

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, JULY 11, 2017**

CITY HALL – 542 MAIN STREET – 2:00PM

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

ABSENT: Member Ken Carson and Alternate Member Joe Mackin

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Pinellas County Sheriff's Deputy Randall and eleven attendees.

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

APPROVAL OF MINUTES

Approval of the Minutes from Regular Meeting of June 6, 2017.

MOTION: Mr. Pauley moved to approve the minutes of the regular meeting of the June 6, 2017. Second was made by Vice-Chair Suplicki.

VOTE: Motion carried unanimously.

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 15-629: City vs. FELIPE GUACACHE
2. DCEB 16-76 City vs. JENNIFER GASPAROVIC
3. DCEB 16-659: City vs. CITIGROUP MTG LOAN TR 2007 AHL 2 US BANK NATL ASSN TRE
4. DCEB 17-11: City vs. IRENE MILLMAN
5. DCEB 17-51: City vs. IRENE MILLMAN
6. DCEB 17-132: City vs. MICHAEL SCOTT BARRON
7. DCEB 17-216: City vs. SANDRA C PIERCE
8. DCEB 17-248: City vs. BRIAN D MC BRIDE
9. DCEB 17-261: City vs. NEW VISIONS FLORIDA LLC
10. DCEB 17-311: City vs. ANGELA KHUEN-BELASI, GEORGE M & MARY J CRAWFORD
11. DCEB 17-10: City vs. Jeffrey S. Gardner

MOTION: Vice-Chair Suplicki moved to accept the Affidavits of Compliance. Second was made by Mr. Motley.

VOTE: Motion carried unanimously.

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

OLD BUSINESS

1. **DCEB 17-027: City vs. KEVIN J KUENN EST**
610 Roanoke Dr
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-027:

- At the meeting of March 7, 2017 this Board ordered compliance by June 25, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on July 5, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 17-027 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

2. **DCEB 17-68 City vs. GLENDA ELLIS**
1237 Texas Ave
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-68:

- At the meeting of June 6, 2017 this Board ordered compliance by June 11, 2017 or a fine of \$50.00 per day would be imposed.
- As of inspection on June 12, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-68 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

3. **DCEB 17-081: City vs. ANTHONY T RYAN EST**
875 Sky Loch Dr S
Violation of the International Property Maintenance Code Section 302.5 PEST-RAT CONTROL
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 305.3 INTERIOR SURFACES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-081:

- At the meeting of June 6, 2017 this Board ordered compliance by June 18, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on June 26, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Pauley moved in case DCEB 17-081 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

4. **DCEB 17-140: City vs. EQUITY HOME SOLUTION LLC**
537 Manor Dr
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the Florida Building Code 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 302.3 DRIVEWAY MAINTENANCE
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-140:

- At the meeting of May 2, 2017 this Board ordered compliance by June 2, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on July 10, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-140 to accept the Affidavit of Non-Compliance. Second was made by Vice-Chair Suplicki.

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

5. **DCEB 17-258: City vs. JAY KREIDLER**
1276 Falcon Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-258:

- At the meeting of June 6, 2017 this Board ordered compliance by June 23, 2017 or a fine of \$200.00 per day would be imposed.
- As of inspection of the property records on July 10, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Dutton moved in case DCEB 17-258 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

6. **DCEB 17-312: City vs. LISA M FOUST**
536 Richmond St
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-312:

- At the meeting of June 6, 2017 this Board ordered compliance by July 4, 2017 or a fine of \$50.00 per day would be imposed.
- As of inspection on July 6, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Vice-Chair Suplicki noted these are fairly simple violations to correct and asked if there had been any communication, Mr. Kepto advised on this time around there had been no communication at all with this owner.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-312 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 16-373: City vs. BRIAN N/DONNA A CONKLIN**
2314 Watrous Dr
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 16-373:

- 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 April 25, 2016 and a notice of violation was sent with a requested compliance date of May 2, 2016.
- The violation includes the open parking or storage of boats as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on April 25, 2016 and June 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: Mr. Motley moved to find case DCEB 16-373 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Land Development Code Section 105-27.1.1(f) was in full force and effect and the Respondent was found in violation after the requested compliance date of May 2, 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 Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 16-634: City vs. DOROTHY M/CRAIG S HEMOND**
1173 Nelson St
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 16-634:

- 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 11, 2016 and a notice of violation was sent with a requested compliance date of July 17, 2016.
- 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 11, 2016 and June 20 & 22, 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 16-634 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of July 17, 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 and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

3. **DCEB 16-637: City vs. PAUL S/JULIA A YUZKO**
643 Richmond St
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. Kepto reviewed case DCEB 16-637:

- 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 any recreational equipment including a boat as prohibited in a residential area except from Friday 6:00 p.m. to Monday 8:00 a.m. and then only on the approved or permitted surfaces.

