

**CODE ENFORCEMENT BOARD  
REGULAR MEETING  
MARCH 14, 2022**

The City of Lake Wales Code Enforcement Board held an in person meeting on March 14, 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
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Albert (Chuck) Galloway, Jr. – City Attorney
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<b>City Staff: Development Services Department</b>
Jose Lozada– Code Compliance Officer
Fany Lozano – Recording Secretary
Mark J. Bennett – Development Services Director

- 1) **CALL TO ORDER** – Meeting called to order at 5:33 pm
- 2) **ROLL CALL** – A quorum was present.

Ms. Lozano did the attendance roll call. She notified the Board that Mr. Cannon notified her that he would not attend the meeting as he is out of town. Mr. Marino made a motion to mark this absence as excused. Ms. Jones 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 – February 14, 2022**

Mr. Wilson asked for a motion to approve the minutes. Ms. Jones made a motion to approve the minutes. Mr. Marino 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 there are no revisions to tonight's agenda.

7) **CASE(s) NEW BUSINESS**

- 7.1 Case # 2020-00302  
City of Lake Wales VS Robert L. Richardson and Gloria Story Richardson  
309 Sessoms Ave W  
PID: 27-30-02-000000-034020  
Violation(s): N/A (Request for Reduction)

Robert Richardson Jr, Robert Richardson Sr., and Gloria Richardson were 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 fines currently attached to this premises. He stated that the premises is in compliance and that staff recommends the Board reduce the administrative fine from \$1,275.00 to 10% which equals \$127.50 plus the costs of enforcement of \$206.36 for a total settlement of \$333.86.

Mr. Richardson Jr. addressed the Board and stated that he is not asking for a reduction, he stated that he is asking for full waiver of the fines. He stated that when he attended the first meeting he was told by the Board that if he needed more time, he could ask for more time and that time would be granted. He stated that he stayed in contact with Mr. Bennett the entire time. He stated that when he spoke to staff he did not ask for more time but that Ms. Jones gave him the option to ask for more time. He stated he went to the City Clerk's office and asked for words to be pulled where Ms. Jones stated more time would be granted. He stated that removal of the structure was only 16 days over. Ms. Jones stated that she remembers the case coming before the Board and making lengthy comments about it, she stated that she does not remember the vote after her comments and is interested in what the Board's actual comments were and looking into what was ordered. Mr. Richardson Jr. stated that he asked for the video but the person he spoke to never got back to him. Ms. Lozano advised the Board that the order is in their case file and assisted them with locating it by providing them with the page number on the file. Ms. Lozano stated that the order was issued with date certain of September 1<sup>st</sup>. Mr. Richardson Jr. stated that he thought it was September 17<sup>th</sup> and stated that he lost his letter. Ms. Lozano stated that the mention of a 17<sup>th</sup> date was actually Mr. Richardson Jr. who mentioned at the first meeting that he would be in compliance by April 17<sup>th</sup> or July 17<sup>th</sup> and that the mention of the 17<sup>th</sup> came from Mr. Richardson as she typed up the minutes, and reheard the audio and there was no mention of the

Board granting extra time after September 1<sup>st</sup>. Mr. Richardson disagreed and stated that Ms. Jones said at such time you can ask for more time and that is why he requested the video, and he never got the video to see what was actually said at the end of the meeting. Mr. Marino stated that he did not notice the building. Mr. Richardson stated that the building is gone. Mr. Bennet stated that the property is in compliance and that issue is to allow the reduction. Mr. Wilson stated that a total wipeout is not an option and we need to recover at least the costs incurred. Mr. Marino stated that something has to be fined. Ms. Jones asked how much of the cost of enforcement happened after Sept 1<sup>st</sup>. Ms. Lozano responded that the total of \$206.36 is the total amount and that the only cost after Sept 1<sup>st</sup> would have been a \$15 trip fee. Ms. Jones made a motion reduce the administrative fine to zero dollars and only charge the costs of enforcement of \$206.36. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones stated for the record that payment is due in full by April 14, 2022.

