013 and City Attorney Trask explained that is something the City would have to testify to and explained it was an analysis done by Code Enforcement staff in July 2013.

Mr. Pauley commented he was looking at all these four cases and perhaps City Attorney Trask could be of help in regard to the current pandemic issue because all four were filed after 30 days from the Affidavit of Compliance. He inquired whether or not the Board could make exception to that.

City Attorney Trask explained the rule has a requirement that the petition has to be filed within 30 days of the Affidavit of Compliance being accepted by the Board; it is not 30 days after the date of the Affidavit of Compliance.

Vice-Chair Suplicki verified with City Attorney Trask it would be timely because of the delay, everything just moved forward.

Ms. McHale noted the Affidavit of Compliance for all four of these cases were accepted today.

MOTION: Mr. Carson moved in case DCEB 18-249 to reduce the fine to \$2,000.00 to be paid by July 31, 2020 or the fine reverts to the original amount of \$133,314.17 plus interest. Second was made by Ms. Graham.

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

Chair Bowman reviewed the decision of the Board. He advised the respondents and thanked them for cleaning the house up.

2. **DCEB 19-423 Request for Fine Reconsideration**
City vs. BELTREES PLAZA I LAND TRUST HALT LLC TRE
660 Beltrees Street
Current Owner: Beltrees Land Trust Halt LLC TRE
Fine due as of 4/7/20: \$40,472.50

Chair Bowman determined Attorney Morris A. LeCompte of 5245 Central Ave., St. Petersburg and Benjamin Tubbs the respondent were in attendance.

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

City Attorney Trask reiterated this is the time for questions and for the Board to rule on the fine reduction request based on the petition itself. Unless the Board has specific questions of Code Enforcement staff or the violator the decision is based solely on the written petition.

Vice-Chair Suplicki commented he was aware the dumpster enclosure was built and permitted and asked if it was completed and has a certificate of completion.

Attorney LeCompte stated to his knowledge he did not believe it has yet been completed. There was a change order entered in connection to do a little more concrete work associated with it before it could be totally completed. They are still waiting on a response he thought from Planning in regard to the additional sidewalk area and additional concrete to make it easier to get to the dumpster per say.

Vice-Chair Suplicki explained he was asking the question because there was a Building Final called on April 9 and it says partially approved; he could not find anything in the file that says it had a final.

Attorney LeCompte stated he believed that was because of waiting for approval of the change order to add a little additional concrete around the dumpster area. He believed that was the hold up for the final certificate of completion. They were advised by the City they needed to go through the change order process with Permitting before doing any of the additional sidewalk and concrete work; that is what they are waiting for now.

Vice-Chair Suplicki asked for clarification that is the screened area for all the couches and mattresses that are out there pretty much on daily basis.

Attorney LeCompte stated to his knowledge that is not what it is for; in fact a concrete dumpster was built because the City thought that was the best way to go and they were happy to do that as opposed to the PVC. Beltrees has had continued problems with people coming there and just dumping at that dumpster area. They try to clean it up virtually on a daily basis and are trying to take further steps to see what they can do with that issue; which is a separate issue they are trying to deal with.

Mr. Pauley referred to the form filled out by the Code Inspector which says that the Affidavit of Compliance is February 24, 2020. Ms. Gilbert advised the date is when they paid for the original permit; the change order was after that; the Affidavit of Compliance is for the original permit.

Mr. Pauley inquired why the fine stopped on February 6, 2020. Ms. Gilbert explained they have resubmitted on a different portion onto this permit, so they added to it after the process of the Affidavit of Compliance.

Vice-Chair Suplicki stated it seemed there has been more involved in this case and he wanted to be sure the City is made whole.

MOTION: Vice-Chair Suplicki moved in case DCEB 19-423 to reduce the fine to \$2,500.00 to be paid by July 31, 2020 or the fine reverts to the original amount of \$40,472.50 plus interest. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the decision of the Board.

3. **DCEB 19-642 Request for Fine Reconsideration**
City vs. GEORGE HENRY SWART III
1042 Idlewild Drive N
Current Owner: George Henry Swart III
Fine due as of 4/7/20: \$29,155.17

Chair Bowman determined the respondent was not in attendance.

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

Chair Bowman inquired regarding this gentleman seemed to have been working very hard to get everything taken care of.

Ms. Gilbert responded he did everything she asked him to do and noted this originally was Inspector Colbert's case and she started working with this gentleman after Inspector Colbert left. Anything that she asked he had done in a respectable time; he has been very respectful of the City of Dunedin moving forward with everything he has been asked to do. He is a very nice man and wants to do right and make his house nice and he has taken away all the items causing the issues. It can be seen by the letter he submitted his request which she supports.

Mr. Pauley asked if this fine could be reduced to nothing.

