

**CODE ENFORCEMENT BOARD
REGULAR MEETING
MARCH 9, 2020**

The City of Lake Wales Code Enforcement Board held a regular meeting on March 9, 2020 at 5:30 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

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

Chairman Ralph Marino	Vice-Chair Sara Jones	Wilena Vreeland	Dwight Wilson	Rodney Cannon	Bruce Austell	Julia Paul
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Albert (Chuck) Galloway, Jr. – City Attorney
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City Staff: Planning and Development Department
Brian Nadeau – Code Compliance Officer
Jose Lozada– Code Compliance Officer
Fany Lozano – Recording Secretary

- 1) **CALL TO ORDER** – Meeting called to order at 5:30 pm
- 2) Chairman Ralph Marino welcomed new Board Member, Julia Paul
- 3) **ROLL CALL** – A quorum was present
- 4) **APPROVAL OF MINUTES** – Regular Meeting – February 10th, 2020

Ms. Jones made a motion to approve the minutes. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5) ADMINISTER OATH/MISCELLANEOUS ITEMS

- 5.1** Board secretary administered the oath to staff and respondents.

6) CASES/REDUCTION/RELEASE OF LIENS

- 6.1** Case # 202000037
City of Lake Wales VS Wai I. Lei & Meng Wong
15 Bullard Ave W
PID: 27-30-02-903500-007201
Violation(s): Multiple Violations

This case was postponed prior to meeting.

- 6.2** Case # 202000018
City of Lake Wales VS Provision Cars LLC
101 Central Ave W
PID: 27-30-02-905500-001010
Violation(s): Multiple Violations

Romulo A. Rodriguez, Owner/Representative was present and provided testimony.

Officer Brian Nadeau presented the case and its history. He stated that his case has multiple violations and that the 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Find that the property owner be charged a \$150.00 fine and administration fees. Failure to make payment on any Code Enforcement Board ordered fine, in full by April 8, 2020 authorizes an Administrative Lien in the amount of \$150 be placed against the property until such time as restitution is made for all fines and costs incurred by the city to present this case.
- 2) Authorize the Code Compliance Division to remove abandoned, derelict, unregistered vehicles from property

Property Owner/Representative Romulo Rodriguez was present and provided testimony to the board. He stated that he purchased the property about two years ago and had a tenant that was not taking care of the property. He stated that he has cancelled the contract with the tenant and has cleaned up the premises and that the property is now up for sale or lease. Mr. Marino stated that he drove by the property and noticed that the premises has been cleaned up somewhat, but that the premises is in a high visibility area and that there are still vehicles on premises that need to be removed. Mr. Rodriguez stated the vehicles have been removed prior to the starting of the meeting. Mr. Marino asked Mr. Rodriguez what are his intentions with the property? Mr. Rodriguez responded that he intends to sell or lease the property. Ms. Jones inquired if there is a

fine already attached to the property? Officer Nadeau clarified that the fee of \$150 is a one-time fine for administrative costs. Mr. Marino asked if the fine will cover both properties on Wetmore and Central as there is another case on this agenda for the same property owner. Officer Nadeau clarified that this fine is for this case only as the premises are two different parcels they have to be discussed separately even though it is the same owner. Ms. Jones made a motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

6.3 Case # 201900494
City of Lake Wales VS Provision Cars LLC
0 Central Ave W
PID: 27-30-02-905500-001050
Violation(s) : Multiple Violation

Romulo A. Rodriguez, Owner/Representative was present and provided testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that his case has multiple violations and that the 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Find that the property owner be charged a \$150.00 fine and administration fees. Failure to make payment on any Code Enforcement Board ordered fine, in full by April 8, 2020 authorizes an Administrative Lien in the amount of \$150 be placed against the property until such time as restitution is made for all fines and costs incurred by the city to present this case.
- 2) Authorize the Code Compliance Division to remove abandoned, derelict, unregistered vehicles from property

