

**CODE ENFORCEMENT BOARD
REGULAR MEETING
August 12, 2019**

The City of Lake Wales Code Enforcement Board held a regular meeting on August 12, 2019 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):**

Chairman Ralph Marino	Vice-Chair Sara Jones	Wilena Vreeland	Murray Zacharia	Dwight Wilson	VACANT	VACANT
--------------------------	--------------------------	--------------------	--------------------	------------------	--------	--------

Albert (Chuck) Galloway, Jr. – City Attorney
--

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 5:30 pm
- 2) **ROLL CALL** – A quorum was present
- 3) **ELECT NEW CHAIR AND VICE CHAIR**

Mr. Marino opened the floor for nominations for the positions of Chairman and Vice Chairman. Recording Secretary Lozano stated that Mr. Zacharia was not present to vote but he wanted her to advise the board of his nominations. She stated that Mr. Zacharia wanted to nominate Mr. Marino for the Chairman position and Ms. Jones for Vice Chairman position. After brief discussion Mr. Marino made a motion to accept Mr. Zacharia’s nominations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

- 4) **APPROVAL OF MINUTES** – Regular Meeting – May 13, 2019

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

5) ADMINISTER OATH/MISCELLANEOUS ITEMS

5.1 Board secretary administered the oath to staff and respondents.

6) CASES/REDUCTION/RELEASE OF LIENS

6.1 Case # 201200005 CEB 2012-011
City of Lake Wales VS Stanley Tiles Installations
0 B Street
PID: 27-29-35-879000-002080

Violation(s) : High Grass and Weeds (Request for Administrative Lien Reduction)

Glody Aguilar, property owner was present and provided testimony.
Carmen Salazar, translator for property owner was present and provided testimony.

Code Compliance Officer Brian Nadeau presented the case and notified the board that this is a request for reduction by the current property owner who obtained the property via tax deed sale on December 2018. There is an administrative lien attached to this property for the violation of high grass and weeds. The fine started to run on September 9, 2012 and was stopped on September 26, 2017. The current balance is \$460,750. He stated that staff recommends the standard formula for reduction on this case which is a one day's fine of \$250 times the amount of years that the lien ran. This lien ran for 5 years which equals to \$1,250. Staff is recommending that the Board approve reduction of the administrative fine from \$460,750 to \$1,250 provided that all green waste is removed by September 15, 2019 or lien will remain, or Board's discretion. Mr. Dwight asked if the property owner is responsible for the green waste or is Republic Services responsible? Officer Nadeau responded that the owner is responsible because the green waste is on the lot and not at curbside. Mr. Marino expressed his concerns that uncut vacant lots lead to problems with rodents and it affects the neighbors. Translator Ms. Salazar stated that Ms. Aguilar does not understand what she has to pay and asked what is the amount that she has to pay? Ms. Jones clarified the current amount of the lien which is \$460,750 and what is being proposed is that so long as she removes the green waste, the lien amount can be reduced to \$1,250. The translator was not understanding and was unable to translate accurately for the property owner. Staff and Mr. Galloway instructed Board Secretary Lozano to translate for Ms. Aguilar. From this point on Ms. Lozano translated for Ms. Aguilar, the Board Members and Staff all exchanges of questions, responses and statements. Ms. Lozano translated for the Board the property owner's original question which was, "why do I have to pay for a lien that is not my responsibility"? Ms. Jones answered that the lien is associated with the property, it's not associated to an individual and it follows the new property owner. Ms. Aguilar stated that she is not going to pay the fine because she does not have the money and she also posed the question as to why the court would sell something that is not legal and has problems. Ms. Vreeland asked how new of a property owner is Ms. Aguilar. Ms. Lozano responded as of December 2018. Ms. Jones asked Ms. Lozano to translate the proposed staff recommendations of reducing the lien to \$1,250. Ms. Aguilar stated that she was thankful, but that she would rather turn over the property to the City because she cannot spend any more money on this lot. She stated that she spent her savings on this lot and she has paid the taxes and that the

