

**CODE ENFORCEMENT BOARD
REGULAR MEETING
APRIL 10, 2023**

The City of Lake Wales Code Enforcement Board held an in person meeting on April 10, 2023 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):**

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Bruce Austell	Courtney Schmitt	Bueford "Bud" Colburn	Curtis Gibson
Mark Bennett Alternate 1	Alternate 2 Vacant					

Albert (Chuck) Galloway, Jr. – City Attorney
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City Staff: Development Services Department
Jose Lozada– Code Compliance Supervisor (CCS)
Fany Lozano – Recording Secretary

- 1) **CALL TO ORDER** – Meeting called to order at 5:31 pm
- 2) **ROLL CALL** – A quorum was present.

Ms. Lozano did the attendance roll call. Ms. Jones notified Ms. Lozano that she would not be able to attend the meeting. Ms. Lozano asked for a motion to excuse or un-excuse the absence. Mr. Marino made a motion to excuse the absence. Mr. Wilson 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 – March 13, 2023**

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

5) ADMINISTER OATH/MISCELLANEOUS ITEMS

5.1 Administer Oath:

Board secretary Ms. Lozano 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

There were no revisions to the agenda.

7) CASE(s) NEW BUSINESS

7.1 Case # 2021-00446

City of Lake Wales VS Highland Park Community LLC
18721 US Hwy 27

PID: 27-30-10-000000-012150

Violation(s): 7-8 Building Permit Required (Dumpster Enclosure- Common Areas)

Kevin Allan Guthrie, property owner representative for land owner was present to provide testimony.

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

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2021-00446

OWNER: Highland Park Community LLC

VIOLATION ADDRESS: 18721 US HWY 27 (common areas)

PARCEL # 27-30-10-000000-012150

VIOLATION DATE: 10/06/2021

VIOLATION(s): 7-8 Building Permit Required (dumpster enclosure without permit)

Facts regarding this case are:

- Notice of Violation Issued: 10/06/2021
Date to comply: 10/20/2021

Certified Mail – Green Card

Green Card Signed on 10/08/2021

- October 21, 2021 – Person named Tania called office to discuss NOV. It was explained that a permit is required for the dumpster enclosure. Staff was notified by Building Division permit tech that an incomplete application was submitted.
- October 28, 2021 – Staff received email from Building Division permit tech that a change of contractor was submitted for the already submitted permit application and that contractor was notified of missing items needed to continue to process their application.
- November 19, 2021 – Senior Planner sent email to Mr. Bharah which stated that the dumpster location cannot be approved as it is located within the DOT right of way and not on the property and that the enclosure should be landscaped as well. There has been no further action on the application as of this date.
- Notice to Appear issued: 03/17/2023
Date to Appear: 04/10/2021
 - Certified Mail Delivered: 03/30/2023
 - Regular Mail
 - Hand Delivered by JLozada to Marshall on 03/29/2023
- March 29, 2023, Marshall, property manager called in to inquire about NTA. He stated that they will be relocating the dumpster. Staff explained that a permit is still required for the enclosure no matter where the dumpster is moved to. It was also explained that if he or someone else would be speaking on behalf of the property owner at the hearing a notarized statement from the property owner will be required.
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY:

2023-00056	No Permit Sanitation	CEB April 10, 2023
2020-00189	Abandoned Homes/Animals	Closed
2020-00006	Commercial Vehicles	Closed
2020-00005	Junk and Trash	Closed
2018-00269	Sanitation	Closed
2018-00221	Sanitation	Closed
2018-00220	Vehicle	Closed
2018-00219	Vehicle	Closed
2017-00055	Abandoned Home	Closed
2017-00054	Abandoned Home	Closed
2017-00035	Sanitation	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$7.33
NTA CERT MAIL	\$4.75
NTA CERT MAIL REG AGENT	\$4.75

NTA REG MAIL	\$0.60
NTA REG MAIL REG AGENT	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5 (CEB)	\$15.00
TRIP 6 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$125.53

***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 \$125.53 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
- This concludes my presentation.

