

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, August 1, 2017
CITY HALL – 542 MAIN STREET – 2:00PM
APPROVAL OF MINUTES**

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

ABSENT:

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Director of Planning and Development Greg Rice, Pinellas County Sheriff's Deputy Ferguson and twenty 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 the Minutes from Regular Meeting of July 11, 2017.

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the 2016.
Second was made by Ms. Dutton.

VOTE: Motion carried unanimously.

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

AFFIDAVITS OF COMPLIANCE

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

1. DCEB 17-13 City vs. COMFORT LEVEL HOUSING OF FLORIDA LLC
2. DCEB 17-16 City vs. NILY ILAN
3. DCEB 17-48 City vs. MICHAEL R MEADOWS
4. DCEB 17-68 City vs. GLENDA ELLIS
5. DCEB 17-183 City vs. JMS RENOVATIONS OF TAMPA BAY LLC
6. DCEB 17-224 City vs. JOHN PENNELL
7. DCEB 17-256 City vs. SNAGGED LLC
8. DCEB 17-312 City vs. LISA M FOUST

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

VOTE: Motion carried unanimously.

OLD BUSINESS

1. **DCEB 17-146 City vs. STEPHEN L KAHNE / CARLTON SCOTT**
928 Lakewood Drive
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES

Ms. McHale swore in Stephen Kahne.

Chair Bowman explained this is Old Business and the Board would not be rehearing the entire case; however, would take testimony on any new information.

Mr. Kepto reviewed case DCEB 17-146:

- At the meeting of June 6, 2017 this Board ordered compliance by July 18, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on July 19, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Kahne stated:

- He has tried many ways to find a fix, he has tried Habitat for Humanity which has a repair division, but they are only active in St. Petersburg in one neighborhood.
- He tried Rebuilding Together Tampa Bay and he is on their list for a possible fix.
- He called a roofing company that has a program and was told possibly he would get a new roof at little expense to him, he will not know about that until tomorrow. It was delayed because of the storms.
- As far as the \$100.00 per day fine his income does not even cover one week of that and he is asking for an extension until October because he should know by then one way or another what is going to happen.

Mr. Kepto reminded the Board the notice of violation went out on February 21, 2017 and there have been volunteers there but they will not do any more work because of the way they were treated. The City's position is to accept the Affidavit of Non-compliance and if the property is in compliance in the future then the Board can entertain reduction in the fine.

Mr. Kahne commented regarding his treatment of the volunteers that not one person who has voiced this kind of attitude was on the scene, not one person who said they were going to do the before and after came to do the after and find out the truth about what happen.

Chair Bowman explained the issue here is whether or not it is in compliance.

Mr. Kahne stated this group that came to help that was recommended by the City of Dunedin destroyed his property, destroyed plants than as a horticulturalist he has been working on for 15 years and when he used the "f" word the person who was in charge and realized they had not done their job because they were socializing instead of supervising. Fifteen people stood around in the street while he cleaned up the mess they made, they damaged his property, made work for him and now he has a City Commissioner who is bad mouthing him to other people and her friends and she wasn't even there.

Chair Bowman reiterated the case is about whether or not the house is in compliance and that does not hinge on what people have said and it is not in compliance.

Mr. Kahne stated he thinks the comments from someone who was not there should be removed from the record. Chair Bowman stated Mr. Kahne is now noted on the record as saying that.

Chair Bowman commented it seems that there is no idea of whenever this will come into compliance and Mr. Kahne stated again he would ask for an extension until October, he does not know how long it takes to put a new roof on.

When Chair Bowman asked how long this case has been going on, Mr. Kepto stated since February.

Mr. Kepto noted the only area he is seeing is right over the front porch which might be one or two boards and maybe a little soffit area up to 10 feet that needs replacing. He does not know what the rest of the house looks like because it is so overgrown.

MOTION: Mr. Motley moved in case DCEB 17-146 to accept the Affidavit of Non-Compliance. Second was made by Ms. Graham.

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

Chair Bowman explained to Mr. Kahne that as soon as he gets the property in compliance write a letter within 30 days and the Board can hear a fine reduction request if he wants. He commented that he hates to see this hinge on whether or not a company is going to give him a free roof when it is just some soffit and fascia work.

Mr. Kahne stated the roofer told him without seeing it that they would have to go up to the top of the roof, rip it all out and redo it.

2. DCEB 17-264 City vs. CAMACO ENTERPRISES LLC

14 New York Ave

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman explained this is Old Business and the Board would not be rehearing the entire case; however, would take testimony on any new information.

Ms. McHale swore in James Wheeler of 802 w. Kirby, Tampa, FL 33608

Mr. Kepto reviewed case DCEB 17-264:

- At the meeting of June 6, 2017 this Board ordered compliance by July 21, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records today, August 1, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- When he originally spoke to one of the contractors he was going to recommend an extension of the compliance date because they had applied for a permit on June 1, 2017; however, in reading the notes found the permit has been rejected three times for the same item having to do with product approval issues with the windows that had been replaced.

Mr. Wheeler stated:

- Last Thursday from Mr. May, he is asking for the windows do not meet certain criteria; however, according to the people the windows are from, Awesome Industries that they are permitted in Hillsborough and Pinellas County.
- He is waiting to get an R evaluation on the house in order to move forward with getting the windows approved with Mr. May.
- He is doing the best he can with what he has and has been working on it every day to get it done.

Chair Bowman commented usually windows have different ratings and have to be at certain levels in order to be approved and when he asked if they are not at the levels required by code, Mr. Wheeler stated according to Mr. May he does not believe they are, but according to the agent for the manufacturer he has put the windows in Pinellas and Hillsborough and the R-factor is right in the house and he is getting the evaluation probably in the next two to three days.

Mr. Wheeler stated he has not spoken to Mr. May, it was Thursday when he found this out.

Chair Bowman commented he thought the windows have published ratings and the code has certain specifics that rating has to be and no matter who tests them if the windows do not meet that rating then they don't meet code.

When Mr. Wheeler stated if he could have a two or three more weeks he could get it done, Chair Bowman noted it looked like it had been a couple of months since the permit went in.

Mr. Wheeler explained there were other issues including the drawings done by a draftsman and Mr. May said they needed to be sealed and he got an architect to do that.

Mr. Kepto advised the permit application was rejected on 7/6/17, 7/14/17 and 7/26/17 all for the same reason. He added this would not have been a problem had the work been originally permitted with when they renovated the house.

Vice-Chair Suplicki commented even though this is an after the fact permit, based on testimony they have been trying; however, he can say that it shouldn't take this long and the manufacturer should have all the data readily available. He did not understand why the manufacturer has not been able to provide the information for Mr. May.

In response to the question from Mr. Motley, Mr. Kepto read the last comments from Mr. May on 7/26/17, *received aluminum non-impact window product approval again, called contractor and e-mailed notes to him, he gave me a better understanding that these windows are what were put in but not by him.* They are non-impact windows according to Mr. May's notes.

Mr. Wheeler stated the Department of Business and Professional Regulations okayed these windows with the FL#15412.1.

Mr. Wheeler stated his project manager has been away and just got back yesterday and as soon as he can he wants to get this behind him.

When Mr. Wheeler repeated that Mr. May said he had to get an R-evaluation of the house, Vice-Chair Suplicki commented then that is something different. Mr. Wheeler stated that is what he will do and then get with Mr. May to see if this works.

MOTION: Mr. Carson moved in case DCEB 17-264 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

Chair Bowman explained to Mr. Wheeler as soon as it is deemed in compliance he has 30 days to write a letter requesting a fine reduction. He suggested he would be on the phone to the window manufacturer right away for the information and get it to Mr. May as soon as possible.