Ms. Jones asked Mr. Rodriguez if he had any comments? Mr. Rodriguez stated that the property is clean now. Ms. Jones asked Mr. Rodriguez when did he first learn about the violations on the property? Mr. Rodriguez stated he learned about the violations about 2 weeks about via a phone call. Ms. Jones stated that she was unsure about adding a second fine to a second parcel which technically is one in the same, but that she would entertain accepting staff recommendations. Mr. Cannon asked Mr. Rodriguez if after the phone call, has he cleaned everything up? Mr. Rodriguez stated that he promised the person that he spoke to that he would get everything cleaned up. Mr. Cannon asked if the clean-up happened because he was noticed to appear before the board? Mr. Rodriguez admitted that he never came by to check on the premises since there was a business operating at the premises, but that as soon as he heard about the problem, he worked to correct the violations. Officer Nadeau stated that the premises have been

cleaned up and that staff would accept that there be no fine at this time on this parcel. Ms. Jones made a motion to accept staff recommendation as follows: Authorize the Code Compliance Division to remove abandoned, derelict, unregistered vehicles from property and, find that any future violations of cited City Ordinance(s), as observed by any Code Official will result in the City abating the violation(s) and all costs incurred will be charged to the owner of the property, assessed against the land upon which the violation exists or both. No fines to be assessed at this time. Mr. Cannon seconded the motion. All voted in favor. The motion passed unanimously.

6.4 Case # 201900532

City of Lake Wales VS Connections Community Church of God

0 Briggs Ave

PID: 27-30-02-903500-002214

Violation(s) : 12-36 Property Clearing and Cleaning
12-37 Junk and Trash
12-233.1 Sanitation and Storage Materials
12-233.4 Weeds, Grass and Overgrowth

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that the premises was inspected today and that there are portions that are still in violation as they never complete the clean up. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Find that the property owner be charged \$45.00 for administration fees.
- 2) Impose a fine in the amount of \$ 150.00 (per day) every day the violation exists effective March 9, 2020 and
- 3) 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. Marino asked if there has been contact with anyone at the church? Officer Nadeau stated that today there are patches in the wide open areas and along the perimeter is overgrown and they leave islands of overgrowth. He stated that staff has not had any communication with anyone at the church but that he spoke with the mower last year and allowed what he was doing last year, but that there had to be improvements at each cut, and there are no improvements. Mr. Wilson asked if the notices are being mailed to the vacant lot. Both Officer Nadeau and Secretary Lozano clarified that staff mails notices to the mailing address that appears on property appraiser. Ms. Paul asked if the \$150 fine is a one-time fine or is it a recurring fine? Officer Nadeau responded that it is a recurring daily fine. Mr. Wilson stated that if it is ok with the Chairman he can provide a phone number for the Pastor to be contacted. Ms. Jones stated that

she would feel more comfortable if there was some assurance that the church is aware that staff is trying to get in contact with them. Officer Nadeau stated that chapter 162 states that all staff has to do is post the notice to the premises and they have 10 days to respond. Officer Nadeau detailed all of the prior yearly violations and that this is a continual problem. Mr. Wilson made a motion to charge a \$150 administrative fine with no daily fines until contact is made and for the case to be brought back to the April 13, 2020 meeting. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

6.5 Case # 201900533

City of Lake Wales VS Connections Community Church of God

0 Bullard Ave W

PID: 27-30-02-903500-007402

Violation(s) : 12-36 Property Clearing and Cleaning
12-37 Junk and Trash
12-233.1 Sanitation and Storage Materials
12-233.4 Weeds, Grass and Overgrowth

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that the premises were inspected today and just like the previous case item 6.4 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Find that the property owner be charged \$45.00 for administration fees.
- 2) Impose a fine in the amount of \$ 150.00 (per day) every day the violation exists effective March 9, 2020 and
- 3) 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 made a motion to not implement a fine at this time and for the case to be brought back to the April 13, 2020 board meeting. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

6.6 Case # 201700255

City of Lake Wales VS Cira Vences Trujillo

304 Weaver Ave W

PID: 27-30-02-906000-003020

Violation(s) : Multiple Violations

Cira Vences, property owner was present and provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this case has multiple violations and that it started as a tenant complaint. He stated that there are electrical issues and that the premises do not meet minimum housing standards. He stated that he has met with property owner on several occasions and she has had some contractors look at the home. He stated that property owner needs to obtain permits to bring home up to code. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize an Administrative Lien be placed against the property in the amount of \$150.00 per day effective today, and until such time as all violations are corrected, and an Affidavit of Compliance is issued.