7.2 Case # 2021-00507  
City of Lake Wales VS Jeremy Lee Norris  
621 Osceola Ave E  
PID: 27-30-01-891500-107002  
Violation(s): 12-233.1 Sanitation and Storage Materials  
23.521 Garaging and parking of vehicles, trailers, recreational and  
noncommercial vehicles, and boats.  
12-71 Motor Vehicle(s), or Vessel(s)

Property owner/representative was not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that an extension was granted to the property owner and at inspection he explained to the property owner the expectations for compliance as the premises was still not in compliance. He stated that the property owner contacted the Division when he received the notice to appear and that he would correct the violations and that as of today the violations still exist.

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 \$171.95 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$ 225.00 (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 or Board's Discretion.

Ms. Jones stated that she assumes that the violations are for the rusted truck and the big equipment that is in the driveway. Mr. Lozada responded yes and that there are a couple of

derelict vehicles on the property to include a truck and there is also a red mini cooper in the back and that boat is often parked in the front yard and often times there are trailers in the driveway and a pile of tires. Mr. Marino asked if there has been any response since contact was made with the property owner. Mr. Lozada stated that the property owner called last week and stated that he would comply and that he would attend the hearing today, but that as of today the violations still exist. Mr. Marino made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

7.3 Case # 2021-00488  
City of Lake Wales VS Thomas E. Newsome and Angela K. Newsome  
338 E Seminole Ave  
PID: 27-30-01-883000-017042  
Violation(s): 12-233.1 Sanitation and storage of materials.  
12-233.4 Weeds, Grass, and Overgrowth  
7-8 Building Permit Required  
12-235.1 Protective Treatment

Thomas Newsome, Property owner was present to provide testimony.  
Angela Newsome, 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 although contact has been made with the property owner and after explanation of expectations for compliance, 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 \$147.12 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Declare the following code of ordinances to be Repeat Violations:
  1. 7-8 Permits required.
  2. 12-233.1 Sanitation and Storage of materials.
  3. 12-233.4 weeds grass and overgrowth.

As there is a current CEB order Case # 2021-00207 FOF issued 11-08-21

*FS 162.04(5) "Repeat violation" means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.*

2) Impose a fine in the amount of \$ 225.00 (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 or Board's Discretion.

Mr. Galloway addressed the Board and stated that the property owner cannot be a repeat violator except on the same property, it cannot be different parcels. Mr. Lozada stated that he misinterpreted chapter 162.

Ms. Newsome asked Mr. Lozada what is protective treatment. Mr. Lozada responded that the exterior of the property has graffiti on it and it is dirty and needs to be cleaned or painted. Mr. Newsome stated that they have done that before. Mr. Lozada stated that the graffiti is still visible in the pictures taken today. Ms. Newsome asked what is the sanitation and storage of materials. Mr. Lozada responded the piano that is sitting on the driveway and that permits required is for the structure that was added onto the main structure. Ms. Newsome asked about the weeds, grass and overgrowth and stated that the front yard is fine. Mr. Lozada responded that the violation of high grass has been taken care of. Mr. Newsome went on to explain how this situation came about. He asked Ms. Newsome to read a letter that he wanted to provide to the Board. Ms. Newsome proceeded to read a letter from Ms. Autumn Cochella from the Planning Division that talked about zoning issues at the premises and the illegal subdivision which has created two unbuildable lots below the minimum standards. He stated that when he purchased the property it was subdivided without his knowledge and that he was under the in the impression that he was buying the home and the accessory structure in the back. He stated that he is unable to mow the back yard since the people that reside in the accessory structure obtained an injunction against him for trespassing and he does not want to step onto the back of the premises. He asked for additional time to comply but that there is a two year waiting list for a contractor, but that he will have the building demolished and will build a new building. Ms. Jones asked if the outstanding violations are the piano, the exterior and the building that is outside. Mr. Lozada responded yes, and permits are required for the additional structure. Ms. Jones asked the property owners how long it will take them to remove the visible graffiti off the side of the building and move the piano. Mr. Newsome responded by the weekend. Ms. Jones asked how long to demolish the building. Mr. Newsome stated 6 months. Mr. Wilson asked what was the original intent when he purchased the property. Mr. Newsome responded to tear it down and rebuild. Mr. Wilson stated that pre-covid they had issues retaining someone to tear it down. Ms. Newsome stated that when they purchased the property they believed they were purchasing the entire lot including the structure in the back, and that they were going to rent out the back and use those funds to fix up the front. Mr. Newsome stated that by dividing the lots, they made both structures illegal and that is why he cannot move forward, but that in conversations with Ms. Cochella he would be allowed to rebuild the home so long as they do not change the floorplan, but the lot will still remain in non-compliance. Ms. Paul stated that she is familiar with the property and that she has seen the graffiti on the property which was on for an extended period of time, and asked why was it there for a long time, and that there is a school there across the street and it is not an appropriate look. Mr. Lozada stated that he would like to clarify for the Board that what Mr. Newsome is describing is that the previous owner had illegally subdivided the lots, and that that issue has nothing to do with today's case, as the violations have nothing to do with the zoning issues. Mr. Lozada stated that the structure is legally non-conforming at this point. Mr. Wilson stated that the issues are separate issues. Ms. Jones made a motion to grant 10 days (3/24/2022)