Mr. Kepto submitted into evidence photographs taken on July 12, 2017 showing the boat in violation again. 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: Vice-Chair Suplicki moved to find case DCEB 16-637 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 Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

4. **DCEB 16-865: City vs. H B RETAIL DUNEDIN LLC**
1785 Main St
Violation of the Land Development Code Section 105-24.1.3 SIGNS-PROHIBITED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-865:

- 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 September 30, 2016 and a notice of violation was sent with a requested compliance date of October 6, 2016.
- The violation includes the placement, installation, display or construction of unpermitted signs as prohibited. The banner type sign currently advertising Verizon is prohibited and must be removed. Any of the snipe type signs or the temporary signs that stake in the ground are also prohibited.
- Random inspection on May 23, 2017 found that the violation had reoccurred.
- When the violation notice was originally sent in September 2016 a number of contacts were made with Verizon because of the illegal signs in the right-of-way and the only way they took them down was when the City cited the property owner. On May 23, 2017 the sign began to reappear by Verizon and this time they received a letter taking them to the Code Enforcement Board and as soon as the letter went out the signs disappeared.

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

MOTION: Ms. Graham moved to find case DCEB 16-865 was in violation of the Land Development Code Section 105-24.1.3 after the requested compliance date of October 6, 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. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 16-904: City vs. BELLE VISTA PROPERTIES LLC**
783 San Christopher Dr
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 16-904:

- The violation exists on 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 October 10, 2016 and a notice of violation was sent to the property owner with a requested compliance date of October 23, 2016.
- The violation includes the open parking or storage of utility trailers as prohibited.

Mr. Colbert submitted into evidence photographs taken on October 10, 24 & 26, 2016; December 12, 2016; February 14, 2017 and June 13 & 19, 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 16-904 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of October 23, 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. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. DCEB 16-921: City vs. WILLIAM JARMOLYCH

556 Patricia Ave

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

Ms. McHale swore in Patricia Ehring of 4400 Winding Willow Drive, Palm Harbor and Samantha Jarmolych of 4400 Winding Willow Drive, Palm Harbor.

Mr. Kepto reviewed case DCEB 16-921:

- 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 October 20, 2016 and a notice of violation was sent to the property owner with a requested compliance date of October 30, 2016.
- The violations include the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface; parking on the grass or dirt area is not an approved parking surface and the open parking or storage of any utility trailer in a residential area as prohibited.
- He has spoken with the tenant responsible for the violations who advised he was not aware of it, even though he was talked to about last year. The tenant says he is selling the trailer and has made arrangements to have the trailer removed and says he is parking on the driveway.

Mr. Kepto submitted into evidence photographs taken on June 14, 17, 18 & 19, 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.

Ms. Ehring stated:

- She never received the notice in October 2016 and every notice she receives she either immediately e-mails or calls Mr. Kepto. On the date she received this notice she immediately contacted Mr. Kepto about it.
- This tenant mows lawns for a living so he frequently brings it out during the day and puts it back at night; she is not sure if that is a violation or not to do that.
- She has discussed it with the tenant and she has asked him to leave which he is doing by the end of this month because she cannot keep having calls whenever Mr. Kepto drives by and sees the trailer out.
- She understands both points of view, the tenant needs to have access to the trailer for his job, but she cannot keep coming before this Board so he has found a new place to move and is trying to move out by the 15th, but will definitely be out by the end of the month.

When Mr. Kepto explained this is the same tenant he spoke with last year, so he knew about the violation, Ms. Ehring stated she did not know that until this time and that is when she had the conversation about him leaving.

Chair Bowman explained what is usually done in these cases is what she had been hearing in the previous cases, it is in compliance now and that is fine, but if it comes back it will be viewed as a repeat violation.

Ms. Ehring stated she did not know it existed until she received the notification in June and acknowledged she is receiving the mail now from the City at the address she gave today. She is concerned if a new tenant moves in and makes a mistake, then she is a repeat offender, obviously in this case this tenant didn't just make a mistake because Mr. Kepto spoke to him in October, but she was not aware of that.

Mr. Kepto suggested getting some legal advice about changing the rental agreement where if a tenant causes a lien on the property the tenant becomes responsible for any money owed because of violation of any ordinances or even hire a stronger property manager who monitors the property constantly for any issues. Still by law a lien goes to the property owner of record. He has also made recommendations to owners to come up with some kind of landscaping design or plan where people cannot park on the grass maybe railroad ties, trees, shrubs or something to prevent people from driving over the sidewalk and onto the yard.

