

**CODE ENFORCEMENT BOARD
REGULAR MEETING
April 8, 2019**

The City of Lake Wales Code Enforcement Board held a regular meeting on April 8, 2019 at 5:00 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

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

Chairman Murray Zacharia	Vice-Chair Ralph Marino	Wilena Vreeland	Sara Jones	Donald King	Dwight Wilson	VACANT
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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 5:00 pm
- 2) **ROLL CALL** – A quorum was present
- 3) **APPROVAL OF MINUTES** – Regular Meeting – March 11, 2019

Sara Jones made a motion to approve the minutes. Wilena Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

4) **ADMINISTER OATH/MISCELLANEOUS ITEMS**

- 4.1 Board secretary administered the oath to staff and respondents.

5) **CASES/REDUCTION/RELEASE OF LIENS**

SKIPPED TO 5.3

5.3 Case # 201800067
City of Lake Wales VS Anthony Sostre
828 Casselberry Dri
PID: 27-30-11-913600-000090
Violation(s) : 12-234.2 Swimming Pool, Spa, Hot Tub Enclosure Required

Anthony Sostre, property owner was present.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that it was observed that there was a pool on the property that was unsecured and that it appeared that some wooden fence panels were removed and a notice of violation was issued. There were several unsuccessful attempts to make contact with the property owner. There were several inspections made and a temporary barrier was placed with no contact from the owner. Once property owner made contact with the Code Compliance Division, extensions were granted to the property owner. He stated that staff requests:

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.

Staff recommends:

1. Order the immediate correction of the pool enclosure requirements in accordance with all local and state laws.
2. And if not corrected by the time specified by the Board and administrative lien to be assessed against the property in the amount of \$150 per day the violation(s) exist.

Mr. Marino asked the property owner if he has anything to say on his behalf. Mr. Sostre responded that he has nothing to state. Board member asked if property owner is in compliance now? Officer Lozada responded that property owner has installed the fence but it has been installed backwards. If property owner turns the fence around then he will be in compliance. Mr. Sostre stated that it did not make any sense that the fence has to be turned around. Mr. Marino asked if there are any gaps on the fence that would cause a safety concern. Officer Lozada responded that there are some boards missing. Mr. Marino stated that he is concerned with children getting hurt and drowning. Ms. Jones asked the property owner how long it would take him to reverse the fence and patch up any gaps? Mr. Sostre responded that he could have the issue corrected by this weekend. Ms. Jones made a motion to accept staff recommendations with a two week timeframe to comply which sets the compliance date to April 22, 2019. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

BACK TO 5.1

5.1 Case # ,201900144
City of Lake Wales VS Our Childrens Rehab Center Inc
551 Burns Ave
PID: 27-29-35-000000-021030
Violation(s) : Multiple Violations
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth

Joe Mawhinney, Attorney/Representative for property owner was present.
Donna Dunson, principal of high school next door was also present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that staff requests:

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.

Staff recommends:

1. Impose a fine in the amount of \$25 per day, every day the violation exists effective 3/12/2019 until an affidavit of compliance is issued and,
2. 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.

Officer Nadeau stated that the reason we came across this property, is because the property was open and unsecured right in-front of the high school. There is no permit for the chain link fence and that photos show its current state. The Code Division had to do an emergency abatement to secure the structure as well as remove a bee hive to be able to secure the front door. Mr. Mawhinney addressed the Board and stated that this was the first time that this property has been cited. Officer Nadeau responded that they have been cited before in 2016 and 2017. Mr. Mawhinney stated that the grass was mowed today and that the property owners intend to demolish the buildings. He asked that property owner be afforded a reasonable amount of time to accomplish the demolition and requested a 45-60 day extension. Mr. Wilson asked why the buildings have been left vacant. Mr. Mawhinney responded that the property owner is attempting to sell the property. Donna Dunson, principal of the Lake Wales High school was present before the board and provided the following testimony. She stated that this has been an ongoing issue for the last 5 years. She stated that she has reached out to the property owner in an effort to help maintain the premises and that she often cuts the grass. She is concerned that something very bad may happen at this property because kids sneak in to the property even after hours. She is worried that someone may be killed or possibly raped in the abandoned structures. She stated that about 5-6 weeks ago several kids were arrested in one of the portables. Ms. Wilson asked Ms. Dunson if she has any interest in acquiring this property? Ms. Dunson stated that it is way overpriced, but that the property can become an alternative school. Ms. Vreeland asked who put the portables on the property.

Ms. Dunson stated that they were used when school was in session. Ms. Jones asked if the property can be reasonably secured. Officer Nadeau responded that if they fence it all around it may help. Officer Nadeau also stated that the principal gave testimony on two properties, one of which we have another case on the agenda for the portables, and that he would like for them to be addressed separately even though they are owned by the same property owner and are located next to each other. Ms. Jones asked Mr. Mawhinney if his client would be willing to install the fence. Mr. Mawhinney stated that he was not sure and that his client has attempted to secure the buildings. Mr. Marino asked if it is a cost factor or is it that the property owners cannot find a contractor. Mr. Mawhinney responded that it is a bit of both. Ms. Dunson stated that she is willing to contribute \$2,000 of her own money to go towards the demolition. Ms. Jones stated that 45-60 days is far too long of a period of time without a fence, with the fence installed it becomes a bit more reasonable. Ms. Jones made a motion as follows:

3 days to apply for a fence permit,

7 days after permit is issued to install and complete the fence,

60 days from today (4/8/2019) to demolish the buildings (with opportunity to extend 30 days if they can show that they have been trying but it will take longer to demolish)

When premises are secured, add no trespassing signage and property is to be maintained until demolition is completed.