problem of the fine is not hers, it was someone else's problem. Mr. Wilson asked Mr. Galloway to clarify if when properties are purchased via tax deed, are the buyers notified of the liens? Mr. Galloway responded, "No, they don't", person's buying via tax liens have to do the examinations themselves, they purchase the properties subject to whatever is out there. He also stated that the City's liens, Code Enforcement Liens cannot be eliminated by a tax quiet title action. Ms. Jones asked Ms. Aguilar what are her intentions with the property? She asked if she intends to improve it. Ms. Aguilar responded that she bought it as an investment property to resell it. Ms. Jones stated that the board cannot provide legal advice, but the property owner should know that she can still sell the property and that getting this lien reduced will help her to do so. Ms. Aguilar asked how much more can the lien be reduced? Ms. Jones stated that her intention with the line of questioning is to possibly give the property owner 90 days to pay it and she will still be able to sell the property with knowledge of the lien. Ms. Aguilar stated that she is willing to gift the lot to the City. There was open discussion about the legalities of the City accepting the property owner's proposal of giving the lot to the City. Ms. Aguilar stated that since she purchased the property she has maintained it in compliance. Mr. Wilson expressed his concerns about these liens and how it prevents future investors from buying and improving the land in the City. Ms. Jones inquired if the property owner would be eligible for the Amnesty program. Officer Nadeau responded that if the property is in compliance she can apply when the program opens again next year. Ms. Lozano explained the Amnesty program to Ms. Aguilar at the request of Ms. Jones. Ms. Vreeland stressed that Ms. Aguilar must keep the property in compliance to qualify. Ms. Aguilar stated that she has maintained the property in compliance and that she would be interested in applying for the Amnesty Program. Ms. Jones made the motion to stay/table this case for 10 months to give Ms. Aguilar the opportunity to apply for the Amnesty Program. Ms. Aguilar asked that if she can list the property for sale now or does she have to wait till the program rolls out. She was advised by staff and board members that she can sell the property at any time so long as she discloses the lien to the buyer. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

- 6.2** Case # 201500001 CEB 2012-005
City of Lake Wales VS Realty Connexion Discount Real Estate Corp
319 Weaver Ave
PID: 27-30-02-906000-002200
Violation(s) : High Grass and Weeds (Amnesty Program)

Martin Price, property owner was present and provided testimony.
Peter Price, business partner to Martin Price was present and provided testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that this case was originally brought before the Board on 7/13/2015 and administrative fine of \$250 a day was assessed and started to run on that day. On 9/22/2017 the City abated the violation and the administrative fine stopped running and the current balance is \$200,500. The current property owner purchased the property via tax deed and submitted an application for the Amnesty Program. Upon review of that application and inspection of

the premises the current property owner has qualified for the program. Officer Nadeau stated that:

Staff Recommends the Board approve the reduction of the administrative fine from \$200,500 to \$500 or recommend that the Board approve complete amnesty from the administrative lien and reduce the administrative fine to zero, or the Board's discretion. Peter Price addressed the Board and stated that the lien was placed in the name of a previous owner and that they usually buy distressed properties for the purposes of improving them, and that they usually have liens attached that they clear up. He stated that as soon as they get a notice of violation from any jurisdiction they clear it up immediately. Martin Price addressed the board and stated that he has cleared up all of the existing liens on this property but did not realize that this administrative lien still remained active. Ms. Jones made a motion to reduce the fine to \$250. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano asked that it be read into the record that payment should be made by September 13, 2019 or reduction will be null and void. Ms. Jones stated the amended motion for the record and with Mr. Wilson's seconded on the motion, all voted in favor. The motion passed unanimously.