Mr. Motley commented Mr. Kepto had given some good advice about contacting an attorney and putting the problem on the tenant. Unfortunately the Board has a case in front of them now that has to be ruled on.

MOTION: Ms. Graham moved to find case DCEB 16-921 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 October 30, 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. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. **DCEB 17-020: City vs. STEVEN PRUCHER**
646 Union St
Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-020:

- The violation exists on a commercial 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 12, 2017 and a notice of violation was sent with a requested compliance date of March 12, 2017.
- The violation includes the current parking area on the east side of the parcel is not being maintained to the requirements of the parking or driveway construction criteria; the area consists of dirt, sand, weeds, broken asphalt and washed out shell.
- The owner was present for the meeting today and he was advised of the recommended compliance date of September 10, 2017 and the \$200.00 per day fine. He was once again advised this needs to be taken care of through the Zoning Department as he was told several times since January.
- There has been a delay coming to the Board because the owner dumped a small amount of gravel in the area and said he was going to landscape and bring it up to Code, but no action has been seen since that time.

Mr. Kepto submitted into evidence photographs taken on January 11, 2017, March 21, 2017 and April 5, 2017. He recommends a compliance date of September 10, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

When Mr. Motley noted some of the photographs show 648 Union Street, Mr. Kepto explained the parcel has two different buildings with two different addresses even though it is one parcel and even though it is a residential area it is zoned Commercial.

MOTION: Mr. Motley moved to find case DCEB 17-020 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-31.13.5 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by September 10, 2017 or suffer a fine of \$200.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 17-029: City vs. STAVROS CORP**
1828 Main St
Violation of the Land Development Code Section 105-29.1.3 SIGNS-PROHIBITED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-029:

- The violation exists on commercial shopping center property at 1828 Main Street 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 January 18, 2017 and a notice of violation was sent to the property owner with a requested compliance date of January 29, 2017.
- The violation includes the placement, installation, display of any portable type sign as listed as prohibited including but not limited to snipe signs or signs placed in the ground using metal stands.
- The actual business in violation is the Tae Kwando next to Nortons. When they moved in they put up multiple signs on the property and throughout the city. He can do about the once offsite is to remove them, but they continue to be placed around the city.
- When the business opened the City made personal contact with the owner and there was an argument about the enforcement of signs and what right the City had to do anything and the owner demanded a copy of the sign ordinances which he hand delivered to the owner.
- The owner continues to put signs out, he was cited previously but took the signs down which is why the case never came before the Code Enforcement Board in the past. Lately the signs have popped up again.
- Last week he had a long conversation with the property manager and Mr. Kepto agrees it is difficult for the property manager to control that one business, but it is his responsibility to keep the signs off the property.

Mr. Kepto submitted into evidence photographs taken on January 13, 2017, May 31, 2017 and June 1, 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 17-029 was in violation of the Land Development Code Section 105-29.1.3 after the requested compliance date of January 29, 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 and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

9. **DCEB 17-334: City vs. CHARLES/LOUISE W GELINI**
635 Michigan Blvd, Unit 100 (TC)
Violation of the Florida Building Code 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-334:

- 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 April 26, 2017 and a notice of violation was sent with a requested compliance date of May 7, 2017.
- The violation includes a permit required for the wooden rear deck structure located at the rear of the property.
- The property owner contacted him this morning and indicated he could not attend the meeting for family reasons and also there is a water leak at his home. They agreed on the compliance date and the owner indicated he could have the deck removed by that date.

Mr. Colbert submitted into evidence photographs taken on April 26, 2017, May 8, 2017 and June 20, 2017. He recommends a compliance date of July 25, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Ms. Dutton moved to find case DCEB 17-334 in violation of the Florida Building Code 105.1 and that the Respondents shall come into compliance by July 25, 2017 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 17-401: City vs. GUSTAVO ORDONEZ/ARIEL CARROLL
427 2ND Ave

Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RV'S, TRAILERS

Violation of the International Property Maintenance Code 304.1 MAINTENANCE OF STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-401:

- 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 May 19, 2017 and a notice of violation was sent with a requested compliance date of May 29, 2017.
- Since starting this case by random inspections a number of citizen complaints have been received regarding this property.
- The violations include the open parking or storage of any utility trailer in a residential area as prohibited, the utility trailer is allowed to be parked or stored in the side or rear yard if it is behind a 6-foot solid fence and the screen on the front unit is not being maintained in a state of good repair, it is torn or ripped.