3. DCEB 17-334 City vs. CHARLES E / LOUISE W GELINI
635 Michigan Blvd Unit 100
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 17-334:

- At the meeting of June 6, 2017 this Board ordered compliance by July 25, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on July 26, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Pauley moved in case DCEB 17-334 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

4. DCEB 17-483 City vs. CHRISTOPHER E MOZDY JR
1511 Gladys Cir
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-483:

- At the meeting of July 11, 2017 this Board ordered compliance by July 23, 2017 or a fine of \$ 200.00 per day would be imposed.
- As of inspection on July 25, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Chair Bowman inquired if the house was vacant, Mr. Kepto advised there is a tenant and many complaints have been received about the grass, he has talked to the tenant who says he will get it mowed; however, it still is not mowed.

MOTION: Ms. Dutton moved in case DCEB 17-483 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

NEW BUSINESS

1. **DCEB 16-644 City vs. JANET M WELLER ROBERTS / JOHNNY M ROBERTS**
1890 Pinehurst Rd
Violation of the Land Development Code Section 105-27-1.1(f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-644:

- The violation exists on a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 12, 2016 and a notice of violation was sent with a requested compliance date of July 18, 2016.
- The violation includes the open parking or storage of boat trailers as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on July 12, 2016, September 23 & 28, 2016 and July 18, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Carson moved to find case DCEB 16-644 was in violation of the Land Development Code Section 105-27-1.1(f) after the requested compliance date of July 18, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB16-750 City vs. SCOTT O'KEEFE**
1344 S. Lotus Dr
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-750:

- The violations exist on a single family residential property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 22, 2016 and a notice of violation was sent to the owner with a requested compliance date of September 1, 2016.
- The violations include grass and weeds exceeding 10 inches in height, the parking of any vehicle in the front yard area as prohibited in a residential area.
- The property manager was here prior to the hearing and the testimony and procedures were explained and he opted not to say, but he does understand any future violation will be a repeat violation. He informed the property manager these are very easy fixes to remind the tenants to maintain this part of the property.

Mr. Colbert submitted into evidence photographs taken on August 22 & 25, 2016 and July 6, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

Mr. Motley verified with Mr. Colbert the weeds and grass have been taken care of.

MOTION: Vice-Chair Suplicki moved to find case DCEB 16-750 was in violation of the International Property Maintenance Code Section 302.4 and the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of September 1, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. **DCEB 16-805 City vs. CHRISTY A BOWER**
831 Virginia St
Violation of the Land Development Code Section 105-27.1.1 (f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-805:

- The violation exist son a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 8, 2016 and a notice of violation was sent with a requested compliance date of September 19, 2016.
- The violation includes the open parking or storage of any recreational vehicles including an RV in a residential area as prohibited except from Friday 6:00 p.m. to Monday 8:00 a.m.

Mr. Kepto submitted into evidence photographs taken on January 13, 2017 and July 12, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

When Mr. Pauley inquired about the time of the violation, Mr. Kepto explained in September 2016 the case did not come to the Board because they removed the vehicle and then returned it after a few days and he sent them a letter.

MOTION: Mr. Carson moved to find case DCEB16-805 was in violation of the Land Development Code Section 105-27.1.1 (f) after the requested compliance date of September 19, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 4. DCEB 17-26 City vs. JOHN A / KIMBERLY A CURRIE**
1549 Bass Blvd
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-26:

- The violation exists on a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on January 13, 2017 and a notice of violation was sent with a requested compliance date of January 22, 2017.
- The violation includes the open parking or storage of utility trailers as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on January 13, 2017, April 3, 2017 and July 19 & 20, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 17-26 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of January 22, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 17-427 City vs. FALLS FAMILY TRUST
CYNTHIA W FALLS TRE**

1325 Davis Rd

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-427:

- The violation exists on a single family residential property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 22, 2017 and a notice of violation was sent to the owner with a requested compliance date of June 4, 2017.
- The violation includes grass or weeds exceeding 10 inches in height.
- Prior to the meeting he spoke with the tenant and it was explained what his testimony would be and about the future violation situation and that it is a simple fix and he seemed to understand.

Mr. Colbert submitted into evidence photographs taken on May 22, 2017 and July 6, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Pauley moved to find case DCEB 17-427 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of June 4, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. **DCEB 17-432 City vs. RESITL 1 BORROWER LLC
C/O ALTISOURCE ASSET MGMT CORP**

757 Pinewood Dr

Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR

Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONTYARD

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-432:

- The violations exist on a single family residential property that is currently occupied by tenants.

- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 24, 2017 and a notice of violation was sent to the owner with a requested compliance date of June 25, 2017.
- The violations include the main structure is not being maintained in a state of good repair with the eaves and soffits rotted in various areas (also cited under the previous owner); paint is peeling or missing in various areas of the exterior to include the eaves, trim and soffit areas (also cited under the previous owner); the rear exterior wall has numerous cracks and is in the state of disrepair and there was some poor patching of the cracked walls and a permit will be required to correct this violation; and the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.
- The previous owner that was also an investment company had a lot of liens on the property so this investment property took that one over so they have accumulated those liens and are being cited for the same violations.

Mr. Kepto submitted into evidence photographs taken on September 2, 2015, September 15, 2015, June 7, 2017 and June 26, 2017. He recommends a compliance date of August 20, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Chair Bowman clarified the older photographs are from the previous owner and Mr. Kepto added the new owner just moved in new tenants.

MOTION: Mr. Motley moved to find case DCEB 17-432 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 304.1, Section 304.2, and section 3.4.6 and the Land Development Code Section 105-27.1.1(h)1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by August 20, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. DCEB 17-445 City vs. ARL & IL REV TRUST
1282 Robin Hood Ln
Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Ms. McHale swore in Ryan Lahuti, owner with P.O. Box 960, Crystal Beach, FL 34681-0960. Also present was Attorney John Shahan representing the respondent.

Mr. Colbert reviewed case DCEB 17-445:

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

- The property was inspected on May 30, 2017 and a notice of violation was sent with a requested compliance date of June 8, 2017.
- The violation includes the parking of any vehicle in the right-of-way area to include, but not limited to vehicles parked over the sidewalk as prohibited.

Mr. Colbert submitted into evidence photographs taken on May 30, 2017, July 17, 2017 and a copy of an email complaint dated July 10, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

Attorney John Shahan stated:

- Mr. Colbert issued an email to the respondent on June 13, 2017 at 8:58 a.m. that told him the case was closed and Mr. Colbert responded that at that time it was, but then it was not in compliance after that.
- That is the basis for asking for a continuance because his client when he received the email on June 13th did not hire an attorney and thought the case was over.
- When it started up again Mr. Lahuti contacted him and he reviewed the rules, Rule 4 (c) if the matter comes into compliance before the hearing the inspector has the right to withdraw the case. His client thought the case was withdrawn.
- He spoke with Mr. Colbert in good faith just yesterday saying as long you agreed not only on this parking one, but #16 that the grass had been taken care of, please exercise your discretion and withdraw this and he said he was not asking for any fines, but he would not withdraw because he wanted to be ready for the repeat violation.
- He thinks this is unfair and is asking for a continuance of the matter so that they can get into in because his client fixed both of these things. One he fixed in 2 days.

Chair Bowman explained the Inspectors are not fighting that, it is that he did it again. Mr. Colbert confirmed that was his testimony.

Attorney Shahan stated a new violation was not issued and or a new hearing notice, just out of nowhere he decided to go forward; if there is a new violation there needs to be a new 10-day notice.

City Attorney Trask advised that is not required under the Statute.

When Mr. Motley asked if Mr. Colbert is saying this is in violation at this time, Mr. Colbert explained:

- It was in violation and was not in compliance by the requested compliance date of June 8, 201.
- It is currently in compliance.
- It has been an ongoing problem, there was an anonymous phone complaint of the condition of the property and also an email complaint submitted into evidence for the same types of violations and complaints.

Chair Bowman reiterated there was compliance after the compliance date, but now he has done it again. It is the same situation and the discussion is about the same case.

