

**CODE ENFORCEMENT BOARD  
REGULAR MEETING  
JUNE 14<sup>TH</sup>, 2021**

The City of Lake Wales Code Enforcement Board held an in person meeting on June 14, 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):**

Ralph Marino Chairperson	Wilena Vreeland Vice-Chair	Sara Jones	Dwight Wilson	Rodney Cannon	Bruce Austell	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.
- 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 – May 10<sup>th</sup>, 2021**

Mr. Galloway stated that there was a correction to the minutes on page 4, where it says contest and that the word should be attest. Ms. Jones made a motion to approve the minutes with corrections. 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 9, Board Member Application for Ms. Joyner will not be discussed. Ms. Joyner had a schedule conflict and will not be present tonight for her interview. Her application has been tabled for the next available meeting.

## 7) CASE(s) NEW BUSINESS

- 7.1 Case # 2019-00532  
City of Lake Wales VS Connections Community Church of God  
0 Briggs Ave  
PID: 27-30-02-903500-002214  
Violation(s): High Grass (Request for Reduction)

Dr. Jeffery Alex James Johnson, 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 a request for reduction of the administrative fine that is currently attached to this premises. He stated that the cost of enforcement for this case is \$263.70 and that staff is recommending a reduction from \$64,545 to \$6,454.50.

Dr. Johnson was present and addressed the Board. He asked if the next case on this agenda for item 7.2 will be heard together with this case. Mr. Marino responded that the cases will be heard separately. Dr. Johnson stated that the premises is currently in compliance. He stated that after he came to the last meeting he requested to meet with Mr. Lozada to clarify what needed to be done. He stated that he asked for all of the information on the case and asked if there were certified notices mailed to him. He stated that every mail attempt was returned to sender. He also stated that someone who signed for one of the notices is not a person that works for his church and he does not know who that person is. He stated that he only became aware that his premises was out of compliance because he is attempting to sell the property, and the title company notified him of the liens. He stated that he has paid a fine of \$150 already and is requesting a full reduction of the fines. Mr. Marino stated that at last month's meeting Mr. Johnson stated that Mr. Lozada did not know where the property lines were and that he would have made sure as a property owner to have his property surveyed to ensure where the property lines are. Dr. Johnson stated that the parcel all together is about 5 acres of land and that there is a retention pond area and that a portion of the land is owned by the Church, and the lines of demarcation are slim. He stated that he thought that the premises was being maintained to the level that it needed to be, but it wasn't because other areas where there was undergrowth were not being maintained by his landscaper. Mr. Cannon asked if the \$150 payment that has been paid for last year, was it for something that came before the Board. Ms. Lozano responded yes, that this case came before the Board last year in June at the time that a lot of the cases were being tabled and that it was a one time fine for just one of the lots. Mr. Cannon stated that he remembered that then, the letters were also coming back returned to sender. Ms. Vreeland stated that she understood that Dr. Johnson is looking for other property in Lake Wales. Dr. Johnson

responded yes and that his church does a lot for the City. Ms. Vreeland asked Dr. Johnson if he will continue to maintain this property while it is for sale. Dr. Johnson responded that if this matter is settled the closing can happen this week. Ms. Vreeland asked if the property is in compliance. Mr. Lozada responded yes. Ms. Jones asked Ms. Lozano if the City's position is that all of the notices were returned to sender. Ms. Lozano stated that yes, but that the premises was posted and one notice was signed for. Ms. Vreeland made a motion to reduce the administrative fine to the lowest possible reduction for the costs of enforcement of \$263.70. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously. Mr. Marino stated for the record that payment must be made by July 15, 2021.

7.2 Case # 2019-00533  
City of Lake Wales VS Connections Community Church of God  
0 Bullard Ave W  
PID: 27-30-02-903500-002215  
Violation(s): High Grass (Request for Reduction)

Dr. Jeffery Alex James Johnson, 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 a request for reduction of the administrative fine that is currently attached to this premises. He stated that the cost of enforcement for this case is \$248.70 and that staff is recommending a reduction from \$64,545 to \$6,454.50.

