

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, OCTOBER 3, 2017
CITY HALL – 542 MAIN STREET – 2:00 P.M.**

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

ABSENT: Member Ken Carson and Alternate Member Joe Mackin

ALSO PRESENT: City Attorney Tom Trask, Secretary to the Board Joan McHale, Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert, Director of Planning and Development Greg Rice, Pinellas County Sheriff's Deputy Randall and twelve 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.

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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 12-837 City vs. RICHARD J / KATHERINE KELLY
2. DCEB 14-258 City vs. JOYCE H PAVLIK
3. DCEB 14-715 City vs. JOYCE H PAVLIK
4. DCEB 16-594 City vs. JOSHUA P GOLD
5. DCEB 17-27 City vs. KEVIN J KUENN EST
6. DCEB 17-40 City vs. BANK OF AMERICA
7. DCEB 17-378 City vs. GRANT HEMOND
8. DCEB 17-453 City vs. JOHN ALAN OWENS
9. DCEB 17-497 City vs. MARK G MONTGOMERY
10. DCEB 17-500 City vs. HELGA B BORSCH REV TRUST
11. DCEB 17-501 City vs. HELGA B BORSCH REV TRUST
12. DCEB 17-535 City vs. JAMES D BEST
13. DCEB 17-568 City vs. JARL ENTERPRISES INC
14. DCEB 17-581 City vs. C & K OF SAFETY HARBOR LLC
15. DCEB 17-594 City vs. MICHAEL DOYLE / SHERI TAYS PUMMILL
16. DCEB 17-595 City vs. SOUTHEAST PROPERTY ACQUISITION
17. DCEB 17-670 City vs. BECKY MAAS
18. DCEB 17-671 City vs. DEMETRIOS / KOULA FRANGIAS
19. DCEB 17-677 City vs. ISKAN PROPERTIES LLC

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

VOTE: Motion carried unanimously.

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Ms. McHale swore in Code Enforcement Inspector Michael Kepto, Code Enforcement Inspector Tom Colbert and Director of Planning and Development Greg Rice.

OLD BUSINESS

1. **DCEB 17-20 City vs. STEPHEN P PRUCHER**
648 Union St
Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION

Chair Bowman explained this is old business; therefore, the Board would not be hearing the entire case, only if there is new testimony.

Mr. Kepto reviewed case DCEB 17-20:

- At the meeting of July 11, 2017 this Board ordered compliance by September 10, 2017 or a fine of \$200.00 per day would be imposed.
- As of inspection on September 21, 2017 the violation remained.
- An Affidavit of Non-Compliance is being submitted for consideration.
- Prior to acceptance of the Affidavit of Non-Compliance the owner was present to update the Board on the status and may be requesting an extension or amendment to the Order of the Board.

Ms. McHale swore in Stephen Prucher of 1434 Admiral Woodson Land, Clearwater 33755

Mr. Prucher stated:

- He purchased this building 28 years ago and there had always been a parking area next to the building.
- It has been a variety of professional buildings, but never a home; it is zoned Neighborhood Business.
- He never thought anything of the parking area other than to maintain it.
- Mr. Kepto did inform him it had not been permitted, but he did not build it and he did not know he could get a permit for that.
- He talked with the staff in Permitting and they gave him a lot of information and the issue is much bigger than he thought. He will have to get a contractor for an estimate and go through permitting and he will need the time to do that.
- It is a maintained parking area and believes it is to code and assembled properly to his knowledge, but he will have to get that verified.

When Chair Bowman asked what time frame he was thinking, Mr. Prucher stated it is difficult to find a contractor right after Hurricane Irma he hoped he could get it done in a month.

Chair Bowman verified with Mr. Kepto compliance would be obtaining the permit.

Mr. Kepto advised Mr. Prucher has met with the Planning & Development Department for Zoning and with the Building Official. The parking area has not been maintained in many years and needs to be brought up to code and to do that requires a permit. He had no issues with extending the compliance date to get the situation resolved.

In response to the question from Mr. Motley, Mr. Kepto stated that Mr. Prucher might have to work with Engineering as well because they might require a paved apron.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-20 to extend the compliance date to December 15, 2017. Second was made by Mr. Motley.

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

Chair Bowman explained to Mr. Prucher the December 15, 2017 compliance date should give him enough time.

2. **DCEB 17-453 City vs. JOHN ALAN OWENS**
2583 Gary Circle
Violation of the Dunedin Code of Ordinances Section 70.72(O)(1) OCCUPATIONAL LICENSE REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-453:

- At the meeting of September 5, 2017 this Board ordered compliance by September 15, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on September 21, 2017 the violation remained.
- An Affidavit of Non-Compliance is being submitted for consideration.
- Also, an Affidavit of Compliance is being submitted dated October 2, 2017.

Chair Bowman noted the Affidavit of Compliance was on the list at the beginning of the meeting.