Attorney Shahan stated the first lack of compliance was the kid had his car on the grass instead of in the garage so his client told him to put it in the garage which he did. Later on there was some complaint and his client spent a lot of money putting in a second parking place and putting up stones so it won't happen again

and he did in all in the 2 days notice and now that is in compliance. It may be technically under the same ordinance, but they were different issues. He cleared up one and as soon as he found out the tenant was causing issues again he hired someone to put in a second parking spot so it would never happen again; it's a one tenant property. This is why he is asking for a continuance in order to bring out these issues.

Chair Bowman explained the City is saying it is in compliance now, it is just that if it were to occur again it would be viewed as repeat violation if it is found by this Board. The only way there would be a fine is if it happens again.

When Mr. Lahuti stated the tenant is moving out, Chair Bowman explained it does not matter about the tenant because it is the property.

Mr. Lahuti stated the primary issue is the notice of violation dates on one he had 2 days to fix it which he did and on the second he had 1 day to fix it which landed on a Sunday and the actually fixed it on the day they got it.

Mr. Lahuti explained the date of the inspection was July 6, it was mailed on July 12 and he received it on July 15 which gave him until Sunday, July 16 to fix it. Chair Bowman clarified he was talking about the next case and not this one which is about the car.

Mr. Lahuti stated with regard to the car they called the tenant as soon as the learned about it and to please move the car and do not park there and he did. Then he received an email that it was closed and apparently sometime later either he or someone visiting parked where they were not supposed to, so they put in a second parking space and put boulders along the grass and sides making it virtually impossible for there to be repeat violation on this issue. The concern is they do not want to be exposed to the sanctions of a repeat violation because what if the next tenant is backed in unloading furniture and Mr. Colbert drives by and right there it's \$500.00.

Chair Bowman explained what happens in these types of cases is the inspectors see the violation and cite the owner and give a date to come into compliance, it was not in compliance on that date, but came into compliance after that date. Mr. Lahuti stated the parking was in compliance by that date, but then he went out of compliance again which is why the extra measures were taken.

Attorney Shahan stated what they were trying to show is there are good procedures that there is supposed to be a 10-day notice, but they don't send the certified mail; they cite somebody in their notes, it sits on the desk for a few days, then they mail it and by the time it gets there it is not really 10 days notice. That is their concern and the reason for asking for a continuance to somehow convince the Board that it should not even before them.

Mr. Colbert stated for the record, on May 30, 2017 is when he observed the violation, the letter was mailed on June 2, normally they are mailed the same day depending on the case load and the compliance date was June 8, 2017. The letter was mailed to a local Pinellas County address so he would think it would not take that long to get there. Again this is an easy fix, just don't park in the right-of-way and across the sidewalk.

Attorney Shahan stated a famous case out of Tarpon Springs said certified mail, return receipt is the way they should go and the City is not doing that; therefore, people can just leave things on the desk and people cannot even prove when they receive things.

City Attorney Trask advised the notice of violation is required to be certified mail, return receipt and the property and be posted as well as long as the property is posted 10 days prior to the hearing.

In response to the question from Vice-Chair Suplicki as to whether or not both are equal, City Attorney Trask stated the issue is due process, have they been advised of the hearing, have they had fair opportunity to present their case at the hearing; that is what the notice is all about. They are here represented by an attorney and he stated he believed Mr. Lahuti is an attorney as well and the Board is hearing the testimony from both the Code Enforcement Officer and Mr. Lahuti. The statements being made by Mr. Shahan, all the factual information is not under oath and therefore should not be given as much weight at that of Mr. Lahuti and Mr. Colbert.

Attorney Shahan stated he was not giving testimony, he was telling about a certain case and Mr. Trask was well aware because he was on the other side vs. the City of Tarpon Springs, the standard is certified mail, return receipt, then you know there is a certain date you can prove it was sent out and the respondent has proof of the date received. In this situation not using certified mail, even without 10 days notice his client did what he was supposed to do; that is why he does not want to be in the situation of being in repeat violation.

Mr. Colbert stated regarding this hearing the property was posted on July 18, 2017 and also on the same date that letter was mailed to the property owner in Crystal Beach, Florida.

Mr. Lahuti stated, which he received on July 25. He stated:

- One of the primary issues, not only that, but the notice of violation itself.
- The inspection was done on May 30, the letter mailed on June 2, received on June 6 and he had 2 days to make that deadline of June 8.
- They are very proactive and assertive and have a zero tolerance policy for code violations and Mr. Colbert knows that so they called the tenant immediately and told him to move the car or he would not be in this house and had a long conversation and it was moved by the June 8 deadline.
- Apparently he did it again so he put in an extra driveway and boulders along the grass to make sure these violations did not occur.
- If the Board is not going to grant the continuance then they are here to ask the Board not levy the repeat violation sanctions because this notice of violation does not give him even 10 days from the date it is mailed, not to mention 10 days from having received it.

Mr. Pauley clarified this is case DCEB 17-445 which is in compliance and there is no need for a continuance for that.

Attorney Shahan stated the reason they need a continuance is that the gentleman (Mr. Colbert) implied by his email he was withdrawing the matter under Subsection 3 compliance and then he told him yesterday he was not withdrawing it; that is why they need a continuance.

Mr. Colbert stated for the record he never told anyone he was withdrawing the case today and also the tenant called him on a couple of occasions and stated that Mr. Lahuti informed him or a representative of his company that he would be evicted if he was not able to convince him to remove this from the agenda.

Chair Bowman asked for any further questions of the City or the Respondent.

Vice-Chair Suplicki commented by his testimony Mr. Lahuti has taken steps to make sure this will not happen again.

Mr. Lahuti commented they run a very tight ship especially when it comes to code issues and especially in Dunedin. They have taken extreme measures to make sure no future tenant can ever park on that grass again. The issue is they do not want to be exposed to the sanctions of a repeat violation when they have no control of the next moving truck of the next tenant or someone who might be visiting.

Attorney Shahan stated putting it another way he is asking the Board not to proceed again because Mr. Colbert told Mr. Lahuti the matter was closed on June 13 and all of a sudden it opens up again.

Mr. Colbert advised the letter Mr. Shahan handed him is his email:

I will be closing my case. Just to let you know, the inoperable pick-up truck re-appeared after the case was closed. These are very simple, quick fixes. Please advise your tenants that if either violation returns, those violations will be presented to the CEB.

He noted this is a totally different case he was referring to; it does not pertain to this case.

Mr. Lahuti stated if that does not pertain to this case, where is the notice of violation for this case, because they never got one. Mr. Colbert stated it was mailed.

Attorney Shahan wished to submit into evidence pictures of the driveway that is the issue in #7 with the email highlighted.

Chair Bowman stated this case is about parking on the driveway and whether there was an added driveway is inconsequential, don't park across the sidewalk.

It was determined there was no case number on the email.

Mr. Colbert stated he reviewed the email Mr. Shahan was showing and it is an inoperable vehicle that was a previous case on this property and that was closed and never went to the Code Enforcement Board; that has nothing to do with this case.

In response the Attorney Shahan asking where then is the notice of violation for this case, Chair Bowman verified with Mr. Colbert it was posted.

Mr. Lahuti stated he had no other notice of violation.

City Attorney Trask verified with Attorney Shahan he was finished presenting his case and asked if he had any other witnesses besides Mr. Lahuti, any other cross examination to provide or any other oral argument he wished to provide.

Attorney Shahan stated, no he just wanted to either have this email introduced into evidence and if not accepted into evidence he wanted it on the record so it is very clear to anyone reading it.

Chair Bowman said that the case was closed that Mr. Shahan is saying that is about.

Mr. Colbert stated for the inoperable vehicle.

Attorney Shahan stated, June 13th he said the case was closed and he only said that after we sent pictures that we added the extra driveway section.

