

**CODE ENFORCEMENT BOARD
MEETING
FEBRUARY 24, 2021**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Roland Ericsson,
Nora Giardina, Paul Sacilotto,
Edward Weiner

MEMBERS ABSENT: Carol Perry

OTHERS PRESENT: City Attorney David Levin
Lisa Hannon, Zoning Official
David McCarty, Code Compliance Supervisor
Lavosia Price, Code Compliance Officer
Allen McDaniel, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Terry Nichols, Executive Assistant

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Chalifoux called the meeting to order at 9:00 a.m. He then welcomed Mr. Ericsson to the Board.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. March 24, 2021

APPROVAL OF MINUTES

- A. January 27, 2021
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED approval of the January 27, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- No items.

UNFINISHED BUSINESS

- Recording Secretary Pues swore in all participants.
- A. HEARING IMPOSING PENALTY
20-76382 – CODE COMPLIANCE OFFICER – NICK FALKNER
Respondent: Clara S. Flack, TR.
Responsible Party: Wraymond Saulsberry
Address of Violations: 517 Wood Street
Violations of Chapter 26, Section 8.11 (e) 1, 2, 3, 4 Dead Trees; and Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outside Storage; and Chapter 9, Section 9-2 (h) Tall Grass/Weeds

- Mr. Nick Falkner, Code Compliance Officer, provided a brief history of the Compliance Order issued to the respondent on October 28, 2020. He stated an inspection on January 29, 2021, found the unlicensed vehicle had been removed from the property; however, 4 dead palm trees with tall grass and/or weeds surrounding them as well as outside storage remained on the property; therefore, the property remained in noncompliance. He then displayed photographs of the subject property, located within City limits, and reviewed the City's efforts to bring the property into compliance, noting an inspection on February 23, 2021, found the violations remained. He concluded the property had been in noncompliance for 89 days and submitted an invoice for total case costs incurred in the amount of \$54.63.
- Mr. Chalifoux inquired whether there was any contact with the respondent.
- Mr. Falkner replied numerous conversations were had with the responsible party, Mr. Wraymond Saulsberry, who was aware of the requirements to bring the property into compliance.
- Mr. Bauman requested clarification of the process for handling notifications which were returned undelivered.
- A brief discussion ensued regarding the City's procedures for same.
- Mr. Weiner MOVED, Mr. Bauman SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$22,250, representing a fine of \$250 per day for 89 days plus applicable interest, with the fine continuing to run until the respondent came into compliance, and to require payment of total case costs incurred in the amount of \$54.63.
- Mr. Sacilotto opined imposing a fine of \$250 per day was excessive, suggesting same be reduced to \$150 per day.
- Mr. Weiner stated the property was in violation for a lengthy period of time and the respondent/responsible party made no attempts to bring the property into compliance. He declined to reduce the imposed fine, indicating same would gain their attention.
- Mr. Bauman acknowledged the fine seemed excessive; however, he concurred with Mr. Weiner. He noted the Board had an opportunity to show leniency if the respondent/responsible party were to seek a fine reduction.
- VOTING AYE: Bauman, Chalifoux, Giardina, Ericsson, Weiner.
- VOTING NAY: Sacilotto.
- MOTION CARRIED.

STAFF COMMENTS

- Mr. David McCarty, Code Compliance Supervisor, drew members' attention to the Code Board Fines 2016 to 2021 handout, advising same contained data relating to the 126 fines imposed by the Board within the previous 5 years. He highlighted some of the violations included in the total number of fines, noting there were 88 fines remaining, with 24 of the fines being reduced and 17 of the fines remaining unpaid. He explained the cases which were highlighted in blue were properties with a homestead exemption which could not be foreclosed, concluding the fines imposed on the property at 1601 Tamiami Trail were paid.
- Mr. Weiner questioned the amount paid for the fine.
- Mr. McCarty replied \$65,000.
- Mr. Chalifoux noted the property owner offered \$75,000 at a previous meeting.
- Mr. Weiner verified liens were still filed on the homestead properties.

COMMITTEE/BOARD COMMENTS

- Mr. Chalifoux pointed out the information relating to current members on the Board needed updating on the City's website. He then expressed concern regarding the amount of the fine reduction for a case heard at the January 27, 2021, meeting, opining same might set a negative precedent.
- Mr. Weiner expressed frustration with the process and results from the settlement with the property owner at 1601 Tamiami Trail.
- City Attorney David Levin noted there were a number of factors which contributed to the final settlement, including the potential for additional costs to the City. He concluded the final settlement was more than previous offers had been.
- Discussion ensued regarding considerations which should be taken into account when reducing and imposing fines for violations in conjunction with potential court rulings which might invalidate same.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 9:27 a.m.

John Chalifoux, Chairman

Leah Pues, Recording Secretary