

**DUNEDIN CODE ENFORCEMENT BOARD
REGULAR MEETING OF TUESDAY, NOVEMBER 7, 2017
CITY HALL – 542 MAIN STREET – 2:00PM**

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

ABSENT: Members William Motley and Dave Pauley and Alternate Members Joe Mackin and Wade Davenport

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

CITY MANAGER REMARKS – 2:00 P.M. – 2:10 P.M.

Chair Bowman called the meeting to order at 2:10 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 Meetings of September 5 and October 3, 2017

MOTION: Ms. Dutton moved to approve the minutes of the regular meetings of September 5 and October 3, 2017. Second was made by Vice-Chair Suplicki.

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 14-694 City vs. JANE W LESSOR
2. DCEB 16-85 City vs. JOSEPH S GREGORIUS EST
3. DCEB 16-532 City vs. ADIL TZEKAS / SELVIYE TZEKAS
4. DCEB 16-900 City vs. CHARLES GREENWOOD JR.
5. DCEB 16-1005 City vs. US BANK NATL ASSN TRE
6. DCEB 17-17 City vs. LSF9 MASTER PARTICIPATION TR
7. DCEB 17-275 City vs. NICHOLAS BIBA
8. DCEB 17-384 City vs. MICHAEL R MEADOWS
9. DCEB 17-506 City vs. JARL ENTERPRISES INC.
10. DCEB 17-645 City vs. LETA D BAZO
11. DCEB 17-662 City vs. JOHN P KALLIVAS REV TRUST JOHN P KALIVAS TRE

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

VOTE: Motion carried unanimously.
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Ms. McHale swore in Code Enforcement Inspector Michael Kepto and Code Enforcement Inspector Tom Colbert.

OLD BUSINESS

- 1. DCEB 14-795 City vs. DANNY R REDD**
2036 Princeton Avenue
Violation of the International Property Maintenance Code Section 304.1 MAINTENANCE OF STRUCTURES
Violation of the International Property Maintenance Code Section 304.2 PROTECTIVE TREATMENT
Violation of the International Property Maintenance Code Section 304.6 WALLS, EXTERIOR
Violation of the International Property Maintenance Code Section 304.7 ROOFS AND DRAINAGE

Chair Bowman determined the respondent was present and explained this is old business and the Board would not be hearing the case again and would only hear any additional information.

Ms. McHale swore in Danny Redd, owner.

Mr. Colbert reviewed case DCEB 14-795:

- At the meeting of April 12, 2017 this Board ordered compliance by October 24, 2017 or a fine of \$200.00 per day would be imposed.
- As of inspection on October 25, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Mr. Redd stated:

- When the inspector came by about a week ago the items he was working on that were not completed are now completed.
- The garage area, the siding and soffits, the main house has been painted all around.
- They asked how much time was needed, he still had some of the soffits in the front and the fascia board that had to be painted.
- He does not do this type of work all the time so it has been difficult for him to estimate the time, but he is close enough now.
- When they asked about the time he told them about three weeks and he is confident now he can get it completed in that time.

Mr. Kepto who initiated the case brought to the attention of the Board this case began several years ago; however, was just recently cited. When he stated he thought it need to be permitted, Mr. Redd stated he did get a permit. Mr. Kepto stated it would be up to the Board as to whether or not to amend the previous order to allow more time.

MOTION: Vice-Chair Suplicki moved in case DCEB 14-795 to amend the compliance date to December 20, 2017. Second was made by Mr. Carson.

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

Chair Bowman advised Mr. Redd to let the Inspectors know so they can submit the Affidavit of Compliance.

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

Ms. McHale swore in Brian Lewert, owner and Robert Sullivan.

Mr. Kepto reviewed case DCEB 17-376:

- At the meeting of August 1, 2017 this Board ordered compliance by October 16, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on October 20, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

Chair Bowman reiterated the Board would not be hearing the entire case again, only new information.

Mr. Lewert stated:

- The last time they were he recalled they were supposed to have 60 days to come back with information proving what the City said to him.
- He has letters from all his neighbors who were offered the same thing to get the driveways, patios, do what they wanted there was no permit needed.
- The City is saying he did not have a second driveway; he has people from 40 years, 20 years people saying there were 2 driveways.
- He went to the City and Mark Torrence also recalled the whole issue and he e-mailed him twice and went down to speak with him and no one would reply, no one would respond.
- All these people are not lying, they were all offered no need to pull a permit, get the work done while they were there and that is what they all did.

Mr. Kepto clarified:

- He also talked with Mark Torrence and he did tell him the City came in and redid the road and as part of the roadway the City replaced the aprons of the driveways in that area and the residents were told if they wanted to add a driveway it would be up to them to make any arrangements with the concrete company because if the concrete company was there it would obviously be cheaper; they would still need permits.
- When he first spoke with the owner originally he said he found the driveway underneath a layer of dirt.
- When he reviewed the pictures he reminded the owner there is tree in the middle of that driveway which has been removed and now there is a paved area there; the paved area adjacent to his driveway is another driveway that needs a permit. The owner has had 60 days to pull a permit for that driveway.

Mr. Lewert stated he had mentioned the driveways coming in at angles and there was a tree in the center. If he is guilty of anything he removed the tree when he purchased the house because it was going to fall down; that is the only thing he did. He commented if the City wanted him to pay for a permit for a tree from 11 years ago, he would be more than happy to pay for it.

When Chair Bowman asked why he did not just apply for a permit for another driveway, Mr. Lewert stated there was always 2 driveways there. It was about 5 years ago when the City came to them, then years later they come back and say they need permits.

Mr. Sullivan stated the truck was there with the concrete and they had it done and asked wouldn't they need the permit before they did it.

Mr. Lewert stated the truck was there and to think about it, he did not just decide one morning he was going to pave his whole front yard, the City came to them and to their neighbors and that is why they all did it.

When Vice-Chair Suplicki inquired if anyone other than Mark Torrence has there been any dialogue in the Zoning department, Mr. Kepto stated he was not aware of that; however, since this case is being reheard he reminded the Board at the last meeting he did present a copy of a survey which only showed that as a 9-foot wide concrete driveway and that has now been doubled.

Vice-Chair Suplicki commented then there is nothing official from the Zoning Department they are going to produce that says that a permit was not necessary in this situation as it is with any other driveway someone might want to do in the City. Mr. Kepto stated as far as he knows if you put in a driveway you need a permit.

When Vice-Chair Suplicki asked if he had met with anyone in the Zoning Department, Mr. Lewert stated he just spoke with people in Engineering because those were the people they were dealing with and that was Mark Torrence. Vice-Chair Suplicki noted Mr. Torrence works in the field and asked if they had spoken to someone in the office the Director or someone and noted the Board is not going to rehear the case, but in order to corroborate not having a permit is required then Mr. Kepto would need a letter that in this case there were other circumstances or whatever and no permit was necessary and without that he would say a permit is needed and it would be in violation until that is taken care of.

Vice-Chair Suplicki verified in the last 60 days there was no application for a permit.

Mr. Lewert stated the last time he was here he was supposed to get further information and bring it back and he thinks it even says in the minutes about to set a compliance date and let Mr. Lewert get with the City and talk with them and get this straightened out. He did send e-mails to them.

Chair Bowman commented the issue is if he had something hanging over his head he would go sit at the City until he met with someone high enough up to give him an answer.

Mr. Lewert stated he had been down there three times and commented regarding the secretary and another man maybe his name was Craig. The person he called was Greg Rice and he sent an e-mail and tried to schedule appointments and could not and he sent a letter. When he could get no response he went to all his neighbors asking are you aware.