Mr. Motley stated the Code Inspector under oath has testified that is a previous case, it does not apply; therefore, that is not evidence.

Attorney Shahan said to take into consideration what he testified to, but to asked to please look at it and see what he wrote, his writing is in conflict with what he said.

Chair Bowman took the document and asked for it to be handed to the Board Secretary.

Attorney Shahan stated they would also like to submit into evidence the actual notice of violation.

City Attorney Trask advised the City needed to look at those exhibits and Chair Bowman asked they be shown to Mr. Kepto.

Chair Bowman advised the Board would have to keep the documents.

Mr. Lahuti asked for a copy of this new case as he did not have a copy and he was given copy by Mr. Colbert. Mr. Lahuti stated this is the same notice of violation they were talking about, therefore, this is the same thing, there is no other notice of violation.

Attorney Shahan stated it is the same 445 just what the put in evidence dated June 2, 2017, the same notice and that is why the e-mail is so important that it is June 13th, "I closed this case." with that number on it, closed, finished.

Mr. Lahuti sated therefore there is only one notice of violation, not two and a few days later they got the email that it was closed.

Attorney Shahan stated his is asking the Board not to proceed on 445 because he said it was closed and they were in compliance.

Mr. Lahuti stated you all have reasonable rules, but he did not follow those rules. In two days they fixed something that was in violation of the rules and he told them it was closed.

Mr. Colbert repeated for the record it was cited on May 30, 2017, the compliance date was June 8, 2017 and it was not in compliance by the compliance date, it is currently in compliance, but there is a photograph of the same violation on June 10, 2017 which is 2 days after the compliance date.

Attorney Shahan stated his email says right at the top 17-445 is the case number and he suggested there was a second notice and he handed it to Mr. Lahuti and it is the exact same notice, so there is no second notice.

Time was provided for the Board members to review the documents.

Chair Bowman noted the third picture the Board has is dated 7/17/17 at 10:20 or 10:29 a.m. with it parked across the sidewalk which is after the June 13, 2017 email which states, *please advise your tenants that if either violation returns, those violations will be presented to the CEB.* That is the email the respondent just

gave the Board. He stated that July 17, 2017 is after June 13, 2017, so his email said it would be presented here if it came back, it came back and there is a picture of it.

Attorney Shahan stated an e-mail is not a notice of violation issued and go through property procedures and not go directly here.

City Attorney Trask read the State Statute 162.06 (2):

Except as provided in subsections (3) and (4) (those are dealing with repeat violators which this is not) if a violation of the codes is found, the Code Inspector shall notify the violator and give him or her reasonable time to correct the violation. Should the violation continue beyond the time specified for correction then the Code Inspector shall notify the Enforcement Board and request a hearing. The Code Enforcement Board through its clerical staff shall schedule a hearing, written notice of such hearing shall be hand delivered or mailed as provided in Section 162.12 to said violator. At the option of the Code Enforcement Board notice may be additionally served by publication or posting as provided in Section 162.12.

And the sentence important today:

If the violation is corrected and then recurs or the violation is not corrected by the specified for correction by the Code Inspector the case may be presented to the Code Enforcement Board even if the violation has been corrected prior to the Board hearing.

When Chair Bowman asked if the notice was posted, Mr. Colbert stated, yes it was. Chair Bowman asked if it was posted at the Building Department and Mr. Colbert stated yes on July 18, 2017 also posted at the property.

Chair Bowman verified with City Attorney Trask that justifies notice.

Attorney Shahan stated he was in full agreement with what Mr. Trask says, but he does not know that Mr. Trask had seen the second exhibit from him (Mr. Colbert) he said he gave a second notice and it is the same as the first, there is no second notice, he saw a violation, he took pictures but he did not let them know.

Chair Bowman noted just as City Attorney Trask read is in the email it will be presented to the Code Enforcement Board if it comes back and there is a picture of it coming back. The notice was mailed to Mr. Lahuti, posted at the Building Department.

City Attorney Trask advised proper notice is posting at the property and somewhere in the city and that is where the City posts.

Attorney Shahan stated he was in agreement with City Attorney Trask, but the problem is the notice posted at the property is the same old notice; it is not a new notice.

Mr. Motley commented it does not have to be a new notice.

Vice-Chair Suplicki stated based on what was just read by the City Attorney, that is an optional element.

Mr. Lahuti stated this is dated July 17 and he got an email on July 18 that it is going to be presented to the Board, he was never given a reasonable time.

Mr. Colbert stated the posting for the Code Enforcement Board were posted on July 18, 2017, posted at their office, it was posted at the property and also mailed by certified letter to the property owner. The original violation notice was mailed on June, 2017 with a compliance date of June 8, 2017.

When Chair Bowman asked if the City met all the time frames, City Attorney Trask stated it sounded to him like the evidence had shown that all the time frames have been met.

Chair Bowman asked if there was any further testimony.

Mr. Lahuti reiterated the statute requires a reasonable time and July 17 is the picture presented by Mr. Colbert and he got an email on July 18 that it is going directly to the hearing, no time to cure, nevertheless even though they were not given the opportunity to cure.

Chair Bowman stated they had the original time to cure.

Mr. Lahuti stated that is the one they got the email that it was closed; he is talking about this new one.

Chair Bowman commented he was glad the Board read the email Mr. Colbert sent because it plainly states that if this comes back it is going to come here, it plainly states it in that email and it came back.

Attorney Shahan stated that's great it came back, but you're supposed to give a 10-day notice to comply and Mr. Lahuti was given no time to comply and in 1 day he did it.

Chair Bowman determined there were no more questions of the City or the respondent and asked for a motion.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-445 was in violation of the Land Development Code Section 105-27.1.1.1(A) after the requested compliance date of June 8, 2017 on the Notice of Violation; however, is now in compliance. Any future violation of the same code section will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

16. DCEB 17-604 City vs. ARL & IL REV TRUST
1282 Robin Hood Ln
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Ms. McHale previously swore in Ryan Lahuti, owner with P.O. Box 960, Crystal Beach, FL 34681-0960. Also present was Attorney John Shahan representing the respondent.

Mr. Colbert reviewed case DCEB 17-604:

- The violation exists on a single family residential property that is currently occupied by tenants.

- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 6, 2017 and a notice of violation was sent to the property owner with a requested compliance date of July 16, 2017.
- The violation includes grass or weeds exceeding 10 inches in height.
- Just prior to the compliance date the tenant contacted him and advised the grass was cut and he responded a short time thereafter and saw that the front yard was cut, but the side yard was not cut. He advised the tenant that has to be done also and the tenant said something to the effect his weed eater broke.

Mr. Colbert submitted into evidence photographs taken on July 6 and 7, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

Attorney Shahan stated his client has now hired a landscaping company and before today the back was cut and it will be cut by a professional from now on and not the tenant.

Mr. Lahuti stated:

- The inspection took place on July 6, the notice did not go out until July 12; he received it on July 15 which is a Saturday, he had until Sunday, July 16 to comply.
- They called the tenant immediately and told him to cut the grass that day and he did, he told them he did and he sent pictures on July 15, that same day.
- Mr. Lahuti mailed those pictures to Mr. Colbert on Saturday, not that he expected him to be working on Saturday or on July 16.
- He received no response on July 17 and he sent another email on July 18 that he was assuming compliance, the grass has been cut and he had spoken to the tenant about it. He received an email that this case and the other case were going to be presented because the grass was not cut on the side.
- He immediately hired a landscape company and signed an annual contract and he will be cutting the grass.
- Had he had reasonable time to solve this issue it would have met the deadline; he had one day that landed on a Sunday and if Sunday is not applicable it would have been Monday, July 17 and he received the email from Mr. Colbert on July 17 instead of 18 he would have had their maintenance man cut the side and the back, therefore, meeting the one day or two day deadline.
- The heart of this issue is the notice of violation only gave him one day from the day he received it; it is not even 10 days from the time it was mailed.