CCS Report End

Mr. Guthrie addressed the Board and stated that he understands that they need a permit in order to move the dumpster from its location to another location that will not be in the right of way and asked for extra time to obtain the permit. He stated that the dumpsters will be moved from the right of way and onto the mobile home park property. He asked that if for the permit he needs a general contractor or a business contractor. Ms. Lozano stated that his question is best answered by the Building Division as she is not certain what type of contractor is required to obtain the permit. Mr. Wilson asked how much time they are requesting for the extension. Mr. Guthrie replied that they are hoping for three months. Mr. Colburn asked what the timeframe is for processing such permits at this time. Ms. Lozano stated two to three weeks for a complete submittal. Mr. Marino asked Mr. Guthrie if they can be done within 60 days. Mr. Guthrie stated that they can try. Mr. Gibson asked that if in order for compliance to be achieved all they need is to apply for a permit. Ms. Lozano responded that just applying for a permit will not achieve compliance. Mr. Wilson stated that they also need to rectify the problem. Mr. Lozada stated that with the application they will have to submit a site plan with the new location of the dumpster and once that gets approved they have to build the new dumpster enclosure so that they can remove the existing dumpster enclosure. Mr. Guthrie stated that he believes that the site plan for the new location has already been submitted. Ms. Schmitt asked Mr. Guthrie if he is speaking

about the 2021 plans that appear in the case file. Mr. Guthrie stated no and that the submittal is more recent. Mr. Wilson asked Mr. Guthrie if he is sure that he can have everything done in three months. Mr. Guthrie responded yes as that would give them enough time to get plans made and submit for the permits. Mr. Wilson made a motion to accept staff recommendation with a 90 day (07/09/2023) extension. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

7.2 Case # 2023-00056

City of Lake Wales VS Highland Park Community LLC

18721 US Hwy 27 (451 Laurel Park Terr)

PID: 27-30-10-000000-012150

Violation(s): 12-233.1 Sanitation and storage of materials; 7-8 Building Permit Required

Kevin Allan Guthrie, property owner representative for land owner was present to provide testimony.

Ileana Gloriane Mendez-Szasz mobile home owner was present to provide testimony.

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

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2023-00056

OWNER: Highland Park Community LLC

VIOLATION ADDRESS: 18721 US HWY 27 (451 Laurel Park Terrace)

PARCEL # 27-30-10-000000-012150

VIOLATION DATE: 02/01/2023

VIOLATION(S): 7-8 Building Permit Required

12-233.1 Sanitation and storage of materials

Facts regarding this case are:

- February 1, 2023 – Building Division inspector issued stop work order for complete demo, and addition. Windows, decking, plumbing material on-site and referred case to the Code Compliance Division.
- February 6, 2023 – Eliana, owner of the mobile home called in to inquire about posted stop work order. It was explained that sanitation issues exist and then she was connected to the Building Division for permit processing information.
- Notice of Violation Issued: 02/08/2023
Date to comply: 02/23/2023

Certified Mail – Delivered 02/10/2023

- February 20, 2023 – Arash, property/land owner called our office and stated that he is out of the country and is concerned about fines. Violations and expectations for compliance were explained and a 14 day extension was granted.
- Notice to Appear issued: 03/17/2023
Date to Appear: 04/10/2021
 - Certified Mail Delivered: 03/20/2023
 - Regular Mail
 - Hand Delivered by JLozada to Marshall on 03/29/2023
- March 21, 2023 – Received call from Arash inquiring about the NTA. Staff explained expectations for compliance and advised that he should appear to hearing unless otherwise instructed.
- March 22, 2023 – Received call from Eliana inquiring about NTA. Staff explained the expectations for compliance. She stated that she has submitted application to the Building Division. Staff explained that in preparation for the hearing she will require a notarized statement from the property owner allowing her to speak on his behalf or she must show land lease or ownership documents. The preparation instructions were also email to her.
- March 29, 2023- Received email from Building Division that permit application for stop work order has been sent for review and that processing time is 2-3 weeks. Marshall, property manager called in to inquire about NTA and requested inspection for compliance on the sanitation issues. Staff explained that even if premises is in compliance with sanitation, the permitting issues still exist and that the property owner should plan to attend the hearing unless otherwise instructed. Staff also explained that if someone other than the property owner will be speaking and the land owner is not present a signed notarized statement of authorization from the land owner will be required.
- As of today's date, the cited violations still exist.

PROPERTY CASE HISTORY:

2021-00446	No Permit	CEB April 10, 2023
2020-00189	Abandoned Homes/Animals	Closed
2020-00006	Commercial Vehicles	Closed
2020-00005	Junk and Trash	Closed
2018-00269	Sanitation	Closed
2018-00221	Sanitation	Closed
2018-00220	Vehicle	Closed
2018-00219	Vehicle	Closed
2017-00055	Abandoned Home	Closed
2017-00054	Abandoned Home	Closed
2017-00035	Sanitation	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.75
NTA CERT MAIL	\$4.75
NTA CERT MAIL REG AGENT	\$4.75
NTA REG MAIL	\$0.60
NTA REG MAIL REG AGENT	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3 (CEB)	\$15.00
TRIP 4 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$92.95

*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 \$92.95 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
- This concludes my presentation.

