

**CODE ENFORCEMENT BOARD
REGULAR MEETING
MAY 10TH, 2021**

The City of Lake Wales Code Enforcement Board held an in person meeting on May 12, 2021 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):**

Chairperson Ralph Marino	Vice-Chair Wilena Vreeland	Sara Jones	Dwight Wilson (Via Phone)	Rodney Cannon	Bruce Austell	Julia Paul
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Albert (Chuck) Galloway, Jr. – City Attorney
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City Staff: Development Services Department
Jose Lozada– Code Compliance Officer Fany Lozano – Recording Secretary Mark J. Bennett – Development Services Director

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

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

- 4) **APPROVAL OF MINUTES – Regular Meeting – April 12th, 2021**

Ms. Jones made a motion to approve the minutes. Mr. Vreeland 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.

6) REVISIONS

Mr. Marino asked Ms. Lozano if there were any revisions to the agenda. Ms. Lozano responded that there is one revision to the agenda tonight. Item number 7.1 has come into compliance and that case will not be heard today, we can move on to item 7.2

7) CASE(s) NEW BUSINESS

7.1 Case # 2020-00474
City of Lake Wales VS Johny Saint Louis and Marie Gousse
296 Brookshire Dr
PID: 27-29-11-859500-000700
Violation(s): 23-524 – Fences and Hedges (Fence without a permit)

Case came into compliance prior to hearing. The case was not heard.

7.2 Case # 2018-00029
City of Lake Wales VS La Oriental Investment LLC
282 Park Ave E
PID: 27-30-01-883000-029012
Violation(s): 23-306.2(d) Refuse Collection Area (Dumpster Enclosure Required)
Foreclosure Request

Demetrio Salerno, Property Owner was present to provide testimony.
Henry Gonzalez, Translator for Property Owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case. He stated that this case was previously brought before the board and the Board issued an order for a daily fine of \$250 per day until compliance. He stated that as of today, the property is not in compliance and the value of the lien is \$128,349.00. He stated that a permit was issued but the permit expired with no inspections. He stated that there were numerous complaints and that the water was turned off on all tenants because the water account is on one water meter. He stated that the tenants were vacated from the building and the City has abated violations at this premises. He stated that in the last 5-6 years there has been 13 plus cases at this property. He stated that staff recommend the board authorize the Code Compliance Division to start the foreclosure process.

Mr. Salerno, property owner was present and Mr. Gonzalez who is his translator was present and translated for Mr. Salerno. Mr. Salerno speaks Spanish only. Mr. Gonzalez addressed the Board for Mr. Salerno and stated that Mr. Salerno is requesting leniency and another chance to take care of the issues. He stated that there were problems with the tenants, as they were not paying rent. Mr. Marino asked what are the plans to take care of the property. Mr. Gonzalez responded that Mr. Salerno is seeking financing and plans to take care of the property to make it livable again and make all the necessary

repairs, as he does not want to lose the property. Ms. Jones asked when was the last time anyone lived in the building. Mr. Gonzalez responded October of 2020. Ms. Jones asked what has been done since then to bring the property into compliance. Mr. Gonzalez responded that the property has been closed and that the tenants did not pay the water bill and that the county had provided Mr. Salerno with papers for the tenants to help them pay the rent and they never handed the paperwork back. Ms. Jones asked again what has been done since then? Mr. Gonzalez responded they moved out. Mr. Marino asked if the premises is uninhabitable. Mr. Gonzalez responded yes. Mr. Lozada stated that the City vacated the tenants in October 2020. Mr. Gonzalez stated that Mr. Salerno always maintained the property but he could not get funds from the renters. Ms. Vreeland asked if he could do better screening of the renters. Mr. Gonzalez responded that COVID stopped evictions. Ms. Vreeland asked how he screened the renters before, did he have a management company? Mr. Gonzalez responded that Mr. Salerno intends to use section 8 and is currently waiting to get all of his documents approved and that he will fix the building. Ms. Vreeland asked what is the solution. Mr. Gonzalez responded the solution is to fix the building. Ms. Vreeland asked how? Mr. Gonzalez responded by obtaining the proper permits and renovate. Mr. Cannon asked, what is a realistic time line to correct and be move in ready. Mr. Gonzalez stated three to four months. Mr. Galloway stated that there is no parking there and that it is an issue. Ms. Jones asked if there is public parking. Mr. Galloway responded that there is no public parking it is the Church's parking lot. Ms. Jones asked the respondent if parking has been problematic. Mr. Gonzalez responded no and that there was authorization from Code Enforcement for the parking spaces. Mr. Marino asked if there are enough parking spaces for all of the units. Mr. Gonzalez responded yes. Ms. Paul asked if they know what it would cost to repair the building. Mr. Gonzalez responded between 40 to 50 thousand dollars. Ms. Vreeland stated that he must screen tenants properly. Mr. Gonzalez stated that they will hire a property manager. Ms. Jones stated that she is concerned that she does not understand why the grass has not been cut even if there are no tenants. Mr. Gonzalez responded that Mr. Salerno has hired someone to take care of the grass and the trash and to finish the dumpster enclosure. Mr. Cannon asked, what is the reason that they allowed for the permit to expire without any inspections pre-pandemic. Mr. Gonzalez responded that Mr. Salerno was sick with COVID. Mr. Cannon stated that the permit issue was pre-COVID in August of 2019 and expressed concern that nothing has been done since then. He stated that they do not want to foreclose on this property, but the property owner has done nothing even while there was an open permit and he had the opportunity to get things corrected. Mr. Gonzalez responded that he would be in charge. Mr. Lozada stated that this property has been a nuisance for the past six years. This property is on a master water account and one garbage account for which Mr. Salerno was responsible to make the payments on both accounts. Mr. Salerno stopped making payments on both accounts in August of last year and the City had to abate the violations and vacate the structure. Mr. Cannon asked what the property owner would have to do to get water reconnected. Mr. Lozada stated that is an issue that he would have to address with the water department, and he would have to make payments on the water bill. Ms. Jones expressed concern that tenants may not have access to utilities because of the property owner having just one water account and if just one tenant does not make rent payments, that situation will affect all of the other tenants who may be making payments on time, water is a necessity. Ms. Jones also expressed concern that this issue was all pre-COVID. Mr. Gonzalez