MOTION: Mr. Motley moved in case DCEB 17-453 to accept the Affidavit of Non-Compliance on Dunedin Code of Ordinances Section 70.72(O)(1). Second was made by Mr. Pauley.

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

3. **DCEB 17-493 City vs. FRANKIE M CLARK**
526 Frances St
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the Land Development Code 105-27.1.1.1(A) RIGHT OF WAY STANDARDS
Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Ms. McHale swore in Frankie Clark.

Mr. Colbert reviewed case DCEB 17-493:

- At the meeting of August 1, 2017 this Board ordered compliance by September 19, 2017 or a fine of \$50.00 per day would be imposed.
- As of inspection on September 27, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. Clark stated:

- A lot of things have happened including with all the rain she had to put her money and attention to the roof because.
- The officer next door parks his car right where the overgrowth continues to the street and she was not comfortable with getting to it.
- She has gotten everything done except for maybe three yards from the neighbors mail box which he moved to her side right next to the easement where the overgrowth extends into the street.
- She also had to take down the overgrowth from a tree and he parks his car right where the loose branch can be seen it could fall on his police car.
- She needs to get someone to take care of the other overgrowth.
- Nothing is completely done, she thinks she has moved the accessory structures, the fence and again the work has to be done right next to the neighbor's police car.
- She would like to ask for a lowering of the \$50.00 fine.

Mr. Colbert explained the property is extremely overgrown and has been for a number of years. He respects the limitations of Ms. Clark; however, the City has received a number of complaints from neighbors and justifiably so.

When Mr. Pauley asked if the City has been able to get Ms. Clark any kind of assistance, Mr. Colbert advised some volunteers did look at the property; however, they determined it was beyond their capabilities due to the work required.

When Mr. Motley asked if she had anyone who could help, Ms. Clark said yes, but they were not helping her yet, she had them put their attention on the big oak tree and tarp her roof again.

When Chair Bowman asked what time frame she thought was needed to get things done, Ms. Clark thought the end of this month, next month for sure. Ms. Clark commented with Hurricane Irma things were blown all over and makes it difficult to see what needs to come out and that she planted the swords because neighbors kept coming into her yard and take away the mangos and so forth.

When Mr. Motley asked when she was going to ask someone to help, Ms. Clark explained the problems she was having getting someone to come out to give estimates and tell her exactly what they can do. She acknowledged she was alone at this residence.

MOTION: Mr. Pauley moved in case DCEB 17-493 to extend the compliance date to November 20, 2017. Second was made by Vice-chair Suplicki. .

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

Chair Bowman explained to Ms. Clark she has a good month and a half to get everything done and to call Mr. Colbert as soon as it is finished so he can inspect and find everything in compliance.

4. DCEB 17-509 City vs. LUBA 8 LLC

783 Manor Dr W

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Kepto advised in case DCEB 17-509 City staff is requesting the Board quash the previous Order of the Board as this is a property the investor swore he was going to live in; however, the property has sold with the new owner recording the deed on September 22, 2017; therefore, a lien filed would be wild.

MOTION: Ms. Dutton moved in case DCEB 17-509 to quash the previous Order of the Board.
Second was made by Mr. Motley.

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

5. **DCEB 17-547 City vs. USA FED NATL MTG ASSN**
1208 Royal Oak
Violation of the International Property Maintenance Code Section 303.1 SWIMMING POOL MAINTENANCE
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 Land Development Code Section 105-27.1.1(h)1 PARKING FRONT YARD

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-547:

- At the meeting of September 5, 2017 this Board ordered compliance by September 10, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on September 11, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-547 to accept the Affidavit of Non-Compliance.
Second was made by Mr. Motley.

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

6. **DCEB 17-607 City vs. JOHN T LEGVOLD EST**
1367 Dinner Bell Ln E
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the Dunedin Code of Ordinances Section 34-1(A) OFFENSIVE ACCUMULATION
Violation of the International Property Maintenance Code Section 304.13.1 WINDOWS – BROKEN, GLAZING

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-607:

- At the meeting of September 5, 2017 this Board ordered compliance by September 20, 2017 or a fine of \$150.00 per day would be imposed.
- As of inspection on September 21, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

When Mr. Motley inquired if the City had heard from the respondent, Mr. Kepto stated not at all and noted he believed it was an estate.

MOTION: Mr. Motley moved in case DCEB 17-607 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

7. **DCEB 17-663 City vs. JOHN P KALLIVAS REV TRUST**
368 Patricia Ave
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 17-663:

- At the meeting of September 5, 2017 this Board ordered compliance by September 17, 2017 or a fine of \$150.00 per day would be imposed.
- As of inspection on October 3, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Dutton moved in case DCEB 17-663 to accept the Affidavit of Non-Compliance. Second was made by Mr. Pauley.