CCS Report End

Mr. Guthrie was asked to present his case but he stated that he would prefer for Ms. Szasz to speak instead. Ms. Szasz addressed the Board and stated that all of the sanitation violations have been corrected as of 02/21/2023. Ms. Szasz stated that she is working on obtaining the permit and that she was told that she needs to hire a general contractor to do the work, and that her contractor will be filing the application for the permit by Wednesday. Mr. Wilson asked Ms. Szasz if she is remodeling the mobile home. Ms. Szasz stated yes as the home was abandoned. Mr. Wilson asked Ms. Szasz what is she asking of the Board. Ms. Szasz stated that she would like extra time of two weeks to get the building permit approved as it takes two to three weeks right now. Ms. Schmitt asked if the addition was demoed or is it still there. Ms. Szasz stated that the addition is still on the premises but immediately stopped working on it when the stop work order was issued, and began to communicate with the Building Division. Mr. Marino asked Ms. Szasz if she will be renting the mobile home. Ms. Szasz responded yes. Mr. Marino asked how long it will take to get the property into compliance after the permit is obtained. Ms. Szasz replied in about 60 days. Mr. Wilson asked if just obtaining the permit will

achieve compliance. Mr. Lozada responded yes. Mr. Gibson stated that this could possibly take 30 days with the permitting processing time to obtain the permit. Mr. Gibson made a motion to accept staff recommendation with a 30 day (05/10/2023) extension. Mr. Marino seconded the motion. All vote in favor. The motion passed unanimously.

7.3 Case # 2022-00469
City of Lake Wales VS Ricky S. Tinsley
212 D Street
PID: 27-29-35-880000-008090
Violation(s): Multiple Violations

Angelique Shantell Irving, property owner representative was present to provide testimony.

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

CCS Report Start

CASE # 2022-00469

OWNER: Ricky S. Tinsley

VIOLATION ADDRESS: 212 D Street

PARCEL # 27-29-35-880000-008090

VIOLATION DATE: 10/28/2022

VIOLATION(s): 12-233.1 Sanitation and storage of materials
12-233.4 Grass, weeds and overgrowth
12-233.5 Dead trees, limbs, branches and accumulated landscaping materials
12-233.12 Motor Vehicles
12-233.7 Rodent Harborage
12-235.5 Exterior Walls
12-235.12 Window, skylight and door frames
12-235.12.1 Glazing
12-235.12.2 Openable windows
12-235.14 Doors
12-236.2 Interior Surfaces
12-236.3 Stairs and walking surfaces
12-236.6 Light and ventilation
12-238 Pest extermination
12-238.1 Infestation
12-238.2 Owner
12-238.4 Multiple Occupancy
12-239 Plumbing facilities and fixture requirements
12-241 Mechanical and electrical requirements

Facts regarding this case are:

- October 27, 2022 – Tenant, (Lavonskiara Tubbs) submitted complaint to the Division and requested safety check inspection. Inspection completed on 10/28/2022

- Notice of Violation Issued: 11/01/2022
Date to comply: 11/20/2022

- Certified Mail
- Was posted at the violation address on 12/22/2022
- Notice Returned to City UNCLAIMED

- November 14, 2022 – Had a conversation with Mr. Tinsley about his tenant’s complaint and advised him that we recently mailed him a notice explaining the violations observed. He told me that the tenant is in the process of being evicted for non-payment and will take care of the violations as soon as the tenants are out of the unit.

- Notice to Appear issued: 03/17/2023
Date to Appear: 4/10/2023

- Certified Mail – Delivered: USPS DELIVERY ATTEMPTED – 03/26/2023
- Regular Mail
- Was posted at the violation address on 03/29/2023

- March 22, 2023- Mr. Tinsley called inquiring about NTA and was requesting to be taken off the hearing because he claims he never received any notices. He was explained the notification process and that we sent notices certified mail and posted it on the property. I also reminded to Mr. Tinsley that we had a brief conversation about the open case and violations back in November 2022. He is claiming he doesn't know what the violations are, but when I asked if I could email him a copy of the violation notice he refused.

- April 6, 2023 – Mr. Tinsley called our office and requested list of violations to be emailed to him. Staff emailed NOV and NTA to rick.tinsley@yahoo.com.

- As of today’s date, the cited violations still exist.

PROPERTY CASE HISTORY:

2021-00363	Sanitation/Dead Trees	Closed
2019-00445	Multiple Violations	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.57
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6 (CEB)	\$15.00

TRIP 7 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$132.42

*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 \$132.42 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
- This concludes my presentation.