restated that he will be responsible and he will stay on top of Mr. Salerno to get this resolved. Mr. Cannon asked Mr. Gonzalez when he entered the picture. Mr. Gonzalez responded last week. After open discussion from the Board, Mr. Cannon made a motion to table this case until the next meeting. Mr. Cannon also stated that what he is looking for at the next meeting is that there is progress with obtaining permits for the enclosure, and that although the grass is not part of this case that the exterior issues with the property be addressed as well to show good faith on the property owner's part. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

8) PUBLIC COMMENTS AND PETITIONS

Mr. Marino opened the floor for public comments.

Jeffery Johnson of 626 N. MLK Blvd addressed the Board.

Mr. Johnson addressed the Board and stated that his church is very active in the community. He stated that because his church has two locations he is only able to come to City Hall on the evenings and on the weekends or on Sundays and there is no one that he can talk to at the City Office. He stated that over the last year and a half thoughts have to come him that his lands are out of compliance. He stated that each time one of his administrators has met with Code Enforcement someone has immediately corrected the violations to do what they understood needed to be done and that they have never received anything in writing. He stated that he was unaware that there were liens against his property until three weeks ago. He stated that he has a purchase contract on the property in question but it cannot be sold with liens against it. He stated that today the Code Compliance Officer met with the new landscaping contractor, and that the officer showed him and took pictures of what needed to be cut. He stated that they only own 3.97 acres and that it appears that the location in question is over 5 acres. He stated that he asked the compliance officer to show them where the property lines are and the compliance officer could not do that. He stated that he thinks that it is hard to enforce a code if you are not sure where the property lines starts and ends. He stated that he is not trying to be out of compliance, but that this item is not to the level of satisfaction. He stated that if a code compliance officer cannot tell you where the property lines are, there is no way that the officer could enforce something if he is not for sure, of where the property line is. He stated that he understands that no action can be taken, but that the chair can add things to the agenda. He stated that he wanted to come and speak for himself to let the Board know that they are trying to do the right thing and that they cannot afford to pay \$100,000. He stated that he had no idea this was happening. He stated how can corrections be made if the compliance officer is not sure of where the property lines are. Ms. Jones asked what the closing date is. Mr. Johnson responded May 28.

Commissioner Curtis Gibson of 5102 Carillon Place addressed the Board. Mr. Gibson addressed the Board and stated that the he can attest that they have been a huge backbone for Lake Wales with giving back and doing other things. He stated that he walked over to the property and that it has been mowed and that it looks good to him, and that the he is not sure but that he would hope the Board could discuss the matter.