to clear up the visible graffiti disarray on the exterior as well as remove the organ, otherwise a daily fine in the amount of \$225.00 per staff recommendations will go into effect on 03/24/2022. If property owner complies with the 10 day deadline then the property owner shall have 180 days (9/10/2022) to demolish or repair the additional structure, not the main structure, failure to comply with the 180 day deadline will result in daily fine in the amount of \$225.00. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson advised Mr. Newsome that he has two triggers and that he needs to take care of things. Mr. Newsome stated that he is disabled. Mr. Wilson stated that he understands.

7.4 Case # 2019-00521  
City of Lake Wales VS Jesus Rivera and Diana I. Rivera  
725 Euclid Ave  
PID: 27-30-12-921500-001160  
Violation(s): 7-8 Building Permit Required

Jesus Davila, property owner was present to provide testimony.  
Yanira Reyes, property owner's daughter and translator was present to provide testimony.  
Ms. Lozano administered the oath to all persons mentioned above.

Ms. Lozano notified the Board that Ms. Reyes is the daughter of Mr. Davila and she is also acting as his translator as he only speaks Spanish. Ms. Lozano notified the Board that she would be translating from the Board and staff to the respondent.

Code Compliance Officer Jose Lozada presented the case. He stated that the property owner enclosed the carport without a permit. He stated that the property owner notified staff that they are working with the Florida Rebuild Program, and that at some point plan review comments were issued by the Building Official on an application for a permit that was submitted to the Building Division. He stated that Ms. Rivera contacted our office and was under the impression that Florida Rebuild had obtained permits, but that she was notified that no permits had been applied for or issued. He stated that the case was previously scheduled for Code Board but was removed from the agenda to allow the property owner more time to work with the Florida Rebuild Program. He stated that Ms. Rivera contacted the Division upon receipt of the Notice to Appear and submitted the proposed plan drawings for the new home, the house replacement agreement and she was instructed to appear at today's hearing. As of today 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 \$271.74 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 or Board's Discretion.