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

NEW BUSINESS

1. **DCEB 17-165 City vs. PARAMOUNT COURT LLC**
353 Jackson St
Dunedin Code of Ordinances Section 16.35(D) BUILDING MATERIALS, STORAGE
Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED
International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES
International Property Maintenance Code Section 302.7 FENCE: ACCESSORY STRUCTURES
International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
International Property Maintenance Code Section 304.6 WALLS, EXTERIOR

International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-165:

- 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 10, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 9, 2017.
- The violations include:
 - the open storage of concrete blocks as prohibited unless an active building permit is in force;
 - a building permit required for the installation of new windows;
 - grass or weeds in excess of 10 inches in height in various areas of the yard;
 - the accessory structure in the rear is in very poor condition and is deteriorating with missing windows and doors and the siding and roof are not securely attached, repairs will require a permit;
 - the existing chain link fence is not being maintained to industry standards and has missing support posts and is leaning in several places;
 - the eaves or soffit areas are not being maintained, rotting and there are large holes which would allow rodent entry into the structure;
 - paint is peeling or missing in various areas of the exterior;
 - the exterior walls are rotting in various areas, repair or replacement will require a permit by a licensed contractor and
 - the exterior of the property is not being maintained in a clean manner, there is accumulation of trash or debris including, but not limited to garbage bags, buckets, barrels, concrete blocks, tires, shelves, fence pieces and other assorted personal items.

Mr. Kepto submitted into evidence photographs taken on March 10, 2017. He recommends a compliance date of November 12, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

When Mr. Pauley inquired if there had been any response from the respondent, Mr. Kepto read into the record an e-mail received from the owner requesting an extension and noted there is another case as well:

I got the letter that said we needed to be applying for permits today or we would be fined. I am not sure if this has changed as the contractor was not able to go in last week to apply with the hurricane. Can you please let me know if you all will be open on Monday and if there is some sort of extension on this with lack of being open? Thanks. Tabitha Moria Charles Rutenberg Realty

Mr. Kepto advised his response was:

Tabitha, your request for an extension is denied. Number one I warned you when you purchased the property that permits would be required and you assured me that they would be; your actions proved otherwise. If I am not mistaken you already had a previous history at another Dunedin property conducting work without a permit. Number two, I issued a stop work order on August 16, 2017 when I found a crew conducting major work without a permit. I spoke to your contractor on the phone and warned him. Item number three, I found the same crew on the site on August 20, 2017 again conducting major work without the required permit, a second stop work order was issued. Stop all work until the required permits are obtained. You are in the business of buying and selling houses and you know what is required from the

Building Department. I will plan to go ahead with the normal process and forward your case to the Code Enforcement Board.

When Mr. Pauley asked if this property can be condemned, Mr. Kepto explained this property was in a foreclosure and had cited the bank and it flipped over to this owner and she immediately came to the office and he received the same story as from most investors that they are trying to improve the neighborhood and they are going to do the right thing and pull permits. He stated he was not aware of any rodent problems right now.

Mr. Kepto noted when this owner acquired the property it was in distress, but that does not give the right to begin work without permits.

When Mr. Motley noted the photographs look like the structure is going to fall down and asked if there are safety issues, Mr. Kepto stated that would be coming from the Building Department. Mr. Kepto stated the building is repairable, but the City wants to be sure it is done correctly.

When Chair Bowman noted case #8 on the agenda, DCEB 17-712 is the same Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED and same address, Mr. Kepto explained with the current owner purchased the building there were a couple of windows that had been installed without permits from the previous owner, since then and this is where the second case later comes and it is truly a second case.

MOTION: Mr. Motley moved to find in case DCEB 17-165 based on testimony, evidence and facts presented in law that at the time of the alleged violations the Dunedin Code of Ordinances Section 16.35(D); Florida Building Code Section 105.1 and the International Property Maintenance Code Section 302.4, Section 302.7, Section 304.1, Section 304.2, Section 304.6 and Section 308.1 were in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by November 12, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 17-498 City vs. NORTON FAMILY LAND TRUST
JOHN M NORTON TRE**
1001 Douglas Ave
Violation of the International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES

Ms. McHale swore in Jack Norton, owner of 1466 Sterbridge Ct., Dunedin

Mr. Colbert reviewed case DCEB 17-498:

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

- The property was inspected on June 13, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 16, 2017.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles that do not display a current license tag, have flat tires, missing parts and so forth as prohibited.
- This case was heard by the Board a couple of months ago and an extension was granted.

