

**DUNEDIN CODE ENFORCEMENT BOARD
CITY HALL – 542 MAIN STREET
JUNE 6, 2017 – 2:00PM**

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

ABSENT: Member Arlene Graham

ALSO PRESENT: City Attorney Erica Augello, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Pinellas County Sheriff's Deputy Ferguson and thirty-two 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 May 2, 2017

MOTION: Mr. Carson moved to approve the minutes of the regular meeting of the May 2, 2017. Second was made by Ms. Dutton.

VOTE: Motion carried unanimously.

Ms. McHale swore in Code Enforcement Inspector Michael Kepto and 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 15-227 City vs. MARLEY VENTURES INC
2. DCEB 16-278 City vs. DAMIAN S SPENCER/MAYA PLUNKETT
3. DCEB 16-279 City vs. BERNARD L/JENNIFER L W MILLHEIM
4. DCEB 16-410 City vs. MICHAEL/JUDY THUERK
5. DCEB 16-526 City vs. JOHN CONWAY EST C/O SUZEN CONWAY
6. DCEB 16-572 City vs. JEFFREY P/JILLIAN LAMONT, CYNTHIA M CONDO
7. DCEB 16-891 City vs. CARLSBAD FUNDING MORTGAGE TRUST
WILMINGTON SAVINGS FUND SOCIETY FSB TRE
C/O RUSHMORE LOAN MNGMT SERVICES
8. DCEB 16-952 City vs. STEPHANIE SOMMER
9. DCEB 16-1007 City vs. JACQUELINE M/RILEY L SINCLAIR
10. DCEB 16-1061 City vs. CARLSBAD FUNDING MORTGAGE TRUST
WILMINGTON SAVINGS FUND SOCIETY FSB TRE
C/O RUSHMORE LOAN MNGMT SERVICES
11. DCEB 17-108 City vs. SEAN C HUBNER

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

VOTE: Motion carried unanimously.

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OLD BUSINESS

1. **DCEB 16-1036 City vs. SOUNDVIEW HOME LOAN TRUST 2005 DO1
DEUTSCHE BANK NATL TRUST CO TRE C/O MERCEDES TOIGO
1631 St. Catherine Dr W**

Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the International Property Maintenance Code Section 304.3 HOUSE NUMBERS –
PREMISES IDENT

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-1036:

- At the meeting of May 2, 2017 this Board ordered compliance by May 9, 2017 or a fine of \$200.00 per day would be imposed.
- As of inspection on May 10, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Carson moved in case DCEB 16-1036 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

2. **DCEB 17-10 City vs. JEFFREY S GARDNER
600 Beltrees St (MK)**

Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the International Property Maintenance Code Section 302.3 DRIVEWAY MAINTENANCE

Ms. McHale swore in Jeffrey Gardner of 773 Ironlatch Road, Franklin Lakes, NJ 07417.

Chair Bowman explained this is an old business case which means the Board would not be hearing the entire case again, only if there is new testimony.

Mr. Kepto reviewed case DCEB 17-10:

- At the meeting of March 7, 2017 this Board ordered compliance by May 7, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 16, 2017 the violations remain.
- There was long list of violations originally and it is down to one which has to do with the paving of the driveway and the owner has advised he is under contract with an asphalt company and there have been some issue with getting a contractor to do that work The owner is present to request an amendment to the Board's order for an extension of the compliance date.

Mr. Gardner explained he has completed everything except this one item and the property looks very good. The issue is the paving and after calling at least a dozen paving companies and they either do not come out or call him back, the job is not big enough or they say he has to pull the permit, they do not want to do it which is obviously an issue. He finally secured one company that applied for and received a permit from the City and due to the rain it will be two to three weeks before they can fit in the small job. He would appreciate an extension to complete the work.

Mr. Kepto suggested extending the compliance date to July 23, 2017 due to the weather conditions as this time. He added a lot of work has been done and the property looks a lot better.

Ms. Dutton noted a compliance date of July 18, 2017 would put the case on the agenda for August and Mr. Kepto explained if extended to July 23 he would be submitting an Affidavit of Compliance or Non-Compliance to be read under old business.

When Mr. Motley inquired if he had seen the permit, Mr. Kepto advised he had not checked today and when he asked if Mr. Gardner had the permit he explained he did not have it with him, he talked to All Pavers today who said they had the permit completed. Mr. Kepto advised several contractors have inquired about this job, so he is aware there has been communication.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-10 to amend the previous Order of the Board to a compliance date of July 23, 2017. Second was made Mr. Motley.

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

3. **DCEB 17-17 City vs. LSF9 MASTER PARTICIPATION TRUS BANK TRUST NA TRE**
921 Parkwood Dr
Violation of the International Property Maintenance Code Section 302.3 DRIVEWAY MAINTENANCE
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-17:

- At the meeting of March 7, 2017 this Board ordered compliance by April 21, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 1, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Mr. Carson noted on the original violation notice there were four violations to include International Property Maintenance Code 304.15 Doors Exterior, Mr. Kepto advised that has been permitted.

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

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

4. **DCEB 17-28** City vs. **TRIPLE 3 CAPITAL LLC**
1840 Douglas Ave
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined an attorney representing the respondent was present.

Mr. Kepto reviewed case DCEB 17-28:

- This for only the Affidavit of Compliance or Non-Compliance.
- At the meeting of March 7, 2017 this Board ordered compliance by April 3, 2017, the day before the April 4, 2017 Code Enforcement Board hearing or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records on April 5, 2017 the violation remained.
- An Affidavit of Non-Compliance is being submitted for consideration.
- The Board previously accepted an Affidavit of Compliance for this property.

The Attorney for the respondent explained he thought he was going to be talking about the reduction of the fine and Chair Bowman explained that is at the end of the meeting. He stated he is not sure what he could say about it right now.

Chair Bowman explained in a request for fine reduction no one speaks, it is done in writing and the Attorney acknowledged he understood and it was submitted to the Board two weeks ago and there is the option of questions from the Board for him to answer.

MOTION: Ms. Dutton moved in case DCEB 17-28 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

5. **DCEB 17-60** City vs. **DANIEL R/JENNI L BOLDUC**
2458 Bayshore Blvd
Violation of the Florida Building Code Sec 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Daniel Bolduc of 2458 Bayshore Blvd an Andrew Polce of 1942 Horseshoe Bend, Realtor.

Chair Bowman reiterated this is old business and the Board would not be hearing the case again, only any new information.

Mr. Colbert reviewed case DCEB 17-60:

- At the meeting of May 2, 2017 this Board ordered compliance by May 16, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection of the permit records on May 17, 2017 the violation remained.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Bolduc stated

- They submitted an application for permit with the documents Joe May provided and the applicant was denied because of the 50% rule stemming from the Pinellas County appraisal which is about 60 years old.
- The three appraisals done by the previous owner as well as his two full price appraisals done in December as the new first time homebuyer Mr. May has declined to use in his findings in the 50% rule; therefore, the permits that were pulled one year before the purchase of sale by him, the new homebuyer included an air conditioning unit and a new roof which averages about \$14,000; therefore, is included in the 50% rule and his home is now considered over the 50% FEMA regulation; therefore, the new standards are supposed to apply.
- That being said Mr. May has denied all three appraisals which are new as well as when the previous owner owned the property and now him and Mr. May has refused to meet with him and his contractors in person and will only take phone calls.
- All they want to do is get this resolved. He is a first time homebuyer and he has lived in the house for six months and none of this was brought to the previous homebuyer as far as he is aware; therefore, the sale was able to go through the title company otherwise the title company would not have made the sale of the house if there had been a lien or anything like this on the house.