Ms. Lozano translated for Mr. Davila Mr. Lozada's presentation of the case. Ms. Reyes stated that they are currently working with the Florida Rebuild program and that when they previously started to work on the home they had to stop because a tree made a hole in the roof and the roof is rotted. She stated that the house is no longer repairable and that they have to demolish the home and a new home will be rebuilt. She stated that originally they placed all of their belongings in a pod while the work was happening, but that when the work stopped they placed all their belongings in the room that used to be the carport as it is the only place where water is not coming in when it rains. If they need to demolish the room, they would need more time to move their belongings into a storage place. She stated that everything is being delayed because of COVID. Ms. Jones asked if the program has given them any sort of timeframes. Ms. Reyes stated that they do not have an exact date and that they have a print that was turned into staff and once the print is complete they will obtain the permits. Ms. Jones asked if they will pull a demolition permit and then a rebuild permit at the same time. Ms. Reyes said yes and that Rebuild Florida told them not to worry about this issue. Mr. Austell asked if they have any information from the rebuild company. Ms. Reyes stated yes and that it was turned into staff. Ms. Lozano notified the Board that the document is in the case file and gave them the page number to locate the agreement and the proposed plan drawings for the new home build. Ms. Jones stated that she wants to draw the attention of the Board to page 43 which gives timeframes and asked property owner if they signed the grant agreement. Ms. Reyes stated that Mr. Davila is not sure. Ms. Jones stated that she anticipates that this would be something they would both have to sign. Ms. Reyes stated yes. Ms. Jones asked how long ago. Ms. Reyes stated that they are still waiting on more paperwork and they are still looking for an architect. Ms. Jones asked if the only violation was the failure to obtain the permit. Mr. Lozada responded yes. Mr. Marino asked who did the construction work of the room without a permit. Ms. Reyes responded that their brother in law enclosed the room. Mr. Wilson asked if other than the permit there is nothing else. Mr. Lozada stated that the issue with the violation is that the carport was enclosed and turned into a bedroom and that the bedroom does not meet living code, and it does not have access to the main home, no restroom facilities, and it does not meet code. Mr. Lozada stated that they would have to submit plans to bring it up to code or remove the unpermitted work. Ms. Jones asked if anyone is living in that unlivable shelter. Ms. Reyes stated that what happened was that her sister lived next door and they were evicted and they put up the walls to move there until they found somewhere to go. Ms. Jones stated that in terms of discussion she added the timeframes listed on page 43 of the case file and based on her reading the entire process and complete construction should take 185 days, she made a motion to allow for 120 days to submit and have an approved permit for this structure. Mr. Wilson seconded the motion. Ms. Lozano restated the motion to submit and have an approved permit otherwise failure to achieve this will result in a fine of \$250.00 per to begin to accrue. Ms. Lozano stated that the current motion on the floor leaves the situation open to non-compliance and asked if they were motioning for full compliance at the 120 days because if they demolish the structure then they will be in compliance at that time and that a demolition permit will have to be issued first, and then when the demolition is done they will be in compliance without the need to rebuild. Ms. Jones then stated to have the structure demolished and a new building permit within 120 days. Ms. Lozano clarified if the 120 days will be just for demolition and Ms. Jones stated to have the new building approved. After very brief discussion Ms. Jones withdrew her motion and started over. Ms. Jones made the following

motion; allow 120 days for full demolition of the building, failure to comply will result in accepting staff recommendations as stated above. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano translated the motion for Mr. Davila. Ms. Reyes asked if this is only for the little room. Ms. Jones made the motion based on that Rebuild Florida stated that they will demolish the whole structure and asked if that was correct. Ms. Reyes replied yes. Ms. Schmitt asked if Rebuild Florida is talking about just the room or the whole house. Ms. Reyes stated the whole house and asked how are they supposed to be sure that they will get Rebuild Florida to do the demolition, if the are not following through with their half. Ms. Jones asked if Rebuild Florida is saying that they will not meet the deadlines that they put in the contract. Ms. Reyes stated that she doubts it. Mr. Wilson stated that the intention is progress and they should document, and make progress and the Board is very understanding as long as there is progress being made. Ms. Reyes stated that this has been going on for a year and a half. Ms. Jones stated that she does not want to say what Mr. Wilson stated because to the point of Mr. Richardson's case where he said the Board made comments that were inconsistent with their order, if they move forward with the order and don't rescind or revoke, it says that if they are not in compliance at day 120, then the fine runs and if that is not their intention then they need to state what that intention is in their final order. Mr. Wilson stated that his discussion came because in the past there have been cases that came before them, they make an order and folks don't meet it, and then they come before the Board and like before they plead their case again, and then the Board either gives them more time, execute the order, and he is trying to be consistent, and that he is open for re-voting. He stated that in the past there have been folks who don't make any progress and then the Board is stuck with being compassionate with fiscal time and COVID and all those things, and then that puts staff in a bi-curious situation as well. Ms. Jones motioned that the Board rescind the last order and re-open discussion. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones made a motion to table this case for 120 days (07/12/2022) with the understanding that there must be progress. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones advised Ms. Reyes to obtain a copy of the minutes from tonight's meeting and send them to Rebuild Florida so that they can see what is happening as proceedings like this may trigger things to start happening. Mr. Bennett asked Ms. Reyes if she can provide us with the contact information for their point of contact at Rebuild Florida. Ms. Lozano translated the new voted on motion to Mr. Davila.