Dr. Johnson stated that his rebuttal is the same as the previous case on item 7.1 and that he is asking for complete reduction of the fines. Ms. Jones made a motion to reduce the fine to the lowest possible reduction which is the cost of enforcement of \$248.70. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

Dr. Johnson asked how he will receive the information of tonight's order. Ms. Lozano explained that she will contact him tomorrow and that she can arrange for payment to be made over the phone or whatever form of payment Dr. Johnson chooses. Mr. Cannon asked if we are able to get notices to Dr. Johnson now. Ms. Lozano stated that the last notices she mailed to the church address and that she has been communicating via email with Dr. Johnson, and she will make sure to send communications via email to Dr. Johnson. Mr. Wilson asked if Dr. Johnson can share what is happening with the property. Dr. Johnson stated that there may be some affordable housing. Mr. Wilson stated that he would like for there to be a conversation with the new property owner to ensure that the new property owner will maintain the property. Dr. Johnson stated that he will speak with the realtor about it so that the message can get passed along to the new property owner.

7.3 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. Mr. Lozada stated that this case was tabled from the last meeting and went over all of the history of this case as presented at the previous Board meeting. He stated that at the last meeting the Board tabled the case to allow the property owner to obtain the permit for the dumpster enclosure and to address the exterior violations. He stated that the property owner has submitted for a permit for the dumpster enclosure on June 3<sup>rd</sup> and exterior violations still exist. He stated that the service fees of \$1,420.40 owed to the City for abatement have been paid by the property owner. He stated that there is a balance due to the water department of \$7,009.90. He stated that staff is still recommending for the Board to authorize foreclosure on the lien currently accruing on this premises.

Mr. Gonzalez, translator for the property owner was present and addressed the Board. He stated that he has applied for the dumpster permit. Mr. Marino asked when. Mr. Gonzalez stated a month ago and that the permit has been approved by the Building Division, but that the zoning department is requesting a letter from the Church to get two parking spaces. He stated that he has already paid the bill for the water and that a new dumpster has been placed on the premises. Mr. Marino asked when was the grass cut. Mr. Gonzales stated Saturday. Mr. Cannon asked for the most recent picture and Mr. Lozada stated that we have pictures from today and that as of Friday the grass was not cut and that if it was cut, it must have been done over the weekend. Mr. Wilson asked if the water bill has been paid. Mr. Lozada stated that to his knowledge there is still a balance due to the water department. Mr. Salerno stated that he has paid \$7,000 and showed Ms. Jones a copy of his receipt. Mr. Wilson also asked for confirmation that when the water was shut off, it was because a tenant complained that the water was not being paid or was it because the property owner shut the water off? Mr. Lozada responded, yes and that City shut the water off for non-payment and that the water is the total responsibility of the property owner because there is only one meter. Mr. Marino stated that if they shut the meter off they shut the whole building off. Ms. Jones stated for the record that she was looking at a receipt from June 11 and that a payment for the water was made. Mr. Wilson asked if the issue was that tenants complained that they did not have water. Mr. Lozada responded that no water was a common complaint and that is the reason why the building was vacated. Mr. Wilson asked Mr. Salerno why he was shutting off the water and not paying the water bill? Mr. Gonzalez stated that because the tenants would not pay the rent. Mr. Wilson stated that going forward no matter what happens he cannot shut off people's water and that he should set up individual metering so that he does not punish someone else who does the rent and is doing the right thing. Mr. Lozada stated that on past cases the tenants would pull the money to pay the water bill themselves. Ms. Jones asked what violations still exist that are currently accruing the fine. Mr. Lozada stated that the property owner has not completed the dumpster enclosure and that there was a permit applied for on June 3<sup>rd</sup> but it is still