6.3 Case # 201200009 CEB 2012-005
City of Lake Wales VS LKL Capital Group LLC & Optimum Equity Partners LLC
234 Dr J A Wiltshire Ave E
PID: 27-30-01-883000-003010
Violation(s) : High Grass and Weeds (Partial Release Request)

Eric Greenhow, property owner of Lakeland Lot and authorized representative for LKL Capital Group LLC was present and provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a request for a partial release of two lots located in Lakeland. Mr. Greenhow purchased two lots in Lakeland that are being affected by the lien that was recorded for a property in Lake Wales, but has attached to the two lots in Lakeland and that Mr. Greenhow is seeking to partially release those two lots from the original lien which will remain in place at the premises in Lake Wales. Mr. Greenhow addressed the Board and stated that his intention with the lots in Lakeland is to develop them to build affordable housing, but he needs to have clear title to be able to sell those properties once they are developed. Mr. Wilson asked for clarification as to this process. Officer Lozada explained that the lot located at 234 Dr JA Wiltshire has an administrative lien attached to it and that in Polk County when a lien gets recorded, it attaches to all of the property in the County owned by that specific individual. The recorded lien is affecting the two lots in Lakeland because at some point they were owned by the person who owned 234 Dr JA Wiltshire. He stated that this procedure is to just release the two lots in Lakeland and this process will not affect or release the lien from the property located in Lake Wales. Ms. Jones made a motion to accept staff recommendations to partially release the two lots located in Lakeland at the following addresses:

0 Emma Street, PID 23-28-13-07700-005080

909 N Virginia Ave, PID 23-28-13-07700-006060

Without impairing the Code Enforcement Lien as to the property either described in the Code Enforcement Lien and/or any other property to which the Code Enforcement Lien would attach pursuant to applicable Florida Law. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

- 6.4** Case # 201900326
City of Lake Wales VS Gordon Herman D Est
315 Dorsett Ave
PID: 27-30-02-899000-008100
Violation(s) : 12-36 Property Clearing and Cleaning
12-37 Junk and Trash

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that this is a case for high grass and weeds and that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

AND STAFF RECOMMENDS THE BOARD:

- 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.

Ms. Jones asked if we have not been able to contact the owner. Officer Nadeau responded No, and that we have had no response from the property owner for several years. Mr. Marino stated that the property looks like a jungle and that it is not pleasant. Ms. Jones made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

SKIPPED TO 6.6

6.6 Case # 201900138
City of Lake Wales VS Stewart, Chelcee and Fitzgerald, Jack Robert
981 Lancelot Dr
PID: 27-30-12-926501-001750
Violation(s) : 23-524 Fences and Hedges (Permit Required)

Jack Fitzgerald, property owner was present and provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a case for a fence that was built without a permit. He also stated that he had delivered the Notice of Violation to the property owner and spoke with the property owner about the violation. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize an Administrative Lien in the amount of \$150 to be placed against the property effective (August 30, 2019) 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.

Mr. Fitzgerald addressed the Board and stated that in February when he purchased the home he asked the seller how to go about erecting a fence. He stated the seller referred him to the HOA. He also stated that has been in communication with the building department and is working towards submitting for the permit. Mr. Marino stated that it is a shame that his HOA could not advice the property owner on the correct process to go about obtaining a fence permit. Ms. Jones asked staff how long the permitting process takes? Mr. Lozada stated it could take up to 30 days but usually its about 7 days depending on the Building Department's workload. Ms. Jones made a motion to accept staff recommendations but amended the requested date to September 15, 2019 to allow time for permit to be processed. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

Ms. Jones clarified for the property owner that September 15th is the date the permit needs to approved by and that he should not wait till the last minute. Mr. Fitzgerald stated that he understood.

BACK TO 6.5

6.5 Case # 201900322
City of Lake Wales VS Courtney Woodrow Est and Emmaline Courtney
0 Harding Ave
PID: 27-29-35-879500-012150
Violation(s) : 12-36 Property Clearing and Cleaning
12-37 Junk and Trash

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that this is a case for high grass and weeds, junk and trash and that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

AND STAFF RECOMMENDS THE BOARD:

- 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.