Mr. Polce stated:

- He thought there was an easy fix and stated they have been trying to get this resolved; however, Mr. May just refuses to cooperate, kept the contractor waiting in the office for 3 hours and as soon as he left he came out. He does not understand what is going on there.
- The valuation Mr. May is using for the area by Pirates Cove Marina for a 1,400 square foot house valued at \$48,000; the sale price was \$225,000.
- The two appraisals they had done were in the \$200,000 range and the appraisal from the previous buyer was \$200,000 and the amount of work to be done is \$28,000.
- They are looking for a valuation of \$57,000 and then there is no 50% rule; you don't have to be an appraiser expert. He does not know how Mr. May is qualified to give any property valuation since he is just pulling from a Property Appraiser site which in effect changes the 50% rule to 10% when the house is worth \$225,000 and he is saying they can only do \$24,000 worth of work most of which was repairing a roof that was leaking and outdated electrical that had to be replaced for insurance.
- They are looking for some common sense from the City side, but they have not been able to get anywhere.

Mr. Bolduc stated if Mr. May simply takes out the air conditioning unit and the roof which permits were closed out a year prior to the sale of the house to him, which is as far as he understands is in compliance with not being included in the 50% rule; if those are taken out then they would be in compliance.

Mr. Polce stated then he could still use the \$40,000 valuation which is insane and that is what Pinellas County Property Appraiser right now averages the house at \$48,000. He stated certainly that is not the intent of the 50% rule, that is people living on the water and wanting to add on rooms and do what is right putting the house on stilts, but replacing a roof and an A/C should not count towards the valuation that is 20% of what the home is actually worth.

Mr. Colbert stated:

- From a historical standpoint on January 31, 2017 the original violation notice went out with a compliance date of March 5, 2017 and since that time he believes Mr. May has been working with the property owner.
- At the last Code Enforcement Board hearing the previous owner appeared to testify for the gentleman appearing today.
- This is a house that was vacant for many years and was completely rehabbed without permits by the previous owner and then it went on the market.

Mr. Bolduc stated he moved into the house and started getting letters.

When Chair Bowman asked if the previous owner had been cited before for anything, Mr. Colbert advised he was cited for jet skis.

When Vice-Chair Suplicki noted it was nothing to do with the 50% rule, Mr. Colbert explained when it went on the market the City discovered through the photograph in the advertisement the amount of work that was done in comparison to what they were aware had been done previously knowing the condition of the house.

Mr. Polce stated those are the permits he is trying to apply for that Mr. May will not even entertain.

When Vice-Chair Suplicki noted the violation cited is Building Permit Required, so to comply with that the respondent has to have the permit in hand, picked up and Mr. Colbert concurred. He explained as far as this Board is concerned there is obviously a lot going back and forth with the Building Department which he appreciates as a licensed contractor; however, what this is cited under the only way to be found in compliance is to have the building permit in hand. Speaking for himself, the only thing the Board can consider is if there is a building permit or is there not. At this point all the background information while relevant to the whole situation it is not relevant to what the Board is being asked to consider today.

Mr. Polce stated that they can't get Mr. May to work with us, and asked who his boss is. Mr. Suplicki told him Joseph DiPasqua, the Building Official. Vice-Chair Suplicki reiterated that whether or not Florida Building Code Section 105.1 is in compliance is sort of where the Board stops, because they are not the Building Official. He would suggest they talk to the Building Official.

Mr. Polce asked if the Board could give them an extension, this is the first time they have the name of the Building Official and they have to go over Mr. May's head.

When Chair Bowman asked if when the builder was at the City, he never asked anyone about someone over Mr. May.

Mr. Polce stated apparently Mr. May has a previous relationship with the seller and his contractor, and it is a very adversarial relationship, so he refuses to meet with any of them. The first time Mr. Bolduc met with Mr. May that was it, he would not meet with him again. This is his first time there, but as the realtor of record this all took them by surprise all this that took place before they closed on the transaction.

Chair Bowman commented usually if he is not getting any satisfaction from someone he wants to know who is above them.

Mr. Bolduc stated Mr. May's only verbal recommendation to him was to please seek legal advice.

Mr. Polce reiterated this seemed to be an easy fix.

Vice-Mayor Suplicki commented generally regardless of the violation, overgrown grass or whatever is cited and is it is not in compliance the Board either amends, which they generally do not do, or they accept the Affidavit of Non-Compliance which technically that is what it is since it is cited as building permit required and the respondent does not have one, then the respondent would come back with all the documentation and request a fine reduction or abatement. The Board is just looking at it is cited for building permit required and there is no building permit. He understands from the respondent perspective there are many mitigating circumstances, but that is nothing the Board really looks at with these cases.

Mr. Kepto stated having worked with Joe May for the past ten years and he is the Deputy Building Official, if he is denying that permit, there are reasons why. He is governed by rules and regulations not only from the Florida Building Code, but also by FEMA. If he is denying it, he is doing so for a reason and if he is telling Mr. Bolduc to seek legal advice it is probably because his contractor or these prior people are submitting permits, they are not being completely above board. He clarified with Mr. Polce the value of the house is more than \$56,000 and the Property Appraiser's Office he thought showed it at \$96,000, but like Mr. Colbert said this house sat vacant for years because the City has been photographing it for years and now it is completely rehabbed.

Mr. Polce acknowledged a garage was enclosed, but that was in the 1950's or 1960's.

Mr. Kepto reiterated if Mr. May is denying a permit or plans there is a reason and they would need to talk with him about them and not this Board. They need to talk with the Building Official or go in with their attorney and get some legal advice. They are not trying to avoid anything, they want a permit pulled for the work that was done.

Mr. Motley suggested taking Mr. Kepto's advice and commented as Vice-Chair Suplicki said the Board can only judge if there is a permit or not, there is no permit, there was plenty of time to have a permit and while he understands the situation they have to do what the Code Inspector said and that is the only way to get through this. Seek legal advice with the Building Official.

Mr. Polce requested a little extension so they could go and see the Building Official as soon as they possibly can.

When Vice-Chair Suplicki asked since this is the new owner would it be relevant to extend the date or not in this case. Mr. Kepto verified with Mr. Colbert this case was started in January and stated the City's recommendation would be to find the case in non-compliance and then in the future when in compliance the respondent can come back to the Board and request forgiveness of the lien; he reiterated the plans/permit are being denied for a reason.

When Mr. Bolduc stated he was being fined \$250.00 a day, Vice-Chair Suplicki explained that when in compliance he can come back to this Board and request anything from a fine reduction to fine abatement, but as a Board they have rules and a consistency whatever the violation cited that is not in compliance. He acknowledged the Board would take into consideration the mitigating circumstances spelled out in the request.

The respondent was advised the fine began running on May 17, 2017.

Chair Bowman stated the Board is saying for the respondent to go to the Building Official; however, they cannot tell him what to do and reiterated the Board can only look at the rules and whether or not they are followed and do not have the authority to ask Mr. May to appear and to with them.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-60 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

6. DCEB 17-93 City vs. SNAGGED LLC

623 Dexter Dr

Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT

Ms. McHale swore in Michael Anderson, Owner; P.O. Box 484, Port Saint Joe, FL 32457

Mr. Kepto reviewed case DCEB 17-93:

- At the meeting of April 4, 2017 this Board ordered compliance by May 14, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 15, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Anderson stated they are waiting for the permit and they removed the garbage but the trailer in the back has not been removed and the house has not been painted.

Mr. Kepto clarified there is another case on the agenda that has to do with work without a permit.

Mr. Motley verified with Mr. Kepto a licensed person needs to paint the house since it is not occupied by the owner; a permit is not required.

MOTION: Mr. Carson moved in case DCEB 17-93 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

7. DCEB 17-132 City vs. MICHAEL SCOTT BARRON

998 Santa Monica Ct

Violation of 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 17-132:

- At the meeting of April 4, 2017 this Board ordered compliance by May 23, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on May 25, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Vice-Chair Suplicki asked if there was any response from the respondent, Mr. Kepto advised there was not and noted the Board gave him an extended time frame to bring the property into compliance.

MOTION: Mr. Pauley moved in case DCEB 17-132 to accept the Affidavit of Non-Compliance. Second was made by Mr. Motley.

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

8. **DCEB 17-215 City vs. OFFERPAD LLC**

902 Beltrees St

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

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

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 17-215:

- At the meeting of May 2, 2017 this Board ordered compliance by May 14, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on May 16, 2017 one the violations remain for maintenance of structures.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Dutton moved in case DCEB 17-215 to accept the Affidavit of Non-Compliance. Second was made by Mr. Carson.