Mr. Colbert submitted into evidence photographs taken on June 13, 2017 and September 3, 2017. He recommends a compliance date of October 15, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Norton stated:

- At the conclusion of the last meeting he and Mr. Colbert agreed they would meet at the property and have a conversation which they were able to do.
- Nothing has changed and he had to say it is an activity that has gone on for over 30 years that he personally knows of and he believes it to be closer to 40 years.
- There are a number of other commercial establishments in town that have cars on their lots without tags and they are either for sale or are there from a used car lot to be repaired and sent back for sale.
- As he mentioned before, the system that his tenant uses in doing repairs for three used car lots, the car lots will buy the cars at auction, bring them to him one at a time with a dealer tag and take the dealer tag back, he goes through the car and the car lot comes back to get the car. That is the system for a number of establishments in town.
- Yesterday within 30 minutes he went down three main streets in town and identified 6 locations that have cars on their lots with no tags.
- He thinks in looking at the intent of the ordinance which is to not abandon cars and leave them in the front yard on blocks; he thinks that is one thing, but in looking at this situation with people trying to make a living, that is a different thing. He would suggest with some guidance from City Attorney Trask the ordinance might be amended to permit this for cars on commercial established locations either for sale or for repair, they certainly are not abandoned.

When Chair Bowman asked if this property is zoned Commercial for auto, Mr. Colbert advised it is zoned Commercial and the information he received was "garage only". Chair Bowman clarified that is a garage to work in. Mr. Colbert explained yesterday he was told they obtain cars from the auction, bring them there, repair them and then sell them and he suggested they speak with zoning and possibly make it a used car business.

Mr. Norton clarified they do not sell the cars at this site, they go back to car lot.

Mr. Motley commented it looks like a junk yard.

Chair Bowman commented being zoned as a garage, there would be broken down vehicles, because that is what they do for a living. He asked if every vehicle on a garage site have to be tagged.

Mr. Colbert commented as discussed previously, if you get your car repaired the tag stays on the car, it is not removed. He does know of one business in town on Alternate 19 that is actually a repair and car lot, they have a license to sell cars and there are some cars there with no tags and he spoke with the owner who does have dealer tags available, it is a little different type of business and the licensing.

Chair Bowman commented he was confused because the cars are brought there to be repaired and then taken away.

Mr. Kepto clarified the zoning is actually Downtown Core and outdoor storage is not permitted in the Downtown Core and this is a garage repair and maybe 40 years ago they had one or two cars. He would agree with the Board Member that now it has turned into what looks like a salvage yard and it has flowed over to a vacant lot adjacent to the subject property.

Mr. Motley referred to the photographs showing cars with flat tires, no hoods, grass grown up around them and those are disabled vehicles regardless of whether or not they have tags. It looks like vehicles junked or abandoned on that yard.

Mr. Norton stated there were two vehicles on the property that had been used for parts to repair other cars and those have long since been removed after the first letter and his conversation with Mr. Colbert. There are two cars there he looked at yesterday, a gray van backed up to the tree waiting for a transmission that is now in and it is in the bay being worked on today as he understands from his tenant. Also, there was a black Chevy Impala not in the picture that looked a little rough and that is being removed, if not already. There is no question these are used cars and in the picture the lot needs to be mowed and it is mowed every couple of weeks.

Chair Bowman state he was confused that the zoning is Downtown Core, but zoned for a garage and asked if those are not conflicting if there cannot be any storage in the downtown, if there is a garage there are going to be vehicles. Mr. Kepto commented he guessed that would be a zoning question.

Mr. Kepto determined from Mr. Norton there are 3 bays on the property and roughly there are 10 cars waiting for repair. Mr. Kepto asked about the cars being stored on the adjacent lot.

Mr. Motley noted open storage is not permitted in that zoning, so needs to happen is to rezone the property or move the vehicles.

Mr. Norton reiterated the vehicles are not being stored there, they are parked waiting to be worked on. Mr. Motley reiterated it can be seen that they vehicles are disable as he described and Mr. Norton stated those are gone.

Ms. Graham commented based on the photograph it is orange up against the tree and Mr. Norton stated that one was gone and has been gone since before the last meeting.

Mr. Pauley suggested the Zoning Department needs to be contacted and it needs to be rezoned or something needs to happen, but zoned the way it is now the storage is not allowed, that is the ordinance.

When Vice-Chair Suplicki asked if he had met with anyone from Zoning Department, Mr. Norton said not on this issue, it has never come up before. Vice-Chair Suplicki commented on going around in circles on this issue on storage or repair and so forth and that is what this Board determines. He suggested it might be of benefit to talk to someone in Zoning about the parameters of what can take place with the current zoning and if the current zoning is not adequate for the business then what would be the process and how long if it is possible for rezoning for something more conducive to the current use. The Code Enforcement Officers are looking at the parameter of what the property can be used for and it appears to be outside those parameters.

Mr. Norton stated he would be more than willing to talk with Planning and Development Director Rice. He reiterated his point that this is not storage, they are parked waiting to be worked on and other lots where cars are for sale, they are just parked there until someone buys them and he questioned what the difference is. He asked if they looked nicer, if they were newer, is that the difference.

Vice-Chair Suplicki explained what this Board can do is set a compliance date and try to make that with enough time for Mr. Norton to do something about the issue.