- 7.5 Case # 2020-00325  
City of Lake Wales VS Flora Lee Hampton  
825 Wildabon Ave  
PID: 27-30-01-898001-001220  
Violation(s): 12-233.1 Sanitation and storage of materials.  
12-72 Disposition & Impoundment of vehicle(s) or vessel(s):  
23-521 Garaging and parking of vehicles, trailers, recreational and  
non- commercial vehicles, and boats.

Anthony Hampton, representative/son of the property owner was present to provide testimony.

Ms. Lozano administered the oath to all persons mentioned above.

Ms. Lozano notified the Board that she does not have an authorized statement from Ms. Hampton to allow Mr. Hampton to speak on her behalf and that it would be up to the Board if they will allow Mr. Hampton to speak. Mr. Wilson asked the Board if they opposed. Ms. Jones asked if we have any reason to believe that he is not her son. Mr. Wilson stated that he will bouche that Mr. Hampton is Ms. Hampton's son. The Board allowed Mr. Hampton to speak on behalf of Ms. Hampton.

Code Compliance Officer Jose Lozada presented the case. He stated that compliance at this premises has fluctuated but never came into compliance. He stated that there has been substantial progress and that there are only a couple of things left and that if Mr. Hampton will allow him to verify that the two boats are properly registered he will ask for a 15 day extension of the Board. 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 \$134.27 to present this case.

**AND STAFF RECOMMENDS THE BOARD:**

- 1) Impose a fine in the amount of \$ 225.00 (per day), every day the violation exists effective 15 days from today (03/29/2022) 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 or Board's discretion.

Ms. Jones asked Mr. Hampton if he had any comments. Mr. Hampton stated that he does not. Ms. Jones made a motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

**7.6** Case # 2021-00280 (OLD BUSINESS)  
City of Lake Wales VS Nashena S. Walker  
244 D Street  
PID: 27-29-35-88000-005120  
Violation(s): Multiple Violations \*Demolition\*

Nashena Walker, Property owner was present to provide testimony.  
Ethel Walker, witness for property owner was present to provide testimony.  
Keysha Nelson, witness 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 and its history. He stated that this is an old business case and that staff is seeking demolition on this property and that he will

start his presentation as of the last Board meeting which was February 14, as the Board tabled this case for today's meeting expecting that the property owner can provide documentation about the historical process and conversations with the CRA (Community Redevelopment Agency). He stated that as of today's date 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.

Imposing the enforcement cost of \$192.99 to present this case.

**AND STAFF RECOMMENDS THE BOARD:**

- 1) Authorize the Code Compliance Division to initiate the demolition process and take necessary steps and inspections for the proper abatement of the unsafe/uninhabitable structure effective TODAY.

As Mr. Lozada presented the case, Ms. Lozano distributed to the Board members, staff, and Ms. Walker a memo that was prepared by Mr. Darrell Starling about the communications that he has had with Ms. Walker.