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

9. **DCEB 17-216 City vs. SANDRA C PIERCE**

428 Marjon Ave

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

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

Ms. McHale swore in Sandra Pierce of 428 Marjon Avenue.

Mr. Kepto reviewed case DCEB 17-216:

- At the meeting of May 2, 2017 this Board ordered compliance by May 21, 2017 or a fine of \$20.00 per day would be imposed.
- As of inspection on May 25, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. Pierce stated she has pictures of the house and for numbers for the house she needs a special tool to put into the stucco so she put them on the screen.

When Ms. Pierce showed the pictures to Mr. Kepto he noted the screen was torn and that they had talked about if she removed the screen panel in front of the garage she would be in compliance.

Mr. Kepto stated if the picture is correct she is in compliance of the address numbers, but not for the screen which only needs one panel removed to be in compliance.

Ms. Pierce stated she could take care of that right away, just take the scissors and cut it out.

In response to the question from Vice-Chair Suplicki, Mr. Kepto advised the City would have no problem with extending the compliance date for a week, it is a simple fix.

It was explained to Ms. Pierce she should call Mr. Kepto as soon as it is done.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-216 to extend the compliance date to June 13, 2017. Second was made by Mr. Mackin.

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

10. DCEB 17-277 City vs. DONALD C / JENNIFER PORTER

1961 Pinehurst Rd

Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

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

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-277:

- At the meeting of May 2, 2017 this Board ordered compliance by May 8, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on May 9, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Motley moved in case DCEB 17-277 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

NEW BUSINESS

1. DCEB 16-76 City vs. JENNIFER GASPAROVIC

2479 Tradewinds Dr

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

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-76:

- 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 February 8, 2016 and a notice of violation was sent to the property owner with a requested compliance date of February 21, 2016.
- The violation includes the open parking or storage of inoperable vehicles to include vehicles with missing parts, do not display a current license tag as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on February 8, 2016; April 12 & 17, 2017 and May 16 & 17, 2017. He recommends a compliance date of June 8, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

When Mr. Motley questioned the inoperative vehicle sitting in the same location for over a year, Mr. Colbert explained:

- It is not the same vehicle; there have been multiple vehicles and this one now has a tag as of Monday, but the rear tire is still flat.
- He spoke with the tenant three weeks ago advising it was a simple fix just get the tire and the tag.

MOTION: Mr. Carson moved to find case DCEB 16-76 in violation of the International Property Maintenance Code 302.8 and that the Respondent/s shall come into compliance by June 8, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. DCEB 16-609 City vs. GARRICK M / MELISSA J LEWIS

2379 Barcelona 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 16-609:

- 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, 2016 and a notice of violation was sent to the property owner with a requested compliance date of July 18, 2016.
- The violation includes the open parking or storage of jet skis as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on July 6, 2016 and April 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.

MOTION: Vice-Chair Suplicki moved to find case DCEB 16-609 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. Dutton, Messrs. Pauley, Mackin, 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 16-667 City vs. TIMOTHY J GLENN**
740 Vine Ave
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Ms. McHale swore in Timothy Glenn of 740 Vine Avenue.

Mr. Kepto reviewed case DCEB 16-667:

- 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 21, 2016 and a notice of violation was sent with a requested compliance date of July 31, 2016.
- Re-inspection on May 8, 2017 and May 10, 2017 found the violation had returned.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on May 8, 2017 and May 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.

Mr. Glenn stated:

- He moved here in 1994/95 and he has been parking there since that time and it never seemed to be an issue.
- When parking in the street it seems to obstruct traffic and emergency vehicles with cars being parked on both sides.

- The car is outside the fenced yard and in the easement area he mows regularly; he has been doing the same for 20 plus years every day.
- He did drive around yesterday for a half hour and found 75 other vehicles parked on lawns.

Chair Bowman explained the Board sees several cases every month on this same issue and it is a violation.

When Mr. Glenn commented it was selective, Chair Bowman explained it is usually because someone complained and he has no idea who.

Mr. Kepto explained the inspectors normally go through different areas, neighborhoods and when they see there is a problem like this.

Chair Bowman commented parking in the street is allowed, but not in the yard and until that rule changes it has to be enforced.

Mr. Pauley clarified with Mr. Glenn there are three vehicles at his house.

MOTION: Mr. Carson moved to find case DCEB 16-667 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of July 31, 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. Dutton, Messrs. Pauley, Mackin, 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 any future violation would be considered a repeat violation and Mr. Glenn could be fined daily.

- 4. DCEB 16-668 City vs. GREGORY L GIBSON / ALLISON G CALLAHAN**
704 Vine Ave
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Ms. McHale swore in Gregory Gibson of 704 Vine Avenue.

Mr. Kepto reviewed case DCEB 16-668:

- 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 21, 2016 and a notice of violation was sent with a requested compliance date of July 31, 2016.
- Re-inspection on April 24, 2017 found the violation had returned.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on July 21, 2016 and April 24, 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. Gibson stated:

- He is in compliance now and explained the red car belongs to his cousin who had a hip operation and during that time there were no cars there, he was away and usually his car is in the garage, but his sisters came by to take care of his cousin so he gave her the parking space plus the care worker.
- He tried to call the City several times to explain his problems; however, he never received a call back.
- Also there is car belonging to a friend who is a homeless Veteran and that car is just there temporarily and now he is parking on Scotland.
- The problems should be resolved and the cars should not be there anymore.
- He has lived in the city since he was 12 and this has never happened until recently.

Chair Bowman explained this has been in effect for quite some time and the Board does see a lot of these cases every month.

Mr. Gibson explained the situation to Mr. Kepto that if he parks in the street, then his neighbor across the street can't get out of his driveway and showed him where he is parking now and Mr. Kepto stated that was fine as long as there is not a No Parking sign.

Vice-Chair Suplicki clarified that Mr. Glenn could put in an approved parking surface to get an extra space if needed in the future.

MOTION: Mr. Motley moved to find case DCEB 16-668 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Land Development Code Section 105-27.1.1(h)1 was in full force and effect and the Respondent was found in violation after the requested compliance date of July 31, 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. Dutton, Messrs. Pauley, Mackin, 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 16-670 City vs. BRYAN / REGINA THOMAS**
582 Vine Ave
Violation of Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD

Ms. McHale swore in Bryan Thomas of 582 Vine Avenue.

Mr. Kepto reviewed case DCEB 16-670:

- 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 21, 2016 and a notice of violation was sent with a requested compliance date of July 31, 2016.
- Re-inspection on April 19, 2017 found the violation had returned.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.

Mr. Kepto submitted into evidence photographs taken on July 21, 2016 and April 29, 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. Thomas commented it is interesting this is the third or fourth case on Vine right down the road from each other. He explained:

- The first time he did not realize a friend was changing the oil and he parked his truck in the side yard.
- He noted the size of his truck and that he has no problem parking it in the road, but there is a fire hydrant across the street and the USPS has a hard time getting past his truck.

Chair Bowman noted another driveway could be created.

Mr. Thomas stated he could put in a driveway and he did see others on his road doing that, but if he parks on the road his truck takes up three quarters of the road and that is what he has been doing since he received the letter. Like the gentleman before he has had his house since 1995 and now it's a problem. He does understand.

MOTION: Vice-Chair Suplicki moved to find case DCEB 16-670 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of July 31, 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. Dutton, Messrs. Pauley, Mackin, 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 16-828 City vs. RE-FABULOUS INVESTMENT GROUP LLC**
1827 Douglas Ave
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 16-828:

- 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 September 20, 2016 and a notice of violation was sent with a requested compliance date of October 9, 2016.

- The violation includes a building permit required for renovation and alteration of the structure; all work must be performed by licensed contractors.
- When the City first found the property was being rehabbed by unlicensed contractors with no permits a Stop Work Order was issued. Deputy Building Official May was working with the owner to get the situation resolved. In the next couple of days there will be a new owner and hopefully his plans are to demolish the house which is in poor condition and the subject of many complaints. This is why the recommendation for compliance is August 13, 2017 in the hope the situation will be resolved by then.