Mr. Colbert added for the record there was a lot of correspondence between himself and Mr. Lahuti by email, it is almost like he was acting as his property manager and spending more time than really he should when actually you just have to cut your grass and not park in the right-of-way and block the sidewalk. This seems to be more involved than it really should be. He would suggest Mr. Lahuti hire a property manager who can deal with these items appropriately because that is not our position and he does not want the City to be the property manager because it results in daily liens or fines and that is why we are here.

Mr. Lahuti stated Mr. Colbert and the City of Dunedin has his email and he has never gotten an email about this. He gets everything through the notice of violations and again one or two day deadlines. He feels like he is scrambling every time he gets these things. If all they are asking is reasonable notice, they believe under

the law this notice of violation is a violation of the law, this is not reasonable notice and that is the heart of this case.

When Chair Bowman asked again about the time frames he heard, City Attorney Trask stated:

- There is no 10-day requirement for the purposes of notice of violation and the Statute he read just says it has to be a reasonable time to correct the violation.
- It has to be determined what is reasonable based upon what the actual violation is. Is it something that can be done right away or is it something that is going to take a significant amount of time, that is how you determine a reasonable amount of time.
- The 10-day rule comes in as the requirement for the hearing, it has to be at least 10 days notice prior to the hearing.

Mr. Lahuti reiterated they cut the grass on the day he received the notice and he did not know the tenant was only cutting the grass at the front and not the back. When he got the email about that he had that cut and in a day or two after he hired the landscape company. If that is not reasonable time in response, he does not know what is.

When Chair Bowman asked with both these things going on why didn't he just drive down there and take a look as far as the grass and everything, Mr. Lahuti stated it was Saturday, he does not work on Saturdays, but he did work.

When Mr. Motley asked how often he goes and looks at this property to see if there are any violations, Mr. Lahuti stated he got pictures this morning. When Mr. Motley asked how often he has gone in the past, Mr. Lahuti questioned how that was relevant. Mr. Motley commented it is the property owner's responsibility.

Mr. Lahuti stated he is asking for reasonable notice and communication and questioned if the issue is getting the grass cut and beautifying the city of Dunedin or is it giving him super tight deadlines so he goes into these extra fines and sanctions of repeat violations.

Chair Bowman questioned what kind of time frame is needed to mow a yard or move a car.

Mr. Lahuti stated they did it the same day, which he understands it was not cut on the back and side and when he found out they cut it that same day.

Attorney Shahan stated the real issue is the City has decided the standard is they are going to tell people about a violation and give 10 days to fix it, but if you sit on the thing like this there was really only two days to fix it. Once again he is saying don't accept this case for consideration today because his client did better than 10 days, he did it in 2 days and the problem started not on his end, but where you lay out a 10 day letter but your don't really give 10 days. If this were in a circuit court case and somebody said pay your rent in 10 days or I'm going to evict you, the judge would throw it out because he did not get 10 days, he got 2 days. He is asking not to continue it, but don't even hear this case because the City's own procedures were not followed.

When Mr. Motley asked if that is written procedure that the City gives an individual 10 days, Mr. Colbert advised, no, just for the Code Enforcement Board hearing he believed.

Chair Bowman determined there were no further questions of the City or the respondent and asked for a motion.

MOTION: Mr. Carson moved to find case DCEB 17-604 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of July 16, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. DCEB 17-493 City vs. FRANKIE M CLARK

526 Frances St

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

Violation of the Land Development Code Section 105-27.1.1.1(A) RIGHT OF WAY STANDARDS

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Ms. McHale swore in Frankie Clark

Mr. Colbert reviewed case DCEB 17-493:

- The violations exist on a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 13, 2017 and a notice of violation was sent with a requested compliance date of June 25, 2017.
- The violations include grass or weeds exceeding 10 inches in height with the entire property extremely overgrown which allows the habitat for various forms of wildlife to include rats and snakes; the vegetation in the right-of-way is not being properly maintained or trimmed in a neat and orderly manner further such vegetation is encroaching into the roadway that is a hazard to public safety such as Spanish Bayonet and Bougainvillea is prohibited in the right-of-way; and the chain link fence in is disrepair and not being maintained to industry standards, the fence is dilapidated and collapsing in various areas due to vegetation and weeds growing onto and over the fence.
- He has spoken with the respondent and tried to get some volunteer assistance at her property and he believe the group went there but they did not have the equipment for the amount of overgrowth.
- This property has been the subject of many complaints due to the condition of the property and the fact that it is overgrown causing snakes and being a habitat for wildlife.

Mr. Colbert submitted into evidence photographs taken on June 13, 2017, July 12, 2017 and an email complaint. He recommends a compliance date of August 13, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Motley asked if there was reason for not giving a longer period of time to find someone else to help, Mr. Colbert stated he did check with one volunteer group; however, he thinks it goes beyond a little weed

eating and lawn mowing; he thinks the volunteer group just went by the property and decided they could not do it based on the extent of the overgrowth.

Ms. Clark stated:

- She has done quite a bit of the work herself and she has photographs on her phone.
- She has never been cited about any termites at her house, there was a large dead tree that her neighbor caused to fall down. The new neighbor asked about getting it up. There was termite damage on the front porch extension and that has been handled; however, the back place where people are opening it up and putting in wood that is not termite resistant. She has not invited these neighbors into her house.
- A year ago she did need medical assistance from paramedics.

When Chair Bowman asked if she thought she could get this all cleaned up, Ms. Clark said yes and she took pictures because she is proud of what she can do in her condition. Chair Bowman explained if she presented pictures the Board would have to keep them for the file.

When Chair Bowman asked when she thought she could have everything listed taken care of, Ms. Clark said a man was coming and he has gone over a major part of it and she personally took out the cactus and acknowledged that it looks a lot different than it did before and she thought she could get it all done in a month or so.

Ms. Clark stated now she knows who to get to do what and can call them. She then asked if she could have 2 months because the weather has been extremely hot and she has timed it so she could get the front completed herself, but it has been too hot.

Vice-Chair Suplicki noted the deadline for the September meeting is August 22 and the deadline for the October meeting is September 19.

Mr. Colbert had no issue with an extended compliance date and commented the neighbors might have an issue. He stated he understood and it is a big job.

When Mr. Motley asked if Ms. Clark could talk to her neighbors and get them to help, she said no, that her neighbors seem to take things out of her yard and now she would like for them to.

MOTION: Mr. Carson moved to find case DCEB 17-493 in violation of the International Property Maintenance Code Section 302.4 and Section 302.7 and the Land Development Code Section 105-27.1.1.1(A) and that the Respondent shall come into compliance by September 19, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Pauley for discussion.

Mr. Pauley asked if Mr. Carson would consider amending the motion to a fine \$50.00 per day and Mr. Carson agreed. Mr. Pauley let his second stand.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Ms. Clark she had until September 19, 2017 and as soon as it is done to contact Mr. Colbert and it will all go away, before September 19.

**9. DCEB 17-498 City vs. NORTON FAMILY TRUST
JOHN M NORTON TRE**

1001 Douglas Ave

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

Ms. McHale swore in Jack Norton, owner.

Mr. Colbert reviewed case DCEB 17-498:

- The violation exists on a commercial property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 13, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 16, 2017.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles that do not display a current license tag, flat tires, missing parts and so forth as prohibited.

Mr. Colbert submitted into evidence photographs taken on June 13, 2017. He recommends a compliance date of August 13, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Norton stated:

- This is an automotive repair shop and the compliance date is not realistic.
- This is a sole proprietorship, his wife and son-in-law work with him at the business and he does drive-up traffic. Also he does repairs for three used car lots and they will call him and he will have so many slots available and they will put a dealer car on a care and park it and he will work on it and fix it the same day.
- There were two cars and he is sure this was one when he was there today that could not be repaired that have been removed from the property.
- The shop owner told him that now all the cars on the property are drivable.
- None of the cars that come from the car lots have tags and will not because they don't do that until they are sold, so there is no way to come into compliance with that piece.
- He is not sure about what to say, it is an automotive repair shop.
- He noted that Pfeiffers has inoperable cars, missing parts and flat tires and he does not know how that works.