Mr. Kepto submitted into evidence photographs taken on May 30, 2017, June 26, 2017 and July 5, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

City Attorney Trask noted on the agenda only one violation is listed; however, the notice has the two violations listed and it is the notice of violation that controls.

MOTION: Mr. Motley moved to find case DCEB 17-401 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Land Development Code Section 105-27.1.1(f) and International Property Maintenance Code Section 304.1 were in full force and effect and the Respondents are found in violation thereof and that the Respondents shall come into compliance by July 23, 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 and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

11. **DCEB 17-411: City vs. CAROLE S COLTON**
629 Lyndhurst St
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. Kepto reviewed case DCEB 17-411:

- 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 19, 2017 and a notice of violation was sent with a requested compliance date of May 29, 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 permitted or approved surfaces.

Mr. Kepto submitted into evidence photographs taken on May 19, 2017 and May 30, 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 asked if there has been any contact with the owner, Mr. Kepto stated not at all and noted quite a bit of time went by and he received nothing and as of yesterday the car had been moved back onto the parking area, so it is now in compliance.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-411 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of May 29, 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 and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

12. **DCEB17-414: City vs. NILY ILAN - WITHDRAWN**
42 Ventura Dr
Violation of the Florida Building Code 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto advised the City staff is removing case DCEB 17-414 from the agenda since the respondent obtained the necessary permit to come into compliance issued on July 6, 2017.

No action necessary.

13. **DCEB 17-430: City vs. SYLVIA A EARLE**
527 New York Ave
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Ms. McHale swore in Robert McCracken, Manager of 14745 Nottingham Trail, Hudson, FL 34669.

Mr. Kepto reviewed case DCEB 17-430:

- 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 May 24, 2017 and a notice of violation was sent with a requested compliance date of June 18, 2017.
- The violation includes grass or weeds exceeding 10 inches in height.
- There are two parcels owned by this respondent the one adjacent to this one has a structure on it along with a lake at the back; the subject parcel is approximately 200' X 200' and recently there was a house demolished and removed from the property except for a chimney. It is still a residential property and is not being maintained as far as mowing.

Mr. Kepto submitted into evidence photographs taken on June 19, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. McCracken stated:

- This was originally part of the property at 501 New York Avenue and it was separated in the 1960's for Dr. Earle and her family to build a home and recently she was able to buy that property back, he believes in 2011.
- Through discussions and meetings with Mr. Kepto they were told to maintain the front yard as long as there was a house there and there were plans to demolish the house as Mr. Kepto was aware.
- In February of 2015 they met with Mr. Kepto as well as Mr. Rice and at that time the Arborist also met with them and discussed taking down certain trees and removing certain invasive species and they were going to have the house removed in April, but because of weather it was put back to May. It was agreed that once the house was removed then the property was to be kept trimmed from the hedges at the street back and the grass in front of the hedges cut. Since May 2015 when the house was removed that is how they have maintained the property with no issue.

- This year Mr. Kepto contacted him in May and he let him know that because of that month and half straight of rain the lawn people had not been able to get there and he told Mr. Kepto it would be done in the next two weeks and it was, the hedges trimmed back and the grass cut at the road, then he received the violation notice on the door and called him about it when he was told Mr. Kepto wants the whole property mowed down at this point which is not what they had agreed to when it was discussed.
- Dr. Earle is interested if it pleases the neighbors in putting up a 6-foot privacy fence if they do not like the natural state it is in as the rest of the property.
- He has tried for the last week to contact the City Engineer about having the property added back to the original 501 property with no return calls; however, yesterday he received a call from someone in Zoning, Joseph DiPasqua who told him where to find the proper paperwork to have that done at which point they would also like to petition to have it considered part of the nature preserve that it has been rated.
- At this time he would like to suggest perhaps the 6-foot privacy fence to block the view of the neighbors who don't like it and Dr. Earle has said if they wanted they can take the chimney off that was left because she had built it and the house with her father and uncle back in the 1960's so it is sentimental value, she would take it off at the mantle so it is not visible over the privacy fence.

Mr. Kepto stated for the record the discussion was not to allow for not maintaining the property as discussed back then, it was a residential lot and Mr. McCracken questioned the City about keeping it as a preserve area and he told Mr. McCracken if it went through Zoning and they approved it as a preserve area then they might be able to keep it in a natural state. Unfortunately now the natural state is nothing but pretty much invasive species. Right now that property is a residential lot that is roughly 200' X 200' and is to be maintained as a residential lot until otherwise zoned.

Mr. McCracken stated the invasive species were removed when the house was removed. He questioned if that was not the agreement why is that for two years it has been fine in that state.