Mr. Colbert submitted into evidence photographs taken on September 20, 2016, October 26, 2016 and December 7, 2016. He recommends a compliance date of August 13, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Vice-Chair Suplicki clarified with Mr. Colbert when the new owner obtains a demolition permit it will be in compliance.

Mr. Kepto noted this house is in a flood area and considering the condition of the house it is well above the FEMA 50% rule and there is no way to rehab the house with limited funds.

MOTION: Vice-Chair Suplicki moved to find case DCEB 16-828 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by August 13, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 16-970 City vs. CHRISTY HARRISON
1387 Robin Hood Ln
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-970:

- 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 October 26, 2016 and a notice of violation was sent to the owner with a requested compliance date of November 13, 2016.
- The violation includes the open parking or storage of inoperative vehicles to include but not limited to vehicles with flat tires as prohibited in a residential area.
- He spoke with the property owner who is aware there are vehicles, more than one at this property that are inoperative vehicles and she indicated she would resolve the matter.

Mr. Colbert submitted into evidence photographs taken on October 26, 2016, March 30, 2017 and May 15, 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 the vehicle shown that is missing the front left wheel still there, Mr. Colbert explained that is the first one and it has been long gone.

MOTION: Mr. Carson moved to find case DCEB 16-970 was in violation of the International Property Maintenance Code Section 302.8 after the requested compliance date of November 13, 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. Dutton, Messrs. Pauley, Mackin, 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 16-992** City vs. ZEF / ALKETA NILAJ
605 Dogwood Ct
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 16-992:

- 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 November 15, 2016 and a notice of violation was sent to the owner with a requested compliance date of November 27, 2016.
- Re-inspection on May 19, 2017 found the violation had returned.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.
- This is probably the most proactive owner he has met who had both tenants sign new agreements in which any future violations result in evictions and is having a tow company post the property for any illegally parked cars to be removed from the property, no questions asked.

Mr. Kepto submitted into evidence photographs taken on November 15, 2016 and May 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 16-992 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of November 27, 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. Dutton, Messrs. Pauley, Mackin, Motley, Carson and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

- 9. DCEB 17-16 City vs. NILY ILAN**
42 Ventura Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-16:

- 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 11, 2017 and a notice of violation was sent with a requested compliance date of February 10, 2017.
- This case is the result of a citizen complaint.
- The violation includes a building permit required for the construction of the wood structure at the rear of the property.
- They have applied for a permit; however, it is stagnant with no activity. The Deputy Building Official has advised he has looked at it and it in no manner represents what was on the permit application submitted.

Mr. Kepto submitted into evidence photographs taken on January 11, 2017. He recommends a compliance date of July 7, 2017 or a fine of \$-200.00 per day thereafter for non-compliance.

MOTION: Mr. Motley moved to find case DCEB 17-16 based on testimony, evidence and facts presented in law that at the time of the alleged violation the Florida Building Code Section 105.1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 7, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Mackin.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 10. 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

Ms. McHale swore in Glenda Ellis of 1237 Texas Avenue.

Mr. Colbert reviewed case DCEB 17-68:

- 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 January 31, 2017 and a notice of violation was sent with a requested compliance date of March 5, 2017.
- The violations include the open parking or storage of inoperable vehicles to include, but not limited to vehicles with flat tires and not displaying a current license tag, missing parts and so forth as prohibited and the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface.
- He has been working with the property owner who has been very responsive and has resolved some other issues at this property, so there has been progress with a little more to go.

Mr. Colbert submitted into evidence photographs taken on January 5, 2017 and January 31, 2017, February 17, 2017, March 14, 2017 and March 20, 2017 and April 12, 2017 and April 27, 2017 and May 9, 17, & 22, 2017. He recommends a compliance date of June 11, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

Ms. Ellis stated she has done almost everything including getting rid of a car in the corner, one car had a tag she just did not have on it. They have a fence and everything is going inside. She acknowledged she would have the parking issue taken care of also.

MOTION: Mr. Pauley moved to find case DCEB 17-68 in violation of the International Property Maintenance Code Section 302.8 and the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by June 11, 2017 or suffer a fine of \$50.00 per day. Second was made by Ms. Dutton.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 advised Ms. Ellis to let Mr. Colbert know when everything was done so he can issue the Affidavit of Compliance.

11. **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:

- The violations exist 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 February 8, 2017 and a notice of violation was sent with a requested compliance date of March 12, 2017.
- The violations include the unit that has evidence of rat activity including rats in the walls, an invoice from a licensed pest control professional will be required showing what actions have been taken to control the rat activity; the main structure or parts thereof including but not limited to the screens on the rear porch area are not being maintained in a state of good repair, the screens are rotted, torn or ripped in various areas and the interior surfaces are not being kept in a clean or sanitary condition as evidenced by the rat droppings and rat runs.
- There has been contact with the representative of the estate who has owned the property for 8 years and there has been nothing done to the property in that time.

Mr. Kepto submitted into evidence photographs taken on February 8, 2017, April 10, 2017 and photographs taken by a pest control person who went into the residence showing evidence of rat activity coming in and out of the sewer and also the tiles turned brown. He recommends a compliance date of June 18, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

When Chair Bowman asked if the property had power turned on, Mr. Kepto stated he did not believe so.

MOTION: Mr. Motley moved to find case DCEB 17-081 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.5, Section 304.1 and Section 305.3 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 18, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Pauley.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 17-106 City vs. JACK T / DEBORAH L VLASBLOM**
1748 Patricia Ave
Violation of the Land Development Code Section 105-27.1.1(f) UTILITY TRAILERS, BOATS, RVS.

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-106:

- 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 February 6, 2017 and a notice of violation was sent with a requested compliance date of February 28, 2017.
- The violation includes the open parking or storage of boats as prohibited in a residential area; front yard parking is also prohibited.

Mr. Colbert submitted into evidence photographs taken on February 6, 2017 and May 15, 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 17-106 was in violation of the Land Development Code Section 105-27.1.1(f) after the requested compliance date of February 28, 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. Mackin.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 17-146 City vs. STEPHEN L KAHNE / CARLTON SCOTT

928 Lakewood Dr

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 of 928 Lakewood Drive.

Mr. Kepto reviewed case DCEB 17-146:

- 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 February 21, 2017 and a notice of violation was sent with a requested compliance date of May 14, 2017.
- The violations include paint peeling or missing in various areas of the exterior, mainly the eaves or soffit areas and portions of the main structure not being properly maintained, there is a large area of rotted soffit or eaves exposing a large hole where rodents or small animals can enter the structure.

Mr. Kepto submitted into evidence photographs taken on February 21, 2017 and May 15, 2017. He recommends a compliance date of June 25, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

Mr. Kahne stated:

- On September 24, 2015 a group called Somebody Cares Tampa Bay was supposed to come and fix the wound to the house which was then only fascia and the end result was that the work did not get done, his property was destroyed and work was made for him to clean up the mess the people made.
- Nobody from the City followed up.
- Mr. Greg Rice was nice enough to bring two pieces of wood and volunteered to do the repair, but when his (Mr. Kahne's friend) was not available to help that was the end of it. Two weeks later he called to find out if it was going to get done and Mr. Rice said no, that it was determined it wasn't a violation.
- Now it is a violation.
- He has no more funds now than he did then.

Mr. Kepto stated:

- As can be seen in the photographs the damage is not caused by any work crews, but damage caused over an extended time, rotted wood.
- The volunteer group that came to the house would not be coming back due to the language Mr. Kahne used and the way they were treated and he would not receive any more free aid from the City.
- This is what he was told and there are volunteer groups, mainly from churches who go out and do volunteer work and when they come to him and tell him about the way they are treated, the City is not going to ask them to come back onto someone's property and volunteer to clean up their violations because of the way they are treated.

Mr. Kahne asked who informed Mr. Kepto of how they were treated and what he was informed of and Mr. Kepto stated for the record he did not know their names and he just informed Mr. Kahne of what he was told.