Ms. Walker addressed the Board and stated she cannot stand when people tell lies and that she is in the process to where she is either going to sell, demolish, or remodel the structure and asked if there was a time limit on that. Ms. Schmitt stated that it looks like it has been recommended that the structure be demolished and asked Ms. Walker if she has a second opinion. Ms. Walker stated that she has been searching around from different companies to see if she can get the property demolished. Ms. Jones asked Ms. Walker if she had a timeframe as to how long it will take her to complete the demolition. Ms. Walker stated that she does not have any income and she is asking for time and is unable to provide a timeframe. Ms. Walker then stated that she does not like for people to tell stories on her specially in black and white. Ms. Nelson addressed the Board and stated that the property is their legacy and their family property. She stated that Ms. Walker only came into knowledge of inheriting the property in 2018 and that she knows the process and that she and her cousin are different. She stated that this is a seller's market and she is keeping Ms. Walker up afloat. She stated that they are not signing on a dotted line and that money does not excite Ms. Walker. Ms. Nelson went on to talk about other properties in the neighborhood to compare them to Ms. Walker's property and how those other properties have been boarded up for a long time. Ms. Nelson stated that she did not want to have to call someone when she thinks of an issue of mistreatment, and bullying and that they should not put a foot on her neck, so when she calls someone to do a cover story and they go around the whole block because she is trying to give back to her community and get involved. Ms. Nelson stated that she does not want Ms. Walker to feel like she is mistreated or bullied because she witnessed the letter that Mr. Lozada posted on the door and that she does not want to see that. She stated that she wants to see that mailed letter with the postmaster stamp on it. Ms. Jones stated that she understands her passion because her grandmother bought her first house on D street, and that the Board is not trying to put their foot on her neck, they are trying to see how the Board can work with Ms. Walker which is why she asked how much time she needed because she does not want to give her an unreasonable deadline. Ms. Walker stated that when she first came to ask for help all she was being told was to Board up the structure, she boarded up the

structure and two weeks later she was in front of the City Code asking what she did wrong. Ms. Walker stated Ms. Lozano told her that there are police reports on her property, and that the police reports do not exist. Ms. Walker then pointed to the memo from Mr. Starling and said that she never said Ms. Dorothy Scott William, she said Ms. Dott since she never even knew her first name. She stated that when stuff is put in black and white that is when she gets mad because your lying and Mr. Darrell did not mis-claim her on any application and that she asked for help and that the memo is a lie. She stated that she applied for the CRA program and asked again how much time she has to be able to sell the property or get it demolished or get it rebuilt. She stated that Mr. Starling did not help her fill out a program application and all he told her was that she does not qualify because she is not a senior citizen, she is not disabled, she does not have any children, and she does not have any income, so it's like she is just a person on earth with a social security number. Ms. Jones proposed that the memo provided by Mr. Starling be disregarded as Mr. Starling is not here to say what he needs to say, and that she will be looking at the pictures and the violation but that just because Ms. Walker is asking for more time, the Board cannot just blanket more time, and that there needs to be an amount of time. Ms. Jones asked what would be a reasonable time as she sees the violations exist and they need to find a compromise. Mr. Wilson stated that he remembers when Ms. Walker's mom came in and the process was explained and that she could not tear down the property herself. Mr. Wilson stated that it does not appear that the structure is salvageable and at the last meeting it was said that Ms. Walker will tear down the property or the City will tear down the property, and no matter how that happens, it is still the family's property, but the costs of demolition will be assessed on the property taxes. He stated that at the last meeting Ms. Walker was given the opportunity to find a demolition contractor, the Board is very empathetic, and they understand the whole Northwest Community. Mr. Wilson stated that if this Board entertains an extension he also hears her saying that financially it is a problem for her. Mr. Wilson asked Ms. Walker what is her resolution, what are she going to do in x amount of time and how is she going to do it before the Board entertains a motion. Ms. Walker stated that she will either demolish or sell as she feels she does not have a choice. Mr. Wilson asked if the family will help with funding. Ms. Walker responded yes. Mr. Marino stated that he knows a little bit about construction and that if she was to resurrect this house, it will have to go down to the studs, and that he does not think that the foundation is doable and that if she does find someone to take care of it, he thinks it will be co-prohibited and she will not be able to flip this house and make a profit on it. Ms. Walker questioned why she continues to be brought before the Board. Mr. Wilson reminded her that she was here at the last meeting. Ms. Walker stated that she meant before all of the other meetings. Mr. Wilson told Ms. Walker to make a recommendation. Ms. Nelson asked Mr. Wilson to answer Ms. Walker's question and to go back to before April 2018, when the judge ruled that the property go to his daughter as they are all here just trying to figure out if all of them who are familiar with their neighborhood, and trying to figure out other places that look like her place and wonder why she has to demolish her property while other properties are boarded up for 21 years. Ms. Jones stated that there are some things that they don't see, for example one of the properties that she mentioned has come before this Board and they have been given similar options for how to get it up to code. Mr. Wilson asked again what is the amount of time that Ms. Walker desires. Ms. Walker responded four to six months. Mr. Wilson asked Ms. Walker what is her desired outcome in four to six months. Ms. Walker responded to sell or demolish. Ms. Jones made a motion to give Ms. Walker 10 days to bring any safety violations in terms of access to the building into compliance and then 180 days (09/10/2022) to either have the building completely demolished, sold which means it is not her problem or brought into compliance with code. Mr. Marino