Ms. Vences addressed the board and stated that she has fixed almost everything except for the electrical issues and there is no one living at the house at this time. She stated that she is working on fixing the home so that she can live in it and the main issue is the electric. Officer Lozada stated that the electrical issues need to be looked at by a contractor and that there are minor structural issues, and that Ms. Vences has painted over the pre-existing issues. Ms. Jones asked if the home was inspected today? Officer Lozada stated that he did not inspect the interior of the home today just the outside. Mr. Wilson asked if permits are required? Officer Lozada stated that there are violations that need contractors. Ms. Jones asked property owner what issues has she repaired? Ms. Vences responded that she has painted and fixed holes. Ms. Jones made a statement that code is not about how the violation looks, it is about the safety of the structure. Ms. Jones asked property owner how long will it take her to get the repairs completed? Ms. Vences stated that she did not know, but she will know for sure tomorrow after she meets with an electrician. Officer Lozada stated that this case has been ongoing since 2017 and that staff has worked with the property owner, but she never follows through. Mr. Wilson made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

6.7 Case # 201700261
City of Lake Wales VS Dorla J. Trotman
1069 Grove Ave E
PID: 27-30-12-923000-005250
Violation(s) : Multiple Violations
Dorla Trotman, property owner was present and provided testimony.

Officer Jose Lozada presented the case and its history. He stated that there are multiple violations. He did a drive by inspection today and violations still exist. He also stated that a records check revealed that permits required for the work that has been done without permits have not been obtained. He stated that the property has been divided and that a carport/porch has been closed in and a bathroom was added. He stated that the enclosed carport/porch does not

meet minimum housing standards and that he has spoken to the property owner on several occasions.

Ms. Trotman provided testimony and stated that she has a mentally ill son and she did the enclosure so that her son could live in it. She stated that the place is up to code and that she had a contractor look at the enclosure and the contractor assured her that the structure is up to code. Ms. Jones asked the property owner if she pulled a permit? Ms. Trotman responded that she did not pull any permits. Mr. Wilson asked the property owner if she lives at the home? Ms. Trotman stated that she does and that she has two jobs and is just trying to catch up. Mr. Marino stated that he is concerned about the electrical issues. Ms. Jones asked for clarification if the problem is that the addition is not permitted? Officer Lozada stated that the addition does not meet minimum square footage and the laundry is located below the circuit breaker box. Officer Nadeau also stated that there was a half bathroom put in without a permit. Ms. Jones asked again if the issue is permitting or the partition itself? Officer Lozada stated that permitting is the main issue, but that the partition may not be allowed. Mr. Lozada stated that if property owner hires an architect, the partition may be doable but not as it is right now. Ms. Trotman stated that the half bath was already in the home when she purchased the home. Ms. Jones advised Ms. Trotman that even if the bathroom was there when she purchased the home, she as the property owner is still responsible for the permitting of the work. Officer Lozada 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.

AND STAFF RECOMMENDS THE BOARD:

1. Authorize an Administrative Lien be placed against the property in the amount of \$150.00 per day effective today, and until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city.

Ms. Jones made a motion to accept staff recommendations but amended the fine to start within 30 days (April 9, 2020) for non-compliance and amended by Mr. Wilson that the case be brought back to the April 13, 2020 meeting. Mr. Cannon seconded the motion. All voted in favor. The motion passed unanimously.