Mr. Kahne questioned taking that information over the facts the homeowner who experienced this is giving and Mr. Kepto stated that is correct and noted this was not a criminal trial.
Chair Bowman stopped the back and forth dialogue.

When Vice-Chair Suplicki asked when he thought the work could be completed, Mr. Kahne stated he had no idea and was pursuing every possible way to get it done, plan A and B have failed and that is where he is at.

Vice-Chair Suplicki explained the Board is looking for a time frame they have to put on for compliance and Mr. Kahne stated September would be good, but he has no funds for the woodwork, the painting he can do.

When Mr. Kahne asked if he had any suggestions on how the work could be done, Vice-Chair Suplicki explained that is not what this Board does, they only look at the violations brought before them and how it is accomplished is not anything they advise on; however, are asking for a reasonable time frame.

Chair Bowman explained it is Mr. Kahne's home; therefore, he has to take initiative to find some ways to get the work done.

Mr. Kahne stated he is doing that, but plan A and B failed, Chair Bowman responded then it is time for plan c, d or whatever it takes.

When Vice-Chair Suplicki inquired if this case was the result of a citizen complaint, Mr. Kepto explained:

- Not on this particular violation, in general the complaints received are about property neglect; however, there is no ordinance that provides for vegetation that is never trimmed.
- The City would object to 4 months to replace a couple of boards on the house.

MOTION: Mr. Carson moved to find case DCEB 17-146 in violation of the International Property Maintenance Code Section 304.2 and Section 304.1 and that the Respondents shall come into compliance by July 18, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Pauley.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 17-181 City vs. ZUES1 LLC

254 Sky Loch Dr E

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the Florida Building Code Section 115 STOP WORK ORDER

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

Ms. McHale swore in Hercules Mihaelaras of 2048 Church Creek Pl, Largo, FL 33774, Owner and Doug Kuchle/DJK Builders of 5381 – 78th Ave. No, Pinellas Park, FL 33781, Owner's Contractor.

Mr. Kepto reviewed case DCEB 17-181:

- The violations exist 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 March 14, 2017 and a notice of violation was sent with a requested compliance date of April 16, 2017.
- The violations include:
 - a building permit required for the alteration of the interior of the unit to include the removal of all drywall from the ceilings and walls, any electrical and any plumbing work;
 - a Stop Work Order reposted on the property and all work must cease until a permit is obtained or from the direction of the Building Official;
 - the carport ceiling shows evidence of water intrusion and has rotted the carport ceiling is in poor condition
 - and the interior surfaces of the structure previously had extensive black growth on the walls and ceilings that has been disturbed by the unlicensed or unpermitted removal of the walls and ceiling, there is now a strong musty smell in the unit that might be unsanitary or unsafe if the black growth was mold and the disturbance of the walls might have caused the spores to become airborne, a report from a licensed air quality professional will be required to determine the interior safety of the air in the unit.
- This owner was previously cited August 2, 2016, but then the name changed to the current company and at that time the City began a new case with the new ownership

Mr. Kepto submitted into evidence photographs taken on October 10, 2016, December 16, 2016 and March 14, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Carson inquired if the power is turned on at the property, Mr. Kepto stated he did not believe so and hoped not because of the work that has been done.

Mr. Kuchle stated:

- The owner has contracted with him to try to get the permits and all the necessary repairs taken care of.
- He spoke with Mr. Kepto about the air quality report which they have now, it just takes time.
- They will submit this week for the permits.
- It has already been demoed, he does not know to what extent because there is a Stop Work Order, he won't do any work in there.

- He plans to have someone from the air quality company advise them how to deal with the mold.

Chair Bowman asked what time frame would be good if they submit for the permits next week.

When Vice-Chair Suplicki asked if they have all the information accumulated the Building Department will want, Mr. Kuchle advised that he did except for the engineer drawings that will probably take a week. Vice-Chair Suplicki noted the City has recommended July 23, 2017 for compliance which means permit in hand, paid for out the door and Mr. Kuchle stated that should be no problem, the plans are in process.

Vice-Chair Suplicki suggested staying in touch with Mr. Kepto in case there are legitimate hold ups he needs to be aware of that.

When Mr. Motley asked if this was a proactive or reactive response, Mr. Kepto stated:

- It was reactive noting the case started some time ago under two past owners.
- When he received complaints about the black growth on the walls he cited that owner who sold it to this owner who he sent a violation letter to and he called and said he was going to take care of everything, so he withdrew it from the Board.
- Then next thing he knew they were gutting the interior and now the company name has changed even though it is the same mailing address, so he had to start the case all over.

Mr. Kepto clarified the previous owner was an attorney who lived up north and the house was vacant for quite some time and he did nothing until he received the notice and then sold it at that point to Mr. Mihaelaras and the demolition started.

MOTION: Ms. Dutton moved to find case DCEB 17-181 in violation of the Florida Building Code Section 105.1 and Section 115 and the International Property Maintenance Code Section 304.1 and Section 305.3 and that the Respondent shall come into compliance by July 23, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Motley.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 advised the respondent to let Mr. Kepto know when he obtains the permit.

15. **DCEB 17-183 City vs. JMS RENOVATIONS OF TAMPA BAY, LLC**
1680 Brae Moor Lane
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Gina Savage of 780 Westfield Court, Dunedin, Owner.

Mr. Kepto reviewed case DCEB 17-183:

- 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 March 15, 2017 and a notice of violation was sent with a requested compliance date of April 9, 2017.
- The violation includes a building permit required for the renovation, remodeling or alteration of the structure including, but not limited to 2 air conditioner units, water heater et cetera.

Mr. Kepto submitted into evidence photographs taken on April 27, 2016 and March 14, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Ms. Savage requested some time to pull the permits and acknowledged by July 23rd she would be able to have the permits in hand; the A/C and water heater are already permitted. She has spoken with Deputy Building Official May about the requirements.

Chair Bowman clarified with Ms. Savage she is working with a general contractor now.

When Mr. Pauley inquired if there is anything that should take an extended time to obtain a permit, Mr. Kepto stated there should not be and advised Ms. Savage indicated they already have plans drawn.

MOTION: Mr. Pauley moved to find case DCEB 17-183 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 23, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 advised Ms. Savage as soon as she had the permits to contact Mr. Kepto.

16. DCEB 17-204 City vs. ESTATE BUYERS LLC
977 Victor Dr
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 17-204:

- 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 March 22, 2017 and a notice of violation was sent to the owner with a requested compliance date of April 9, 2017.
- The violation includes the open parking or storage of any inoperative vehicle as prohibited including any vehicle that does not display a current license plate or has a flat tire.
- The property came into compliance on May 19, 2017.
- This same property has been before the Board a number of times and with all the liens together they come t approximately \$1,000 a day, so this is a problem property.

Mr. Kepto submitted into evidence photographs taken on March 15, 2017 and May 15, 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 17-204 was in violation of International Property Maintenance Code Section 302.8 after the requested compliance date of April 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. Mackin.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 17-224 City vs. JOHN PENNELL
657 Marjon Ave
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in John Pennell of 657 Marjon Avenue.

Mr. Kepto reviewed case DCEB 17-224:

- 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 March 24, 2017 and a notice of violation was sent with a requested compliance date of April 18, 2017.
- The violation includes a building permit required for the new water heater, the deck in the rear, new structure for the hot tub enclosure, installation of the hot tub and installation or construction of the shed.
- He spoke with the owner just prior to the hearing who felt he could bring the property into compliance not by pulling permits, but by removing all the items.

Mr. Kepto submitted into evidence photographs taken on March 24, 2017 and photographs taken from the internet when the property was posted for sale. He recommends a compliance date of July 23, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

When Mr. Pauley asked if engineering drawings will be required on the out building, Mr. Kepto stated yes if it stays; however, he believes the owner will give testimony all the items will be removed.

Mr. Pennell stated he would have everything removed by July 23rd.

When Mr. Pauley inquired if all this is going to be taken down is a permit required, Mr. Kepto advised no permit is required if Mr. Pennell is removing it all, compliance is his choice to obtain permits or remove the items.

