

**CODE ENFORCEMENT BOARD
REGULAR MEETING
MAY 9, 2022**

The City of Lake Wales Code Enforcement Board held an in person meeting on May 9, 2022 at 5:31 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

**Code Enforcement Board Members
(Shaded area indicates absence):**

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Rodney Cannon	Bruce Austell	Courtney Schmitt	Julia Paul
---------------------------------	-------------------------------	---------------	------------------	------------------	---------------------	---------------

Albert (Chuck) Galloway, Jr. – City Attorney
--

City Staff: Development Services Department
Jose Lozada– Code Compliance Officer
Fany Lozano – Recording Secretary
Mark J. Bennett – Development Services Director

- 1) **CALL TO ORDER** – Meeting called to order at 5:30 pm
- 2) **ROLL CALL** – A quorum was present.

Ms. Lozano did the attendance roll call. Ms. Lozano notified the Board that Mr. Cannon notified her that he would not attend the meeting. Ms. Paul made a motion to mark this absence as excused. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano notified the Board that Mr. Marino notified her that he would not attend the meeting. Mr. Jones made a motion to mark this absence as excused. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

- 3) **EXPLANATION OF PROCEDURES** – Chairperson

Mr. Wilson explained the procedures for the meeting and read the pledge of Civility as posted on the public podium.

- 4) **APPROVAL OF MINUTES – Regular Meeting – April 11, 2022**

Mr. Wilson asked for a motion to approve the minutes. Ms. Jones made a motion to approve the minutes. Mr. Austell seconded the motion. All voted in favor, the motion passed unanimously.

5) ADMINISTER OATH/MISCELLANEOUS ITEMS

5.1 Administer Oath:

Board secretary administered the oath to staff.

Mr. Wilson asked Ms. Lozano if she needed to be sworn in. Ms. Lozano stated yes and Mr. Wilson administered the oath to Ms. Lozano

6) REVISIONS

Ms. Lozano notified the Board that item 7.5 would not be heard tonight.

7) CASE(s) NEW BUSINESS

7.1 Case # 2021-00080

City of Lake Wales VS BMS Holdings LLC
101 Washington Ave
PID: 27-29-35-879000-005104
Violation(s): N/A (Request for Reduction)

Erich Sean-Paul Spivey, representative was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case and notified the Board that this is a request for reduction of the administrative fine attached to this premises. He stated that this case was previously presented to the Board who issued a demolition order, but since then the property owner has met the 60-day deadline, and the property is now productive as someone is already living in the structure, which is currently in compliance. He stated that staff recommends that the Board reduce the fine from \$55,000 to \$2,775 plus the costs of enforcement in the amount \$114.45 which have already been paid for a total settlement of \$2,775 or the Board's discretion. Mr. Spivey stated that he does not have much to add to what Mr. Lozada has already stated and that he agrees with Mr. Lozada's recommendation. He stated that he appreciated working with staff and his contractor. He stated that they took the Board's instructions seriously and that he had workers who spent hundreds of hours working to achieve compliance. Ms. Schmitt stated that what they have done with the property is impressive. Ms. Jones made a motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano stated for the record that payment must be made by June 9, 2022, otherwise the reduction is null and void and will revert back to the original amount. Mr. Wilson suggested to Mr. Spivey to do the same thing that he did at this premises to the apartments on Washington Ave. Mr. Spivey offered and update and stated that he has retained a roofer who is in the process of obtaining a permit. Mr. Wilson stated that the property is not on the docket but he wants to encourage the property owner to get it done.

7.2 Case # 2006-00003
City of Lake Wales VS Rosalia Cordova
226 Weaver Ave
PID: 27-30-02-906000-004070
Violation(s): N/A (Request for Reduction)