6.8 Case # 201700422
City of Lake Wales VS Cardiff Howell Revocable Land Trust
207 1st Street N aka Seminole Hotel
PID: 28-29-08-000000-044052
Violation(s) : Multiple Violations

Cardiff Howell, property owner was present and provided testimony.
Ray Brown, representative was present and provided testimony.

Board Secretary Lozano administered the Oath to both Mr. Howell and Mr. Brown. Code Compliance Officer Brian Nadeau presented the case and its history. He provided the board with information on the previous Code Board order and current existing fines and fees due to the city. He stated that staff has been in discussions with Mr. Brown and Mr. Gonzalez who are potential

investors. He stated that staff has not received documentation that was requested back in October of 2019 and 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to start the Foreclosure process.

Mr. Brown, representative addressed the board and stated that this issue is a political attack. He provided the board members with emails from the planning department and drawings. He stated that he had to appear before commission so that he could be granted access to the building and that he has spent over \$10,000 of his own money to clean up the building. He stated that Kathy Bangley was giving him a hard time and that he also has historic issues to address. Mr. Marino asked Mr. Brown if he is a contractor? Mr. Brown responded that he is a commercial contractor but that he is currently not licensed. Mr. Wilson asked for clarification of documents provided as they name the Walesbilt Hotel and not the Seminole Hotel. Mr. Brown stated that he is working on both hotels and that the documents for the air conditioning will be same for both hotels. Ms. Jones stated that she is unimpressed and wants to know what the next step is. Mr. Brown stated that he has financing in line, and that he is attempting to obtain a construction loan. Ms. Jones asked Mr. Brown if he is still having difficulties with cleaning out the building. Mr. Brown stated no and that he is almost done with the clean-up. Officer Nadeau stated that most of the exterior appears to be resolved, but there is dumping near the alley. Officer Nadeau stated that Mr. Brown has stated that he is buying the hotel, however staff has not seen a contract for purchase. Mr. Howell stated that there is a contract for purchase. Ms. Jones asked if the conceptual drawings have been submitted to planning? Officer Nadeau stated that nothing has been submitted as of the last meeting in May of 2019 where Mr. Brown stated that the drawings would be done. Ms. Jones asked about the planning process. Officer Nadeau stated that they have to submit to planning for review as the use of the building has also not been addressed. Mr. Wilson asked Mr. Howell several times what he has done to correct the violations and why it has taken him so long. Mr. Howell repeatedly responded that the electrical is done. Officer Nadeau clarified that the electrical done was for emergency lighting which was permitted but violations still exist. There was ongoing discussion about the violations and if permits were obtained and about the time that it will take to be in compliance. Ms. Jones asked that if we foreclose does the city own the building? Officer Nadeau stated yes. Ms. Jones asked Mr. Brown when is he closing on the purchase? Mr. Brown stated that he intends to close by the end of this month. There was open discussion about the condition of the building and why Mr. Howell has taken so long to address the violations. Ms. Jones discussed that she would be more comfortable with tabling this case so that Mr. Brown can close on the land sale contract and provide proof that he is the owner to provide him the opportunity to repair the building. Officer Nadeau explained that there has been talk about a contract for a long time and nothing has been produced pertaining to the purchase. Officer Nadeau asked that if Mr. Brown is able to produce proof that he owns the building, what will happen then, will we go three more years? Ms. Jones stated that if Mr. Brown does provide proof or ownership she would grant Mr. Brown 90 days to go through the planning process and bring the case back to another meeting. Officer Lozada stated that this is the same

thing staff was promised back in May. Mr. Wilson stated that he still feels that he has not received an answer as to why the violations were not addressed. Mr. Howell responded that it was because he received a stop work order. Mr. Wilson asked about the closing to take place and also expressed his concern that if the sale falls through, we would be right back here working with Mr. Howell and the violations not being addressed. Mr. Wilson made a motion to accept staff recommendations as presented. There was no second motion. The motion failed. Ms. Jones made a motion to table this case to the next board meeting on 4/13/2020 so that Mr. Brown can provide status on the closing and for staff to bring back the recommendation of foreclosure if Mr. Brown has not closed on the property at that point. Mr. Cannon seconded the motion with discussion to amend the motion to include that staff should take pictures of the interior and exterior of the building to show what has been fixed, and that address permit related and non-permit related issues to bring back to the 4/13/2020 meeting. Mr. Wilson voted nay to the motion. The motion passed 6 yea to 1 nay. There was no roll call voting.

7) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS

Richard Highsmith, citizen of Lake Wales addressed the board and spoke on behalf of the Seminole Hotel. He talked about how nice the hotel was as he was a previous tenant. He stated that the hotel is still livable to some people, but not all. He stated that the hotel was actually shut down in Feb 6, 2019 and that the trash that you see now does not belong to Mr. Howell. He stated that he wants to see the Seminole back, but that it will take time and effort. He thanked the board for seeing the essence in Mr. Brown and Mr. Howell to get their actions together because in the end someone is going to lose a valuable property.

Mr. Marino announced the attendance of City Commissioners Goldstein and Howell.

Dale, citizen of Lake Wales addressed the board and stated that he is a concerned citizen. He stated that at the last commission meeting there were concerns brought up about this board and the way things are being done. He stated that he was late at the last meeting and he had a few questions pertaining to the Estes property. He asked what staff had recommended at the last meeting? Officer Nadeau responded "demolition". Dale asked why the board did not accept staff recommendations? Ms. Jones responded that she made the motion and that she essentially gave them additional time to make good on their promise. Dale asked how long the building has been in the condition that it is in? Officer Nadeau responded since 2004. Dale stated that he and the commissioners are disappointed in the decision that was made. He asked what are the property owners going to do in 30 days that has not been done in 16 years? He stated that he does not have anything personal against the owner, but that he should not have been granted additional time. Ms. Jones responded that if the community feels strongly about an issue they can attend the meeting to provide input. Dale stated that concerns by citizens and commissioners were expressed at the last city commission meeting and he encouraged board members to speak to commissioners. He stated that the building is an eyesore. He also stated that there are other homes in the community that have pink slips and that this building does not have one. Officer Nadeau clarified that the building has been pink slipped but it has been removed for entry and exit during permitting. Officer Nadeau also clarified that pink slips are not only for demolitions. Pink slips mean a variety of things, ie. stop work orders, uninhabitable homes, unlicensed contractors, people living without utilities. Dale stated that the building needs to be demolished.

Ms. Jones stated that she challenged the property owner to get the property in compliance by the next meeting. Dale stated that there may be a possible agenda with the board and it needs to be removed, there cannot be a personal agenda to help family or friends. Mr. Marino stated that he does not like what he sees with the building as it looks like a junk yard. Dale thanked the board for their time.

Mr. Wilson stated that he would like to acknowledge the staff and that he hopes that staff does not believe that the board has a hidden agenda. He stated that he hopes that people get engaged with the boards, not just code board. He wants to see things getting better.

Officer Nadeau provided information to the board about the Estes property about an accident that happened on the premises and an individual was hurt sometime last week. Mr. Cannon asked if permits have been pulled? Officer Nadeau stated that his existing permit has been extended through the 4/13/2020 meeting.

Secretary Lozano talked about the Amnesty Program which will run on May 1st, 2020 Through June 1st, 2020. She notified the board that she has mailed out 87 flyers and that there has been a lot of interest in the program as she has received many phone calls already. She stated that she has received one application as she is accepting them early but not processing them till the program actually opens. She also reminded the board of the appreciation dinner to be held on 3/26/2020 at the JP Austin center and only needed to confirm Ms. Jones and Mr. Cannon's attendance. Ms. Jones stated she would not be able to attend. Mr. Cannon will get back with Ms. Lozano at a later time about his attendance.

8) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned.

Ralph Marino, Chairman or
Sara Jones, Vice Chairwoman

Attest:

Fany Lozano, Recording Secretary