In response to the question from Mr. Motley and clarification with Mr. Pennell the new water heater was for the entire house, Mr. Kepto advised a permit would be required for the water heater. Chair Bowman explained that is a simple over the counter permit to obtain

MOTION: Mr. Mackin moved to find case DCEB 17-224 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 23, 2017 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

18. DCEB 17-248 City vs. BRIAN D MC BRIDE
918 Gulf View Blvd
Violation of the Land Development Code Section 105-27.1.1(h) 1 PARKING – FRONT YARD

Ms. McHale swore in Brian McBride of 1135 Fairway Drive, Dunedin.

Mr. Colbert reviewed case DCEB 17-224:

- 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 March 23, 2017 and a notice of violation was sent with a requested compliance date of April 9, 2017.
- The violation includes the parking of any vehicle in the front yard area as prohibited unless the parking is on an approved or permitted surface. .

Mr. Colbert submitted into evidence photographs taken on March 23, 2017 and May 15 & 22, 2017. He recommends a compliance date of June 8, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

Mr. McBride had no questions and advised he has spoken with this tenant noting included in the rental agreement are obligations the tenant is aware of and he was told to resolve the issue or be evicted and it was resolved a month ago and then it resurfaced again.

MOTION: Mr. Carson moved to find case DCEB 17-248 based on testimony, evidence and facts presented in violation of the Land Development Code Section 105-27.1.1(h) 1 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by June 8, 2017 or suffer a fine of \$50.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

19. DCEB 17-252 City vs. HARRY L / ROBERTA WILLIAMS

464 Douglas Ave

Violation of the Land Development Code Section 107-31.3 PORTABLE ON DEMAND TYPE STORAGE

Violation of the International Property Maintenance Code Section 302.9 GRAFFITI

Ms. McHale swore in Henry Williams of 4060 Majestic Oak Ave., Brooksville, FL 34602, Owner.

Mr. Kepto reviewed case DCEB 17-252:

- The violations exist on a commercial property that is currently a vacant lot.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 30, 2017 and a notice of violation was sent with a requested compliance date of May 7, 2017.
- The violations include the storage structure on the vacant lot which has exceeded the 30 day maximum limit as required by law and the storage unit on site has been painted with graffiti.

Mr. Kepto submitted into evidence photographs taken on May 10, 2017 and May 18, 2017. He recommends a compliance date of June 25, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

Mr. Williams stated:

- The storage unit is a permanent structure.
- In 1997 they had a building and were importing furniture from Europe which is why the container was brought there.
- He had pulled permits and he has an approved foundation, it does have tie downs, he did pull permits, there were inspections and everything passed.
- They moved and did not receive the letter for the violation, Bill Douglas sent him pictures of the violation notice posted on the container.
- His question is whether or not he is allowed to paint the container as the owner and if he has to move it since it is a permanent structure is a permit required.

Mr. Kepto stated:

- The City's system only goes back a limited number of years; therefore, he would have to do more research for the 1990's and Mr. Williams might be correct about the permitting; however, there are ordinances prohibiting storage on vacant lots which he will review.
- There are no issues regarding painting over graffiti and encourage removal as soon as possible and no licensed painters would be required.

Mr. Williams stated this property will be up for sale in the near future and he has already spoken to a few people and he is willing to give this container away for free; however, they have to remove it. Mr. Kepto advised a permit would not be required to remove the container, but he would need to research the permit and he did notice there were tie downs on it.

Mr. Kepto advised Mr. Williams someone was taking advantage of his property by parking a utility trailer on it and that needs to disappear. Mr. Williams explained he gave permission to that person who in turn maintains the property. Mr. Kepto explained storage is not allowed on that vacant lot and requested Mr. Williams pass that on to the owner of the utility trailer.

When Chair Bowman inquired if he wanted to postpone this case, Mr. Kepto stated the City would not object to postponing to the next Code Enforcement Board meeting on July 11, 2017.

When Mr. Pauley inquired if the container is the only structure on the property and asked of the property tax records would help in explain what it really is. Mr. Kepto advised the only thing he found in the records was a demolition for the building that existed.

Mr. Williams advised in 2007 they had a fire that burned the building to the ground and any records he had of the structure allowed to be there were destroyed.

Vice-Chair Suplicki clarified the postponement would be with the understanding the graffiti would be addressed and Mr. Williams stated that will be done right away.

MOTION: Mr. Pauley moved in case DCEB 17-256 to postpone to the Code Enforcement Board meeting on July 11, 2017. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

Mr. Williams noted his current mailing address was on the witness form he filled out for the meeting.

Mr. Kepto explained he and Mr. Williams could discuss the issue and hopefully he would not have to appear again; he advised the notices are required to be sent to the owner of record and that Mr. Williams should update his information in the Pinellas County Tax Records and Property Appraiser's Office.

20. DCEB 17-256 City vs. SNAGGED LLC
623 Dexter Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale previously swore in Michael Anderson, Owner; P.O. Box 484, Port Saint Joe, FL 32457

Mr. Kepto reviewed case DCEB 17-256:

- 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 March 21, 2017 and a notice of violation was sent to the property owner with a requested compliance date of April 21, 2017.
- The violation includes a building permit required for the complete renovation or alteration of the interior including, but not limited to new studs, removal of rafters, electrical, plumbing, drywall or any other alterations.
- The only permit on file currently is for a partial demolition and as seen by the photographs it is more extensive past the demo stage. He believes the owner has a permit ready to be submitted.

Mr. Kepto submitted into evidence photographs taken on February 8, 2017 and March 21, 2017. He recommends a compliance date of July 23, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Anderson stated they have hired Shoreline Design and they have done the structural plans and everything and it has been submitted to the City and is in Permit Review. He acknowledged they saw no problem with having the permit paid for and in hand by July 23rd.

MOTION: Mr. Carson moved to find case DCEB 17-256 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 July 23, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

21. 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:

- 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 March 21, 2017 and a notice of violation was sent with a requested compliance date of April 30, 2017.
- The violations include:
 - a building permit required for the alterations ongoing or that have taken place at this structure including, but not limited to new siding and interior remodel, a Permit #08-2599 was issued on November 7, 2008 for this same work and was voided by the Building Official on August 19, 2011, the structure now has new windows and hardy plank sidings;
 - parts of the main structure are not being maintained in a state of good repair including rotting soffits and eaves and incomplete siding on the structure
 - and paint is peeling or missing in various areas of the exterior including mainly the trim or eaves area.
- There has been no contact from the owner.

Mr. Kepto submitted into evidence photographs taken on March 21, 2017. He recommends a compliance date of June 23, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki noted there was no electric meter on the structure, Mr. Kepto stated there was still what they used to call a saw-pole from 2008, apparently the electric company has not hooked it up and a neighbor he spoke with did not know, but it does appear to be occupied and is listed as homestead.

MOTION: Mr. Motley moved to find case DCEB 17-258 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Florida Building Code Section 105.1 and the International Property Maintenance Code Section 304.1 and Section 304.2 were in full force and effect and the Respondent is found in violation thereof and that the Respondent/s shall come into compliance by July 23, 2017 or suffer a fine of \$200.00 per day. Second was made by Ms Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

22. DCEB 17-261 City vs. NEW VISIONS FLORIDA LLC
449 Richmond St
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY
STRUCTURES

Ms. McHale swore in Walter Penachio, New Visions Florida LLC of 3023 Atl. 19 N., Ste 1013, Dunedin.

Mr. Kepto reviewed case DCEB 17-261:

- The violation exists on a single family residential property that is currently a vacant lot.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on April 24, 2017 and a notice of violation was sent with a requested compliance date of May 14, 2017.
- This case is the result of a citizen complaint.
- The violation includes a wood fence that is dilapidated, wood is broken, rotted and falling down in various areas and separating from the posts.
- He spoke with the owner just prior to the meeting who indicated he feels he could bring this into compliance by just removing the fence, they did not discuss a compliance date.