Mr. Colbert stated Mr. Pfeiffer has a towing business and those cars are normally damaged from crashes, somewhat different. He explained this appeared to take on the appearance of a salvage yard and in his opinion a motor vehicle repair shop does not take the tags, hoods off or the engines out. From what he could see without trespassing there are vehicles there that seem to be quite some time. As the photographs depict there is vegetation and grass growing up around them and it looks like they are just taking parts off of them.

Mr. Norton stated he would not disagree, there were two vehicles and both have been removed from the property. He stated at times parts have to be ordered they have to wait for them. He is not sure what else can be done.

Mr. Colbert stated he would re-inspect and reiterated what he had seen that had the appearance of a salvage yard.

Mr. Motley asked if all these vehicles are located on the property at the rear of the business, Mr. Colbert acknowledged that they are and advised there was no opaque screening which would be a zoning issue as to whether or not that would be required.

In response to the question from Chair Bowman, Mr. Colbert stated he believed the area is zoned for automotive repair and Mr. Norton stated there has been one there for 40 years.

When Mr. Carson asked if this case was the result of a citizen complaint, Mr. Colbert advised it was not.

Vice-Chair Suplicki commented he did not know if the zoning requirements are different in terms of the opaque fence and so forth for an automotive repair shop versus what Pfeiffer has or what would be keeping parts of cars around.

Mr. Colbert stated he judges is by if it is a car repair business, when he takes his car for repair, the tag stays on it and they do not deflate the tires. In this case some of those vehicles are clearly "pretty much shot".

Mr. Colbert told Mr. Norton he could call the office and he would be more than happy to discuss it.

MOTION: Mr. Pauley moved in case DCEB 17-498 to postpone to the meeting of October 3, 2017. Second was made by Ms. Dutton.

Mr. Pauley explained his motion was to give the City the opportunity to investigate the case.

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

10. DCEB 17-509 City vs. LUBA 8 LLC
783 Manor Dr W
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Roland Laczko or 610 Fairmont Street, Clearwater, FL

Mr. Kepto reviewed case DCEB 17-509:

- The violation exists on a single family residential property that is currently vacant.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 14, 2017 after being advised by Building Official he had posted the property with a Stop Work Order and a notice of violation was sent with a requested compliance date of July 4, 2017.
- The violation includes a building permit required for the renovation of the structure including, but not limited to any changing of the windows, renovations of the bathrooms and kitchens or any other activity or work which would be required to be permitted.

Mr. Kepto submitted into evidence photographs taken on January 26, 2009, June 13, 2017, June 14, 2017 and July 20, 2017. He recommends a compliance date of August 20, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Laczko stated:

- He purchased the property and was under the wrong impression, he thought as the homeowner he was not unaware, but misunderstood.
- As soon as he got the stop work order he stopped work and did not want any further issues.
- Since then he has maintained the property, cut the grass and so forth.
- He is having a hard time locating a general contractor, they do not want to just pull a permit and let him work and he has a hard time locating someone. Mr. Lahuti who was here earlier said he has a contractor who was available probably so he will try to locate someone to work on locating someone to work with him on these issues.
- When he went to the City they told him since he was not a resident, that he is not a homeowner, so he is willing to register at that address and become a homeowner, then he can pull permits.

Chair Bowman explained if he is living there he can pull permits himself, but he has to stay there a certain period of time after everything is done, he cannot do it and the next day sell it.

Mr. Laczko stated the point is he did not want to register if he is not living there because it is not in a condition to live there, so he was trying to fix it up and move in, that was the plan. He does want to live there.

When Chair Bowman asked what kind of work he had done on the property so far, Mr. Laczko stated he was laying tile in the kitchen and they removed the cabinets, it was partially done already and they changed the windows and pressure washed the roof.

Chair Bowman asked if Mr. Laczko knew if he put in windows that meet the codes because certain types of windows have to be used and he has to make sure they meet the codes in the City or else they are going to be useless, they won't get approved which means they would have to be replaced. Mr. Laczko stated he was not aware of that, now he understands. Chair Bowman commented that is why you bring in contractors and let them do their work.

When Chair Bowman asked when he thought he would be able to come into compliance by getting a permit, Mr. Laczko stated he is working on it, he was planning a trip, but he just heard he had a deadline of the 20th. Chair Bowman explained that is a recommended deadline.

Chair Bowman explained the contractor will have to go to the City and pull the permit, pay for it and have it in hand, not just hiring someone. Mr. Laczko said he has called a few people he knows, but they do not want to do it. Chair Bowman explained they are ultimately responsible if they pull the permit. Mr. Laczko stated he understood and he was trying his best.

Chair Bowman explained when he gets one a contractor will need to go in and see what work needs to be done, then file for the permit, turn in all the information on the windows and Mr. Laczko needed to tell him a date that he thinks it can be done.

Mr. Laczko said probably two weeks, the end of the month.

Vice-Chair Suplicki verified with Mr. Laczko that his intention was to make this his primary residence when it is habitable. When Vice-Chair Suplicki asked if he had met with the Building Official or anyone in the Building Department and Mr. Laczko said he saw Mr. Kepto when he got the stop work order and they told him some things. Vice-Chair Suplicki explained his point is meeting with the officials is the determining factor in the time frame and how he will need to approach this because they will give him a list of everything they will need as the homeowner or if he is hiring a contractor. Mr. Laczko stated he has not had that meeting yet.

Mr. Kepto asked Mr. Laczko if he had ever rehabbed any other houses previously and he stated not for himself, he has worked for companies. Mr. Kepto stated Mr. Laczko had told him before the meeting that he had worked for a company that are contractors he assumed and that he had pulled a permit for the house he is in now for a roof and he was able to do the roof himself and he asked when was that. Mr. Laczko stated that was 2009. Mr. Kepto stated then that should not be a problem and explained Mr. Laczko would have to live in the house for year.

Chair Bowman added Mr. Laczko would have to live in the house for a year after the permit was signed off and not sell it. Vice-Chair Suplicki added or rent it.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-509 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 September 19, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 11. DCEB 17-518 City vs. LQM 5 LLC**
963 Highland Ave
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the Dunedin Code of Ordinances Section 70-72(O)(1) OCCUPATIONAL LICENSE
REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-518:

- The violations exist on a single family residential property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 15, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 9, 2017.
- This case is the result of a citizen complaint.
- The violations include the open storage of assorted items including, but not limited to old or broken fence pieces and wood currently at the rear of the property as prohibited and the business tax for 2 – 5 rental units has not been paid since 2005.
- The owner met with him just prior to the meeting and showed him a receipt for the taxes that had been paid today and photographs of the area that that been cleaned up.

Mr. Kepto submitted into evidence photographs taken on June 15, 2017 and July 10, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

When Mr. Pauley asked if they can park the trailer in the location shown, Mr. Kepto advised they can park the trailer there which was another issue that came up after the fact and the owner sent an email indicating the RV is gone and he has checked all the tags to make sure what is there now is registered to that property as required by law.

MOTION: Ms. Dutton moved to find case DCEB 17-518 was in violation of the Dunedin Code of Ordinances Section 34-1(A) and Section 70-72(O)(1) after the requested compliance date of July 9, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

12. DCEB 17-523 City vs. ROSA M EVANS

988 Cedarwood Ave

Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Violation of the International Property Maintenance Code Section 304.3 HOUSE NUMBERS – PREMISES IDENT

Chair Bowman determined the daughter of the respondent present; however, did not wish to testify.

