

**CODE ENFORCEMENT BOARD
REGULAR MEETING
OCTOBER 11, 2021**

The City of Lake Wales Code Enforcement Board held an in person meeting on October 11, 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):**

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Rodney Cannon	Bruce Austell	Courtney Schmitt	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 5:34 pm
- 2) **ROLL CALL** – A quorum was present.
- 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 – September 13, 2021**

Mr. Wilson asked for a motion to approve the minutes. Mr. Marino made a motion to approve the minutes. Mr. Austell 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. Wilson asked Ms. Lozano if there were any revisions to the agenda. Ms. Lozano responded that there are no changes to the agenda today.

7) CASE(s) NEW BUSINESS

7.1 Case # 2019-00517

City of Lake Wales VS Danielle S. Solomon and Jesse R. Solomon
634 Dr J A Wiltshire Ave W
PID: 27-29-34-873000-004101
Violation(s): N/A (Request for Reduction)

Property owner who made the request for reduction was not present. Case was not heard.

7.2 Case # 2021-00258

City of Lake Wales VS James C. Hunt and Kira G. Hunt
506 Greenbrough Dr
PID: 27-29-35-880010-000080
Violation(s): 12-233.1 Sanitation and storage of materials
12-233.4 Weeds, Grass and Overgrowth
23-521 Garaging and parking of vehicles, trailers, recreational and
noncommercial vehicle, and boats.

Property owner/Representative was not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that there has been no contact with the property owner. 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) 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.

Mr. Marino made a motion to accept staff recommendations. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously.

7.3 Case # 2020-00292
City of Lake Wales VS Gary Hirt
644 High St
PID: 27-30-12-918500-003100
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-233.6 Tree Declared Nuisance/Dangerous
23-524 Fence and Hedges

Gary Hirt, 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 several extensions were granted for this property owner to achieve compliance until communication ceased. He stated that although there has been a lot of progress violations still exist. 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) 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.

Mr. Hirt addressed the Board and stated that he agrees partially with Mr. Lozada. He stated that he is trying to save money to correct all of the issues. He stated that he works as a flat rate service tech and business has slowed down and his paychecks are minimal. He apologized for being frustrated with staff when he came into the office to speak with them a week or so ago. He stated that he has managed to obtain a \$4,000 loan and has hired a tree company who contacted staff and were instructed on what to do to correct the violations. He stated that the fence has been removed but he is uncertain as to what violations still remain. Mr. Wilson asked Mr. Hirt if he would be able to correct all of the violations within 30 days. Mr. Hirt stated that he did not understand and went on to explain that he did the best that he could. Mr. Marino made a motion to accept staff recommendations but to allow for 60 days (12/10/2021) for property owner to achieve compliance. Mr. Austell seconded the motion. Ms. Lozano re-stated the motion to clarify it to the Mr. Hirt. A roll call vote was requested and the voting result is as follows:

Ms. Schmitt: Yes
Ms. Paul: Yes
Mr. Austell: Yes
Mr. Marino: Yes
Mr. Wilson: Yes

The motion passed five yay, zero nay.

Ms. Lozano stated for the record that Mr. Cannon is now in attendance.

7.4 Case # 2021-00205
City of Lake Wales VS J & R Marketing Group Inc
338 Scenic Hwy S
PID: 27-30-01-883000-056020
Violation(s): Multiple Violations

Property owner/representative was not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that there are multiple violations on the premises and that this premises has been declared a repeat violator, and that the City has had to abate this premises on numerous occasions. 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) Impose a fine in the amount of \$500.00 (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.

Mr. Marino stated that this premises has been in this condition for as long as he can remember. Mr. Wilson asked if there is a reason why we are not moving to demolish this structure. Mr. Lozada stated that demolition will be the next step. Mr. Wilson made a motion to accept staff recommendation. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

7.5 Case # 2021-00052
City of Lake Wales VS Shoreline Lakes Wales LLC
9 Eagle Ridge Dr
PID: 27-29-21-000000-013050
Violation(s): 23-306.2 Layout off-street parking areas.
23-307.1c Parking Lot Requirements
23-307.2 Landscaping standards.

Quenton James Scherer, representative 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 there are zoning violations at this premises. He stated that he communicated with a manager from Planet Fitness and explained the zoning violations. 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) 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.

Mr. Scherer addressed the Board and stated that he wanted to clarify the address that the City is sending notices to as this is the first time that he hears of this matter and that he is a little embarrassed that he had to be here today. He stated that he is not making excuses and that he is aware that the landscape requirement were brought up towards the end of the project. He stated that the current irrigation system is connected to the Eagle Ridge Mall and that they are not responsive. He stated that his landscaper contacted the City back in March and was told that there were other cases being dealt with immediately. He stated that there is an application in for a water tap for the irrigation system and is requesting 60 days to comply. Mr. Wilson asked Mr. Scherer if he flew down for this hearing. Mr. Scherer responded yes. Mr. Wilson asked if any of the business partners are local. Mr. Scherer responded no. Mr. Austell asked Mr. Scherer if 60 days would be enough time to comply? Mr. Scherer responded yes, but that the landscaping may take a little longer. Mr. Wilson stated that without someone being local, this may prolong the process and asked if the landscaper will do their due diligence to follow through. Mr. Scherer stated that he will be taking over and that he will be responsible for the completion of this project, and that he will be the one to communicate with everyone to ensure this gets done. Mr. Marino stated that he did not understand the parking layout requirement. Mr. Lozada stated that as part of the project there are certain buffers, shrubs, and tree density that is required for businesses. Mr. Marino asked Mr. Scherer if he was aware and if he understood what those requirements are. Mr. Scherer responded yes. Ms. Paul made a motion to accept staff recommendation but to allow for 60 days (12/10/2021) to achieve compliance. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