CCS Report End

Ms. Irving addressed the Board and stated that she is requesting 60 days to achieve compliance. She stated that corrections have been made since the last tenant was evicted and that the property owner just received the list with the violations. Mr. Wilson asked Ms. Irving if she can see the pictures that were taken today scrolling on the projector with the vehicles in front and all of the other items underneath the carport. Ms. Irving stated that she has not seen them. Ms. Lozano stopped the slide show and projected the pictures taken today. Ms. Irving stated that Mr. Tinsley was not aware of those violations. Mr. Wilson stated that it looks like the side of the house was cleaned up but not the area where the carport is. Mr. Marino stated that the March 27th picture shows a lot of junk on the street still, which breeds rats and it's dangerous to kids walking up and down the street and that needs to be cleaned up quickly. Ms. Schmitt asked Mr. Lozada if he has been asked to go back inside the unit. Mr. Lozada responded no, as they would need to schedule an appointment to allow access if there are new tenants. Ms. Schmitt asked if there are new tenants. Ms. Irving responded correct. Mr. Marino made a motion to accept staff recommendation and stated that what bothers him is that when the property owner was offered to be emailed the notice of violation, he refused, and that tells Mr. Marino that Mr. Tinsley is not being cooperative. Mr. Colburn seconded the motion. There were nays heard at voting and a roll call vote was requested. The roll call vote is as follows:

Marino – Yes
Colburn – Yes
Gibson – Yes
Schmitt – No
Austell – No

Wilson – No

Motion Failed. 3 yes, 3 no

Ms. Schmitt made a motion to accept staff recommendation with a 30 days (05/10/2023) extension. Mr. Colburn seconded the motion. There were nays heard at voting and a roll call vote was requested. The roll call vote is as follows:

- Schmitt – Yes
- Colburn – Yes
- Gibson – Yes
- Austell – Yes
- Marino – No
- Wilson – Yes

Motion passed 5 yes, 1 no

7.4 Case # 2022-00501
 City of Lake Wales VS Robert M. Karan
 324 Polk Ave E
 PID: 27-30-02-910010-000050
 Violation(s): 7-8 Building permit required; 12-233.4 Weeds, grass and overgrowth

Robert Michael Karan, property owner was present to provide testimony. Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2022-00501
OWNER: Robert M. Karan
VIOLATION ADDRESS: 324 Polk Ave E
PARCEL # 27-30-02-910010-000050
VIOLATION DATE: 02/01/2023
VIOLATION(S): 7-8 Building Permit Required
 12-233.4 Grass, weeds and overgrowth

Facts regarding this case are:

- Notice of Violation Issued: 02/01/2023
 Date to comply: 02/16/2023

Certified Mail Only – Delivered: 02/06/2023

- Between February 16th and March 12th 2023 - There was a series of email exchange between Mr. Karan and staff regarding the violations. In the emails Mr. Karan expressed he disagrees that he has violated the weeds, grass and overgrowth ordinance and claims the

area is a beautiful garden. I advised Mr. Karan that an unmaintained and neglected area that has been over taken by weeds and overgrowth is not considered a garden and if he wanted to maintain a garden in that area he can do so, the area just needs to be cleaned up of weeds and overgrowth and maintained as such.

- March 12, 2023 – Mr. Karan emailed requesting to be scheduled for a hearing to speak to the board about his garden as he feels my opinion is beyond the law.
- March 27, 2023 – I consulted the City Horticulturalist Lester Gullede and he does agree that the area is un-kept and in need of maintenance by a hard cutting back and proper pruning.
- Notice to Appear issued: 03/27/2023
Date to Appear: 04/10/2023

- Certified Mail Only– Delivered: 03/29/2023
- Regular Mail
- Was posted at the violation address on 03/29/2023

- As of today’s date, the cited violations still exist.

PROPERTY CASE HISTORY: NONE

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.75
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5 (CEB)	\$15.00
TRIP 6 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$117.60

*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 \$117.60 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
 - This concludes my presentation.