Mr. Norton commented several people have commented they were confused and he is truly confused; he did not know he did anything wrong and now a whole other issue is being cited to go at this from zoning perspective.

Vice-Chair Suplicki stated the reason is as of today it is not zoned for the use and if Mr. Norton is willing to talk with Zoning for clarification of what the property can be used for and if the zoning has to be changed for the current use, then the Board would set a compliance date to accommodate enough time for that to happen.

Mr. Norton stated he is willing to do that; however, he does not understand the direction things are going. He will call Mr. Rice's office this afternoon for an appointment for those conversations.

Chair Bowman asked if this is a realistic solution.

City Attorney Trask advised:

- The bottom line is that there may be a grandfathered non-conforming use here and that is an argument Mr. Norton will have to look into.
- For the purposes of the Code Enforcement Board it is to determine whether or not there is a violation of International Property Maintenance Code Section 302.8 INOPERATIVE MOTOR VEHICLES and not to get caught in the weeds.
- Obviously if Mr. Norton meets with Mr. Rice and they determine this is not really in violation then the City could come back to the Board to quash it.
- If everyone is going down the same path that it is a violation for what is happening out there then Mr. Norton would have to come into compliance in the time the Board prescribes in order to keep the leverage or pressure on Mr. Norton to get something done on the property whether through Planning and Zoning or removing the vehicles that are in violation.
- It does not seem that it is all the cars, just the inoperable ones.

Mr. Norton stated there are not inoperable cars on the property, the ones in the pictures were removed the day before the last meeting.

Chair Bowman reiterated his confusion that if it is Downtown Core you can't have any storage, but if it is a garage there are going to be broken cars setting out.

City Attorney Trask noted he has not been cited with outside storage and have not cited him with a violation of the Code other than inoperative motor vehicles. When Chair Bowman commented which would be common in a garage zoning, City Attorney Trask commented he was getting in the weeds; are there inoperative motor vehicles there in violation of Section 302.8 that is the question for the Board to determine.

Mr. Norton stated, are there vehicles there without tags, absolutely, they belong to used car lots.

When Chair Bowman asked what time frame he would need to get with the City, Mr. Norton stated he would go to Greg Rice immediately and see what they can do.

Mr. Norton commented he did not think it is a simple an issue as it is being made out to be and reiterated there are a number of commercial businesses in town doing the same thing and have been for a long time and he assured if he has to change they are going to have to change. Chair Bowman commented he was sure they would be looked at. Mr. Norton commented he had no doubt these men were doing their jobs and he had all respect for them, but somewhere there needs to be some common sense where people are trying to make a living and not bothering anyone; no one has complained.

When Ms. Graham asked why there are no dealer tags on the cars, Mr. Norton explained the dealers don't leave the tags on cars and only put those on cars to transport them and he believes that is a special use for a dealer tag.

Mr. Motley questioned why the car lots cannot store the cars until told to bring them to this site for repair. Mr. Norton explained he did not know the agreements with car lots his tenant is working with.

Mr. Kepto advised the respondent has admitted he is not in compliance with Section 302.8 which reads "except as provided for in other regulations, no inoperative or unlicensed motor vehicles shall be parked, kept or stored on any premises and no vehicle shall at any time be in a state disassembly, disrepair or in the process of being stripped or dismantled; and then it goes on to talk about painting. By his own admission he is not in compliance and today is about getting a compliance date.

Mr. Norton stated the time would be up to Greg Rice, he does not know the time it takes to review and bring something to the Commission in terms of zoning.

Mr. Colbert commented if it had been one or two cars he probably would have used discretion and not mailed the letter; however, it did take on the appearance as he observed it as a salvage yard, several vehicles that meet the criteria of inoperable vehicles. He is open to whatever date the Board decided to resolve the issue with everyone working toward compliance.

Mr. Norton stated he had no problem coming back to the next meeting to provide a progress report on what has been done, if it is zoning or limiting the number of cars on the property.

Chair Bowman suggested setting a compliance date out a bit in order to have time to meet with Mr. Rice and others. In any event no one is being harmed in this issue.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 17-498 that at the time of the alleged violation the International Property Maintenance Code Section 302.8 was in full force and effect and the Respondent is found in violation thereof and that the Respondent shall come into compliance by November 20, 2017 or suffer a fine of \$ 100.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board

3. **DCEB 17-517 City vs. ABUNDENT LIFE FNC LLC**
908 Gulf View Blvd
Violation of the Florida Building Code 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Chris Villavicencio of 634 Frederica Lane and Nely Villavicencio of 1501 Bass Blvd, Dunedin.