Chair Bowman commented the neighbors are not really of any help, the problem is with the City.

Mr. Lewert commented about his situation not having the time to just sit at the City with elderly parents and a grandparent in another state where he has been flying back and forth. He is not lying, there was always two driveways there and he has documentation to prove it and he is telling the Board what the City people told them to get as much work as they wanted done while the cement truck was there; it was all done the same day when they were doing the roads.

Vice-Chair Suplicki asked if it would pose a problem from the City's perspective if the Board amended the compliance date one more time with the caveat the respondent needs to talk to the appropriate person in the City, he would presume Jorge Quintas the head of Engineering and that Mr. Lewert would need a letter saying in this case a permit is not necessary or a permit; those are the only two things. He noted there has been no movement on this situation while there might have been some back and forth on things, but from the Code Enforcement perspective one of those two things are required to make the violation go away.

Mr. Kepto stated he would not have problem with it; however, he thought as Vice-Chair Suplicki has said there has been no movement and now they will be given more time to allow movement.

Vice-Chair Suplicki commented the only other solution is to let the fine begin accumulating and once a permit is issued or a letter or there is some resolution then Mr. Lewert can come back and request a fine reduction which more often than not is how things are done.

Vice-Chair Suplicki commented the case is not being reheard; it is past the compliance date that was set regardless of the violation so the fine would begin accumulating. He is looking at the possibilities and stated his understanding from Mr. Kepto that since this has been going on for so long it would not be good to amend the compliance date.

Mr. Kepto stated he would agree with the fact that the Board would accept the Affidavit of Non-Compliance and in the future if it is brought into compliance the respondent would have the opportunity to ask for a reduction in the lien as is the normal process in these cases.

MOTION: Mr. Carson moved in case DCEB 17-376 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

Chair Bowman recommended Mr. Lewert get into the City as soon as he can and get this taken care of one way or the other and as soon as it is then he can write a letter and submit it within 30 days of the compliance date and request a fine reduction.

3. **DCEB 17-546 City vs. NEWLANDS ASSET HOLDING TRUST
US BANK TRUST NATL ASSN TRE**

960 Lakewood Dr

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES: FENCE

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

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-546:

- At the meeting of September 5, 2017 this Board ordered compliance by October 6, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 17, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Ms. Graham moved in case DCEB 17-546 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

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

149 Sky Loch Drive 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 304.13.1WINDOWS-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:

- At the meeting of October 3, 2017 this Board ordered compliance by October 22, 2017 or a fine of \$ 250.00 per day would be imposed.
- As of inspection on October 23, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

Ms. Dutton verified with Mr. Kepto this is a vacant property.

When Chair Bowman inquired if there had been any response, Mr. Kepto advised there had been no response and this is at Skye Loch Villas where they are attached units, so the damage to the roof could extend to other units.

MOTION: Ms. Dutton moved in case DCEB 17- 617 to accept the Affidavit of Non-Compliance. Second was made by Vice-Chair Suplicki.

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

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 advised in case DCEB 17-619 the Board accepted the Affidavit of Compliance at the beginning of this meeting. The compliance date was November 3, 2017. Chair Bowman did not recall reading the case in the Affidavits of Compliance.

MOTION: Vice Chair Suplicki moved in Case DCEB 17-619 to accept the Affidavit of Compliance. Second was made by Ms. Dutton.

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

6. **DCEB 17-627 City vs. DONALD E / SANDRA M OWENS**
1441 Georgia Avenue
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS
Violation of the Land Development Code Section 105-27.1.1(h)1 PARKING-FRONT YARD
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 17-627:

- At the meeting of September 5, 2017 this Board ordered compliance by October 20, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection on October 21, 2017 the violations remain.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Mr. Carson moved in case DCEB 17-627 to accept the Affidavit of Non-Compliance. Second was made by Vice-Chair Suplicki.

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

7. **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:

- At the meeting of October 3, 2017 this Board ordered compliance by October 22, 2017 or a fine of \$100.00 per day would be imposed.
- As of inspection on October 23, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-662 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

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:

- At the meeting of October 3, 2017 this Board ordered compliance by October 22, 2017 or a fine of \$250.00 per day would be imposed.
- As of inspection of the property records today November 7, 2017 the violation remains.
- An Affidavit of Non-Compliance is being submitted for consideration.
- This was a house that had major gutting and work done; they did apply for a permit that was approved and ready; however, has not been picked up which would bring them into compliance.

MOTION: Ms. Graham moved in case DCEB 17-712 to accept the Affidavit of Non-Compliance. Second was made by Ms. Dutton.

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

NEW BUSINESS

1. **DCEB 16-824 City vs. ROGER UPPERTON**
1500 Michigan Blvd
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 16-824:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 15, 2016 and a notice of violation was sent to the owner with a requested compliance date of October 2, 2016.
- The violation includes the overgrowth of grass and weeds exceeding 10 inches in height.

- The property owner was in attendance earlier; he lives in the U.K. and visits the city, but the property is vacant most of the time. They had a conversation about maintaining the property and cutting the grass and he indicated he has had some issues with his lawn service company and now has a new company and understands the need to maintain it on a regular basis.

Mr. Colbert submitted into evidence photographs taken on September 15, 2016 and September 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.

MOTION: Mr. Carson moved to find case DCEB 16-824 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of October 2, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

2. **DCEB 16-933 City vs. NUA / VALENTINA NICAJ**
421 Milwaukee Ave

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

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 16-933:

- The violation exists on a single family residential property that is currently occupied by the
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 20, 2016 and a notice of violation was sent to the owner with a requested compliance date of November 6, 2016.
- This case is the result of a citizen complaint.
- The violation includes grass or weeds exceeding 10 inches in height.

Mr. Kepto submitted into evidence photographs taken on October 5, 2017 and October 12, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 16-933 was in violation of the International Property Maintenance Code Section 302.4 after the requested compliance date of November 6, 2016 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

3. **DCEB 17-234 City vs. DANA A / KAREN A CAMPBELL**
2120 Harbor View Dr
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Karen Campbell.

Mr. Colbert reviewed case DCEB 17-234:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on March 23, 2017 and a notice of violation was sent to the owner with a requested compliance date of April 14, 2017.
- The violation includes a building permit required for the installation of the driveway.

Mr. Colbert submitted into evidence photographs taken on March 23, 2017, April 5, 2017 and October 11, 2017 and two letters dated April 28, 2017 and March 31, 2017. He recommends a compliance date of November 12, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

Ms. Campbell asked why the letters and so forth are just being presented to her and not in advance; she stated:

- She sent Mr. Colbert a picture showing the generator sitting on the gravel; they had a sea wall put in the back which was permitted and inspected and that was their equipment and the grass was all torn up so they put the gravel down.
- They plan on putting a pool in and a second story on the house so they did not want to bother putting a driveway in at this time.
- She spoke with Mr. Colbert who told her there was nothing against putting gravel in the entire front yard as long as she did not park there.
- Her teenage son after the inspectors came to the house brought a boat home and the garbage people have trouble getting around and sent a letter. Her son moved the boat while Mr. Colbert was there when the next day when both Inspectors came back the boat was not there and she has not had anything since there. That was the first time since these pictures were taken anything was there and she does not plan on using it as a driveway right now.
- She put a palm tree there and sod at the street and sent a picture to Mr. Colbert on Friday along with a picture of the building permit for the window and the inspection.
- As far as she is concerned the issue is taken care of; it is not a driveway, there is a palm tree there now and it will not be parked on.
- She had the feeling in reading the past minutes that the reason she was brought here was to put in the minutes she would get fined in the future if they ever see a car parked anywhere.
- When she drove here today she saw wave runners in the driveways, trailers on the side, three cars in the grass in her neighborhood, so she questioned how she got selected, was it all the anonymous letters.