CCS Report End

Mr. Karan addressed the Board and stated that he believed that it was agreed upon that there was no issue with anything to do with the grass or mowing. Mr. Lozada stated that the garden area is still overgrown. Mr. Karan stated that the ordinance paragraph includes high grass and weeds and vegetation and that he is trying to clarify that the issue is not the lawn. Mr. Lozada stated correct. Mr. Karan stated that what staff is talking about is the trees and the shrubs and that there are no weeds in there and that last week he contacted Eric and asked him to come out and inspect as he has cleaned up some of the garden area. Mr. Karan stated that it is ferns, vermilions and palms and stated that those types of plants cannot be trimmed, and that this is a native garden. Mr. Karan stated that he did not plant it, and that the garden was there when he bought the property and he maintains it and stated that he cannot find anything in the code that's says that he cannot have ferns and vermilions in his front yard. Mr. Karan stated that the only thing he found that the code says is that if it impedes and obstructs. He stated that this garden is 15 feet away from the sidewalk and is not on a corner, and it is not blocking anything. He stated that he has a right to choose the height to trim his shrubs to and stated that he does not know what he has violated. Mr. Karan asked that someone tell him what the garden is impeding or obstructing. Mr. Austell asked Mr. Lozada if the horticulturist has provided guidance as to the height that those bushes should be trimmed down to. Mr. Lozada stated that there was no mention of specific height, but that the area was in desperate need of maintenance. Mr. Austell asked if there is a guideline that can be provided to Mr. Karan. Mr. Lozada stated that they can meet with the horticulturist to discuss that. Mr. Austell instructed Mr. Karan to get with staff to determine what he can do. Mr. Lozada pointed out to the pictures so that we can compare what it used to look like before and what it looks like now. Ms. Lozano stopped the slide show to display the before and after pictures. Mr. Lozada stated that you can tell that the area has not been maintained in years. Mr. Karan stated that this is not true. Ms. Schmitt pointed out that there is a big difference from the 2013 pictures. Mr. Karan stated that things do continue to grow and asked if someone can tell him what violates the code as the garden is not impeding or obstructing something. Mr. Colburn stated that he drove by the premises this weekend and that the thing that he noticed is that it looked like there was a lot of dead material around and it needs to be cleaned up. Mr. Karan stated that there is not one brown branch in there today and he likes the privacy that it provides. Mr. Marino stated that beauty is in the eye of the beholder and to him this area does not look like it's well maintained. Mr. Karan asked if they knew of anything that was impeding or obstructing. Ms. Lozano stated that it was not under the Board's purview to know the answer to that question and that Mr. Karan should address his question with staff at a later time. Mr. Lozada stated that we have a hedge ordinance where it gives the maximum height for a front yard hedge to be four feet high. Mr. Wilson asked Mr. Karan what his desire of the Board is and if he would like to be able to meet with staff to try to work this out. Mr. Karan stated that he would like to meet with Lester the horticulturist. Mr. Austell stated that maybe the

case should be tabled. Mr. Lozada reminded the Board that this case also has permitting issues as well. Mr. Wilson asked if the shed was erected without a building permit. Mr. Lozada stated that there was a shed that was pre-existing, but this shed has been moved and enclosed without a permit. Mr. Karan stated that he has a page from the Polk County Website Building Department and it is a reference for people to see if they need a permit for something. Mr. Karan stated that he bought the property back in 2018 and that the shed was right up against the house. Mr. Karan stated that he pulled up the County website and stated that after reading the list he determined on his own that he did not need a permit as he was not placing a new building and that he did move the building and lined it up against his driveway. Mr. Karan stated that now is five years later and he is being told that he needs a permit and that he is willing to comply and that he is just trying to figure out how to do it. Ms. Schmitt stated that she is going to guess that the structure is too close to the property line and asked Mr. Lozada for confirmation. Mr. Lozada stated that all structures have to go through a zoning review first for setbacks. Mr. Lozada stated that not only was the structure moved but it was also enclosed. Mr. Karan stated that he is trying to get a survey, but it has been difficult to get a surveyor out to his property. Mr. Marino made a motion to table this case. Ms. Schmitt seconded the motion. All voted in favor. The motion passed unanimously.

7.5 Case # 2022-00453
City of Lake Wales VS Monica Vickers and Bey Deshaun Dunn
320 Polk Ave E
PID: 27-30-02-910010-000060
Violation(s): Multiple Violations

Property owner was not present to provide testimony.

Ms. Lozano notified the Board that the property owner is not present, but that they submitted a letter that she can read into the record if the Board chooses after Ms. Lozada presents the case.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2022-00453

OWNER: Monica Vickers and Bey Deshaun Dunn

VIOLATION ADDRESS: 320 Polk Ave E

PARCEL # 27-30-02-910010-000060

VIOLATION DATE: 02/01/2023

VIOLATION(s): 12-233.1 Sanitation and Storage of materials
12-235.1 Protective Treatment
12-235.5 Exterior Walls
12-235.6 Roofs and drainage
12-235.7 Decorative Features
12-235.9 Stairways, decks, porches and balconies
12-235.11 Handrails and guards
12-235.12 Window, skylight and door frames
12-235.12.1 Glazing

12-235.12.2 Openable Windows
 12-235.14 Doors
 12-235.18 Skirting around foundations

Facts regarding this case are:

- Notice of Violation Issued: 02/01/2023
 Date to comply: 02/16/2023

Certified Mail
 Notice Returned to City UNCLAIMED

- Notice of Violation Re-Issued: 02/01/2023
 Date to comply: 02/16/2023

Certified Mail Only – Delivered: USPS-moving through network 02/06/2023
 Was posted at the violation address on 03/09/2023

- Notice to Appear issued: 03/27/2023
 Date to Appear: 04/10/2023

Certified Mail– Delivered: USPS Delivery Attempted 04/03/2023
 Regular Mail
 Was posted at the violation address on 03/29/2023

- As of today’s date, the cited violations still exist. There has been no communication with the property owner,

PROPERTY CASE HISTORY: None

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.57
NOV RE-ISSUE CERT MAIL	\$4.75
NOV RE-ISSUE POST	\$12.50
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6	\$15.00
TRIP 7	\$15.00
TRIP 8	\$15.00
TRIP 10 (CEB)	\$15.00

TRIP 10 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$194.67

***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 \$194.67 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
- This concludes my presentation.

CCS Report End

Ms. Lozano read the letter submitted by the property owner into the record which stated as follows: (image of letter)

Greetings, City of Lake Wales Code enforcement board and staff.

My name is Deshaun Dunn-Bey I'm one of the owners 316 and 320 Polk Ave Lake Wales.

I apologize I cannot make it in person as my mother and co-owner are out of town for a major surgery.

Over the last year or so we have constantly worked to improve the homes at both addresses listed above. Unfortunately, due to the recent storm and constant vandalism ours plans have slowed down. But we are constant working to improve both locations. We have responded to our recent notice; we have also completed major of the work asked. If possible, we are asking if you can extend our time frame to allow us to complete to remainder of the work ask. As well as purchase the permits need to complete the larger items

Sincerely

Deshaun Dunn-Bey

Owner of 316 and 320 E polk Ave Lake Wales.

Mr. Colburn stated that this is a sad eyesore. He stated that he doesn't know the people who wrote the letter and he cannot assume any character but he is not confident that they really intend to fix the property. He stated that maybe in five years but that we are not going to wait that long. Mr. Marino made a motion to accept staff recommendation. Mr. Colburn seconded the motion. Ms. Schmitt asked Mr. Lozada if there has been any improvement since February 1st. Mr. Lozada stated that there has not been any improvement since then. All voted in favor. The motion passed unanimously.

7.6 Case # 2023-00098
City of Lake Wales VS Monica Vickers and Bey Deshaun Dunn
316 Polk Ave E
PID: 27-30-02-910010-000070
Violation(s): 7-8 Building permit required; 12-233.1 Sanitation and storage of materials

Property owner was not present to provide testimony.

Ms. Lozano notified the Board that the property owner is not present, but that they submitted a letter that she can read into the record if the Board chooses after Ms. Lozada presents the case.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2023-00098

OWNER: Monica Vickers and Bey Deshaun Dunn

VIOLATION ADDRESS: 316 Polk Ave.E

PARCEL # 27-30-02-910010-000070

VIOLATION DATE: 03/13/2023

VIOLATION(s): 7-8 Building Permit Required
12-233.1 Sanitation and storage of materials

Facts regarding this case are:

- Notice of Violation Issued: 03/13/2023
Date to comply: 03/28/2023
 - Certified Mail – Delivered: USPS Notice Left 03/16/2023
- Notice to Appear issued: 03/30/2023
Date to Appear: 04/10/2023
 - Certified Mail - Delivered: USPS NOTICE LEFT 04/04/2023
 - Regular Mail
 - Was posted at the violation address on 03/20/2023
- As of today's date, the cited violations still exist. There has been no communication with the property owner.

PROPERTY CASE HISTORY: NONE

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.75
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3 (CEB)	\$15.00
TRIP 4 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$87.60

*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 \$87.60 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
- This concludes my presentation.

CCS Report End

Ms. Lozano read the letter submitted by the property owner into the record which stated as follows: (image of letter)

Greetings, City of Lake Wales Code enforcement board and staff.

My name is Deshaun Dunn-Bey I'm one of the owners 316 and 320 Polk Ave Lake Wales.

I apologize I cannot make it in person as my mother and co-owner are out of town for a major surgery.

Over the last year or so we have constantly worked to improve the homes at both addresses listed above. Unfortunately, due to the recent storm and constant vandalism ours plans have slowed down. But we are constant working to improve both locations. We have responded to our recent notice; we have also completed major of the work asked. If possible, we are asking if you can extend our time frame to allow us to complete to remainder of the work ask. As well as purchase the permits need to complete the larger items

Sincerely

Deshaun Dunn-Bey

Owner of 316 and 320 E polk Ave Lake Wales.