Mr. Kepto explained he was hoping Mr. McCracken would work with him and he did a lot of research over the past two years because he knows the City back in the late or mid 1960's made agreements with the Earle family allowing them entry onto the adjacent lot to clean the lake. He has gone to the Engineering Department looking for some of the old documents, but he has not found them, so he is going to take it as it is now, the lot in question is a residential lot and is to be treated as a residential lot until proven otherwise or zoned otherwise.

Mr. McCracken stated he would be happy to provide copies of those documents and explained that the previous Code Inspector James Leavengood provided them to him. Mr. Kepto stated as has said in the past he would be happy to look at those documents, but his understanding is that is for the adjacent property, he would be happy look at the documents.

Chair Bowman verified with Mr. McCracken the lot is zoned Residential.

Mr. McCracken stated for the past two years any time there has been any issue around the property Mr. Kepto has contacted him and he quickly made it right.

When Mr. Motley asked if this house was demolished why the chimney was allowed to stay on the property, Mr. McCracken reiterated it was left as a matter of Dr. Earle having built it by hand with her deceased father

and uncle. Mr. Motley commented if the house is demolished that means everything is off the property, otherwise this could be considered a violation in itself.

Mr. Kepto advised he recalled that was approved by the Building Department as a special request by the owner and the Building Official has inspected the existing chimney and his opinion is that even though it does not look good it appears to be structurally sound. His discussion with Mr. McCracken was when they were demolishing the house he spoke with the contractor who was requested to carefully remove the rock from the front of the house and the owner was going to use that rock to support or stabilize and make more attractive the chimney. That has not been done yet; however, that is not the issue here. The chimney being left standing was part of the permit and was approved.

When Chair Bowman asked if he was aware they needed to rezone the property, Mr. McCracken stated he was not aware of that and he was not even aware there was work to be done to get it back into the original homestead of 501 where the Earles have maintained residence for 70+ years and having been made aware that is what he is asking Dr. Earle to work on now, she travels most of the year and he believes she will be back next week. He hopes to be able to report to her that they can put up a privacy fence and take the chimney down.

Chair Bowman explained being a residential property it can't be like that, so something has to change.

When Chair Bowman asked how long it takes for rezoning, Mr. Kepto stated it would take a while, but the concern now is the maintaining the residential lot until it is rezoned if that is what they choose to do.

Mr. McCracken stated the issue with that is that behind the fence that was at the house before it was torn down has been allowed to re-grow into its natural Florida state for six years now, the front has been growing for two years and to go in and shred this to the ground is going to undo everything that has been done as far as a habitat for migrating and regular birds in the area, animals and such. Dr. Earle is very much an environmentalist and steward of the environment.

Mr. Kepto agreed it has become a natural habitat to the point now the complaints are that the coyotes are out there in the daytime and he has seen them himself on a number of occasions in the daytime.

Mr. McCracken agreed and commented that is better than their being in the apartments across the street; if there is very little habitat for them, then leave them where there is woods and a lake to run in that is fenced in rather than in the neighborhood.

Chair Bowman commented maybe relocate them where there is area for them to run.

Mr. Motley commented it is plain and simple, this is a residential lot that has to be maintained as a residential lot until it is otherwise changed or rezoned. The 6-foot fence requires a permit if that is what they are going to do. He agreed with Mr. McCracken that is not going to effect the residential status.

Vice-Chair Suplicki commented for consistency sake he understands what the property owner is attempting to do to make a little miniature Hammock Park and that is nice and all, but Hammock Park is zoned differently than this parcel. He would suggest speeding up the zoning process to get it done if this is the state the owner wants to keep it in, it has to have a zoning reflective of that. He noted as a Board they typically try to zone this, these are the codes and ordinances they are dealing with and it is hard for the Board to say maybe if they lived

across the street they might like it and someone next door might not like it; the Board has to look at it as being zoned and everyone else with that zoning has to do the same thing.

Mr. McCracken stated had they known the zoning was necessary during their meeting with the City in February of 2015 it would probably be done by now.

Chair Bowman commented he was amazed the City did not bring that up; the Board hears about overgrown properties every month.

Mr. McCracken stated if their understanding was wrong and Mr. Kepto was looking forward to seeing more done it was not conveyed to him. He can promise that Dr. Earle will work hard now toward the rezoning, but they have to go through the process. He advised he was just texting Dr. Earle's daughter who was working on getting an environmental lawyer to get this started already.

Chair Bowman asked what a realistic time frame is for rezoning.