Mr. Colbert reviewed case DCEB 17-517:

- The violation exists on a single family residential property that is currently vacant.
- The ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on June 15, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 16, 2017.
- The violation includes continuing work after having been served with a stop work order and accepting such work and a building permit required including but not limited to interior renovation or alteration, new windows, doors, plumbing, electrical and so forth.
- He and Mr. Kepto saw a lot of activity at this property, several cars some with out-of-state tags; they made contact with the people working inside and determined there were no permits. He is not sure if these people were licensed contractors. They issued a stop work order.

Mr. Colbert submitted into evidence photographs taken on June 15, 2017. He recommends a compliance date of October 9, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Villavicencio stated:

- This was their first project as a real estate company.
- The contractor told him he had a license and he could pull the permit any time and they just did some demolition.
- Following the stop work order he paid to have the drawing done for the structure and tried to pull the permit, but unknowingly, the realtor had not disclosed the place was under the FEMA insurance law, so they are trying to find a contractor who will do the work for the budget they are being given. There is a lot of work that needs to be done.
- He has been talking with contractors on the time frame and to get it done within the budget which is half of what they originally wanted to spend on the property.
- They have no problem with the permit, they just have to find the contractor to do it.
- The previous contractor said he was a licensed contractor, he works for a contractor and said he could pull the permit and when he asked why he can't do it now; apparently the contractor whose license he works under is out of state. He is not sure he wanted to work with a contractor who is out of town like that.

Ms. Villavicencio stated:

- They are the victims of someone telling them it was no problem to pull the permit, but as soon as the inspector came in and told them to stop they stopped the work and not work has been done since then.
- They are in the process of getting a contractor.

- Finally she contacted another contractor who said he is willing to help them out in order to get the project going working within the budget they have been given to renovate the property and he was supposed to attend the meeting today.
- When Chair Bowman asked the time frame they thought was needed both respondents explained they had the drawings done by an architect signed and sealed and they are ready to pull the permit. Ms. Villavicencio asked for 60 days.

When Chair Bowman asked the views of the City in this case and whether or not it is hazardous, Mr. Colbert stated it is just vacant and not hazardous, they are cutting the grass and it is well maintained visually; he had no problem with 60 days.

City Attorney Trask explained the Board needed to make sure the issued relative to the code violations is addressed as well because the agenda only lists one and the notice lists at least two.

Mr. Colbert verified there are no longer any issues with ongoing work after the stop work order.

Chair Bowman determined from the respondents there could be no work done on the property until they had the permit in hand.

When Mr. Motley inquired regarding the stop work order violation, City Attorney Trask advised the testimony is that the respondents are in compliance at this point; the only question he could see under Chapter 162.06 would be whether or not they were in compliance and then went back out of compliance before the hearing or did not come into compliance within the time prescribed in the original violation.

Mr. Colbert suggested removing the stop work order violation because they were compliant once the stop work order was issued.

MOTION: Ms. Dutton moved to find case DCEB 17- 517 the Florida Building Code Section 105.7 and that the Respondents shall come into compliance by November 20, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Pauley.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained to the respondents to contact Mr. Colbert as soon as they have the permit in hand.

4. DCEB 17-617 City vs. CHARLES H DIEHL EST

149 Sky Loch Dr E

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

Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Violation of the International Property Maintenance Code Section 304.13.1 WINDOWS – BROKEN, GLAZING

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 17-617:

- 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 July 10, 2017 and a notice of violation was sent to the owner with a requested compliance date of August 20, 2017.
- The violations include:
 - a hole in the exterior wall located at the rear of the unit that appears to be from a removed wall air conditioning unit;
 - the roof is not being maintained in a state of good repair that is leaking as evidenced by the water intrusion on the interior ceilings and there is heavy vegetation growing on the roof area;
 - the window glass is broken and
 - the interior ceiling has evidence of water intrusion as evidenced by water stains and heavy black type growth on the ceiling.

Mr. Kepto submitted into evidence photographs taken on July 10, 2017. He recommends a compliance date of October 22, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

When Vice-Chair Suplicki inquired regarding contact with the owner, Mr. Kepto stated it appears to be an estate and there has been no contact even though there were notices posted on the door

MOTION: Mr. Motley moved to find in case DCEB 17-617 the International Property Maintenance Code Section 304.6, Section 304.7, Section 304.13.1 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 October 22, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board

5. **DCEB 17-619 City vs. GREGORY VANCE MOORE**
909 Palm Blvd
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 17-619:

- 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 July 19, 2017 and a notice of violation was sent to the owner with a requested compliance date of August 18, 2017.

- The violation includes a building permit required for renovation of the structure including, but not limited to new windows, new doors and interior renovation such as the kitchen and bathroom upgrades.
- He spoke with the owner by phone this morning and discussed what was needed for the permit and agreed on the compliance date recommended.