Mr. Wilson asked if there is a different mailing address for this property. Mr. Lozada responded that there is a PO Box in Haines City. Mr. Wilson made a motion to accept staff recommendation. Mr. Colburn seconded the motion. All voted in favor. The motion passed unanimously.

- 7.7 Case # 2023-00078
City of Lake Wales VS John J. Hays II and Tonya R. Hays
961 Campbell Ave
PID: 27-30-01-881500-000092
Violation(s): 12-233.4 Grass, weeds and overgrowth; 12-233.1 Sanitation and storage of materials; 23-521 Garaging and parking of vehicles, trailers, recreational and noncommercial vehicles and boats.

John Junius Hays II, property owner was present to provide testimony.
Tonya Renee Hays, property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2023-00078

OWNER: John J. Hays and Tonya R. Hays

VIOLATION ADDRESS: 961 Campbell Ave

PARCEL # 27-30-01-881500-000092

VIOLATION DATE: 02/27/2023

VIOLATION(s): 12-233.4 Grass, weeds and overgrowth
12-233.1 Sanitation and storage of materials

23-521 Garaging and parking of vehicles, trailers, recreational and noncommercial vehicles and boats.

Facts regarding this case are:

- Notice of Violation Issued: 02/27/2023
Date to comply: 03/14/2023

 - Certified Mail – Delivered: 03/04/2023

- Notice to Appear issued: 03/27/2023
Date to Appear: 04/10/2023

 - Certified Mail Only – Delivered: 03/29/2023
 - Regular Mail
 - Was posted at the violation address on 03/29/2023

- March 29, 2023 - Mr. John Hays called in to request inspection for compliance. Staff explained inspection has been scheduled for 03/30/2023 and that case has been referred to CEB and that he should plan to appear unless otherwise instructed.

- March 30, 2023 - Staff called Mr. Hays to provide him with the results of the requested inspection. Staff explained all of the violations that remain and expectations for compliance. He stated that he will take care of the violations. Ms. Hays later came into the office to discuss the violations. Staff showed her pictures and explained expectations for compliance. She asked for an extension through the end of May. Staff explained that because her case has been scheduled for CEB she must make her request for extension to the Board.

- April 4, 2023 – Ms. Hays came in and requested violation pictures. Pictures were emailed to jjhays@gmail.com

- As of today’s date, the cited violations still exist.

PROPERTY CASE HISTORY:

2022-00193	Building Permit Required	Closed
2020-00133	Sanitation/Accessory Structures	Closed

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.75
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4 (CEB)	\$15.00

TRIP 5 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$102.60

*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 \$102.60 to present this case.

*AND STAFF RECOMMENDS THE BOARD:

1. Impose a fine in the amount of \$ 75.00 (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
- This concludes my presentation.

CCS Report End

Mr. Hays addressed the Board and stated that he just needs to know what the sanitation issue is. Mr. Lozada stated that at the front curb there is a trash bin with construction debris and those items will not be picked up. Mr. Wilson explained that those items need to be separated. Mr. Hays stated that the construction material that is in the garbage is the problem and what staff and the Board is saying is that the garbage company will not pick that up. Mr. Wilson stated yes. Mr. Hays said that he can resolve the issue. Mr. Marino asked if the unlicensed cars are still on the property. Mr. Lozada stated that there is an unlicensed vehicle on the driveway but they have covered it with a fitted cover. Mr. Gibson made a motion to accept staff recommendation with a 15 day (04/25/2023) extension. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

7.8 Case # 2023-00015

City of Lake Wales VS Carmen Vazquez
 1153 View Pointe Cir
 PID: 27-29-36-880208-000200

Violation(s): 12-233.1 Sanitation and storage of materials; 23-524 Fence and Hedges

Property owner was not present to provide testimony.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2023-00015

OWNER: Carmen Vazquez
 VIOLATION ADDRESS: 1153 View Pointe Cir
 PARCEL # 27-29-36-880208-000200
 VIOLATION DATE: 01/17/2023
 VIOLATION(S): 12-233.1 Sanitation and storage of materials.
 23-524 Fence and hedges

Facts regarding this case are:

- Notice of Violation Issued: 01/17/2023
 Date to comply: 02/01/2023
 Certified Mail – Delivered: 01/19/2023

- Notice to Appear issued: 03/28/2023
 Date to Appear: 04/10/2023
 Certified Mail Only – Delivered: USPS – NOTICE LEFT 03/31/2023
 Regular Mail
 Was posted at the violation address on 03/29/2023

- As of today’s date, the cited violations still exist. There has been no communication with property owner.