Rosalia Cordova, property owner was present to provide testimony.
Edgar Cordova, son and translator for property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case. He stated that this a request for reduction of the fine that is currently attached to this premises. He stated that staff recommends that the Board reduce the fine from \$1,411,500.00 to \$70,575.00 plus the costs of enforcement in the amount \$89.09 for a total settlement of \$70,664.09 or the Board's discretion. He stated that staff recognizes that the recommendation is an outrageous number, but it is staff's standard procedure to recommend 5%, and asks that the Board be reasonable when issuing their reduction. He also stated that this case and item 7.3 are for the same property and for the same owner and to please consider that amount as well. Mr. Cordova addressed the Board and stated that they just recently obtained the house and that Ms. Cordova was unaware of the fines, and that as soon as she received the letter she came to the office to communicate with staff about the issue. Mr. Wilson asked staff if there were photos as to what the property looked like when it was in violation. Ms. Lozano responded that she does not have them with her as they were removed for being irrelevant to the request. Mr. Wilson stated that the reason he is asking is because he wants to see what the issue was. Mr. Lozada stated that as of today the property is in compliance and that since Ms. Cordova took ownership of the property she has maintained it in compliance. Mr. Wilson asked if there was a new roof on the home. Mr. Cordova responded yes and that they rehabbed the entire house. Mr. Wilson asked if there has been significant amount of work done since the passing of previous property owner. Mr. Cordova responded yes. Ms. Jones asked what is the current use of the property. Mr. Cordova responded that there is a tenant in the home right now and that his mom's sister who is disable also lives there. Ms. Lozano was able to display the pictures Mr. Wilson requested as Mr. Bennett had them on his thumb drive. Ms. Jones stated that there has been significant improvements. Mr. Wilson stated that he wanted to show the citizens and the audience to be able to understand and follow and to witness the significant difference with achieving compliance. Mr. Lozada reminded the Board to keep in mind the next case on the agenda when considering the reduction. Mr. Wilson asked if the second lien is based on a similar situation. Ms. Lozano stated it was similar violations with two different cases at different times and because it is two separate orders, we need to have two separate orders to release the lien. Mr. Wilson asked Mr. Galloway if a motion is made can both properties be entertained. Mr. Galloway stated that they need to be addressed separately, and they can be discussed as a whole picture, but the releases have to be separate. Ms. Jones in discussion stated that the reductions would be for both cases and stated that roughly it would be \$1,600 for both cases. Ms. Paul stated that given the progress on the property a significant reduction like Ms. Jones suggested is fair. Mr. Cordova translated for Ms. Cordova what the Board discussed and Ms. Cordova thanked the Board for their consideration since she was unaware of the fines. Ms. Jones asked how long Ms. Cordova would need to make a payment of about \$1,600. Mr. Cordiva responded two months. Ms. Jones made a motion to reduce the fine to 0.05% which totals \$705.75 plus the costs of enforcement of \$89.09 for a total settlement of

\$794.84 with a due date to make payment of July 8, 2022. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

7.3 Case # 2015-00007
City of Lake Wales VS Rosalia Cordova
226 Weaver Ave
PID: 27-30-02-906000-004070
Violation(s): N/A (Request for Reduction)

Rosalia Cordova, property owner was present to provide testimony.
Edgar Cordova, son and translator for property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case. He stated that this a request for reduction of the fine that is currently attached to this premises. He stated that staff recommends that the Board reduce the fine from \$613,500.00 to \$30,675.00 plus the costs of enforcement in the amount \$89.09 for a total settlement of \$30,764.09 or the Board's discretion. He stated the same as with the previous case on item 7.2 that staff recognizes that the recommendation is an outrageous number and asks that the Board be reasonable when issuing their reduction. Mr. Cordova's testimony for this case is the same as on item 7.2. Ms. Jones made a motion to reduce the fine to 0.1% which totals \$613.50 plus the costs of enforcement of \$89.09 for a total settlement of \$702.59 with a due date to make payment of July 8, 2022. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously.

7.4 Case # 2020-00475
City of Lake Wales VS Dixy Navas and Juan Luis Rodriguez
22 Crystal Ave W
PID: 27-30-02-900000-001030
Violation(s): 12-233.1 Sanitation and Storage of Materials.
12-72 Disposition and impoundment of vehicles or vessels.
20-12 Commercial vehicle parking in residential districts.

Dixy Lourdes Navas, property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case. He stated that the property owner has been provided with several lists with items to be corrected and Ms. Lozano explained expectations for compliance, and that numerous extensions have been granted. He stated that progress had been observed but that violations still continued. He stated that as of today there has been a great deal of progress but that violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$244.95 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$150.00 (per day), every day the violation exists effective 10 days from today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Mr. Lozada stated that there is a pile of tires in the front of the property and a vehicle on the driveway that appears to be derelict. Ms. Navas asked if he is referring to the Explorer. Mr. Lozada responded yes. Ms. Navas addressed the Board and stated that there is no excuse and that her husband has cancer, lymphoma, leukemia and many other multiple things. She stated that she lost her job because she has to stay at home to take care of him. She stated that it is hard and that she understands that there is no excuse as Ms. Lozano has told her what the law is. Mr. Wilson asked how much time does she need to comply and if an additional 60 days would be enough. Ms. Navas responded yes and that she would really appreciate the extension. Mr. Wilson made a motion to table this case for 90 days (08/07/2022). Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones explained to Ms. Navas that her case will be brought back to the Board in 90 days and their expectations for compliance will be reviewed at that time. Mr. Wilson stated that if the premises comes into compliance prior to the 90 day deadline, there is no need for the case to be brought back to the back, but would like to get an update on the status of this case.