Mr. Kepto submitted into evidence photographs taken on May 15, 2017. He recommends a compliance date of Jun 25, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

When Ms. Dutton inquired about it being a vacant lot, Mr. Kepto explained the photographs show a garage, this used to be one large lot with a small house on the corner, a developer purchased it and it is now either two or three lots.

Mr. Penachio stated the dates were great and verified with Mr. Kepto a fence was not needed to remove the fence.

MOTION: Mr. Pauley moved to find case DCEB 17-261 n violation of the International Property Maintenance Code Section 302.7 and that the Respondent shall come into compliance by June 25, 2017 or suffer a fine of \$200.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 23. DCEB 17-264 City vs. CAMACO ENTERPRISES LLC**
14 New York Ave (MK)
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in James Wheeler of 802 W. Kieby, Tampa, FL 33604, Owner.

Mr. Kepto reviewed case DCEB 17-264:

- 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 April 5, 2017 and a notice of violation was sent with a requested compliance date of April 21, 2017.
- The violation includes a building permit required for the alterations, remodeling or renovations of the structure including, but not limited to plumbing, electrical, windows, doors, et cetera.
- He spoke with the owner just prior to the meeting who indicated he does have the permit in Plan Review.

Mr. Kepto submitted into evidence photographs taken on April 5, 2017 and from the internet ad posted by the realtor. He recommends a compliance date of July 21, 2017 or a fine of \$250.00 per day thereafter for non-compliance due to this being unlicensed and unpermitted activity.

Mr. Wheeler stated he already has a permit submitted and explained he was not aware of the notice of violation until Mr. Kepto called them and he is doing everything he can to get things done right.

In response to the question from Chair Bowman, Mr. Wheeler advised he is an investor and he has a general contractor pulling the permits and has no problem with a July 21st compliance date.

MOTION: Ms. Dutton moved to find case DCEB 17-264 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 21, 2017 or suffer a fine of \$250.00 per day. Second was made by Mr. Mackin.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 24. DCEB 17-286 City vs. BREEZY ACRES PARK LOT 14 LLC**
701 Athens St
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Jack Norton of 1446 Sturbridge Ct, Owner.

Mr. Kepto reviewed case DCEB 17-286:

- 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 April 12, 2017 and a notice of violation was sent with a requested compliance date of May 12, 2017.
- The violation includes a building permit required for the alteration of this structure.

Mr. Kepto submitted into evidence photographs taken on April 13, 2017 and May 15, 2017. He recommends a compliance date of July 21, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

Mr. Norton explained:

- This was a multi-car garage he uses to store personal items. He had some repair work that needed to be done and he contacted a local contractor who felt it was maintenance work that did not require a permit.
- There was some old termite damage and some leaks around the roll up door that was no longer working right.
- When he received a letter from the City that a permit was required he took it to his contractor and developed drawings to submit to the City for a permit which he has today and the contractor will take it from there to do whatever needs to be done.

MOTION: Mr. Mackin moved to find case DCEB 17-286 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by July 21, 2017 or suffer a fine of \$250.00 per day. Second was made by Vice-Chair Suplicki.

Chair Bowman clarified with Mr. Kepto the violation is for the permit and he has not checked the records today, but would check after the meeting. Chair Bowman stated if Mr. Norton had a permit in his hand the case would seem to be null and void. He suggested a postponement until that is determined. Mr. Norton stated his contractor brought it to him today.

Mr. Mackin withdrew his motion.

MOTION: Mr. Carson moved in case DCEB 17-286 to postpone to the Code Enforcement Board meeting on July 11, 2017. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

25. **DCEB 17-288** City vs. JOHNNY / KATHY SCHULTZ
93 Arnoni 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 17-288:

- 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 12, 2017 and a notice of violation was sent with a requested compliance date of April 23, 2017.
- The violation includes the parking 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 surfaces.

Mr. Kepto submitted into evidence photographs taken on May 10, 2017 and May 27, 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 17-288 was in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of April 23, 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. Dutton, Messrs. Pauley, Mackin, Motley, Carson and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

26. DCEB 17-311 City vs. ANGELA KHUEN-BELASI/GEORGE M & MARY J CRAWFORD
560 Vine Ave
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 17-311:

- 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 19, 2017 and a notice of violation was sent with a requested compliance date of April 30, 2017.
- The violation includes the parking 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 surfaces. One parking space roughly 9'X18' can be added without a permit adjacent to the existing driveway if shell or gravel is used and the material is bordered by landscape timbers, brick or similar material to contain the shell or gravel. Mulch is not longer approved for parking.
- The owner has already started some work in progress; however, is being a little slow about completion.

Mr. Kepto submitted into evidence photographs taken on May 8, 2017 and May 10, 2017. He recommends a compliance date of July 9, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

Ms. Dutton asked if this Vine Avenue is one lane after hearing about everyone parking in their yards.

Mr. Kepto commented they are looking at excuses and explained Vine Avenue is a couple of streets west of New York Avenue, between New York and Patricia. It is a normal size avenue.

MOTION: Mr. Pauley moved to find case DCEB 17-311 in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondents shall come into compliance by July 9, 2017 or suffer a fine of \$50.00 per day. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

27. 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:

- 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 April 19, 2017 and a notice of violation was sent with a requested compliance date of April 30, 2017.
- The violations include grass or weeds exceeding 10 inches in height including the side and rear yards and the open parking or storage of any inoperative motor vehicle as prohibited including vehicles that do not display current license plate or vehicles with a flat or no tires.

Mr. Kepto submitted into evidence photographs taken on May 1, 2017. He recommends a compliance date of July 4, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

When Mr. Pauley asked if there are any hardships on this case, Mr. Kepto advised:

- He cited this respondent last year for the same violation, the grass is Johnson grass that is 2' to 3' high and last year she almost had a meltdown in the office and made arrangements to get the yard mowed.
- It is back now and she has had no contact with him. He extended the compliance date hoping to get a response.
- If necessary he does not mind sending the City's contractor to mow on a one-time basis if she is having a hardship, but he does not think a normal guy in the neighborhood is going to be able to mow because of the height of the grass, it will need special equipment especially the back yard.
- In terms of the inoperative vehicle he was hoping she would contact him; he is posting the notices on the front door with no response.

- With the July 4th compliance date she would have until midnight and hopefully something gets done over the long weekend.

MOTION: Mr. Motley moved to find case DCEB 17-312 based on testimony, evidence and facts presented in law that at the time of the alleged violations the International Property Maintenance Code Section 302.4 and Section 302.8 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by July 4, 2017 or suffer a fine of \$50.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

- 28. DCEB 17-316 City vs. DWIGHT PETER POTTER**
1727 Pasadena Dr
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Mr. Colbert requested this case be withdrawn and advised the property owner was in the office this morning and he had obtained the permit to expand his driveway.

- 29. DCEB 17-337 City vs. MATTHEW / DANIELLE C BIENKOWSKI**
1773 Pinehurst Rd
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Matthew Bienkowski and Danielle Bienkowski, Owners.

Mr. Colbert reviewed case DCEB 17-337:

- 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 the open parking or storage of boat trailers and trailers as prohibited in a residential area.

Mr. Colbert submitted into evidence photographs taken on April 26, 2017 and May 19, 2017. He recommends a compliance date of June 11, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Bienkowski stated you can barely see it and there is no actual boat.

Mr. Bienkowski stated the boat is at the marina.

Mr. Colbert verified with the respondents there was a boat trailer and a utility trailer.

Mr. Bienkowski stated when those photos were taken they had already submitted a permit for a new fence; however, it was denied because they wanted a 6-foot fence which they cannot have on a corner lot.