PROPERTY CASE HISTORY:

2017-00048	Tree declared nuisance	Closed
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COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.57
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4 (CEB)	\$15.00
TRIP 5 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$102.42

*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 \$102.42 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.

- OR Board's Discretion
- This concludes my presentation.

CCS Report End

Mr. Colburn asked Ms. Lozano if there has been any other communication with the property owner aside from the two notices. Ms. Lozano responded no. Mr. Colburn made a motion to accept staff recommendation. Mr. Gibson seconded the motion. All voted in favor. The motion passed unanimously.

7.9 Case # 2023-00053

City of Lake Wales VS Marc Evan Fenelus and Chantal Trompe Fenelus
213 Brookshire Dr

PID: 27-29-11-859500-000490

Violation(s): 7-8 Building Permit Required, 12-233.1 Sanitation and storage of materials,
12-233.2 Grading and Drainage

Property owner was not present to provide testimony.

Code Compliance Supervisor (CCS) Jose Lozada presented the case.

CCS Report Start

CASE # 2023-00053

OWNER: Marc Evan Fenelus and Chantal Trompe Fenelus

VIOLATION ADDRESS: 213 Brookshire Dr

PARCEL # 27-29-11-859500-000490

VIOLATION DATE: 02/02/2023

VIOLATION(s): 7-8 Building Permits required
12-233.1 Sanitation and storage of materials.
12-233.2 Grading and Drainage

Facts regarding this case are:

- Notice of Violation Issued: 02/02/2023
Date to comply: 02/17/2023

Certified Mail – Delivered: _____

Was posted at the violation address on 03/3/2023

Returned to City UNCLAIMED

- Notice to Appear issued: 03/27/2023
Date to Appear: 04/10/2023

Certified Mail Only – Delivered: USPS – FORWARD EXPIRED 04/04/2023

Regular Mail

Was posted at the violation address on 03/31/2023

- As of today's date, the cited violations still exist. There has been no communication with property owner.

PROPERTY CASE HISTORY: None

COSTS OF ENFORCEMENT/HARD COSTS:

TRIP 1	\$0
NOV CERT MAIL	\$4.75
NOV POST	\$12.50
NTA CERT MAIL	\$4.75
NTA REG MAIL	\$0.60
NTA POST	\$12.50
TRIP 2	\$15.00
TRIP 3	\$15.00
TRIP 4	\$15.00
TRIP 5	\$15.00
TRIP 6 (CEB)	\$15.00
TRIP 7 (FUTURE TRIP)	\$15.00
LIEN RECORDING	\$10.00
LIEN RELEASE	\$10.00
TOTAL	\$145.10

*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 \$145.10 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
- This concludes my presentation.

CCS Report End

Mr. Gibson made a motion to accept staff recommendation. Ms. Schmitt asked if there are any permits for this. Mr. Lozada stated that they started to build a house without building permits and the Building Division issued a stop work order and the site was abandoned. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

8) PUBLIC COMMENTS AND PETITIONS

Mr. Wilson opened the floor for public comments.

There was no one to make public comments.

Mr. Wilson recognized that Commissioner Krieger was in the audience and asked him to come up to be recognized. Mr. Krieger stated that he just came to observe and that the Board runs pretty good and that he appreciates all of the work from the Board, and that he likes to see that things are being done and accomplished in an efficient manner. Mr. Krieger stated that he heard at one time that the Board was considering allocating fines that are not paid to the owner's property tax, and if that is being discussed or if it is being considered at all. Mr. Galloway responded that the fines cannot go to the property taxes, moneys that have been expended to bring properties into compliance is what can go to the tax roll, daily fines cannot. Mr. Krieger asked if this is being done. Mr. Galloway replied yes.

9) BOARD/STAFF COMMENTS/OTHER BUSINESS

Mr. Colburn stated that he appreciates the participation of concerned citizens and that it means a lot to the Board.

Mr. Gibson stated that he heard that the cleanup event went very well and commended staff for their efforts on putting the event together.

Ms. Schmitt stated that she is noticing that cases are coming up a lot faster and it's like we don't know what to do and we are not used to these cases and that we are used to the older stuff. She stated that we have to get used to "ok, they should be done in a month and they're not."

Mr. Marino stated that he would like for Mr. Lozada to have a microphone because even with his hearing aids he cannot hear him. Ms. Lozano stated that Mr. Lozada does have a microphone and that she will let the IT department know. Ms. Lozano stated that she was informed that new audio system will be installed in the chambers soon.

Mr. Wilson thanked everyone and staff for their guidance.

11) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:54pm.

Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:

Fany Lozano, Recording Secretary

DRAFT-NOT APPROVED