Mr. Kepto reviewed case DCEB 17-523:

- The violations exist on a single family residential property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 19, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 2, 2017.
- This case is the result of a citizen complaint about multiple offences in this neighborhood.
- The violations include the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface, grass, mulch or leaves are not approved or permitted parking surface.
- He has talked with the owner and met with her at the property and she has put up some no parking signs and talked with the tenants about parking on the grass.

Mr. Kepto submitted into evidence photographs taken on June 19, 2017 and July 7, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Mr. Carson moved to find case DCEB 17-523 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(h)1 and the International Property Maintenance Code Section 304.3 after the requested compliance date of July 2, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. DCEB 17-555 City vs. DOYLE D/TERRY L VANN
630 Dogwood Ct
Violation of the Land Development Code 105-27.1.1(h)1 PARKING-FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-555:

- The violation exists on a single family residential property/duplex that is currently occupied by the owner and tenant.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 26, 2017 and a notice of violation was sent with a requested compliance date of July 5, 2017.
- The violation includes the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface, grass, mulch or leaves are not approved or permitted parking surface.

Mr. Kepto submitted into evidence photographs taken on June 26, 2017 and July 7, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: **Mr. Motley** moved to find case DCEB 17-555 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code 105-27.1.1(h)1 was in full force and effect and the Respondent was in violation after the requested compliance date of July 5, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

14. **DCEB 17-564 City vs. HSBC BANK USA NATL ASSN TRE
C/O WARD DAMON POSNER PETERSON**
811 Michigan Blvd
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RV'S, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-564:

- The violations exist on a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 9, 2017 and a notice of violation was sent with a requested compliance date of July 9, 2017.
- The violations include the parking or storage of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface, grass, mulch or leaves are not approved or permitted parking surface and the open parking or storage of recreational equipment to include, but not limited to jet skis as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on June 9, 2017 and July 12, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

When Ms. Dutton noted the photographs seem to indicate there was an attempt at some parking areas; however, they are not approved surfaces and asked if the respondents understand that now, Mr. Colbert stated he believed so and that the respondent explained it was approved long ago and they had that discussion.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-564 based on testimony, evidence and facts presented was in violation of the Land Development Code Section 105-27.1.1(h)1 and Section 105-27.1.1(f) after the requested compliance date of July 9, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 17-589 City vs. 1451 LAKESIDE LLC**
1451 Lakeside Dr
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS, TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-589:

- The violation exists on a single family residential property that is currently occupied by tenants.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 10, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 13, 2017.
- The violation includes the open parking or storage of boats as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on July 10 and 19, 2017 and July 20, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 17-589 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of July 13, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

17. DCEB 17-376 City vs. BRIAN LEWERT / CHALRENE M DAVIS
600 Tangerine Ave
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Brian Lewert.

Mr. Kepto reviewed case DCEB 17-376:

- The violation exists on a single family residential property that is currently occupied by the owner.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 15, 2017 and a notice of violation was sent with a requested compliance date of June 30, 2017.
- The violation includes a building permit required for the construction of the double driveway in front of the house; records show that the driveway as a single driveway in April 2011; however, records also show that a new doublewide driveway installed prior to May 2014. The driveway was installed between those dates and there is no record of a permit being obtained.

Mr. Kepto submitted into evidence photographs taken on April 20, 2017 and from Google Street View April 2011. He recommends a compliance date of August 20, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Lewert stated:

- He did receive a notice from the City on Thursday, July 20, 2017 and he contacted them on Thursday, July 27th.

- The notice says he is able to subpoena people and so forth and get some information and when he called they said he was not in the time frame of 5 days which he was because the City is not open on weekends; however, he did because the notice was delivered Thursday afternoon.
- He is asking for a continuance until he can contact both inspectors and possibly Engineering because he was not required to get a permit, that was when they were doing the whole road and Engineering said that he should get that second driveway in because being at the end of the street the water was rolling down washing everything away.
- He has not been able to go to Engineering, he called the phone number on the letter and they told him no.

When Mr. Motley commented he thinks Engineering gave him that suggestion; however, still as the property owner has to follow the policies and procedures, Mr. Lewert stated he was aware of that, if they told him he needed a permit he would gladly have done that and he was not told, they said they did not need to pull permits, all three houses on that road when it was being redone they said to go ahead and get the driveways in now while the cement truck was there and they did not need permits.

Chair Bowman clarified with Mr. Lewert there are two other houses on the road that did the exact same thing with no permits.

Mr. Lewert stated the only reason he has the second double driveway is because the water was flowing through his yard and they said if he put the driveway there it would eliminate a lake in front of his house. He did not know who the Engineer was; it was going back about 5 years ago.

When Mr. Motley asked how long it would take for him to bring it into compliance, Mr. Lewert said he did not know.

When Chair Bowman asked how much time he needed to get his witnesses, Mr. Lewert said it depends, he would need to know who was installing the driveways, he does not remember and does not even know where to begin.

Chair Bowman asked if he received the notice why did he wait and if he went to the City yesterday to talk with Engineering and Mr. Lewert stated he received it on the 20th and he has not been to the City, he did not know why, he has never been in this situation before and it was just a few things he wanted.

Mr. Lewert explained he is trying to get the information on who installed the driveway.

Chair Bowman clarified that this is Mr. Lewert's house, they were redoing the street and someone told him that he should widen the driveway while that is going on and they did it.

Mr. Lewert stated he had to pay for it, the City when redoing the road were putting in like a gulley that goes down the side of the road for the water to wash through; it was whoever the contractor was for the City of Dunedin.

Mr. Motley stated his understanding then the contractor for the City told Mr. Lewert that is what he needed, not Engineering and Mr. Lewert clarified Engineering said to him and his neighbors if they wanted to get their driveways done now while they have the cement trucks there and they all agreed and went ahead and got the driveways installed.

Chair Bowman explained the concern is that the driveway needed to be permitted and so guys were working on the road and an Engineer came and told him to do this. Mr. Lewert stated the City was there all day every day this work was being done.

Mr. Lewert does not know how much he paid for the driveway and that is why he wanted to get some information, he did not even want the second driveway or the expense, but they said it would eliminate the water going through his yard. He does not know who he paid, he thinks it was by check and he wants the information so he can go back and find it.

Chair Bowman suggested in this case to set a compliance date to give the respondent plenty of time to get to the City and get all the information.

When Mr. Motley asked the opinion of Mr. Kepto he clarified:

- He inspected the property on May 15, 2017, the letter went out on May 15th, shortly thereafter he received a call from the owner saying it has always been a double driveway there and that he did not know it was a double driveway and that he found that second half of the driveway when he cleaned off the leaves.

Mr. Lewert acknowledged that was correct.

Mr. Kepto continued:

- He went back and checked the Google photographs and not only did he see a dirt driveway, but a tree that now has been removed and now it is a double driveway.
- He did go to the Engineering Inspector who oversaw the paving of that road, Mark Torrence who said, yes, the do the right-of-way issue if they tear up the right-of-way they replace the apron and also tell the residents if they want to increase or pave their driveway, this is the opportunity to do it because the concrete trucks there already on site and they could probably get a better price, but a permit would still be required to pave any portion not in the apron and especially to remove a tree and double the driveway.
- He also went back and found records from 1990 and 1994 of the survey that only shows a 9-foot wide concrete driveway at that property. He does not know who was living there at the time.

Mr. Lewert stated:

- There was always a driveway that went in on an angle and when it comes to pulling a permit they were not required to pull a permit and how could they because it happened so quickly.
- This has been a nightmare for him because when they did the roads they just assumed his house was built in the 1950's when it was actually built in the 1970's. He went on vacation immediately following this driveway "nonsense" being done and came home to sewage all over his house and he contacted the City and he thinks there were 20 people in front of his house and somehow they had sealed up the sewage to his house because the assumed it was built in the '50's and he had waste throughout his house and he took the hit for all of that. The City never responded to any of his requests.