7.5 Case # 2019-00657
City of Lake Wales VS Shane T. Walser
611 Springer Dr
PID: 27-30-01-892500-003021
Violation(s): 7-8 Building Permit Required

This Case was not presented to the Board.

7.6 Case # 2022-00065
City of Lake Wales VS Beatriz Alonzo Marcial and Manolo Armenta Alonzo
350 Weaver Ave
PID: 27-30-02-906000-003120
Violation(s): 7-8 Building Permit Required
12-233.1 Sanitation and Storage of Materials

Beatriz Alonzo, Property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that a shed was built without a permit and that there are sanitation violations at this premises. He stated that although there has been communication with the property owner, violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$101.59 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$150.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Ms. Alonzo was present to address the Board but because she does not speak English the Board allowed Ms. Lozano to translate. Ms. Lozano translated what Mr. Lozada has presented and asked Ms. Alonzo to state her case. Ms. Alonzo stated "I will comply with what's happened and I will pay". Ms. Jones asked if she understands the itemized list of things that need to be done and asked Ms. Lozano if an itemized list was provided. Ms. Lozano responded that she did not provide her with a list, but verbally instructed her what needed to be done to come into compliance. Ms. Jones asked if Ms. Alonzo understands what she needs to do to come into compliance. Ms. Alonzo responded finish cleaning. Ms. Schmitt asked if the building has already been torn down. Mr. Lozada stated that the building has been partially taken down, but that as of today part of the building is partially erected and that there is a lot of sanitation issues on the property with storage issues. Ms. Jones asked Ms. Lozano if the conversations with Ms. Alonzo were more extensive. Ms. Lozano responded that Ms. Alonzo asked what the issue was and that Ms. Lozano responded that the issue is the shed and also the junk and trash surrounding the shed and anything that would look like junk and trash. Ms. Lozano stated that Ms. Alonzo stated that she understood and that she also told her about the permitting options and that Ms. Alonzo stated that she would just remove the structure. Ms. Jones asked how long it would take to complete those items. Ms. Alonzo responded one week. Mr. Austell asked if she needs more than one week. Ms. Alonzo responded no, just one week. Ms. Jones made a motion to accept staff

recommendations with an extension of 10 days. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

7.7 Case # 2022-00040
City of Lake Wales VS Jennifer Underwood
717 Hibiscus Ave
PID: 27-30-12-918000-001080
Violation(s): 7-8 Building Permit Required

Property Owner/Representative was/were not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that an addition has been built without a permit. He stated that although communication has been made with the tenant, violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$146.59 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$ 250.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Ms. Jones asked that if the only contact made has been with the tenant and not the property owner. Mr. Lozada responded yes. Ms. Jones asked about delivery and Mr. Lozada responded that the letters were delivered to the mailing address on the tax record. Ms. Schmitt asked if the property owner has contacted staff at all. Mr. Lozada responded no and that only the tenant has communicated with staff. Ms. Jones made a motion to accept staff recommendation. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

7.8 Case # 2005-00001
City of Lake Wales VS 5T Wealth Partners LP
517 A Greenview Ter
PID: 27-29-35-880010-000212
Violation(s): N/A (Foreclosure)

Property Owner/Representative was/were not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that this case is no longer a compliance issue and that the City wants to foreclose on the liens. He stated that this

property is a nuisance property and the City has had to abate it numerous times per year. He stated that the amount due for all open cases is \$621,701.19. He stated:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$111.97 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to initiate the foreclosure process.

Ms. Jones asked if this premises is just allowing for the City to abate the violations and we are sending them to the property taxes. Mr. Lozada responded that there is an amount due for taxes and they are not paying the taxes and that the City routinely provides service to this property for maintenance. Ms. Schmitt asked if these are two properties next to each other and if the next case is related. Mr. Lozada stated yes, but that different owners own the two parcels. Ms. Jones made a motion to accept staff recommendations. Ms. Schmitt seconded the motion. All voted in favor. The motion passed unanimously.

7.9 Case # 2007-00003
City of Lake Wales VS Eleftheria N. Mina E
517 B Greenview Ter
PID: 27-29-35-880010-000211
Violation(s): N/A (Foreclosure)

Property Owner/Representative was/were not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that this case is no longer a compliance issue and that the City wants to foreclose on the liens. He stated that this property is a nuisance property and the City has had to abate it numerous times per year. He stated that the amount due for all open cases is \$806,310.00. He stated:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$111.97 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to initiate the foreclosure process.

Ms. Wilson made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

8) PUBLIC COMMENTS AND PETITIONS

Mr. Wilson opened the floor for public comments.