7.6 Case # 2021-00280
City of Lake Wales VS Nashena S. Walker
244 D St
PID: 27-29-35-880000-005120
Violation(s): Multiple Violations

Nashena Walker, property owner was present to provide testimony.
Ethel Faye Walker, representative was present to provide testimony.
Michelle Threatt, representative 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 the structure at this premises has been deemed unsafe/uninhabitable and that although the property owner has communicated with the Division about her options, violations still exist. He stated that this premises also has an administrative fine from a previous case in the amount of \$1,286,500 and still accruing at \$250 per day. 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 the Code Compliance Division to start the demolition process.

Ms. Ethel Walker addressed the Board and requested extra time to tear down the home as they want to do the demolition themselves. Ms. Nashina Walker addressed the Board and stated that she inherited this property and that she feels that instead of being provided help, she is being picked on because this house is on a corner lot. She stated that she did not know about the fines and that she is trying to get help. Mr. Wilson asked if they have met with CRA and what information was provided. Ms. Nashina Walker stated that CRA can only help if she lives in the home and that she does not know what to do as she wants to remodel the home. Mr. Austell stated that this is a safety issue, and that the structure is dangerous and if someone gets hurt Ms. Walker would have a big liability. Ms. Nashina Walker stated that there are other houses on the street in rougher conditions. Mr. Marino stated that it will cost more to remodel than to demolish the structure and stated that the best thing to do is tear the home down. Ms. Schmitt stated that she would like more information as to when Ms. Walker came into possession of the property. Ms. Walker stated that she obtained the property back in April and did not know anything about the property. Ms. Paul asked what are the steps to demolition. Mr. Lozada stated that a contractor must be hired. Ms. Walker stated that they plan on demolishing the structure themselves as they have family members that can help. Mr. Cannon stated that they cannot demolish on their own and that they need to hire a contractor to obtain the permit as it is unsafe for them to demolish and haul away on their own. He stated that there are safety precautions that must be taken. Ms. Ethel Walker stated that all they would like is extra time and that 60 days may not be enough. There was open discussion about obtaining the demolition permit and hiring contractors to handle the demolition correctly. Mr. Wilson advised the property owner to contact Ms. Lozano to get assistance with the process. Ms. Lozano stated that she had a conversation with Ms. Nashina Walker, and that she explained all of her options and that she would guide her through the permitting process and assist her with settling the existing liens. Ms. Lozano stated that when she spoke to Ms. Walker she explained that arrangements could be made to where the City can demolish the structure and a settlement plan can be arranged, but that it would probably cost the City more to demolish than it would the property owner because of the requirements that the City has to follow, and that staff is here to assist her in any way that we can. Mr. Wilson asked the property owner how much time she needs. Ms. Walker asked if six months to a year is too long. Ms. Threatt from the Northwest Neighborhood Association was present and addressed the Board. She stated that this is the first meeting that she attends and that she is new to this process but that she is familiar with Ms. Walker's family. She stated that Ms. Walker does not want to lose the property. She stated that she will help Ms. Walker and that she will make sure that Ms. Walker

understands what needs to be done and also asked for more time to be granted by the Board. She stated that she contacted Darrell Starling from CRA and that he was unable to make any promises as Ms. Walker does not qualify for certain programs because she is not elderly. Mr. Bennett stated that staff is not recommending foreclosure as there seemed to be some confusion with discussion of the property owner losing the property. Ms. Lozano stated that this not a foreclosure case and that in order for Ms. Walker to prevent a foreclosure proceeding she needs to come into compliance to stop the existing administrative fine from accruing, and then to request a settlement as the amount of the fines at this time can lead to future foreclosure. Ms. Walker stated that there is no way that she can settle one million dollars. Ms. Lozano and the Board insisted that Ms. Walker should contact Ms. Lozano who would assist her with settling all of the fines once she achieves compliance with this case. Mr. Cannon stated that the Board's concern is the condition of the structure and not the baggage of the fines. Ms. Cannon made a motion to table this case for 90 days (01/09/2022). Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

7.7 Case # 2011-00003
City of Lake Wales VS BH 72 LLC
138 E St
PID: 27-29-35-880000-002110
Violation(s): N/A Foreclosure

Property owner/representative was not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that there has been no communication or contact with the property owner, and that the City has had to abate this premises numerous times and that the City is seeking foreclosure of all fees and fines currently owed to the City. He stated that the amount of all fees and fines owed to the City is \$674,287.85. 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 the Code Compliance Division to start the foreclosure process.

Mr. Wilson made a motion to accept staff recommendation. Ms. Paul 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 in the chambers to provide public comments.

9) BOARD/STAFF COMMENTS/OTHER BUSINESS

Ms. Lozano thanked the Board for their time.

Mr. Lozada also thanked the Board for their time.

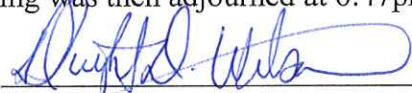
Mr. Bennett also thanked the Board and stated that he felt that the meeting tonight was very efficient.

Mr. Galloway expressed his appreciation for the Board.

Mr. Cannon apologized for being late.

10) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:47pm.



Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:



Fany Lozano, Recording Secretary