Mr. Kepto submitted into evidence photographs taken on November 14, 2016, July 20, 2017 and September 19, 2017 and photos taken from the owner's internet advertisement. He recommends a compliance date of November 3, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Mr. Pauley moved to find case DCEB 17-619 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by November 3, 2017 or suffer a fine of \$250.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

6. **DCEB 17-662 City vs. JOHN P KALLIVAS REV TRUST JOHN P KALIVAS TRE**
368 Patricia Ave
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 17-662:

- The violation exists on a commercial 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 August 2, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 27, 2017.
- The violation includes the open storage of any inoperative motor vehicle is prohibited including any motor vehicle that does not have a current license plate displayed or has all the windows smashed out.
- Prior to sending the owner this notice he was able to determine the ownership by running a VIN number from the vehicle which has obviously been stripped and abandoned; every window has been broken out, there is not tag, there are flat tires and the inside has been trashed. It is actually registered to State Farm. When State Farm was contacted they called the Sheriff's Office to look at the vehicle that is still there and it is the responsibility of the property to maintain the property.

Mr. Kepto submitted into evidence photographs taken on August 29, 2017. He recommends a compliance date of October 22, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

In response to the question from Mr. Motley, Mr. Kepto speculated the vehicle was stolen at one time and State Farm acquired the title back, he is not sure how it got there, but State Farm is not accepting any responsibility. It does seem the property owner would have a civil case against State Farm.

MOTION: Ms. Graham moved to find case DCEB 17-662 in violation of the International Property Maintenance Code Section 302.8 and that the Respondent shall come into compliance by October 22, 2017 or suffer a fine of \$100.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board

7. **DCEB 17-711 City vs. JAMES E WAHL**
1515 Ohio Ave
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 17-711:

- 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 August 16, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 15, 2017.
- The violation includes a building permit required for the renovations of interior upgrades to the kitchen and bathrooms and the installation of new windows.
- The owner was in attendance at the hearing today; however, says he is elderly and he purchased the property with all the upgrades already done prior to the purchase.
- The case came to the attention of the City when a complaint of short term rentals came in.
- The current tenant is leasing on a short term basis.
- The owner does understand he needs a contractor to obtain this permit.

Mr. Kepto submitted into evidence photographs taken from Google dated May 20, 2014, Google Street View April 2-15 and from the owner's photographs of the interior structure take from the internet. He recommends a compliance date of December 15, 2017 or a fine of \$150.00 per day thereafter for non-compliance.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 17-711 based on testimony and evidence presented and 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 December 15, 2017 or suffer a fine of \$150.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 17-712 City vs. PARAMOUNT COURT LLC**

353 Jackson Street

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 17-712:

- 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 August 16, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 15, 2017.
- The violation includes a building permit required for the installation of:
 - 2 new air conditioner units,
 - all new windows,
 - the double French exterior doors,
 - interior drywall,
 - interior renovations including the kitchen and bathrooms and
 - the installation of new concrete sidewalk and parking area.

Mr. Kepto submitted into evidence photographs taken on August 16, 2017, August 28, 2017 and September 19, 2017. He recommends a compliance date of October 22, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

Mr. Kepto clarified this is the case the City put two stop work orders on after the verbal warning.

MOTION: Ms. Dutton moved to find in case DCEB 17-712 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by December 15, 2017 or suffer a fine of \$150.00 per day. Second was made by Mr. Motley.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. DCEB 17-737 City vs. EDWARD COLLINS - WITHDRAWN
319 Sky Loch Dr W (MK)

Mr. Kepto advised case DCEB 17-737 is withdrawn from the agenda.

OTHER BUSINESS

1. **Request for Fine Reconsideration**
DCEB 17-48
420 Scotland St Current Owner: Michael Meadows
Fines Due as of 10/3/17: \$17,494.34

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

Chair Bowman disclosed he spoke with City Attorney Trask earlier regarding this case about the possibility that he has done some work with the architect as far as energy counseling; therefore, recused himself from this case in order to avoid the appearance of a conflict.

City Attorney Trask advised Chair Bowman to file the appropriate form within 15 days of today's hearing after obtaining the form Ms. McHale or the City Clerk's Office.

Chair Bowman passed the gavel to Vice-Chair Suplicki.

Mr. Pauley verified with City Attorney Trask the addendum letter was acceptable to be considered in addition to the information already received.

MOTION: Ms. Graham moved in case DCEB 17-48 to deny the request for fine reduction. Second was made by Mr. Motley.

VOTE: Motion carried 4 - 1 with Ms. Dutton, Ms. Graham, Messrs. Pauley and Motley voting aye. Chair Bowman abstaining. Voting nay, Vice-Chair Suplicki.

Vice-Chair Suplicki passed the gavel back to Chair Bowman.