Chair Bowman on the last comment explained that is something this Board does not deal with, she would have to talk to the Inspectors about that outside this hearing. The Board is only looking at what she is cited for at this time.

Mr. Colbert explained after citing the property owner they had a discussion and she was not aware she needed a permit and he explained it could not be used as a driveway and she could not park there, so she said she would not park there. The respondent in the next case will explain his reason for being at the property.

(At this point, a gentleman spoke from the audience and was asked to leave by the PCSO Deputy.)

Vice-Chair Suplicki clarified with Mr. Colbert on case DCEB 17-234 the building permit required was for a driveway.

Ms. Campbell stated eventually they will put a driveway in, but they want to put in the pool and second story, so the contractor does not want to put in pavers for a driveway and then tear them all up. She put a palm tree and sod so her son cannot pull his car up there again.

Chair Bowman determined with Mr. Colbert what Ms. Campbell has done is satisfactory.

When Vice-Chair Suplicki clarified the circumstances of the case in which the respondent has stated at this time there is no driveway, Mr. Colbert stated his understanding of the testimony by Ms. Campbell is the area will not be used as a driveway, so she will not need a permit; however, she cannot park in the front yard which is also the area made into a driveway initially.

In response to the question from Vice-Chair Suplicki, City Attorney Trask the options for the Board are:

- To find the case in violation because it was in violation at the time submitted and it is found in compliance today, so it would be for the purpose of repeat violation in the future.
- To find the case not in violation.
- If the City wanted remove it from the agenda, which he has not heard.
- He would say the first two options are the Board's.

Vice-Chair Suplicki clarified that the recurring part would be if it is used as a driveway, then the need for a permit would apply.

MOTION: Mr. Carson moved to find case DCEB 17-234 the respondent was not in violation of the Florida Building Code Section 105.1. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman commented the Board was basically taking her word for that Ms. Campbell was not going to park there again.

4. DCEB 17-771 City vs. DANA A / KAREN A CAMPBELL

2120 Harbor View Dr

Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

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

Karen Campbell was previously sworn in.

Mr. Colbert reviewed case DCEB 17-771:

- The violations exist on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 11, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 20, 2017.
- The violations include a building permit required for the installation/change out of the window located at the front of the structure, this work must be performed by a licensed contractor; the open parking or storage of boats as prohibited in a residential area and the open parking or storage of any vehicles in the front yard area as prohibited in a residential area unless parked on an approved or permitted and properly maintained surface.
- He received a call at the office from a gentleman who said he was a licensed contractor and there was window being put in the front of a residence without a permit by an unlicensed contractor. He suggested the gentleman contact the Sheriff's Office newly formed contracting licensing unit which he said he did. Based on the information received he went to the property and made contact with the two gentlemen installing the window and there was no permit, but he did not get a specific answer to the question about being a licensed contractor. Since that time a permit has been he believed issued for this activity and the case referred to the Sheriff's Office.

Mr. Colbert submitted into evidence photographs taken on October 11, 12 and 13, 2017 and copies of letters dated March 31, 2017 and April 28, 2017 and a copy of an e-mail received.

Chair Bowman verified with Mr. Colbert Florida Building Code Section 105.1 is in compliance and that any future violations would be repeat violations and the other two violations were not in compliance by the compliance date and are now in compliance.

Ms. Campbell referred to the picture of the window that was permitted and stated she thought the contractor had obtained the permit. Regarding the parking she planted the palm tree so no one could park there and the boat is not coming back. She reiterated she did not know how she got singled out for this when she drives through her subdivision there is a wave runner and boat in the driveway.

Ms. Campbell stated the boat was moved to the street when Mr. Colbert was there and the next day when both Inspectors came back the boat was not there.

Mr. Colbert stated the boat was there on October 11, 2017 when the window was being installed and the compliance date was October 20, 2017, it is correct the boat was gone prior to the compliance date.

City Attorney Trask clarified the testimony is that Mr. Colbert was at the property on the 11th and that was the only time he was there when the boat was there, so it was not in violation as of the 20th so this would be like the previous motion that everything is in compliance now and there are no violations.

MOTION: Vice-Chair Suplicki moved to find in case DCEB 17-771 that the property is currently in compliance of the Florida Building Code Section 105.1 and the Land Development Code Section and Section 105-27.1.1(f) and Section 105-27.1.1(h)1. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

5. **DCEB 17-355 City vs. FATIMA YONAN**
445 Lyndhurst Street
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Ms. McHale swore in Holley Gordon, tenant/manager.

Mr. Kepto reviewed case DCEB 17-355:

- The violation exists on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of June 20, 2017.
- This case is the result of a citizen complaint.
- The violation includes a building permit required for the installation or construction of the new wood fence.

Mr. Kepto submitted into evidence photographs taken on May 3, 2017. He recommends a compliance date of November 17, 2017 or a fine of \$200.00 per day thereafter for non-compliance.

Ms. Gordon stated:

- She moved from North Florida to get away from a man who she helped put in prison and he was being released. She has complex post-traumatic stress disorder and other traumatic disorders. She moved to Dunedin to try to find a safe haven. When she found this house the person who would be her landlord she told him the most important thing.
- She referred to the photographs and explained there was an empty lot that was being used for parking for the Blue Jays games and it was an eyesore, so she had explained she was hyper-vigilant because of her trauma and being held hostage and she needed safety and wanted a fence put up and also for her service dog and the landlord said fine and said he was getting his realtor license so she thought he knew about things. She signed the lease and the fence was part of the lease and she was going to be the contractor, she did not know anything about a permit and she got all the estimates and materials in the yard and go Monarch Fencing a licensed contractor, but later she found out not in Pinellas County.

Chair Bowman verified with Ms. Gordon that she does not own the house, but she had permission by the owner to speak

City Attorney Trask inquired if Ms. Gordon had something in writing and she provided a letter dated June 15, 2017 which said: *To Whom it may concern please be advised I am allowing Holly Gordon to apply for permit fence at 445 Lyndhurst Street, Dunedin, Thanks, Fatima Yonan* and it looks like some form of driver's license at the bottom, so she can be the agent.

Ms. Gordon stated she applied for the permit she believed on June 21st, but she did not have the permit yet because she is out of compliance because the fence is only supposed to be 4 feet tall, but her dog can jump over a 4-foot fence and that does not give her a sense of safety.

When Chair Bowman asked if she had spoken to anyone in the City about it and she stated she spoke with Mark and Chair Bowman explained this Board could not do anything about that.

Ms. Gordon stated she did not know what else she had to do and she talked to Dave Schultz in Engineering at one point and he seemed to be understanding of her situation, but then after that point she guessed a neighbor called and asked why they could not have a 6-foot fence, so he could not give her any variance.

Ms. Gordon continued explaining her situation having been in the hospital and her landlord being in a mental institution for three months, so all these weird things happened in the middle of trying to resolve this and she realized she needed a temporary power of attorney from the owner in order to get the permits, but she was not in contact with the owner, only the landlord and he was in the hospital and she was in bind, so she applied for the permit and then the fence was up and she found out it was supposed to be only 4 feet. She can cut it down to 4 feet and her dog can jump over it and she can't continue to live there with her back yard that is on a corner lot and people can see right over the fence.

