

**CODE ENFORCEMENT BOARD
MEETING
FEBRUARY 27, 2019**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, William Brennan, John Burrage,
Nora Giardina, Timothy Heggan, Edward Weiner

OTHERS PRESENT: Allen McDaniel, Code Compliance Officer
David McCarty, Code Compliance Supervisor
Board Attorney Kelly Fernandez
Lavosia Price, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Lisa Hannon, Zoning Official
Robert Beiter, Brett Hyde, Wayne Riggs,
Courtney Riggs-Johnson, John Gamble, Eric Eisen

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Chalifoux welcomed Ms. Giardina to the Board.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. March 27, 2019

APPROVAL OF MINUTES

- A. January 23, 2019
- Mr. Burrage MOVED, Mr. Bauman SECONDED approval of the January 23, 2019 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Welch swore in all participants.
- A. 18-70173 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
Respondents: Robert J. & Brenda K. Beiter
Address of Violation: 572 Belvedere Court
Violations of Chapter 26, Section 8.11 (a) Property Maintenance; and Chapter 26, Section 8.11 (b) Property Maintenance.
- Mr. Robert Beiter, respondent, entered a plea of not guilty.
- Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, explaining a fire had occurred at the structure in April 2018. He stated a November 1, 2018, inspection found the roof was in a state of disrepair as well as boards over the side, front and garage entries. He reviewed the City's efforts to bring the property into compliance, noting inspections on January 7, 2019, and February 26, 2019, found the violations continued to exist. He reported the respondent indicated he intended to let the roof remain in its current state until the

property sold despite staff advising the structure must be repaired or demolished, adding no building permit applications had been submitted. He then submitted an invoice for case costs incurred in the amount of \$17.45.

- Mr. Bauman MOVED, Mr. Burrage SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Beiter stated he had sold the home and closing was scheduled for March 4, 2019, opining repairs were the new owner's responsibility.
- Mr. Bauman confirmed the purchaser was aware of the Code violations and the consequences for failure to address same.
- Discussion ensued regarding action taken to repair the structure and responsibility for same, with members confirming the following with the respondent: (1) contractor had been engaged the week of the fire; (2) Mr. Beiter worked with the contractor for six months and spent \$10,000 in an effort to repair the structure; (4) contract was terminated as work never began; (5) Mr. Beiter had not attempted to secure a second contractor; (6) home was listed for sale the day after the repair contract was terminated; (7) contract for the home's sale was received within a day of listing but was withdrawn two months later; (8) another contract for the home's sale was similarly cancelled; (9) contractor provided blueprints, a trust package and minimal cleanup but failed to provide a schedule or total costs; (10) Mr. Beiter was confident of the home's sale at this time as paperwork was signed, the buyer was approved and the loan was approved; (11) Mr. Beiter did not intend to spend further money on improving the property.
- Mr. Bauman inquired as to who was responsible for enforcement action.
- Mr. David McCarty, Code Compliance Supervisor, replied State Statute indicated the property and the property owner "at that time" were responsible, adding the current property owner had to provide written notice of any orders issued by the Code Enforcement Board to the purchaser. He explained the new property owner would be given a reasonable amount of time to correct the violations.
- Mr. Burrage questioned if the timeframe for the property to come into compliance would be transferred to the new property owner.
- Board Attorney Kelly Fernandez responded any order the Board issued this date would remain in effect.
- Mr. Bauman MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 30 days and to require payment of case costs incurred in the amount of \$17.45 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. 18-70723 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondents: Brett W. & Kathryn M. Hyde

Address of Violation: 911 West Marion Avenue

Violations of Chapter 26, Section 4.22 (b), (d), (f), (g) Limited Home Occupations; and Chapter 26, Section 3.7 (d) NR District Prohibited Use; and Chapter 9, Section 9-2 (d) Unlicensed Vehicles.