City Attorney Trask advised the Board's Rule 5 Section 4 says it should not be reduced below the cost of the action. He could say the Code Enforcement Board has done that in the past, reduced cases to \$0 even though the rule provides that it should not be below the cost to the City.

Vice-Chair Suplicki added that the Board has done that and reduced it also to \$50.00 or \$100.00 as well in the past.

Chair Bowman noted it sounded as though it is recommended not to do so, but the Board can do that.

MOTION: Mr. Pauley moved in case DCEB 19-642 to reduce the fine to \$0. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the decision of the Board.

4. **DCEB 19-759 Request for Fine Reconsideration**
City vs. AIMEE HEGH
931 Dumont Drive
Current Owner: Aimee Hegh
Fine due as of 4/7/20: \$1,756.69

Chair Bowman determined the respondent was in attendance.

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

Ms. McHale swore in Aimee Hegh of 519 Brookside Drive, Clearwater, FL 33764.

Vice-Chair Suplicki referred to the information provided and noted there were no inspections called to date on this and asked why.

Ms. Hegh stated she has been able to sell the property, so she is working with the new owner. This has been ongoing for three months because of the COVID and they were trying to get this resolved before hand. The new owner is going to take care of it. They could not do anything until they were in compliance today.

Vice-Chair Suplicki noted there is an open permit with no inspections and the permit expires according to what he was reading on September 14 which is not far away. He asked if it was her intention to sell with an open permit and Code Enforcement Liens. Ms. Hegh stated, yes, correct that is why she was asking for the liens to be reduced; she had everything done, she just could not pay for the last permit, she even went to the last meeting and Ms. Gilbert saw her, but they had already called her name.

Vice-Chair Suplicki noted this case was cited for needing a permit, so technically this is in compliance because they have a permit and now it is just in the court of the Building Department as to the inspections and whether or not they pass and asked if that was a correct assessment. Ms. Gilbert advised it was and that the permit was issued with an expiration date, so the inspections have to be done; Code Enforcement has already done the other paperwork. He clarified with Ms. Gilbert as far as Code Enforcement is concerned they have a valid permit and that is why they got the Affidavit of Compliance because the Code Enforcement process is done.

Vice-Chair Suplicki asked if no matter what happens, this lien will run with that property and should show up on a title search if someone else takes ownership. City Attorney Trask acknowledged that was correct.

MOTION: Mr. Pauley moved in case DCEB 19-759 to deny the request for fine reduction. Second was made by Mr. Carson.

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

Chair Bowman reviewed the decision of the Board.

City Staff Comments

Ms. Gilbert advised she just checked her email and she did receive something from the owner of 305 Rowena Lane; he said he left a voice mail, this was at 3:09 p.m.; he dialed in but had issues connecting and he was on from 1:58 and listened repeatedly called out and no one heard him. He wants to know if he can have a 60-day extension, so he can have his contractor file for an updated permit. New Business Case #DCEB19-572. He indicates in the email his contractor starting next week would file for updated permits and get the pool repaired and cleaned.

In response to the question of what could be done, City Attorney Trask advised the Board could reconsider the motion. If this was a case where the respondent was in appearance, he would say probably to treat it a little differently; however, because there was no one in appearance for the property owner, the Board could reconsider the motion. That reconsideration would have to be done by someone on the positive side of that motion. He recalled the vote was unanimous, so any member present could make the motion.

NEW BUSINESS

1. DCEB 19-572 City vs. ERC HOMES LLC - RECONSIDERATION OF MOTION
305 Rowena Lane

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the Florida Building Code Section 105.4.1 BUILDING PERMIT INTENT

MOTION: Vice-Chair Suplicki moved to find case DCEB 19-572 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 and Section 105.4.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by September 18, 2020 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

Mr. Carson inquired whether or not that was acceptable to Ms. Gilbert and she indicated it was acceptable noting she wanted the pool corrected as she was going to send the Pinellas County Mosquito Control. She will contact the owner immediately and ask permission to send the Mosquito Control to assess the property and get that part taken care of and then wait to see what happens in the 60 days.

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

OTHER BUSINESS

Ms. McHale swore in Kristian Queleshi of 1602 Bayshore Boulevard (DCEB 19-749)

Mr. Queleshi stated he received a letter about a notice of hearing for a fine for \$1,000. He made the payment on 02-27-2020 for \$4,320.00.

Ms. Gilbert explained his Affidavit of Compliance was read into the record and the money was received so he is in compliance. She asked his questions and he stated he received a letter to appear, a notice of hearing. Ms. Gilbert explained that was letter to let him know his Affidavit of Compliance would be read today.

BOARD DISCUSSION

Mr. Pauley asked if Ms. Gilbert could introduce the new Code Enforcement Inspector.

Ms. Gilbert introduced Peter Hinson the new City Code Enforcement Inspector; he has been working with her for a couple of months and is doing very well and has been quite a help.

Meeting adjourned at 4:46 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board