Mr. Kepto explained the property owner is not very cooperative and the City has been running liens on this property for a number of years for permit issues involving the switch out of windows. He did speak with the tenant on the phone and his suggestion was to meet with someone in Zoning and instead of putting the fence all the way out to the property line where it is now 6 feet maybe it could be moved to other areas of the lot and keep it at 6 feet but not extended all the way out to the end of the property line. As it is now 6 feet out to the property line is not allowed by City Ordinance. If the Board would like to give more time for her to talk with Zoning about a different location of the fence she might be able to keep it, but not in the current location.

Ms. Gordon stated she left the fence out of the easement and asked if she left enough and Mr. Kepto stated she would have to bring in a survey and they would determine that in Zoning. Ms. Gordon stated she has a survey and she was not trying to take up the whole lot, but she looked at everyone else's and she tried to bring it in. She noted the fence is put in with concrete.

Mr. Kepto advised he had no issue with extending the compliance date and the reason for the recommended compliance date was because he was told no one was going to touch that fence and it was not going to be removed or cut down. With the holidays he would recommend 60 days.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17- 355 in violation of the Florida Building Code Section 105.1 and that the Respondent shall come into compliance by January 24, 2018 or suffer a fine of \$100.00 per day. Second was made by Ms. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

Chair Bowman explained Ms. Gordon should meet with the Zoning and see what could be done and if she runs into a longer time frame come back to the Board, possibly she could work something out to bring the fence back to where it is allowable.

6. **DCEB 17-356 City vs. WILLIAM J HOPKINS**
429 Locklie Street
Violation of the Land Development Code Section 105-27.1.1.(f) BOATS, RV'S, TRAILERS
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 17-356:

- The violations exist on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on May 8, 2017 and a notice of violation was sent to the owner with a requested compliance date of May 21, 2017.
- The violations include the open parking or storage of any utility trailer as prohibited in a residential area, this utility trailer is allowed to be parked or stored in a side or rear yard area if it is behind a 6-foot solid fence and the open parking or storage of any vehicles in the front yard area as prohibited in a residential area unless parked on an approved or permitted and properly maintained surface; grass, mulch or leaves are not approved or permitted surfaces.
- His inspection yesterday found the property to be in compliance and the owner was present prior to this meeting and it was explained the case would show as in compliance now and any future violation would be considered a repeat violation. The trailer is now being stored behind a 6-foot wood fence and the owner fully understands.

Mr. Kepto submitted into evidence photographs taken on August 25, 2017 and October 12, 2017.

MOTION: Mr. Carson moved to find case DCEB 17-356 was in violation of the Land Development Code Section 105-27.1.1.(f) and Code Section 105-27.1.1(h)1 after the requested compliance date of May 21, 2017 on the Notice of Violation; however, is now in compliance. Any future violation will be considered a repeat violation and subject to fines of up to \$500.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

7. **DCEB 17-602 City vs. GERALD L / ROSEANN F HALL**
38 Lexington Drive (MK)
Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION
Violation of the International Property Maintenance Code Section 302.3 DRIVEWAY MAINTENANCE

Chair Bowman determined the respondent was not present.

Mr. Kepto advised in case DCEB 17-602:

- The City is requesting to postpone. He explained just prior to this meeting the owner was present and advised she hired someone to remove the illegal driveway. He explained it would take some time for him to get to the property to confirm.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-602 to postpone to the meeting of December 5, 2017. Second was made by Ms. Graham

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

Chair Bowman reviewed the Finding and Order of the Board.

8. **DCEB 17-605 City vs. SCIOTO II LLC**
1912 Summit 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. Colbert reviewed case DCEB 17-605:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on July 3, 2017 and a notice of violation was sent to the owner with a requested compliance date of July 23, 2017.
- The violation includes the open parking or storage of any vehicles in the front yard area or the street side area on a corner lot as prohibited in a residential area. These parking violations could also result in a parking citation in the amount of \$30.00 each time the violation is observed.

Mr. Colbert submitted into evidence photographs taken on July 3, 2017, September 7 & 25, 2017, October 9, 2017 and October 26, 2017. He recommends a compliance date of November 9, 2017 or a fine of \$50.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 17-605 in violation of the Land Development Code Section 105-27.1.1(h)1 and that the Respondent shall come into compliance by November 9, 2017 or suffer a fine of \$50.00 per day. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the Finding and Order of the Board.

9. **DCEB 17-700 City vs. CYNTHIA /BENEDICT SAVAGLIO**
873 James Street
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 17-700:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 14, 2017 and a notice of violation was sent to the owner with a requested compliance date of August 27, 2017.
- The violation includes the open parking or storage of any vehicles in the front yard area including the area between the property line and the street curb as prohibited in a residential area unless parked on an approved or permitted; grass, mulch or leaves are not approved or permitted surfaces.
- Inspection as of November 6, 2017 found the property in compliance.
- The owner was present earlier and he met with her prior to this meeting and he explained this would be presented as not being in compliance after the requested compliance; however, was in compliance at this time and any future violations to be considered repeat violation.

Mr. Kepto submitted into evidence photographs taken on October 6, 2017 and October 12, 2017. He recommends the Board find the respondent was in violation after the requested compliance date; however, is currently in compliance in order for any future violations to be considered repeat violation.

MOTION: Ms. Dutton moved to find case DCEB 17-700 in violation of the Land Development Code Section 105-27.1.1(h)1 after the requested compliance date of August 27, 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, Ms. Graham, Messrs. Carson, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

10. DCEB 17-707 City vs. PETER V DIMILTA JR.

1239 Falcon Drive

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

Violation of the Land Development Code Section 105-31.13.5 DRIVEWAY CONSTRUCTION

Ms. McHale swore in Raymond Lawton, tenant.

Mr. Kepto reviewed case DCEB 17-707:

- The violations exist on a single family residential property that is currently occupied by tenants.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 14, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 17, 2017.
- The violations include the open parking or storage of any vehicles in the front yard area as prohibited in a residential area unless parked on an approved or permitted; grass, mulch or leaves are not approved or permitted surfaces. One parking space approximately 9' X 18' can be added without a permit adjacent to an existing driveway if shell or gravel is used and the material is bordered by landscape timbers or similar. Mulch is no longer an approved parking surface. Also, the current driveway or parking area has deteriorated to basically dirt and to continue parking on this area it must be brought up to current driveway construction codes with a permit.

- He received e-mails from the Mayor which were forwarded to the City Manager and forwarded to him. Basically the owner of the property owns Pete's Towing and his tenant drives a tow truck and it was Pete's Towing that decided to basically put traffic cones up at the beginning of the yard to prevent his tenant from parking on the yard area which would close this case. According to the owner the City Manager told him he could park legally on the street unless it is posted otherwise; when he spoke with the City Manager apparently the property owner failed to mention the parking on the street sometimes with a tow truck which is prohibited; however that is a different violation and for future reference any time that tow truck is parked at the house it is a violation.

Mr. Kepto submitted into evidence photographs taken on August 25, 2017 and October 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. Lawton stated he has crushed concrete in the area and asked what he needed to do not to be in violation, is it to border the crushed concrete.

Mr. Kepto explained the owner needs to obtain a permit from the Building and Engineering Departments to construct a driveway; it is not appropriate to just dump concrete there and call it a driveway as it has to meet standards.

Mr. Lawton stated the concrete has been there for 15 plus years and when the apron was poured the City recognized it as being a driveway.