- Mr. Brett Hyde, respondent, entered a plea of not guilty.
- Mr. McDaniel displayed several photographs of the subject property, located within City limits, stating a January 8, 2019, inspection found numerous vehicles offered for sale which were also advertised for sale or trade online as well as a vehicle with an expired tag. He reviewed the City's efforts to bring the property into compliance, noting inspection on January 15, 2019, found the violations continued to exist. He stated inspection February 26, 2019, found the vehicles previously advertised online remained on the property; however, the online advertisements had been removed. He expressed uncertainty as to whether the vehicles had valid tags and were registered to the property owner. He then submitted an invoice for case costs incurred in the amount of \$18.05.
- Mr. Burrage MOVED, Mr. Weiner SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Discussion ensued regarding the vehicles, with members confirming the following with the respondent: (1) vehicles were no longer being sold at the property; (2) trading antique cars was Mr. Hyde's hobby; (3) all the vehicles were registered to his address; (4) eight individuals lived at the property, some of whom drove; (5) Mr. Hyde desired to continue trading antique cars for his personal collection; (6) Mr. Hyde had owned the car which he sold for five years; (7) Mr. Hyde traded cars without the exchange of money.
- Mr. Chalifoux inquired if Mr. Hyde was in compliance.
- Mr. McDaniel replied affirmatively, requesting a Cease & Desist Order for future violations.
- Mr. Hyde questioned if he was allowed to place an advertisement for trade of a vehicle, noting other residents had vehicles for sale at their properties.
- Mr. McDaniel agreed personal vehicles were for sale within the City.
- Mr. Wayne Riggs noted he had only observed one car with a "for sale" sign on it.
- Mr. McDaniel drew members' attention to Facebook advertisements which denoted vehicles as pending or sold.
- Mr. Hyde replied nothing was pending as same had since been removed.
- Mr. Weiner MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs

incurred in the amount of \$18.05 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

18-66865 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE JR.

Respondent: Margaret Riggs (Deceased)

Responsible Party: Wayne Riggs

Heirs: John Riggs, Don Riggs, Clarke Riggs & Linda Hale

Address of Violation: 319 Burland Street

Violation of Chapter 26, Section 8.11 (e) 2, 3 Property Maintenance - Tree Stump.

- Mr. Chalifoux recalled the subject property had required installation of sod where a stump was previously located, questioning if same was now in compliance.
- Mr. Lavosia Price, Code Compliance Officer, replied in the negative.
- Mr. Riggs, responsible party, responded the property was brought into compliance the previous evening.
- Discussion ensued regarding the responsible party and heirs' efforts to bring the property into compliance, with members confirming the following: (1) sod had been installed; (2) stump was ground down sufficiently; (3) City staff recently cut down a stump and same appeared to be in violation; (4) Ms. Courtney Riggs-Johnson had receipts for supplies used to come into compliance.
- Mr. McCarty stated staff would investigate the stump Mr. Riggs and Ms. Riggs-Johnson had noted, advising this case could be continued to allow Mr. Price to re-inspect the property.
- Mr. Burrage MOVED, Mr. Brennan SECONDED to continue Case #18-66865 to March 27, 2019.
- VOTING AYE: Bauman, Brennan, Burrage, Giardina, Heggan, Chalifoux.
- VOTING NAY: Weiner.
- MOTION CARRIED.

B. HEARING IMPOSING PENALTY

18-69983 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondent: Tuscon Lodge No. 92 % John H. Gamble

Address of Violation: 629 East Charlotte Avenue

Violations of Chapter 9, Section 9-12 (a) 1, 2, (b) 1, (g) Property Maintenance; and Chapter 9, Section 9-2 (g) Public Nuisance Danger Blight.

- Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, reviewing the history of the Board's actions regarding

several holes in the structure's exterior walls, broken windows covered by plywood and an infestation of bees dating back to December 18, 2018. He reported inspections on January 23, 2019, and February 26, 2019, found the violations continued to exist. He summarized the property remained out of compliance for 35 days, then submitting an invoice for case costs incurred in the amount of \$32.50.