Ms. Bienkowski stated:

- There are pictures and it can be seen the first set is with the old chain link fence; previous to this the property was left vacant for two years and it was rehabbed and they bought it as a flip and there used to be overgrowth on the chain link fence.
- Starting around March 24th they entered into contract negotiations with Fence Outlet to redo the fence as they are trying to improve their property. On the 4th they signed a contract; however, were not aware it was not filed until the 24th so they thought they were close to the fence permit being issued so they went ahead and had the yard landscaped and took down the chain link fence which is when Mr. Colbert was able to see the trailers; previously they could not be seen but they were there when they moved in November 2016.
- They found out the fence permit was denied and were not aware they were not allowed to have a 6-foot fence and they did communicate that with Mr. Colbert in May.
- They talked to the City about getting a variance but were advised not to do so because it would not be approved even though everyone else on their street on corner lots have 6-foot fences.
- They had to go back to Fence Outlet to redraw plans to put in a 4-foot fence on that side; the other side has a 6-foot fence that is in compliance and they are having that replaced with a gate so the boat trailer can go back there behind a 6-foot fence.
- Unfortunately they are dealing with things out of their control. They are requesting an extension of at least 60 days since they do not when they will obtain the permit that was re-filed on May 25, and the rainy weather. They want to be sure they have time to get the fence done and not have to come back.
- As of this morning she spoke with Lucy Fuller in Zoning and learned she had some questions Fence Outlet did not get back to her on, but she was able to clear that up so they have been moved from Zoning to Engineering and hopefully there will be no further issues.

Mr. Bienkowski stated as soon as the permit is approved they will have to deal with the contractor who was already backed up three weeks and that is their concern. He is hoping it is done faster.

Mr. Colbert stated he had no issue with extending the compliance date; although he did not think 60 days was necessary.

Vice-Chair Suplicki verified with Mr. Colbert this was not a citizen complaint; however, he is in the area frequently.

MOTION: Mr. Pauley moved to find case DCEB 17-337 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondents shall come into compliance by August 18, 2017 or suffer a fine of \$50.00 per day. Second was made by Mr. Suplicki.

VOTE: Motion carried with Ms. Dutton, Messrs. Pauley, Mackin, 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 advised Mr. and Mrs. Bienkowski to contact Mr. Colbert as soon as the work is done.

BREAK 4:43 P.M. – 4:51 P.M.

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**
507 Vine Avenue (MK)
Current Owner: Bolton, R Brian / Riggs, W Martin
DCEB 16-940
Fines due as of 6/6/17: \$5,852.03

Chair Bowman determined the respondent was present.
Time was provided for the Board members to review the written request for fine reduction.

Chair Bowman expressed his concern for this case is that it has no reason for the request. He noted according to the Board rules there are certain reasons to entertain a request and he does not see a hardship or any explanation.

Ms. Dutton commented she read the request a couple of times and she did not see it either.

Mr. Motley asked for the respondent to come forward and Chair Bowman explained to the respondent he would only be answering questions and not providing testimony.

Mr. Riggs stated that he did not realize that, he thought he would be able to speak.

When Mr. Motley asked if he was given a copy of the rules and regulations of this Board and Mr. Riggs stated he believed he did have that; however, it is three pages long and he did not read the whole thing.

When Mr. Motley asked if he was under the impression there was certain criteria to meet to ask for a reduction in fine and that was in writing and Mr. Riggs stated obviously from his previous statement he understood different that what he was being told now.

MOTION: Mr. Motley moved in case DCEB 16-940 to deny the request for fin reduction based on the request not meeting the Code Enforcement Board criteria. Second was made by Mr. Pauley.

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

DCEB 15-647
Fines due as of 6/6/17: \$30,376.27
Time was provided for the Board members to review the written request for fine reduction.

When Vice-Chair Suplicki noted on this case it did not involve a permit issue and from what he can see were relatively simple issues that could have been fixed relatively quickly and asked why it took 294 days to get those things done, Mr. Riggs stated:

- Relative to the overgrowth and inoperable vehicles he was never notified or had knowledge of it, these were tenant issues.
- The address they had on file was not his current address and in fact was at least ten years old; he had no reason to think the address was incorrect on file because they were in litigation with the bank and he was receiving regular correspondence in relation to that case as well as other matters related to the property including the tenant, insurance and things of that nature.
- The items were not his responsibility, they were tenant issues, but it was his responsibility to make sure the tenant takes care of it.

Vice-Chair Suplicki verified with Mr. Kepto the property was posted as always as well as the mailings.

When Chair Bowman asked where he gets the addresses for the mailings, Mr. Kepto advised according to the Pinellas County Property Appraiser's Office and his listing was on November 10, 2015, the owners of record were R. Brian Bolton, W. Martin Riggs and Daniel McClasen at 5510 Haines Road, St. Petersburg, FL 33714 and that is where the certified letters and all mailings were going.

When Vice-Chair Suplicki asked since the property was posted and there were tenants in the property they did nothing to rectify the situation and they did not notify him, Mr. Riggs stated they did not notify him until from after the fact; he does understand Mr. Kepto had conversations with them from time to time regarding these violations.

MOTION: Vice-Chair Suplicki moved in case DCEB 15-647 to reduce the fine to \$3,000.00 to be paid by July 1, 2017 or the fine reverts to the original amount of \$30,376.27 plus interest. Second was made by Mr. Carson.

Vice-Chair Suplicki explained his reasoning for the motion is even though the property was posted and the mailings went to the wrong place, it is still the owner's responsibility; however, on relatively simple things like the overgrowth and things that could have been taken care of he wanted to possibly reduce the fine because the gravity of the issues were not the same for example as obtaining a building permit.

Mr. Motley noted the request does not meet the criteria set forth the Board rules and regulations.

Chair Bowman noted the rules and regulations are a guideline.

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

Chair Bowman reviewed the Order of the Board.

2. **Request for Fine Reconsideration**
DCEB 17-18
1478 Fresh Drive (TC)
Current Owner: Lillawati Sandra Wagner
Fines due as of 6/6/17: \$827.02

Chair Bowman determined the respondent was present.
Time was provided for the Board members to review the written request for fine reduction.

No questions for the respondent or the City.

MOTION: Mr. Pauley moved in case DCEB 17-18 to accept the staff recommendation to reduce the fine to \$0.00. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Order of the Board.

3. **Request for Fine Reconsideration**
DCEB 17-28
1840 Douglas Ave (MK)
Current Owner: Triple 3 Capital LLC
Fines due as of 6/6/17: \$5,281.23

Chair Bowman determined the attorney for the respondent was present.
Time was provided for the Board members to review the written request for fine reduction.

No questions for the respondent or the City.

MOTION: Mr. Carson moved in case DCEB 17-28 to deny the request for fine reduction.
Second was made by Mr. Motley.

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

Chair Bowman reviewed the Order of the Board.

4. **Memorandum from City Attorney dated 5/5/17 regarding Foreclosure**
DCEB 15-647
507 Vine Avenue
Current Owner: R. Brian Bolton and W. Martin Riggs

Assistant City Attorney Augello advised she would amend this memo which is a request for authority to foreclose on a Code Enforcement Lien for R. Brian Bolton and W. Martin Riggs for 507 Vine Avenue because of the reconsideration to reduce the fine to \$3,000.00, if it is not paid by July 1, 2017 she would request the City Attorney have the authority to move forward with the foreclosure after that date.

Unanimous consensus by roll call vote to approve amending the memorandum from the City Attorney dated 5/5/17 regarding Foreclosure DCEB 15-647 *507 Vine Avenue*. Current Owner: R. Brian Bolton and W. Martin Riggs to provide for moving forward with foreclosure should the reduced fine not be paid by July 1, 2017.

5. Memorandum from City Attorney dated 5/11/17 regarding Foreclosure
DCEB 16-526
519 Richmond Street
Current Owner: John Conway Estate

Assistant City Attorney Augello advised in this case the outstanding fine is \$45,750.00 as of February 20, 2017 and continues to accrue at \$250.00 per day until compliance. A demand letter was sent to the owner's address on the Pinellas County Property Appraiser's website on February 21, 2017, certified mail receipt was returned as unclaimed; however, the letter sent by regular mail was not returned. The property is not in compliance and in speaking with the attorney who represented Mr. Conway the beneficiaries do not have any interest in taking ownership of the property. The request is for authority to move forward with foreclosure proceedings.

Unanimous consensus to approve authority for the City Attorney to move forward with foreclosure proceedings for DCEB 16-526.

Meeting adjourned at 5:13 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board