Ms. Jones asked for Code Compliance perspective on this matter. Mr. Lozada stated that he met the contractor there three times today and they have mowed it and it looks great but there are portions that are still non-compliant around the abutting property lines on both sides of the property. Ms. Jones asked if Mr. Lozada was able to let them know where the property lines are. Mr. Lozada responded "an approximate, yes". He stated that the problem is that they want to

know exactly where the lines are, and he is not a surveyor and that he can only provide an approximate. Ms. Jones asked if he communicated to the contractor what would be considered being in compliance. Mr. Lozada responded yes. Ms. Jones visually instructed Ms. Lozano to speak. Ms. Lozano stated that she spoke to Mr. Johnson this morning and that she provided him with instructions on how to come back to request a reduction. She stated that step one which is compliance would stop the fine from accruing and then he can request to appear before the Board. Ms. Lozano stated that the Board meets once a month, which is obviously an issue for Mr. Johnson at this time, and this situation stalls his closing but the steps to appear were provided. Mr. Wilson asked if the property is in compliance tonight. Ms. Lozano responded no it is not. Mr. Wilson asked what needs to be done, is it all the shrubbery under the trees? Mr. Lozada responded yes. Mr. Johnson stated that there were pictures taken and that the concern is that the contractor wanted to verify the difference from the morning picture versus the afternoon pictures, the pictures could not be provided and that issue now seems like more or less speculation and not factual proof. Mr. Johnson re-stated that a code enforcement officer has to know property lines even if he is not a surveyor. Ms. Jones asked Mr. Johnson if he believes that the abatement being asked of him is not on his property. Mr. Johnson stated that he is not sure. Ms. Jones stated that she wants to clarify because they cannot take action tonight. Mr. Bennet asked if he could make a statement, and he stated that this is not the time or place to determine compliance. The time and place to determine compliance is interactions with the Code Compliance Officer and the appropriate representatives of the property, staff is not ready to make a determination of compliance now, nor is staff ready to present any facts or findings to the Board for their consideration. Ms. Jones stated Mr. Lozada has indicated what should be in compliance, and that it seems like Mr. Johnson does not have the same understanding. Ms. Jones stated that the reality is that the Board cannot take action on the item tonight and that she is hoping that Mr. Johnson can push his closing back a couple of weeks so that he can get added to the agenda for the next meeting. Ms. Jones highly recommended that Mr. Johnson reach out to staff so that he can have a clear understanding of what compliance is. She stated that as much as she would like to have the issue addressed tonight, it cannot not be addressed tonight. Mr. Johnson stated that he understood and that he came in to be on the record so there are no discrepancies.

9) BOARD APPLICATION RECOMMENDATIONS

9.1 Courtney Schmitt

Ms. Schmitt introduced herself and stated that she was very interested in the last case because she walks by that apartment complex every day and that it gave her a good taste of what this is all about and that she thinks the structure is an eyesore. She stated that she was glad to have seen the process as it answered some questions that she had versus what staff does and the Board does. She stated that she is a teacher and that she is looking for a way to be involved with the City and that is why she is here. Mr. Marino stated that he read Ms. Schmitt's application and that he knows that she originally applied for the Variance Board as he calls it, and he jokingly said that this Board does more than they do, and that the Chairman of the Variance Board is sitting in the audience. Mr. Bennett stated that Ms. Schmitt applied for the Planning and Zoning Board and there was a situation where there were more applicants than vacancies and he wanted to thank Ms. Schmitt for her willingness to come in tonight and to be considered for another board. A roll call for recommendation was called and the results were 7 yes to 0 no.

9.2 Dwight Wilson

Mr. Marino stated that he highly recommends Mr. Wilson. His questions are pertinent to the situations. Mr. Vreeland stated that he is amazing. A roll call for recommendation was called and the results were 6 yes to 0 no.

9.3 Sara Jones

Ms. Jones stated that it is her pleasure to serve on this Board. She stated that she enjoys being able to communicate with her fellow citizens as well as City staff about what is best for the city. Mr. Marino stated that he appreciates all of her input and at times, she has driven him nuts when she wants to give people second chances. He stated that she is a plus for this Board and that he would love to have her back. Ms. Vreeland stated that she seconds Mr. Marino's comment because sometimes Ms. Jones leniency drove her nuts as well. A roll call for recommendation was called and the results were 6 yes to 0 no.

10) BOARD/STAFF COMMENTS/OTHER BUSINESS

Mr. Lozada thanked the Board for their service.

Mr. Bennett thanked the Board as well for their time and service. He stated that he knows this is not easy at times, but that he appreciates the Board.

Mr. Galloway agreed with the previous statements. He stated that before he became the City Attorney he served on this Board. He stated that this is important and that Citizens like to see folks who actually live here making decisions about their property.

Mr. Wilson wished Ms. Vreeland well and that hopefully, she will served on another Board.

11) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:29pm.

Attest:



Fany Lozano, Recording Secretary



Ralph Marino, Chairperson or
Wilena Vreeland, Vice Chairperson