- Mr. Chalifoux inquired as to why the structure had not been repaired.
- Mr. John Gamble, respondent, replied medical issues had complicated same, advising he had begun work on the house and his brother intended to complete repairs over the weekend. He asserted most of the structure's damage had been addressed.
- Discussion ensued regarding action taken to repair the structure, with members confirming the following with the respondent: (1) Mr. Gamble required one or two months to address the violations; (2) Mr. Gamble's older brother had been in the process of restoring the property prior to his death; (3) financing repairs had been difficult; (4) structure had served as a fraternal lodge; (5) lodge at the property was associated with another lodge in Jacksonville, Florida; (6) Mr. Gamble and his family were the lodge's caretakers; (7) no other lodge members were available to assist with repairs; (8) repair of windows and painting remained; (9) bee infestation was still being addressed; (10) plywood would remain on the structure until the windows were repaired; (11) Mr. Gamble had worked on the roof and planned to replace the entire gable in the future; (13) repairs to the structure had been completed the previous day.
- Mr. McCarty advised a witness from the neighboring property could testify to any progress he had observed.
- Mr. Eric Eisen thanked Mr. Gamble for his work, stating the property had been in a state of disrepair for a lengthy period of time. He expressed concern the property was deeply in debt to the City. He spoke regarding the elevation of the property and requirements regarding same related to renovations, recommending the house be demolished, the property sold and debt to the City forgiven.
- Mr. Weiner voiced worry regarding the degree of repairs required at the property.
- Mr. Gamble agreed extensive repairs were required, requesting time to complete same.
- Mr. Bauman expressed concern regarding the ability of Mr. Gamble to make repairs in light of Mr. Eisen's comments.
- Mr. Chalifoux noted a different section of the Florida Building Code would apply if the structure was historic. He remarked the property was in a state of blight, concluding violations at the property should have been addressed previously.
- Mr. Burrage MOVED, Mr. Brennan SECONDED to find the respondent in violation, to impose a fine of \$1,750, representing a fine of \$50 per day for 35 days, plus applicable

interest and to require payment of total case costs incurred in the amount of \$32.50.

MOTION CARRIED UNANIMOUSLY.

- Mr. Burrage noted Mr. Gamble could request a fine reduction after the property was brought into compliance.
- Mr. Weiner inquired as to the status of the cases which were continued at the January 23, 2019 meeting.
- Mr. McCarty replied they were in compliance.

STAFF COMMENTS

- Mr. McCarty then reviewed the lien status report, as delineated in the agenda material.
 - Mr. Falkner reported 32 cases were opened regarding dirty roofs in Burnt Store Isles since January 1, 2019, noting 9 properties had come into compliance.
- A. Election of Chairman and Vice Chairman
- Recording Secretary Welch opened the floor for nominations for Chairman.
 - Mr. Burrage NOMINATED Mr. Chalifoux.
 - Recording Secretary Welch called for any other nominations; as there were none, Mr. Chalifoux was appointed Chairman by acclamation. She then opened the floor for nominations for Vice Chairman.
 - Mr. Weiner NOMINATED Mr. Burrage.
 - Recording Secretary Welch called for any other nominations; as there were none, Mr. Burrage was appointed Vice Chairman by acclamation.
 - Mr. Bauman inquired if a recent foreclosure on Tamiami Trail concerned Mr. Douglas Plattner's property.
 - Ms. Lisa Hannon, Zoning Official, stated she would investigate same.
 - Mr. Weiner questioned the status of the Emerald Pointe Condominium case.
 - Mr. McCarty replied Emerald Pointe Condominium Association had appealed the case to the Circuit Court and the case had been stayed pending the appeal's outcome.

ADJOURNMENT

- Meeting Adjourned: 10:18 a.m.

John Chalifoux, Chairman

Sara Welch, Recording Secretary