going through planning review for comments and corrections that needed to be addressed. Mr. Cannon stated that the application was applied for 3 weeks after the property owner was told it needed to be done. Ms. Jones asked why did it take 3 weeks to submit the permit application. Mr. Gonzalez stated that he needed to apply for the permit first and that they needed to redraw the plans and that Mr. Salerno was out of the country because his mother passed away. Ms. Paul asked how long does it take for the permitting process. Mr. Lozada responded normally a turnaround of 7-10 business days but that it also depends on what was submitted to the office at the time. Ms. Jones asked if the permit application has been fully corrected. Mr. Gonzalez stated that they need a letter from the church to approve the relocation of two parking spaces. Mr. Cannon asked if they intend to use the parking spaces temporarily or will the church give up the parking spaces so no one parks there. Mr. Gonzales stated that according to the zoning department, they need a letter from the church for the parking spaces otherwise the dumpster cannot be serviced. Ms. Jones asked if they have spoken to someone at the church. Mr. Gonzalez stated yes, with the lady in charge. Ms. Jones asked when were the planning comments issued. Mr. Lozada stated that he believes the comments were issued last week. Ms. Vreeland asked if money is still owed to Republic Services. Mr. Gonzalez stated that there is dumpster on site. Ms. Jones asked Mr. Lozada for confirmation if payment has been made to Republic. Mr. Lozada responded that the City does not know as our contact person did not get back to us on our inquiry for payment, but that there is a dumpster on site and that he assumes that he has made payment to Republic to re-establish service. Mr. Lozada stated that this is a request for foreclosure and that compliance is not the issue on this case, and that the City is seeking to foreclose on the lien that is owed on the property. Mr. Cannon asked for clarification if the City is foreclosing on the cost of enforcement amount of \$235.97. Mr. Lozada clarified that the amount to foreclose on is \$133,350. Mr. Marino stated that what concerns him the most is that this case has been ongoing since 2018, and that the property owner just brushed it off and now the property owner is coping a plea. Ms. Jones asked Mr. Gonzalez how long he has been involved. Mr. Gonzalez stated since the last meeting. Ms. Jones stated that she sees significant progress being made. Mr. Galloway stated that the foreclosure can be approved based on the fact the fine is accruing and there is no compliance, and that his concern would be whether or not the church would allow for this property owner to use the two parking spaces, and that perhaps the thing to do would be to table the case to the next meeting to see if they have gotten that permission, but if they have not gotten permission, then they can never come into compliance. Ms. Jones made a motion to table this case to the next meeting. Ms. Vreeland seconded the motion. There were nays heard and a roll call vote was requested. The votes were recorded as follows:

Ms. Jones = Yes  
Ms. Vreeland = Yes  
Ms. Paul = Yes  
Mr. Cannon = Yes  
Mr. Austell = Yes  
Mr. Wilson = Yes  
Mr. Marino = No

The motion passed 6 yay to 1 nay.

Mr. Wilson asked the property owner if they will separate the meters so that each apartment has their own meter. Mr. Gonzalez stated that he has to ask utilities so they can set up the separate meters and that they will look into it. He stated that Mr. Salerno has applied for the

meter and the city is charging \$600 to do the study on providing the meters. Ms. Jones stated that she will be less forgiving on lack of contact with the church when this case comes back.

- 7.4** Case # 2018-00453  
City of Lake Wales VS Randall A. Clemons  
45 Grove Ave W  
PID: 27-30-11-914300-002071  
Violation(s): 12-233.1 Sanitation and Storage of Materials  
12-233.4 Weeds, Grass, and Overgrowth  
12-235.18 Skirting around foundations  
23-521 Garaging and parking of vehicles, trailers, recreational and noncommercial vehicles, and boats.

Sherri Christa Clemons, daughter of 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 has sanitation violations, high grass and weeds, skirting a motor home. He stated that the costs of enforcement for this case is \$86.80 and that:

Staff requested the Board:

1. Find that all cited violations were allowed to exist past the date for correction and,
2. Find that proper notice has been afforded to the property owner and,
3. Find that all procedural requirements have been met.

And Staff recommends the Board:

1. Impose a fine in the amount of \$150 (per day), every day the violation exists effective 15 days from today (6/29/2021).
2. 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 fine and costs incurred by the city for present this case or, Board's discretion.

Ms. Clemons, daughter of the property owner was present and spoke on behalf of her father. She stated that her father is sick with pneumonia and that the issues have been corrected. She stated that the motor home has been a major issue but that as of tomorrow the motor home will be towed to a storage location. She stated that there are tires and that she was not aware that they could not be thrown in the trash can but that they will be removed tomorrow. Mr. Marino stated that the premises looked pretty good but he was wondering when the motor home was moved? Ms. Clemons stated that it was moved to her aunt's vacant lot next door because it has a starter issue. Mr. Wilson asked if 15 days is enough time for her to come into compliance and if she needed 30 days instead? Ms. Clemons stated that everything should be done by tomorrow. Mr. Cannon asked if there are other items that Ms. Clemons did not mention that need to be addressed. Mr. Lozada responded the motor home and the tires at the curve. Mr. Wilson made a

motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

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

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

## **9) BOARD APPLICATION RECOMMENDATIONS**

### **9.1 Deanna Joyner**

This Item was not discussed. Ms. Joyner was not present due to schedule conflict and her application has been tabled to the next available meeting.