City Attorney Trask advised it takes two public hearings and right now with the agendas he does not see it coming before the Commission before October. It is a several month process with an application process and a large filing fee for the requests, advertisement requirements and the actual public hearings.

When Mr. McCracken asked if he can formally request the information, the application, City Attorney Trask advised he could go to the Planning Department for an application or go on line.

When Chair Bowman asked if there are a lot of neighbor complaints on this, Mr. Kepto said yes and that in fact some of the complaints from the adjacent apartments which have all been renovated and that owner took it upon himself to put a fence between the properties.

Mr. McCracken explained that apartment owner and Dr. Earle both paid for the fence he installed and he requested they trim a couple of limbs that overhung onto their property and that was taken care of very quickly. He speaks with that owner regularly and work very well with him.

Mr. Kepto stated if they are going to go through this alleged preservation or rezoning the City is requesting that it be maintained as a residential lot because that is exactly what it is.

Mr. McCracken stated they would like to request a waiver from that because of the amount of displaced wildlife and such that has called it home for the last six years in the back yard and two years in the front. To go in with a brush hog and take it all down to the ground because.

Mr. Kepto commented every property owner in the city would be asking for a waiver because there is wildlife, snakes in the grass or whatever, it is opening the door here.

Mr. McCracken stated he did not think he was, it can be seen the house was torn down to go along with this and if every homeowner in the city asked for an extension because of overgrown ground and wildlife and then torn down their house, then maybe they would have an argument.

Chair Bowman commented he did not think tearing down the house plays into this issue, it really does not make a difference, it is zoned residential whether there is a house there or it was torn down. He reiterated he

is amazed the City did not talk with them about rezoning a long time ago and asked if Mr. McCracken was sure that was never brought up.

Mr. McCracken stated they met with the Arborist on a number of occasions, the City Engineers about the drainage into Lake Earle and keeping it all clean and properly done and with everyone they have met with he is amazed it has not been mentioned.

When Vice-Chair Suplicki noted some neighbors had been complaining and asked if it would be feasible to make a motion setting a compliance date and then based on the due diligence of the respondent/property owner on moving forward with the process and providing updates to the Board and then the Board could also look at extending that into the future. He is aware personally rezoning is not a fast process. He reiterated the Board cannot overlook the fact that it is a residential property. He explained usually for these types of cases the Board gives about a week because it is not a big deal to cut grass or clear overgrowth.

Mr. McCracken commented as he said about cutting back the hedges and the grass, when he called Mr. Kepto's office last week to ask some questions and when the gentlemen, not Mr. Kepto asked why he was not in compliance because all he had to do was trim some hedges and cut out at the street, so it is obviously an understanding that multiple people in the office understood.

Mr. Kepto asked for the record did Mr. McCracken give an address when he called and Mr. McCracken said yes, 527 New York Avenue. Mr. Kepto stated most people not familiar would probably have thought it was just a regular house not known the circumstances.

When Mr. Pauley recalled that Mr. Kepto testified he had addressed this rezoning issue further back. Mr. Kepto stated he is testifying under oath and he is not going to commit perjury; a discussion was held with either Mr. McCracken or the owner back when the demolition at the time, if they wanted to keep this as a preserve area, is what the discussion was about they would need to go through our Zoning Department to do those changes and in the meantime it needs to be maintained as a residential property. Mr. Pauley stated that is what he thought he heard Mr. Kepto say.

When Mr. Motley asked how long ago the house was torn down, Mr. McCracken stated it was May 2015.

Mr. McCracken stated he would testify under oath and not wanting to perjure himself as well that he does not recall that.

When Ms. Graham asked how often he walks that property and if he was sure there were no transients in there, Mr. McCracken said yes he was there every day and that was the problem with the house that they had it removed; as soon as Dr. Earle bought it from the neighbors where were moving out, immediately people moved in, ripped all the copper out of the air conditioning, the ceiling and water lines and were using it for a teenage party area or whatever.

Mr. Motley commented he was amazed they were allowed to leave a chimney on a vacant lot.

Vice-Chair Suplicki commented the present zoning is residential, so the Board does not have a lot of options.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-430 in violation of the International Property Maintenance Code Section 302.4, overgrowth of weeds and grass that at the time of the violation the code was in full force and effect and the Respondent is found in violation thereof based on the evidence and testimony provided and that the Respondent shall come into compliance by August 22, 2017 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.

When Mr. Motley questioned the compliance date all the way out to August, Vice-Chair Suplicki stated because of the testimony provided that way the respondent will have some time to get any process they intend to do started and if they are going to follow through he would assume they would give the City updates on what is happening.