**2. Memorandum from City Attorney Regarding Foreclosure
DCEB 16-940
507 Vine Avenue Current Owner: R. Brian Bolton and W. Martin Riggs**

City Attorney Trask advised:

- The lien was recorded on the property March 2017 with a fine of approximately \$6,000.
- This property has had issues in the past and those other code violations have been resolved and this is the last one remaining.
- He sent a demand letter to the property owners to determine whether or not some type of settlement could be worked out and a response indicated they were not receptive to settling the case and they are asking to pay nothing for the case.
- He is requesting authority to move forward with the foreclosure of this property first obtaining a title search on the property to find out if there are any other encumbrances before moving forward. If the property has no equity he will bring it back to the Board and if it does have equity he will begin the process of sending another letter and then filing a law suit to collect on the lien.

MOTION: Mr. Motley moved in case DCEB 16-940 to authorize the City Attorney's Office to move forward with foreclosure proceedings. Second was made by Ms. Graham.

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

**3. Memorandum from City Attorney Regarding Foreclosure
DCEB 13-616 and DCEB 13-773**

1453 San Mateo Drive

Current Owner: Mark R. Reinhardt and Laurie E. Smith

City Attorney Trask advised:

- The prior property owners have no interest in the property any longer. He believes it was foreclosed.
- He has been attempting to collect the lien in their absence. He was able to find a couple of properties they own in Linden, Virginia that are not homestead and sent a demand letter basically advising them that unless there was some resolution of the outstanding Code Enforcement Fines of approximately \$260,000 that he would be seeking a judgment locally, domesticate it in Virginia and then foreclose on the properties in Virginia.
- He did not hear anything until late last night in an e-mail received, a letter from a lawyer from Tampa basically asking for verification that the debt is owed under the Fair Debt Collection Practices Act which he will provide. The lawyer also made a public records request for the entire Code Enforcement file. The letter basically says to prove that his clients owned the property and ends the letter with, even though my clients don't own the property any longer that they are willing to talk about settlement possibilities.
- He is requesting the authority to move forward since there is no property to foreclose upon to file a law suit in circuit court to collect the money, get a judgment and then domesticate it and collect and foreclose on the properties in Virginia.

MOTION: Mr. Pauley moved in cases DCEB 13-616 and DCEB 13-773 to authorize the City Attorney to file a law suit in circuit court as the first step to collect on the Code Enforcement Lien. Second was made by Mr. Motley.

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

City Attorney Trask advised:

- Regarding the property at 962 Grovewood it has gone completely through the foreclosure process and the City now owns the property and the title should be received in a couple of days.
- A sale was scheduled for property on Patricia; however, there was an emergency motion filed about 5:00 p.m. and the case was heard this morning about 9:15 a.m. and the judge has continued the sale date for 45 days to allow the property owner to try to apply for FEMA funds because of the hurricane; he thinks it is just a stall tactic, but the property will be on the foreclosure docket again on November 16, 2017.
- The property located at 227 Aberdeen, the Katherine Speed case that has been going on since 2012 the City was successful in that case with the judge awarded judgment in favor of the City and tomorrow will be the fees and cost hearing at which an expert has been hired to testify regarding the cost incurred in the case over the past five years of roughly \$35,000. He is aware Code Enforcement will be present at the hearing at 10:30 a.m.; it is an unusual case as some of the Board Members are aware. Also since the hearing is tomorrow the Board Members should be very careful because Ms. Speed might appear at their door and want to talk about the case; she has already done so with the new City Manager yesterday. He warned the Commission this morning of the same thing. His advice is to let her know the case is pending and any questions or concerns should be directed to the City

Attorney's Office. The hearing will be at Judge Schaeffer's office on the 4th floor of 315 Court Street, Clearwater.

4. Recommendation for Alternate DCEB Member

Chair Bowman noted applicants were in attendance and advised a decision will be made this week.

Vicki Watson a resident of Dunedin for over 2 years stated she is a realtor and she thinks every realtor should attend a meeting; she has learned so much. She has learned things you would not think of as a realtor or home owner. She had no concerns with the meeting schedule and she was aware they sometimes run long.

City Attorney Trask explained it is the City Commission that actually makes the appointment of the position which will be done at a regular City Commission meeting either Tuesday morning or Thursday evening and he believes this should be on the agenda for October 17 or 19.

Staff Comments

Mr. Kepto commended City Attorney Trask for his diligence and follow through on these Code Enforcement Liens. He commented on having worked in St. Petersburg where the liens were never followed through.

Board Comments

Mr. Motley asked City Attorney Trask how the Dunedin Code Enforcement Board compares to other cities he represents.

City Attorney Trask stated Dunedin is very effective and the support staff present excellent cases and there is an excellent agenda package and the Board hardly ever has to look for additional information; he considers it one of the best he is involved in. For some cities he works as a Special Magistrate sitting on the dais and it is a little different. Dunedin does a great job and he is very proud of the Board and staff being very successful in getting properties out of their neglected state. Much has been accomplished in the past 29 years he has been involved with this Board.

Chair Bowman commented he thought the repeat violation is very effective because people will make it by the compliance date, but then the violation comes right back.

Meeting adjourned at 3:45 P.M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board