seconded the motion. Ms. Lozano stated that there may be an issue with the motion. Mr. Wilson stated that he was going to bring up that the issue was that the property was going to be taken over by the City and there is still the issue that if she does not come into compliance and the City demolishes it, it goes onto the property taxes. He stated that at the last meeting the Board granted an extension and Ms. Walker asked for an opportunity to find someone to demolish. He stated that if in 180 days that does not happen it has to revert back and the City is going to go forward and demolish it. Ms. Walker stated she caught that part. Ms. Nelson asked if she tears down the house can she rebuild. Ms. Jones and Mr. Wilson responded yes. Ms. Walker stated that she is trying to understand why she is in front of them since June. Ms. Jones explained that the Board and staff cannot control who calls in violations. She stated that violations are called in by the public and legally staff has to investigate it and if there are open violations they have to cite the violations, staff does not have a choice. Ms. Walker stated even though they are false. Ms. Jones stated that violations were found. Ms. Jones asked Ms. Lozano to state what she thinks is the technical problem with her motion. Ms. Lozano stated that with the sale portion of the motion there might be some sort of problem later on down the line because there are administrative fines already accruing on the property which are in the millions. Ms. Jones asked Ms. Lozano what does she mean because the liens follow the property and if someone chose to buy the encumbered property it is on them. Ms. Lozano stated that if for some reason Ms. Walker ends up with an interested buyer and the buyer does a lien search the lien will pop up and the buyer may want to walk away from the deal at that point since the lien does not make the property attractable. Ms. Jones stated that her understanding is that selling is the last option and we know that we have had property owners come before the Board and say there is a pending sale and what can the Board do about it. Ms. Jones stated that people can choose to buy encumbered property and there are ways to diminish that lien, but the first step in that process is to bring the property into compliance. Ms. Jones stated that once the property is in compliance whether its demolition or a pending sale or rebuilding, you can go to staff and they will help you with a sales process. Ms. Jones stated that her motion is that regardless of what Ms. Walker does, if in 180 days she is not in compliance with either selling or demolishing we will go back to our original order which gives the City permission to demolish the property on the property owner's behalf, place the cost of the tax roll, and if those taxes are not paid, then the property owner will lose the property. Ms. Walker stated that she does not want her address stamped on abandoned property. Ms. Jones asked if staff has the correct address for Ms. Walker and then both Ms. Jones and Ms. Schmitt stated that they see the correct mailing address on the notices. Ms. Walker stated that Mr. Lozada takes the notice to 244 D Street and staples it on the door. Mr. Wilson stated that, that is another method of notification to the property owner and the general public that a case is going to be presented before the Board on said date. Ms. Nelson asked if Ms. Walker can be provided with the lien amount in black and white as the number seems too large. Ms. Lozano provided the number currently on the fact sheet but stated that it may not be accurate as the number may be as of the last meeting and stated that the amount on the sheet is \$1,286,500 which started to accrue in September of 2007. Mr. Wilson stated that for the sake of discussion all we are here for is to demolish, it is your property what you do with it is on you and we are not going to get into whether you sell or not. Mr. Wilson asked for the motion to be re-stated. Ms. Lozano stated that for clarification purposes that the sale portion of the motion does not bring the premises into compliance and asked Ms. Jones if she still wants to include the sale portion in her motion. Ms. Jones stated as follows: 180 days to either remodel or demolish and if a sale happens within that time then the new owner has 30 days to either remodel or demolish the structure. Ms. Lozano asked if the amended motion includes the 10 day safety violations. Ms.