Mr. Kepto suggested if all the dirt and leaves and mulch were cleaned off maybe the concrete could be seen; however, at this point it has deteriorated to the point the driveway no longer exists and a driveway is needed.

When Mr. Lawton commented then he just needed to blow the leaves off and border it; Mr. Kepto explained he believed the owner of the property, Pete's Towing or Pete told the City Manager that property has never had a driveway. Mr. Lawton reiterated the concrete has been there and the City recognized it when they poured the apron. Mr. Kepto stated a permit is needed for what is there.

Mr. Lawton stated he would not park there anymore, he has a tow truck now and won't park there anymore, he will park in the street with the vehicles and he won't park the tow truck in front of the house anymore. He asked if he parked there during his lunch hour and leave his amber lights and flashers going technically he is an emergency vehicle.

Mr. Kepto stated if he is actively loading or unloading that commercial vehicle that is acceptable, but when he leaves the lights on and parks in the street it is a violation and Mr. Lawton stated he understood and would not park there.

MOTION: Mr. Carson moved to find case DCEB 17-707 was in violation of the Land Development Code Section 105-27.1.1(h)1 and Section 105-31.13.5 after the requested compliance date of September 17, 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, Ms. Graham, Messrs. Carson, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

11. **DCEB 17-715 City vs. WILLIAM F MYERS**
1984 Fairway Circle, W
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS OF
Violation of the International Property Maintenance Code Section 308.1 ACCUMULATION OF RUBBISH/GARBAGE OF

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-715:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on August 16, 2017 and a notice of violation was sent to the owner with a requested compliance date of August 27, 2017.
- The violations include grass or weeds exceeding 10 inches in height and accumulation of dead tree limbs or branches or other dead vegetation as prohibited.
- It appears the owner is deceased and no one is taking care of the property; there was no response to any of the letters sent.

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

MOTION: Ms. Graham moved to find case DCEB 17-715 in violation of the International Property Maintenance Code Section 302.4 and Section 308.1 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. Carson, and Suplicki voting aye. Chair Bowman voting aye. Voting nay, none.

Chair Bowman reviewed the Finding and Order of the Board.

12. **DCEB 17-730 City vs. DANNY CHAMBERLAIN**
1712 Amberlea Dr S
Violation of the International Property Maintenance Code Section 302.4 OVERGROWTH OF WEEDS/GRASS

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-730:

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

- The property was inspected on August 23, 2017 and a notice of violation was sent to the owner with a requested compliance date of September 4, 2017.
- The violation includes grass or weeds exceeding 10 inches in height.
- This property owner is currently in foreclosure and there has been no response to the letters sent or posted on the door. Since this case began Hurricane Irma came through and there are a number of other issues including fallen trees not a part of this case today.

Mr. Kepto submitted into evidence photographs taken on October 23, 2017. He recommends a compliance date of November 12, 2017 or a fine of \$250.00 per day thereafter for non-compliance.

MOTION: Ms. Dutton moved to find case DCEB 17-730 in violation of the International Property Maintenance Code 302.4 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 Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

13. DCEB 17-745 City vs. AEGIS CAPITAL MARKET INC.

1634 Dale Circle, N

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

Violation of the International Property Maintenance Code Section 302.7 ACCESSORY STRUCTURES

Chair Bowman determined the respondent was not present.

Mr. Kepto reviewed case DCEB 17-745:

- The violations exist on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on September 18, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 1, 2017.
- This case is the result of numerous citizen complaints from the adjacent neighborhood.
- The violations include grass or weeds exceeding 10 inches in height and the wood fence is in a state of disrepair or is dilapidated and some of the support posts or slats are rotten or missing.
- The owner or representative called and indicated don't own the property and he reminded him all the property records including the deed shows them as the owner of the property; however, they claim there is a lawsuit between the previous owner and the mortgage company. Apparently the owner of the property knew he was in trouble with going through foreclosure and sold the house to this "investment company" and they moved someone into the house, collected rent and now the house is vacant and they are claiming they do not own it even though their name is on all the public documents. He advised the person he was not concerned with any court proceedings and that any liens placed on the property would be on the owner of record which is Aegis Capital Market, Inc.

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

When Chair Bowman asked City Attorney Trask for any comments he stated he had nothing to add and noted if they are the property owners it is before the Board properly.

Mr. Kepto stated he advised the person this would be a court issue, but he would proceed with the Code Enforcement Board and suggested if they wanted to avoid any court issues to simply mow the grass and fix the fence since it is still under their name.

MOTION: Mr. Carson moved to find case DCEB 17-745 in violation of the International Property Maintenance Code Section 302.4 and Section 302.7 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. Graham.

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

Chair Bowman reviewed the Finding and Order of the Board.

14. DCEB 17-751 City vs. LUCILLE LYNCH TRUST
210 Bunker Hill Lane
Violation of the Land Development Code Section 105-27.1.1(f) BOATS, RVS., TRAILERS

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-751:

- The violation exists on a single family residential property that is currently vacant.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 2, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 15, 2017.
- The violation includes the open parking or storage of utility trailers as prohibited in a residential area.
- He spoke with the property owner yesterday who lives in California who indicated the trailer was being removed yesterday; therefore, he will check on it, but was assured it would be gone by the compliance date.

Mr. Colbert submitted into evidence photographs taken on October 2, 2017 and October 23, 2017. He recommends a compliance date of November 9, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 17-751 in violation of the Land Development Code Section 105-27.1.1(f) and that the Respondent shall come into compliance by November 9, 2017 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

15. **DCEB 17-754 City vs. RICHARD PATRICK / KRISTIN LEIGH CONNOLLY**
1810 Pinehurst Road
Violation of the Florida Building Code Section 105.1 BUILDING PERMIT REQUIRED

Chair Bowman determined the respondent was not present.

Mr. Colbert reviewed case DCEB 17-754:

- The violation exists on a single family residential property that is currently occupied by the owner.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 5, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 22, 2017.
- The violation includes a building permit required for the installation of the driveway and all work should cease until the permit is issued.

Mr. Colbert submitted into evidence photographs taken on October 6, 9, and 10, 2017. He recommends a compliance date of November 14, 2017 or a fine of \$-100.00 per day thereafter for non-compliance.

When Ms. Dutton commented she assumed the big truck in the photograph was temporary, Mr. Colbert explained the big construction truck is what caught his attention and then research indicated the driveway was being installed prior to obtaining a permit.

Mr. Colbert stated he received a call today indicating the permit has been applied for; however, he has not had the opportunity to verify; he explained what would happen today regarding the compliance date and so forth.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17- 754 in violation of the Florida Building Code Section 105.1 and that the Respondents shall come into compliance by November 14, 2017 or suffer a fine of \$100.00 per day. Second was made by Mr. Carson.

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

Chair Bowman reviewed the Finding and Order of the Board.

16. **DCEB 17-773 City vs. MARK G MONTGOMERY**
1019 Martin Luther King Jr Ave
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 17-773:

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

- The property was inspected on September 14, 2017 and a notice of violation was sent to the owner with a requested compliance date of October 20, 2017.
- The violation includes the open parking or storage of inoperative vehicles to include, but not limited to vehicles that have flat tires and do not display a current license tag as prohibited.
- These vehicles might look familiar because the Board heard this case on September 5, 2017 at 456 Skinner Boulevard and the vehicles shortly after that were relocated across the street.

Mr. Colbert submitted into evidence photographs taken on September 14, 2017 and October 23, 2017. He recommends a compliance date of November 7, 2017 or a fine of \$100.00 per day thereafter for non-compliance.