Ms. Jones asked about this property being in compliance previously. Mr. Nadeau responded that he believes our contractor was actually maintaining this lot by mistake since we sent our contractor to maintain the lot next to this lot and he thought it was all part of the same lot. Ms. Vreeland made a comment about the junk and trash. Mr. Wilson stated that people will usually illegally dump on unmaintained lots like this one when the grass gets too high. Ms. Jones made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

6.7 Case # 201900176
City of Lake Wales VS Mensth Capital Group LLC and Payet Investment Group LLC
143 D St 1, 2, 3, 4
PID: 27-29-35-880000-002020
Violation(s) : Multiple Violations (Stop Work Order/Property Maintenance)

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Brian Nadeau presented the case and its history. He stated that this case is for work being done without a permit for building alteration and electrical work. He stated that the Building Official observed someone working at the premises on

a Friday and that Code Officer worked on the following Saturday and when he approached the individual working on the building the individual ran away, so he placed a stop work order on the premises. He stated that the building department has received a building permit application and that both the Zoning and Building Department have responded to the property owner/contractor with plan review comments, but that the property owner/contractor has not responded to those comments. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

AND STAFF RECOMMENDS THE BOARD:

- 1) Find that the property owner be charged \$25 for administration fees to be paid by September 13, 2019.
- 2) Impose a fine in the amount of \$ 250.00 (per day), every day the violation exists effective August 12, 2019 and
- 3) 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 and
- 4) Authorize the Code Compliance Division to start the demolition process.
- 5) 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. Wilson addressed his concerns about investors investing in the city and how attaching fines and liens will affect the marketability of these properties in the future. Officer Nadeau stated that the lien will actually be a service lien for the demolition and that on this particular property because it has been vacant for over a year the non-conforming use has gone away and that this cannot be a fourplex anymore. There was open discussion about how purchasers obtain these properties without examining the title and sometimes they don't even know what the properties look like. Ms. Jones stated that some investors are better aware of issues than others. Mr. Vreeland stated that it would be better for the building to be demolished and for someone else to purchase the property and build something nicer. Mr. Wilson made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

7) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS

Ms. Lozano stated that at the last meeting, the option for reduction was brought up, and that although this is a part of the legal process, staff would prefer the option to be initiated by the property owner and not by the Board. Mr. Galloway stated that the concern is that the **ownice** should be on the owner to pursue whatever the remedies are that are available and not be advised “oh, and by the way you can come back, and ask for a reduction”. He stated that they need to do that review for themselves rather than have the Board advise them that this is available to them. Ms. Vreeland stated that this is why she was hesitant in suggesting the Amnesty program because she did not know if she was out of line. Ms. Jones stated that in today’s case the property owner was asking the question and that is what made that situation different. Officer Nadeau stated that in the instance that this came up it appeared that the individual was going to comply until he had knowledge that he can request a reduction and has not moved forward to achieve compliance.

Mr. Marino asked how the Amnesty Program worked out this year? Ms. Lozano stated that last year was better as this year we only had one application which was one of the cases heard today. Mr. Nadeau stated that we run the program once a year and are in discussions about changing the dates that it runs to try to accommodate those that are here during the winter months. Mr. Marino wondered how people are being notified. Mr. Nadeau responded that the first year we mailed flyers to everyone that had a lien, this year we have been advertising and on social media.

Mr. Wilson asked staff for an update on 551 and 555 Burns Ave. Mr. Nadeau stated that they have installed a fence without a permit and that staff is moving towards demolition since they have not complied with the Code Board Order. He stated that we have requested the title search report for notification purposes and once we receive that, we will proceed to the next steps of notifying, posting and advertising simultaneously to speed up the process. Mr. Wilson asked what we need to do as a Board to support staff. Mr. Nadeau responded nothing at this time as we are taking the next procedural steps towards demolition.

Ms. Vreeland asked about the Seminole Hotel. Mr. Nadeau responded that there is a meeting scheduled tomorrow with Mr. Brown and Mr. Gonzalez to determine how they want to move forward. Mr. Wilson asked if Cardiff Howell still owns the property? Mr. Nadeau responded that Mr. Howell still owns the property and that they are currently under contract with Mr. Brown although we have not seen a purchase contract.

8) ADJOURNMENT

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

Ralph Marino, Chairman or
Sara Jones, Vice Chairwoman

Attest:

Fany Lozano, Recording Secretary

DRAFT