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

Ms. Lozano made the following statements:

1. Ms. Lozano reminded Ms. Jones, Mr. Wilson and Ms. Schmitt to make sure to attend the Commission Meeting scheduled for tomorrow June 15 at 6pm, to be interviewed by City Commission for re-appointment and appointment to the Board.
2. Ms. Lozano reminded Ms. Vreeland to please attend the Commission Meeting scheduled for July 6, 2021 at 6pm as the Mayor would like to give her something in recognition for her service. Ms. Lozano thanked Ms. Vreeland for her service and reminded her that this was her last meeting.
3. Ms. Lozano stated that at the next Board meeting we will need to elect a new Chairperson and Vice Chairperson. She explained that the Chairperson will preside over the meeting and they will sign minutes and orders once they are approved. She stated that the Vice Chairperson acts as the Chairperson in the absence of the Chairperson and they will also sign minutes and orders once approved.
4. Ms. Lozano notified the Board that according to Florida Bill 60, the Division will no longer be able to accept anonymous complaints starting on July 1<sup>st</sup>, 2021. If there is something that is a danger, the Code Officer has the discretion to investigate it and staff will make sure to still look into those complaints.
5. Ms. Lozano stated that an ordinance has been drafted for the Mobile Car Washes and it will be presented to City Commission for first read on July 6, 2021.

Mr. Lozada thanked Ms. Vreeland for her service.

Mr. Bennett stated that we are taking a proposed ordinance on Mobile Car Washes to City Commission, and he wants to publicly acknowledge and thank Mr. Lozada, Ms. Lozano and Mr. Galloway for creating the ordinance. There was involvement by the Development

Services Staff and the Police Department. There will be a specific set of rules soon to address Mobile Car Washes. Mr. Bennett also thanked Ms. Vreeland for her service.

Ms. Vreeland stated that she wanted to say thanks and that she has enjoyed her time on the Board. She commended Mr. Lozada and Ms. Lozano and stated that they are amazing and great to work with. She told the Board to do their due diligence and ask questions and that they should imagine being the next door neighbor to the people that come before the Board. She recommended that the Board get out and look at these places. She stated that she has been here over 30 years and she has volunteered to many boards, and that it has been great.

Mr. Wilson asked if there is an ordinance for semis driving in neighborhoods? Mr. Lozada stated that parking on private property would fall under the Code Compliance Division's prevue, and that traffic would be a Police Department issue. Mr. Galloway stated that Mr. Wilson can reach out to the Chief and that he is not sure how much they can do on a public street. Mr. Wilson stated that, that is why he is asking if there is an ordinance. Ms. Lozano stated that she will look into it and get some information back to Mr. Wilson.

Ms. Vreeland asked if it does not matter what color you paint your house? Mr. Lozada responded No.

Mr. Marino asked for updates on the Seminole Hotel and the Estes properties. Mr. Galloway responded that on the Estes property there is a hearing set in August, and that he moved for dismissal, but they have filed for a second amended complaint and it will all be argued in August. Mr. Galloway stated that on the Seminole Hotel there was a hearing last week to strike the affirmative defenses filed by the property owner, and that the attorney that argued the motion is not their lead counsel. He stated that there is a 2020 case that says that if you don't appeal a Board's decision within 30 days under the statute, you do not have the ability to attack it any other way and you cannot do a collateral attack. He stated that these affirmative defenses were a collateral attack and the 2020 case says that the court does not have procedural jurisdiction to consider those attacks. Their attorney has notified that he will file a motion for re-hearing and additional affirmative defenses and a counter claim. The fines are now at over \$360,000. Mr. Wilson asked who is working on the hotel. Mr. Galloway stated that whatever work is happening, they do not have a permit to be working.

Ms. Vreeland asked about the Walesbilt Hotel. Mr. Galloway stated that he does not know as he is not involved in that matter.

## 11) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:41pm.



Ralph Marino, Chairperson or  
Wilena Vreeland, Vice Chairperson

Attest:



Fany Lozano, Recording Secretary