MOTION: Ms. Graham moved to find case DCEB 17-773 in violation of the International Property Maintenance Code 302.8 and that the Respondent shall come into compliance by November 7, 2017 or suffer a fine of \$100.00 per day. Second was made by Vice-Chair Suplicki.

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

Chair Bowman reviewed the Finding and Order of the Board.

17. DCEB 17-780 City vs. GAIL K PARKS
80 Oakwood Dr REPEAT OFFENSE
Violation of the Land Development Code Section 105-27.1.1.1(f) BOATS, RVS., TRAILERS

Ms. McHale swore in Gail Parks of 2424 Merrivale Court, New Port Richey, FL 34655.

Mr. Kepto reviewed case DCEB 17-780:

- The violation exists on a single family residential property that is currently occupied by the owner's son.
- Ownership was confirmed by the County Tax Rolls and Pinellas County Property Appraisers' Office.
- The property was inspected on October 2, 2017, October 17, 2017 and October 18, 2017 and observed the repeat violation and a notice of repeat violation was sent to the owner.
- The repeat violation includes the open parking or storage of any utility trailer in a residential area as prohibited. This same violation was presented to the Code Enforcement Board on May 2, 2017 on case DCEB 16-508; the Board found the violation did occur and any future violation would be a repeat violation.

Mr. Kepto submitted into evidence photographs taken on October 2, 2017, October 17, 2017 and October 18, 2017. He recommends the Board find a repeat violation did occur and a fine of \$500.00 per day for each of the three days of the repeat violation occurring.

Ms. Parks stated:

- She is not sure what to do about this and tried to speak with Mr. Kepto prior to the meeting but they ran out of time.
- They put in the fence and did everything that was asked. She referenced the first picture which appears to show him getting ready to pull out to go to work. He question is when the Inspectors come by they do not talk to anyone, they take a picture and go away.

- She has 16 year old granddaughter who is on hospital/homebound status with the Pinellas County School Board because of severe anxiety and migraines so she is home every day and she and her daughter-in-law work for the school system so her son will frequently stop by to check and make sure everything is okay. She is very concerned about how this works and asked if her son is expected to pull the trailer all the way in behind the fence for a 15 or 20 minute visit.
- The other picture is totally different and looks like the fence was open so he was probably getting something out of the back yard, a mower or something, she did not know.
- Her concern is it is not typically left out all the time, he may have pulled out, the Inspectors don't wait to see if it is sitting for a long period of time, they take a picture and drive off.

Chair Bowman explained the utility trailer is not supposed to be there even for one minute.

Ms. Parks stated there are other things not relevant to this situation; however, they are and it is to the point it appears to be some harassment going on, they are driving by looking for it to be there and they want him to be in violation. He is 36 years old and works 3 jobs to support his family and he is in and out; now they are addressing him at other addresses around the city.

When Chair Bowman noted the trailer in the instance obviously was not a pull in/pull out, that is not supposed to be there, Ms. Parks stated by looking at the date her guess would be it was brought in the night before and they were working 12 to 14 hour days following the hurricane doing tree removal from properties in Pinellas County, so it was probably going the next day to dump.

Ms. Parks stated her son does not want this stress on her so he is working hard to make sure the trailer always pulled in and behind the gate during non-working hours; he can't park it in the street because that is a violation or the driveway because that is a violation, so if it is in between moments when he is in and out he is automatically in violation no matter what. She is very concerned about it. At night he pulls it in.

Chair Bowman noted the original violation was because of the trailer being in the yard and that is where it got to be a repeat violation because there were obviously several times, that is how it would have gotten to a repeat status. After it goes to a repeat violation you can't do it anymore; he understands if he is pulling out, but it cannot sit out, it has to go behind the fence. When Chair Bowman commented these are complaints from neighbors, Ms. Parks stated they are not and that she called and asked for the public record of who made the complaint and was told John, but there is no one on the street named John.

Ms. Parks questioned like the other case how it is decided who to cite and who not to cite and noted the man at the end of the street has two boats.

Chair Bowman noted sometimes people get cited for something and then they drive around reporting as many people as possible, lots of people call these things in.

In response to Ms. Parks' concern for being fined \$1,500, Chair Bowman explained that was the recommendation, it can be up to \$500 per occurrence or it could be a lot less, but the issue is he can't do it. Ms. Parks stated she told him that.

When Chair Bowman suggested finding somewhere else to keep the trailer, Ms. Parks reiterated he is working three jobs barely making ends meet and could not pay to store the trailer. Chair Bowman stated then keep it behind the fence.

Ms. Parks stated she paid to put in the extra driveway as she was told and she paid to put in a fence so now he puts it behind the fence. It seems that the Inspectors are going past this house two and three times a week just looking for it. Chair Bowman stated he could guarantee they are not because they are fielding a hundred phone calls a week.

Vice-Chair Suplicki commented even if in the first picture he could be in transition of going in and out, the second two that has been there for a while and is not hooked up to a vehicle and if it was on the other side of the fence it would have been fine.

Ms. Parks asked if they drive down her street and see other people in violation and they only address hers is that not harassment. Chair Bowman commented if they see other people in violation normally they will stop.

Vice-Chair Suplicki stated most of the Board Members have been doing this long enough to know that it could be anyone living anywhere in the city, they will drive around and call the Inspectors all the time.

Ms. Parks commented regarding the parking on the grass, the last time they parked in front their house the people across the street backed into her brand new vehicle and if she visits her children she is parking on the front lawn if there are no spots in the driveway so she does not get hit by people who have no insurance.

Vice-Chair Suplicki commented she could pull a permit to widen the driveway and Ms. Parks stated it is already too wide. Vice-Chair Suplicki stated that is a zoning question and he did not know.

Ms. Parks commented it is very frustrating when you are trying to do the right thing, she bought the house out of foreclosure to make it a nice place and her son takes very good care of the property and they can never say the yard or lawn does not look good. It is a real struggle at this point, she understands the Board will do what they have to do, but so will she.

Chair Bowman commented as a citizen she could try to have the ordinances changed and when he asked how she could do that, City Attorney Trask stated his suggestion would be to contact the Planning and Zoning Department and there is a process for text amendments to the Code, there is a filing fee and so forth, but that would be a starting point.

Chair Bowman reiterated she has the fence up and the trailer can be kept behind it and to just not leave it out and that two of the three photographs are of the trailer sitting there. He explained a repeat violation is for 5 years on that property for that violation, not for a different violation.

Ms. Parks stated she bought the house because it was not in a deed restricted neighborhood. In every other city around there is not this craziness; she lived in much higher end neighborhood in Clearwater and never had these kinds of problems. She had no clue there were these ordinances and when she called she was told that this was not Largo or Pinellas Park and there were higher standards.

Chair Bowman commented the codes are there because obviously a lot of people were concerned about it and the Board cannot change it, the repeat violation is 5 years.

When Mr. Carson asked whatever the Board action today, if it happens again is that called a repeat violation again, City Attorney Trask explained yes any time within the next 5 years.

When Ms. Graham asked if there was a neighbor's driveway where Ms. Parks could park her car when visiting, Ms. Parks stated she parks on the grass at her house. Mr. Kepto noted this case is only about the utility trailer and it was noted she has not been cited for that.