Failure to comply at any time will result in an administrative fine of \$100 per day for not being in compliance.

Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

5.2 Case # 201900143
City of Lake Wales VS Our Childrens Rehab Center Inc
555 Burns Ave
PID: 27-29-35-000000-021050
Violation(s) : Multiple Violations

Joe Mawhinney, Attorney/representative for property owner was present.

Mr. Marino was having a difficult time separating the two properties. Officer Nadeau explained that this is the parcel next door with portables. He stated that all the chain link material has been removed. He stated that all the chain link posts are up but because the chain link has been removed it makes it more accessible. Mr. Wilson asked how long has this property been vacant. Officer Nadeau responded for as long as he has been here which is 3 years. Officer Nadeau went on to provide the case history. He stated that the trees are overgrown. The Code Compliance Division secured the structures but that the doors can be easily manipulated and open easily. The fence needs to be maintained since they have posts but no fence. He stated that he issued a violation on the temporary structures to be removed. He stated that staff requests:

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.

Staff recommends:

1. Impose a fine in the amount of \$25 per day, every day the violation exists effective 3/12/2019 until an affidavit of compliance is issued and,
2. 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.

Mr. Marino stated that this is a worse violation because it is more accessible. Mr. Wilson asked if the property owner has leased the property to do different things. Mr. Mawhinney stated that it was a church at one point and that the portables were brought in to help the school. He stated that the property owners intend to remove the portables and relocate them to Lake Alfred at another school. He stated that this property is also for sale and that the property owners have made attempts to secure the structures. Ms. Vreeland asked if these are the units that can be crawled up from under the floor. Officer Nadeau stated that the structure closest to the school is the one that can be accessed through the floor. Ms. Jones asked if access through the floor was happening when the fence was up. Officer Nadeau stated he did not know because knowledge of this property came up because of the recent arrests that were made. Ms. Jones asked Mr. Mawhinney what the estimate on the removal of the portables is. He stated that by the fall session it is the property owner's intention to have the portables moved to Lake Alfred. Mr. Wilson asked what is the issue with maintaining the property. Mr. Manwhinney responded that he does not know, but that it could be a matter of finances. Mr. Wilson stated that finances are not a reason to not maintain the property and that he does not think that the portables will be moved as quickly as we think. Mr. Marino stated that the issue is that the portables need to be secured. Mr. Wilson stated that homeless people may also be using the structures as well and not just the teenagers. Ms. Jones made a motion to apply the previous motion that was applied to the previous case as referenced above as follows, with the exception of requiring a fence permit since the fence was previously permitted and a permit is not required:

7 days to repair the fence and remove all metal debris and trash and bring vegetation into compliance.

60 days from today (4/8/2019) to demolish/remove the portables (with opportunity to extend 30 days if they can show that they have been trying but it will take longer to demolish/remove)

When premises are secured, add no trespassing signage and property is to be maintained until demolition/removal is completed.

Failure to comply at any time will result in an administrative fine of \$100 per day for not being in compliance.

Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5.4 Case # 201900161
City of Lake Wales VS Joe Marra
338 D St
PID: 27-29-35-879000-006180
Violation(s) : 12-233.4 Weeds, Grass, and Overgrowth

Property Owner/Representative was not present.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that staff requests:

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.

Staff recommends:

1. Find that the premises is a repeat violator and 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.

Officer Nadeau stated that this property is a repeat violator. He also stated the house in the photos to the south of this property was broken into last year. It was broken into while the owner of the house was home and they scared off the intruder, and that the break in was due to the lot being over grown. The property owner of the house to the south is the one maintaining a portion of the lot to ensure his house does not get broken into again, however there are trees and an area to the back of the property that is still out of compliance. Ms. Jones asked if the taxes are being paid. Staff could not respond as that information was not available. Ms. Vreeland asked if there has been contact with the property owner. Officer Nadeau responded no, but the property has been posted. Ms. Vreeland made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

6) COMMUNICATIONS AND PETITIONS

Mr. Wilson addressed the board and inquired if there is anything that can be done about the exceptional amount of snipe signs all over the city other than just picking them up? Ms. Vreeland asked if it is ok for them to pick the signs up. Officer Nadeau responded yes, if it is safe to do so and they can be thrown away, and that they should only be removed from the right of away. If they are on private property they should not be removed. Mr. Marino stated that our ordinance does not allow the signs and he just picks them up and throws them out. Officer Nadeau stated that it is hard to cite the individuals when we contact the phone numbers on the signs because they state that they have hired a company to place the signs for them legally.

Mr. King asked about returns with no addresses and people we are trying to serve. He asked if we can use the police department to locate the property owners by running their driver license number? Mr. Galloway responded that we use the record on property appraiser. Officer Nadeau stated that this method is called the use of David, but this method cannot be used unless you have probable cause and it would be an issue.

Officer Nadeau reminded the Board of the upcoming Board Appreciation Dinner to be held on April 26, 2019 at 6pm.

7) **ADJOURNMENT**

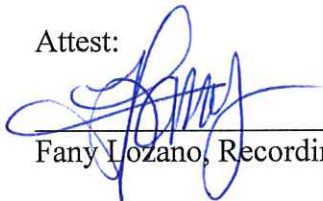
OTHER BUSINESS

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



Murray Zacharia, Chairman or
Ralph Marino, Vice Chairman

Attest:



Fany Lozano, Recording Secretary