No one addressed the Board for public comments, and Mr. Wilson closed the floor for public comments.

9) BOARD MEMBER APPLICATIONS FOR APPOINTMENT IN JULY 2022

9.1 Ralph Marino Application

Mr. Wilson opened the floor for discussion of Mr. Marino's application and asked Ms. Lozano to assist with the recommendation. Ms. Lozano stated that Mr. Marino is not present but that the Board may proceed with making a recommendation. Mr. Wilson stated that the Board should proceed with making the recommendation. Ms. Lozano asked all present Board members for a yes or no recommendation. All members present voted yes to recommend Mr. Marino to be re-appointed to the Board. Ms. Lozano stated that she will notify Mr. Marino that he should appear before City Commission to be officially re-appointed.

9.2 Rodney Cannon Application

Mr. Wilson opened the floor for discussion of Mr. Cannon's application and asked Ms. Lozano to assist with the recommendation. Ms. Lozano stated that Mr. Cannon is not present but that the Board may proceed with making a recommendation. Mr. Wilson stated that the Board should proceed with making the recommendation. Ms. Lozano asked all present Board members for a yes or no recommendation. All members present voted yes to recommend Mr. Cannon to be re-appointed to the Board. Ms. Lozano stated that she will notify Mr. Cannon that he should appear before City Commission to be officially re-appointed.

10) BOARD/STAFF COMMENTS/OTHER BUSINESS

Ms. Lozano notified the Board that they will be getting more requests for reduction and explained that she has mailed out a notice of lien to every property owner that has an administrative fine attached to their premises. She stated that because staff has shifted from the Amnesty Program; and property owners can make a request for reduction at any time, staff decided to send the notice instead, and that the notice notifies the property owners about the fine, and that the City would like to resolve the matter or the premises may be at risk of foreclosure, and that if they would like to resolve the matter they can contact the office for possible settlement options so long as the premises is in compliance. She stated that she sent close to 80 notices and that she has been busy with the response from the letter with phone calls and walk ins. Ms. Schmitt asked if a lot of them state that they did not have any idea. Ms. Lozano responded yes, as a lot of them bought the properties via quit claim deeds or inherited the premises, and that she is explaining the process and is walking the property owners through the process of resolving the issue so that it doesn't lead to the City seeking foreclosure on their property. Mr. Bennett stated that in real estate transactions, you always do a search to see if the title is clean and we can solve these problems now instead of trying to solve them the day of a sale, this helps to move things along. Ms. Lozano stated that this notice has been more

productive than the Amnesty flyers and that the response has been significant. Ms. Lozano also mentioned that the Board has two alternate positions available and asked the Board if they know of anyone that is interested to please encourage them to apply. Mr. Wilson stated that it would be good for any alternate Board Member to come to the meetings and sit in the audience even if the entire Board is present so that they can gain experience. Ms. Lozano stated that she agreed and that she plans to explain this option to the alternate members.

Mr. Lozada stated that he would like to give an extra thanks to the Board on the case for 22 Crystal Ave, as it was a tough case and thanked the Board for their compassion. He stated that staff had been working with the property owner for quite a while and thanked the Board Members for their time.

Mr. Bennett stated that in regards to the case, that Mr. Lozada is referring to there was significant progress and he echoes Ms. Lozada's words. He stated that on the first case we achieved compliance, the second and third case we got the liens off the books. He stated that this shows him that we are accomplishing what we want to do which is get properties in compliance and productive use. He stated that on the last two cases, no, we do not want to own property, but it just does not make sense to keep mowing it and mowing it. He stated that if people do not want to take care of their property we will find someone that does want to. He also thanked the Board Members for their time.

Mr. Galloway provided an update on the summary hearing on one of the foreclosure orders that the Board has authorized and stated that we may end up with that property within the next 30-45 days, and then it will be transferred over to the CRA. He stated it is time consuming, but it is working and thanked the Board Members for their service.

Mr. Wilson stated that at the next City Wide clean up, we should move towards trying to get hazardous materials picked up even if it is once a year. Items such as chemicals and personal construction. He stated that going to Lakeland to dispose of chemicals and paint is a hard thing to do for many local people. He stated that he will do whatever he needs to do to get involved to get funding if necessary. Mr. Lozada stated that we just had a spring cleanup day Mr. Wilson stated that the spring cleanup day is just another Saturday garbage day and that Republic leaves the items behind all the time and they just collect yard waste and refuse. He stated that residents approach the Board Members stating that they thought they had a cleanup day and instead it moves into the Code Compliance Staff to go out and cite residents for the items left behind. He stated that if staff can find a way to work on this, he would greatly appreciate it.

11) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:36pm.

Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:

Fany Lozano, Recording Secretary