MOTION: Mr. Carson moved to find case DCEB 17-780 was in repeat violation of the Land Development Code Section 105-27.1.1.1(f) on October 2, 2017, October 17, 2017 and October 18, 2017 and that the Respondent shall suffer a fine of \$150.00 per day for three days documented for a total of \$450.00. Second was made by Ms. Graham

Vice-Chair Suplicki noted the first picture showing the trailer attached to a vehicle and based on the testimony that it could be moving in or out; it is obvious the second two pictures the trailer had been there for a while. He suggested two of the three days and/or a lower fine amount and it seems the point is made that it is automatic now if the trailer is sitting out there for one day or two days the respondent will be back over the 5 years. He noted the Board is seeking compliance more than anything.

Mr. Carson withdrew his motion.

MOTION: Vice-Chair Suplicki moved to find case DCEB 17-780 *based on testimony, evidence and facts presented* was in repeat violation of the Land Development Code Section 105-27.1.1.1(f) on October 17, 2017 and October 18, 2017 and that the Respondent shall suffer a fine of \$75.00 per day for the two days documented for a total of \$150.00. Second was made by Ms. Graham.

VOTE: Motion carried with Ms. Dutton, Ms. Graham, Messrs. Mr. Suplicki voting aye. Chair Bowman voting aye. Voting nay, Mr. Carson.

Chair Bowman reviewed the Finding and Order of the Board.

Ms. Parks was advised she could pay the fine at the Building Department or mail a check to the City of Dunedin to 737 Loudon Avenue.

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 otherwise there would be no testimony.

- 1. Request for Fine Reconsideration**
DCEB 11-30 City vs. JOANNA URSULA D'ORDINE
630 Richmond Street Current Owner: Joanna Ursula D'Ordine
Fines Due as of 11/7/17: \$18,338.13

Chair Bowman determined the respondent was present.

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

When Chair Bowman noted the request was submitted 4 years after the date of the Affidavit of Compliance, Mr. Kepto acknowledged that was correct and stated he believed the owner discovered it in the process of refinancing.

When Vice-Chair Suplicki asked if the Board by its rules is able to consider this request since it is outside the 30 days, City Attorney Trask advised Rule 5. Section 4 says after fine has been imposed by the Board and within 30 days after the violation is brought into compliance the violator may petition for reconsideration of fine and noted this request is not within a 30 day period of time.

Vice-Chair Suplicki commented the Board has had to pass on some requests at 60 days and he does not know how the Board could consider this request.

MOTION: Vice-Chair Suplicki moved in case DCEB 11-30 to deny the request for fine reduction. Second was made by Mr. Carson.

Vice-Chair Suplicki explained based on the rules of the Board they could not consider anything further on a fine reduction for this case.

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

Chair Bowman reviewed the finding of the Board based on the rules of Board they cannot hear a request if it has been in compliance for over 30 days.

The respondent made comments from the audience there were inaudible. She then asked who she could contact and she was provided City Attorney Trask's card with his information and Chair Bowman suggested she contact him and find out the process and what could happen.

Mr. Kepto stated he believed when City Attorney Trask's office was notified, he was not aware this property was in compliance and has been for a number of years and as normal he would refer the call back to Code Enforcement.

City Attorney Trask told the respondent if she would call his office tomorrow he would speak with her and explain what can be done.

2. **Request for Fine Reconsideration**
DCEB 16-900 City vs. CHARLES R GREENWOOD
910 Cedarwood Avenue Current Owner: Blessed Homes LLC
Fines Due as of 11/7/17: \$30,026.38

Chair Bowman determined the respondent was present.

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

At the request of Vice-Chair Suplicki Ms. McHale swore in Randall Lawrence with Blessed Homes of 12945 Seminole Boulevard, Bldg 1 Ste 3, Largo, FL 33778

Vice-Chair Suplicki verified with Mr. Lawrence he was purchasing this home to fix up and sell as an investment.

Vice-Chair Suplicki commented based on the photographs the property is in very bad shape and he asked if there was a cost analysis of all the things this property would need and Mr. Lawrence stated yes.

Vice-Chair Suplicki stated what he ran the cost estimate for and then added the Code Enforcement Board Lien, based on what was provided to the Board from the Property Appraiser website, this was not a good business decisions and he had a problem understanding the hardship. He explained the Board has to consider hardship based on the rules of the Board. He asked if Mr. Lawrence added those things together at that time and Mr. Lawrence stated estimates given the condition it was in came in higher than anticipated, but also the thought process is to be able to settle with the Board as well because of the nature of what took place with the mentally disabled Vietnam Veteran who disregarded it and the accumulation of fines and the ability to seek to bring the property to immediate compliance and then also to be up to the quality standard of the housing in the area.

When Vice-Chair Suplicki asked if he did not run a complete estimate on what it would cost prior to purchasing, Mr. Lawrence stated in these types of instances it is not necessarily the same as where a person is purchasing and they have a ten-day period and home inspection and given the pictures and all the hoarding going on one cannot necessarily see everything and make the best evaluation possible given what is seen. He stated it is a risk element, but their goal is to improve the property in the neighborhood and that is what he has done as he has with another property in Dunedin.

When Vice-Chair Suplicki asked if he bought the house hoping to get an offset on the fine that was accruing, Mr. Lawrence commented it was a combination of their estimate not being entirely correct because the inability to evaluate everything and also working with multiple municipalities throughout the Greater Tampa Bay Area typically there is the desire to have a quality property and willness to work together, because they are not trying to take advantage of the municipality, but benefit and improve the housing stock for the neighborhood and residents.

When Vice-Chair Suplicki asked if the respondent has been agreeable throughout the dealings with them in terms of getting things done in a timely manner, Mr. Colbert stated yes he has.

When Vice-Chair Suplicki clarified with Mr. Lawrence he was testifying the values provided are what he believes to be pretty much the market value, Mr. Lawrence stated the Property Appraiser has it at \$116,000 and they are at 25% above at \$135,000 – \$139,900, it is not a home run by any stretch of the imagination.

MOTION: Vice-Chair Suplicki moved in case DCEB 16-900 based on the evidence and testimony provided today to reduce the fine to \$10,000 to be paid by November 21, 2017 or the fine reverts to the original amount of \$30,026.38 plus interest. Second was made by Ms. Dutton.

Vice-Chair Suplicki explained his rationale was based on the numbers provided; it could possibly be looked at as a hardship financially because it would not have been a good investment.

Ms. Graham suggested amending the motion to reduce the fine to \$15,000.00. Vice-Chair Suplicki stated he would amend his motion to \$15,000; however, Ms. Dutton did not accept the amendment.

Vice-Chair Suplicki amended the motion to \$12,500.00 and Ms. Dutton accepted that amendment.

MOTION RESTATED: Vice-Chair Suplicki moved in case DCEB 16-900 to reduce the fine to \$12,500 to be paid by November 21, 2017 or the fine reverts to the original amount of \$30,026.38 plus interest. Second was made by Ms. Dutton.

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

Chair Bowman reviewed the decision of the Board.

3. **Request for Fine Reconsideration**
DCEB 17-215 City vs. OFFERPAD LLC
902 Beltrees Street Current Owner: Offerpad LLC
Fines Due as of 11/7/17: \$20,033.70

Chair Bowman determined the respondent was not present.
Time was provided for the Board members to review the written request for fine reduction.

MOTION: Mr. Carson moved in case DCEB 17-215 to deny the request for fine reduction.
Second was made by Ms. Graham.

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

Chair Bowman reviewed the decision of the Board.

4. **Request for Fine Reconsideration**
DCEB 17-264 City vs. CAMACO ENTERPRISES LLC
14 New York Ave Current Owner: Kayle Warren Shoop
Fines Due as of 11/7/17: \$4,797.14

Chair Bowman determined someone was present for this case.