Chair Bowman explained all the Board is concerned about here is he did not have a big driveway and now he does and from the sounds of it there was a tree there prior. Mr. Lewert stated that was years before when he first bought the house and the tree had to go down. Chair Bowman commented there had to be a permit and fees to take the tree out.

Chair Bowman reiterated his suggestion to set a compliance date and let Mr. Lewert get with the City and talk with them and get this straightened out.

Vice-Chair Suplicki commented if Mr. Lewert receives a letter from Engineering substantiating everything he has testified to and gives it to the Code Enforcement Inspector he is sure it will be okay.

Chair Bowman explained Mr. Lewert will have to go to the City himself and take care of this and that he really should have done it prior to the meeting.

MOTION: Mr. Pauley moved to find case DCEB 17-376 in violation of the Florida Building Code Section 105.1 and that the Respondents shall come into compliance by October 16, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to Mr. Lewert when he gets it taken care of everything will go away and the City will issue an Affidavit of Compliance, but he needs to get to the City and do and not be back at the November meeting.

OTHER BUSINESS

- 1. Request for Fine Reconsideration
DCEB 17-68 City vs. GLENDA ELLIS
1237 Texas Ave (TC)
Current Owner: Glenda Ellis
Current Fines as of 8/1/17: \$1,504.46**

Chair Bowman determined the respondent was present and 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.

MOTION: Mr. Carson moved in case DCEB 17-68 to deny the request for fine reduction. Second was made by Ms. Dutton.

Mr. Motley commented often the Board members do not address the entire letter for reduction of fines, clearly there is a hardship in this letter. He personally knows Mrs. Ellis and he can vouch for her; however, he would like to address her letter in other respects under her comments. He has asked the Board Secretary to read a letter he put together to go into the minutes.

Board Secretary McHale read the following into the record:

DCEB case number 17-68. August 2017, Mrs. Ellis letter requesting reduction in fine.

This case was started in January 2017 and was not brought before the Code Enforcement Board until June 2017, at which time, the Code Enforcement Board gave another 30 days for the respondent to come in compliance. A total of seven months to comply with ordinance violations that could have very easily been taken care of in less than an hour.

Mrs. Ellis also writes about how she was the victim of harassment and cited for violations without cause by Officer Thomas Colbert. I would submit based on the evidence, that violations did occur.

As far as the charge of harassment, I feel this allegation is completely unwarranted and unfounded. Any dates of time Officer Colbert was in that area, taking photographs or serving notice, he was carrying out his assigned duties and responsibilities in his investigation as outlined in Chapter 62 of Florida State Law and City guidelines to build a case as a City Inspector.

I would also like to note that both Officers Michael Kepto and Thomas Colbert have served as law enforcement officers with outstanding and honorable careers. Both of these men have served the City of Dunedin with integrity and the upmost ethical standards. I as a member of the City of Dunedin Code Enforcement Board, I am honored to work with such distinctive individuals.

William K. Motley, DCEBM

Mr. Motley commented he wrote the letter because he felt our officers are not given the praise they need and they are falsely accused of things that completely do not happen. As far as the reduction of fine he believes the fine should be reduced and he cannot go with the motion not to reduce this fine. Mrs. Ellis has suffered often with her husband's death, they have a child who is severely handicapped and it is very difficult for her; although she does have sons that should and do help her often there is clearly a hardship here. He withdrew his second on the motion.

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

2. **Memorandum from City Attorney dated 7/18/17 Regarding Foreclosure**
DCEB 16-532 City vs. ADIL and SELVIYE TZEKAS
903 Douglas Avenue
Current Fines as of 6/30/17: \$77,500.00

City Attorney Trask advised:

- He is requesting the Board's authority to begin foreclosure action on the property located at 903 Douglas Avenue.
- The property is still in non-compliance and is running a fine of \$250.00 a day.
- He personally reached out to Ms. Tzekas by email and spoke to her on the phone; she said she was going to go to Code Enforcement to find out what the issues were and take care of them.

- He followed up with an email after that and she has failed to do that and he told her he would be moving forward if the property was not brought into compliance and there has been no attempt to bring the property into compliance.
- The outstanding fine as of June 30, 2017 was \$77,500.00.

When Chair Bowman asked if Ms. Tzekas had come to the Code Enforcement department, Mr. Kepto advised she had not and that as he was aware of she had not contacted him or Mr. Colbert.

City Attorney Trask advised he had the conversation with Ms. Tzekas on May 23rd and she told him she was going to contact the Code Enforcement department, he recalled the case in 30 days and she failed to do that. He sent another email on July 18th and she has not responded to that.

When Mr. Carson asked if she gave any reason, City Attorney Trask stated she basically did not know what needed to be done; he has no other details.

Mr. Carson commented she is a well respected lady in the city and this really surprises him and City Attorney Trask responded that this is not the first case, there have been others that have gone to fine status and collections before; he knows her and has worked with her before on other issues and that is why he personally reached out to her and he was not successful.

City Attorney Trask explained that moving forward with the authorization for foreclosure does not mean adjustments cannot be made and continue working on trying to get it into compliance and ultimately some kind of settlement. He has to force the issue because she is not doing anything and this is the way to keep the process moving and get the property into compliance.

When Mr. Carson asked if the Board members were allowed to talk to her, City Attorney Trask advised no, not while the case is pending, they should not be talking to her.

City Attorney Trask advised he will be notifying her if the Board gives him the authority to do this today and ask her again to take whatever the appropriate steps are to bring the property into compliance. This means he would order a title search to determine whether or not there are any other encumbrances on the property before actually doing the foreclosure.

MOTION: Ms. Dutton moved in case DCEB 16-532 to authorize the City Attorney to begin foreclosure proceedings. Second was made by Ms. Graham.

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

**3. Memorandum from City Attorney dated 7/12/17 Regarding Foreclosure
DCEB 16-387 City vs. WILLIAM KIELTS
998 Emerson Drive
Current Fines as of 7/12/17: \$6,570.04**

City Attorney Trask advised:

- This is a homestead property and there is a fine outstanding of \$6,570
- Since the property is homestead and the fine cannot be foreclosed he is asking for authority to begin with filing a complaint at the County Court to collect the amount of money by way of judgment.

- He found through a search that this particular property owner has a number of toys including a \$20,000 Slingshot motorcycle in the front driveway and he thinks it is appropriate to put the pressure on Mr. Kielts to pay the fine then go through the process of levying on his toys to get him to pay. He provided a photograph of the motorcycle in the driveway.

City Attorney Trask advised there will be a couple of more of these cases on homestead properties where assets have been found other than the property itself and trying to collect the fines.

MOTION: Mr. Carson moved in case DCEB 16-387 to authorize the City Attorney to file a complaint at the County Court to collect the amount of money by way of judgment. Second was made by Mr. Pauley.

City Attorney Trask advised it was verified the motorcycle does belong to Mr. Kielts.

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

Open Seat on the Board

Chair Bowman noted he distributed the applications to the Board members and would like to receive input from everyone on the Board.

City Attorney Trask advised that input needs to be given at the next meeting as it needs to be done in the public, otherwise it could be considered a Sunshine Law violation.

When Chair Bowman asked if the members could email their comments to Ms. McHale, City Attorney Trask suggested it would be best for Ms. McHale to have the applicants in advance of the next meeting so every Board member could review them and give her their comments before the next meeting and they can be circulated in the packet.

Chair Bowman advised the Board members they have the applications and they should email Ms. McHale with any recommendations or anything they want to say, but do not email any of the Board members, just let Ms. McHale know and she will provide them at the meeting.

Vice-Chair Suplicki asked if City Attorney Trask should be asked about interviews and Chair Bowman advised he had already spoken to him about it and he said the members cannot do interviews

Meeting adjourned at 4:40 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board