Mr. Motley stated the City Attorney has said the agendas are full and it is going to be six months or more before it could be on an agenda and the Board does not give anyone else this type of favoritism which is what he thinks it is.

Chair Bowman noted City Attorney Trask said three months actually with October being the first hearing. Vice-Chair Suplicki added he was looking for the deadlines for the meeting and the September meeting, it would be July 18 for the August meeting and that is only a week and the next one would be August 22 which is why he chose that to give time for notices for the September meeting.

VOTE: Motion carried with Ms. Graham, Ms. Dutton, Messrs. Pauley, Motley 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. McCracken he should talk with Dr. Earle and start that zoning process.

When Mr. McCracken asked who he contacts for all the proper applications for zoning because he could not find it on the website, City Attorney Trask advised it would be the Planning Department on the second floor of the Municipal Services Building and moving forward on getting that application filed does not stop Mr. McCracken from cutting the grass and it needs to be cut by August 22, 2017.

- 14. DCEB 17-441: City vs. ESTATE BUYERS LLC - Repeat 2 days**
977 Victor Dr
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. Kepto reviewed case DCEB 17-441:

- 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 30, 2017 and the repeat violation was observed.
- The repeat violation includes the parking of any vehicle in the front yard area including the right-of-way area as prohibited unless the parking is on an approved or permitted surface; grass is not an approved parking area.

- This same violation was heard at the March 7, 2017 Code Enforcement Board hearing regarding case DCEB 16-1047 and the Board found the violation did occur at that time.
- Inspection has found that the repeat violation has occurred on two separate dates and photographs provided on May 30, 2017 and again on June 1, 2017.

Mr. Kepto submitted into evidence photographs taken on May 30, 2017 and June 1, 2017. He recommends a repeat fine of \$250.00 per day for each of the 2 days of non-compliance.

Chair Bowman noted this is within the 5-year time period for a repeat violation.

MOTION: Mr. Pauley moved to find case DCEB 17-441 was in repeat violation of the Land Development Code Section 105-27.1.1(h)1 on May 30, 2017 and June 1, 2017 and that the Respondent shall suffer a fine of \$250.00 per day for those days documented. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 17-465: City vs. A S C 989 C LLC**
989 Cedarwood Ave
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-465:

- 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 June 7, 2017 and a notice of violation was sent to the property owner with a requested compliance date of June 18, 2017.
- The violation includes the open storage or display of assorted items including assorted lumber or personal items as prohibited.
- The owner and the tenant approached him just prior to this hearing and showed him photographs taken this morning of the property indicating it is obviously in compliance.

Mr. Kepto submitted into evidence photographs taken on June 19, 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. Graham moved to find case DCEB 17-465 was in violation of the Dunedin Code of Ordinances Section 34-1(A) after the requested compliance date of June 18, 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 and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

16. **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:

- 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 June 12, 2017 and a notice of violation was sent with a requested compliance date of June 18, 2017.
- This case is the result of a citizen complaint.
- The violation includes grass or weeds in excess of 10 inches in height to include the rear and side yard areas.

Mr. Kepto submitted into evidence photographs taken on June 19, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find case DCEB 17-483 based on testimony, evidence and facts presented in law that at the time of the alleged violation the International Property Maintenance Code Section 302.4 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 23, 2017 or suffer a fine of \$200.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

OTHER BUSINESS

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

1. **Request for Fine Reconsideration**
541 Norfolk Street
Current Owner: Carlsbad Funding Mortgage Trust
Wilmington Savings Fund Society FSB TRE
c/o Rushmore Loan Management Services LLC

DCEB 16-891

Current Fine Due as of 7/11/2017: \$33,289.61

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

When Vice-Chair Suplicki noted according to the information provided there was electrical work and some drywall and other things done without a permit and asked if that was true, Mr. Kepto stated that is correct; however, he thought that was in reference to the second case involved.

Ms. McHale swore in Ann French with Dakota Asset Management of 18395 Gulf Boulevard Suite 200, Indian Shores, FL 33785. An attorney representing the respondent was also present.

Mr. Motley requested an explanation of the hardship in this case.

Ms. French responded:

- She thinks that revolves around trying to determine, the yard and so forth once they got there that and the termites were taken care of and the painting, the things that were on the code violation that they knew of quickly.
- The remaining repairs that were done and the permits that needed to be pulled, that was more of a clarification situation with the City trying to find out exactly what they needed to do and how to go about it.
- She thought their timing was more of a hardship only because it is owned by a corporation; therefore, they have to approve everything and that takes time.

Mr. Motley asked if he is understanding they tried to do all the work without first obtaining the permits and Ms. French stated a couple of the permits were from the previous owner who had done work on the house and they were not quite aware of and had to find out in order to move forward and get permits.