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

Vice-Chair Suplicki verified with Mr. Kepto the current owner is someone different and they sold the house.

MOTION: Mr. Carson moved in case DCEB 17-264 to deny the request for fine reduction.
Second was made by Ms. Graham.

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

Chair Bowman reviewed the decision of the Board.

5. **Request for Fine Reconsideration**
DCEB 17-453 City vs. JOHN ALAN OWENS
2583 Gary Circle Current Owner: John Alan Owens
Fines Due as of 11/7/17: \$1,637.18

Chair Bowman determined the respondent was not present.

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

MOTION: Ms. Dutton moved in case DCEB 17-453 to deny the request for fine reduction. Second was made by Mr. Carson.

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

Chair Bowman reviewed the decision of the Board.

City Attorney Memorandums

City Attorney Trask advised in the following cases requesting authority to begin foreclosure proceedings he has sent demand letters, some received responses and some did not. Once he receives authority to move forward he does a title search to determine whether or not there is any equity in the property and any additional addresses and they will be contacted again prior to actually filing the law suit if there is some additional helpful information.

6. **Memorandum from City Attorney Regarding Foreclosure dated 10/5/2017**
DCEB 16-094 City vs. NICHOLAS GALIATSATOS
1413 Cottonwood Terrace

City Attorney Trask advised:

- There is a \$14,300 as of September 6, 2017 fine continuing to accrue as the property is not in compliance.
- The certified demand letter was signed and the regular mail sent at the same time seemed to have been received as it was not returned.
- There has been no response from the property owner.

MOTION: Ms. Dutton moved in case DCEB 16-094 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Vice-Chair Suplicki.

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

7. **Memorandum from City Attorney Regarding Foreclosure dated 10/18/2017**
DCEB 16-485 City vs. ALBERT H RICHMOND III / DAWN R RICHMOND
515 Oranewood Drive

City Attorney Trask advised:

- There is a fine in the amount of \$42,750.00 that continues to accrue as it has not been brought into compliance just yet.
- A demand letter was sent to the property owners and both the certified and regular mail were sent back not deliverable as addressed and return to sender. It was the correct address so they are not receiving mail at that address.

MOTION: Ms. Graham moved in case DCEB 16-485 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Vice-Chair Suplicki.

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

8. **Memorandum from City Attorney Regarding Foreclosure dated 10/19/2017**
DCEB 15-463 and 16-763 City vs. DEUTSCHE BANK TRUST CO
617 Parsons Terrace

City Attorney Trask advised:

- This is a bank owned property and the fine continues to accrue at \$200.00 per day at about a \$130,000 lien.
- There have been some dealings with this property in an attempt to get compliance and he even reached out to the counsel for the bank. After many attempts to resolve this issue it is not getting anywhere; therefore, he needs some leverage to get the case resolved.

MOTION: Mr. Carson moved in cases DCEB 15-463 and DCEB 16-763 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Dutton.

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

9. **Memorandum from City Attorney Regarding Foreclosure dated 10/25/2017**
DCEB 16-683 and 16-684 City vs. USA FED NATL MTG ASSN
1658 Summit Way

City Attorney Trask advised:

- This is a bank owned property with fines in excess of \$80,000 at this point, two different fines.
- Although the property was brought into compliance and although there have been several attempts to contact the owner his office is receiving no response.
- He began communicating with a title company he found in the line of contact and has been dealing with an attorney there; however, has been unsuccessful in getting any movement on this case. The ability to foreclose will provide some leverage to get this case moving.

MOTION: Ms. Graham moved in cases DCEB 16-683 and DCEB 16-864 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Dutton.

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

10. **Memorandum from City Attorney Regarding Foreclosure dated 10/27/2017**
DCEB 17-17 City vs. LSF9 MASTER PARTICIPATION TR
921 Parkwood Drive

City Attorney Trask advised:

- This is a bank owned property not in compliance with fines in excess of \$42,000.
- Letters have been sent by certified mail and regular mail with no response.

- There was a phone call from a newly assigned management company and he is trying to work through them; however, that has not been successful. He will continue to reach out to the management company in the meantime.

MOTION: Ms. Dutton moved in case DCEB 17-17 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

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

**11. Memorandum from City Attorney Regarding Foreclosure dated 10/27/2017
DCEB 17-215 City vs. OFFERPAD LLC
902 Beltrees Street**

City Attorney Trask advised:

- This case had the fine reduction request and there is an outstanding fine in excess of \$20,000.
- The certified letter was signed and the regular mail has been received; however, there has been no response other than this request for fine reduction.

MOTION: Vice-Chair Suplicki moved in case DCEB 17-215 to authorize the City Attorney to move forward with the foreclosure process. Second was made by Ms. Graham.

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

**12. Memorandum from City Attorney Regarding Foreclosure dated 10/31/2017
DCEB 16-940 City vs. R. BRIAN BOLTON AND W MARTIN RIGGS
507 Vine Avenue**

City Attorney Trask advised:

- There is no equity in the property with approximately \$200,000 in liens and judgments; therefore, he is requesting authority to stop the foreclosure process in order not to spend the City money when there is no chance of receiving any money.
- The lien will continue on the property and if it is sold the City will be paid at that time.

MOTION: Vice-Chair Suplicki moved in case DCEB 16-940 to authorize the City Attorney to stop the foreclosure process. Second was made by Ms. Graham.

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

13. Discussion of January 2018 DCEB Meeting

The Members of the Board decided to request having the Code Enforcement Board meeting on January 9, 2018 or if not possible then on January 18, 2018.

City Attorney Update

City Attorney Trask advised that in the Katherine Speed case Judge Schaeffer has entered an order finding in favor of the City foreclosing on the property at 227 Aberdeen. The judgment was entered and the sale date set for November 21, 2017 and yesterday she filed a notice of appeal with the 2nd District Court of Appeal. This will slow the process down of the sale of the property. He suggested the Board Members be cautious as she has been attempting to talk with City Commissioners; he is not sure she would attempt to talk with the Board Members; however, he suggested if so to say the case is in litigation and if she has any questions or concerns to please contact the City Attorney's office. He does not think there is any physical threat; however, it is awkward when board members are approached in that way.

Board Members Discussion

Ms. Graham asked if anything could be done for the respondent in case DCEB 11-30 in regard to the request for fine reduction that was denied. City Attorney Trask stated he always tries to talk with the respondents and attempts to work out some type of resolution and this respondent sounded as though she really wants to work to that end.

City Staff Discussion

Mr. Kepto commented he was puzzled about when cases come before the Code Enforcement Board for example the utility trailer usually there is a \$250.00 per day fine on that violation, but when it comes back for a repeat which calls for a stiffer lien it was bumped down much lower after they have had the opportunity to come in once before. It is a little frustrating on the part of the inspectors because there is usually more to the story than what is being heard from the respondent.

Mr. Colbert added as was seen by the behavior of two of the people involved in the case today that is what the inspectors deal with on a regular basis.

Planning & Development Director Rice commented when respondents come before the Board for the first order they often try call him or the City Manager or Commissioners and he does not get in the middle of that because it is a quasi judicial order to obtain a permit; however, the department would have worked with the respondent at the beginning of the process at any time.

Chair Bowman commented all the hard work by the Inspectors is appreciated and he is aware it is frustrating sometimes and many times they see things the Board Members do not see.

Vice-Chair Suplicki commended the Inspectors for always remaining professional even with all the abuse which is not always easy.

* * * * *

Meeting adjourned at 5:00 P. M.

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

Michael Bowman, Chair
Dunedin Code Enforcement Board