Jones stated that her understanding is that it is completely boarded up and asked if there are safety violations. Mr. Lozada stated that the 10 day portion of the motion is kind of vague, as the structure itself is a safety hazard. Ms. Jones asked if the structure is reasonably accessible for someone to try to get in that building without breaking the law. Mr. Lozada responded that the property is boarded up. Ms. Jones amended her motion to remove the safety portion. Mr. Lozada stated that there is debris that fell over on the back where the porch fell over. Mr. Lozada stated that we are coming into hurricane season and anything on that building can become a projectile. Ms. Jones withdrew her motion and restated as follows: 10 days to clean up the debris, any stray wood stuff, if that is not met, then the demolition order automatically goes into effect on the 11<sup>th</sup> day, if the 10 day condition is met, you have 180 days till 09/10/2022 to either demolish or sell or remodel, if it is a sale the subsequent owner has to within 30 days either demolish or remodel the property to bring it into compliance. Mr. Marino seconded the motion. As Ms. Lozano restated the motion she asked if the 30 days for the new owner will come after the 180 days. Ms. Jones clarified that it will be 30 days from the date of closing. All voted in favor. The motion passed unanimously. Ms. Walker asked what she needed to do. Ms. Jones asked for the picture that shows the debris to be displayed so Ms. Walker can see what debris is being referred to. Ms. Walker stated that yes the debris is still there and she will clean it up. Mr. Galloway stated that because the order has the 30 day limitation for a purchaser in it, that order needs to be recorded in the public records.

#### **8) PUBLIC COMMENTS AND PETITIONS**

Mr. Wilson opened the floor for public comments. There was no one in the audience to make public comments.

#### **9) BOARD/STAFF COMMENTS/OTHER BUSINESS**

Ms. Lozano reminded the Board that there are three Board Members whose terms expire in July. She stated that because the recommended Board applicants have to appear before City Commission for interview and appointment, she likes to get a head start. She stated that she will send the application link to the members whose terms will be expiring (Mr. Marino, Mr. Austell, and Mr. Cannon). She let the Board members know her timeline which is that in April she will send a reminder to submit the application, in May the Board will discuss the applications, and in June the recommended applicants will attend the City Commission Meeting to be seated in July. She also stated that if any Board member is not interested in re-applying to please let her know outside of the meeting so that staff can begin to advertise the vacancy. She proceeded to thank the Board for their time.

Mr. Lozada thanked the Board for their time.

Mr. Bennett spoke to the comments made about Mr. Starling and he stated that if you take a drive down B street where five new houses have been built or are under construction, plus two houses being renovated, I think you will see what Mr. Starling has done for the City.

Ms. Jones said she wants to thank the Board for putting up with all of her foolishness. The Board members and staff laughed.

Mr. Wilson thanked the staff for all of their due diligence, and stated he had to do a plug forum for Ms. Lozano as she makes sure that the meetings are fine tuned and keeps everything in check. He also asked about clean up day, as it is just another garbage day and when can they set it up to pick up other items like tires and personal construction stuff. Mr. Lozada stated that he would love to see that happen as well and that, that issue is something we would have to work with the contractor Republic. Mr. Wilson stated how do we make sure that folks get the Code Compliance brochure because it is very informative. Ms. Schmitt made the suggestion that maybe it can be included with the water bill. Mr. Lozada stated that he has some in his truck and he hands them out to people.

**10) ADJOURNMENT**

With no further business to discuss, the meeting was then adjourned at 7:33pm.

  
\_\_\_\_\_  
Dwight Wilson, Chairperson or  
Ralph Marino, Vice Chairperson

Attest:

  
\_\_\_\_\_  
Fany Lozano, Recording Secretary