When Mr. Motley asked if there was any financial hardship or any personal health issues, Ms. French stated not that she knew of.

MOTION: Mr. Motley moved in case DCEB 16-891 to deny the request for fine reduction based on the request not meeting the criteria for hardship. Second was made by Mr. Pauley.

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

DCEB 16-1061

Current Fine Due as of 7/11/2017: \$21,944.10

Ms. Dutton inquired why there are two different fines.

Mr. Kepto explained the first case was basically a code violation started under a previous owner and when this company took over it was changed over to their ownership. The second case was started because the company came in and started unpermitted work.

MOTION: Ms. Graham moved in case DCEB 16-1061 to deny the request for fine reduction based on the request not meeting the criteria. Second was made by Mr. Motley.

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

Chair Bowman reviewed the action of the Board to deny the request in both cases.

**2. Memorandum from City Attorney dated 6/20/2017 Regarding Foreclosure
DCEB 17-040 and 17-041
992 Cedarwood Avenue**

City Attorney Trask reviewed the memorandum is in relation to two properties one located at 992 Cedarwood Avenue and the other dealing with the property at 541 Norfolk Street:

- 992 Cedarwood Avenue is owned by Bank of America with approximately \$94,000 in outstanding Code Enforcement liens; this property is not homestead since it is owned by a bank. The fines continue to run at the rate of \$250.00 per day and \$500.00 on each of the two code violations.
- A demand letter was sent to the bank by certified and regular U.S. Mail and they appear to have been received and there has been no response. The property is not in compliance.
- He is requesting authority to begin foreclosure proceedings against the Bank of America on these two Code Enforcement liens.

Mr. Kepto advised he began receiving calls this morning from investors and apparently Band of America is putting that house up for auction, so they are trying to dump that property.

City Attorney Trask stated that means he needs to move more quickly.

MOTION: Vice-Chair Suplicki moved in cases DCEB 17-040 and DCEB 17-041 to authorize the City Attorney to move forward with foreclosure proceedings. Second was made by Mr. Motley.

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

**DCEB 16-891
541 Norfolk Street**

City Attorney Trask stated the second case is DCEB 16-891 this is the property owned by Wilmington Savings Fund Society FSB TRE at 541 Norfolk Street the lien was recorded in February 2017 with \$33,000 in fines due. The property is in compliance. A demand letter was sent to the property owner which is the bank. The regular and certified mail seem to have been received; however, there has been no response. He is requesting authority to foreclose on this lien 16-891.

MOTION: Mr. Pauley moved in cases DCEB 16-891 to authorize the City Attorney to move forward with foreclosure proceedings. Second was made by Ms. Dutton.

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

3. Memorandum from City Attorney dated 6/12/2017 Regarding Foreclosure
DCEB 16-659
1610 Dale Circle

City Attorney Trask advised this property is owned by a bank, City Group Mortgage Loan there is \$54,250 in fines. The property is not in compliance and the fine continues to grow. A demand letter was sent to the bank and both the certified mail and regular mail appear to have been received; however, there has been no response. He requests authority to begin foreclosure proceedings on the Code Enforcement lien.

Mr. Kepto advised the Affidavit of Compliance was just completed and accepted today by the Code Enforcement Board. City Attorney Trask advised that does not change his request.

MOTION: Ms. Dutton moved in case DCEB 16-659 to authorize the City Attorney to move forward with foreclosure proceedings. Second was made by Mr. Motley.

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

City Attorney Update

City Attorney Trask advised regarding the property located at 227 Aberdeen, the Katherine Speed case which has been before this Board many times and has been in foreclosure for a number of years. His associate John Schaefer has been working on the case and they have been successful in having all the affirmative defenses struck, all the pleadings struck by Mrs. Speed for her failure to comply with discovery responses, in other words appearing at her deposition and answering questions truthfully. The Court is ready to enter an order of final judgment of foreclosure. There is one hearing left to establish the amount of the attorney fees incurred in the case to levy them against Mrs. Speed as well and was set for October, the first available date based on the judge and attorneys involved. In the meantime there was an appeal filed by Ms. Speed of the underlying order where her pleadings were struck and the Second District Court of Appeal dismissed that appeal because it was a non-final order. He perceives this to be like any other matter once getting to the October hearing and the foreclosure final judgment entered there will probably be another appeal. He will keep the Board apprised. They are finally at a point where he feels comfortable moving the case to its completion. He noted Mr. Kepto and his staff have been very helpful in this case.

Meeting adjourned at 3:50 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board