

**CODE ENFORCEMENT BOARD  
REGULAR MEETING  
OCTOBER 12<sup>TH</sup>, 2020**

The City of Lake Wales Code Enforcement Board held a special hybrid virtual and in person meeting on OCTOBER 12<sup>TH</sup>, 2020 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 Wilena Vreeland	Sara Jones	Dwight Wilson	Rodney Cannon	Bruce Austell	Julia Paul
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Albert (Chuck) Galloway, Jr. – City Attorney Appeared Remotely - Virtually
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<b>City Staff: Development Services Department</b>
Jose Lozada– Code Compliance Officer Fany Lozano – Recording Secretary Christina Adams – Administrative Assistant Cheryl Baksh – Administrative Assistant Mark J. Bennett – Development Services Director

<b>City Staff: Information Technology Department</b>
Kevin Sunderland – IT Manager Daniel Gonzalez– IT Technician II Johnny Ramirez – IT Technician I

- 1) **CALL TO ORDER** – Meeting called to order at 5:30 pm
- 2) **ROLL CALL** – A quorum was present. All members present attended in person.
- 3) **COVID STATEMENT/HYBRID MEETINGS** – Albert C. Galloway

City Attorney Albert C. Galloway read into the record the Executive orders and procedures for Virtual Public meetings.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, extended by Executive Order No. 20-112, and further extended by Executive Order No. 20-114, 20-150, 20-179 and 20-246, municipalities may conduct

meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Ms. Lozano stated for the Record that Ms. Jones is Present.

4) **APPROVAL OF MINUTES** – Regular Meeting – September 14<sup>th</sup>, 2020

Ms. Jones made a motion to approve the minutes. Mr. Wilson 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 only. Respondents will be sworn one by one. Ms. Lozano requested to be sworn in as she feels she may have to provide administrative testimony on one of the cases tonight. Mr. Marino administered the oath to Ms. Lozano

5.2 Policy/Procedures – Fine Notification – Fany Lozano

Ms. Lozano made the following statement:

Board members, it has been brought up at previous meetings that there is concern that property owners may not have received notice about the fines that they could possibly incur for non-compliance. I have provided all of you with a sample notice of violation and a sample notice to appear. In the sample notices you will see at the bottom, where there is a disclosure about the fines that could be assessed should the property owners not comply by the date of correction. This should ease any concerns as to proper notification of fines as all Notices of Violation include the verbiage. Do you have any questions about the sample documents I have provided to you?

Mr. Cannon asked if the highlighted section in the sample is for the Board's benefit or is it included in the original? Ms. Lozano responded that it is for the Board Members benefit. Ms. Vreeland asked if everyone gets these notices? Ms. Lozano responded yes, everyone. Ms. Vreeland asked if they have to sign for these notices? Ms. Lozano explained that the Notice to violation is mailed certified mail and has to be signed for. She also explained that the notice to appear is mailed regular mail, certified mail and also posted on the premises. Ms. Vreeland stated that no one can say that they did not get the notices.

5.3 Policy/Procedures- Requests for Reduction – Fany Lozano

Ms. Lozano made the following statement:

Board members, when a request for reduction is brought before you, the property owners have been advised of all of their options which includes information about the Amnesty Program. The request is before you because the property owners have decided that this is a faster and better option for them, so it is best not to suggest any other option and it is

recommended that action be taken on their request and not propose tabling or delaying the decision on the request. Do you have any questions concerning requests for reductions?

Ms. Vreeland asked for clarification, are we telling her not to request the Amnesty Program? Ms. Lozano stated correct, because if the property owners have made the request to come before the board, it is because they have decided this is the best option for them. Some property owners want to sell their properties or are looking to obtain financing, taking action on the request when it is made assists with clearing the cloud on title that the lien has created.

**5.4 COVID Statement – Development Services Department – Fany Lozano:**

Ms. Lozano stated for the record:

Staff would like for the Board Members to know that although some businesses have been affected by the Pandemic, The Development Services department which houses the Building and Permitting Department, The Planning and Zoning Department and the Code Compliance Division has remained open, and they have continued to accept permits via email and on an appointment basis even while the building continues to be closed to the public. Also, the recording office in Bartow has been accepting items for recording via regular mail. Business for the Development Services Department has not been interrupted.

**6) CASE(s) New Business**

**6.1 Case # 2012-00002**

City of Lake Wales VS Graciela Andrade Gamez  
419 Tillman Ave E  
PID: 2727-30-01-883000-035150  
Violation(s): N/A Request for Reduction

Graciela Andrade Gamez, Property Owner/Respondent was present to provide testimony. Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a request to reduce the attached administrative fine on the premises and that the premises is now in compliance. He stated that staff recommends that the Board approve a reduction of the administrative fine from \$732,250 to \$2,000.

Ms. Gamez was present and stated to the Board, "I can accept that."

Ms. Vreeland made a motion to accept staff recommendations. Ms. Jones seconded the motion. Ms. Lozano restated the motion for the record as follows: We have a 1<sup>st</sup> and a 2<sup>nd</sup> to reduce the administrative fine from \$732,250 to \$2,000, failure to make any Code Enforcement Board Ordered reduction payment in full by November 11, 2020 will null and void the approved administrative lien reduction and property owner will be liable for the entire face value of the original amount of the lien(s) as if no reduction had ever been granted. All voted in favor. The motion passed unanimously.

**6.2** Case # 2012-00001  
City of Lake Wales VS Narendra Ramdas  
146 Park Ave W  
PID: 27-30-02-908000-003090  
Violation(s): N/A Request for Reduction

Everett Downs, Representative for Property Owner/Respondent was present to provide testimony.

Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a request to reduce the attached administrative fine on the premises and that the premises is now in compliance. He stated that staff recommends that the Board approve a reduction of the administrative fine from \$565,250 to \$1,500.

Mr. Downs was present and stated to the Board, "Accept it as read."

Ms. Jones made a motion to accept staff recommendations. Mr. Austell seconded the motion. Ms. Lozano restated the motion for the record as follows: We have a 1st and a 2nd to reduce the administrative fine from \$565,250 to \$1,500, failure to make any Code Enforcement Board Ordered reduction payment in full by November 11, 2020 will null and void the approved administrative lien reduction and property owner will be liable for the entire face value of the original amount of the lien(s) as if no reduction had ever been granted. All voted in favor. The motion passed unanimously.

## **7) CASE(s) Old Business**

**7.1** Case # 2017-00397  
City of Lake Wales VS Estate of Leison Wallace  
431 Tillman Ave E  
PID: 27-30-01-883000-035160  
Violation(s): Multiple Violations

Angelithe Wallace, Owner/Representative was present and provided testimony.

Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this case was previously brought before the Board on 9/14/2020 and it is being brought back per the request of the Board to table this case. He stated the previous staff recommendations as follows:

### **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 \$ 200.00 (per day), every day the violation exists effective

a date of the Board's choosing until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city.

Ms. Wallace, property representative was present to provide testimony before the Board. Ms. Wallace stated that she has tried to do improvements, she has gotten the fence painted. She expressed that the contractors could not complete the stucco. She stated that she has placed a lock on the pool. She stated that she intends to do her part to improve the property but that her finances are not large. She stated that she cannot pay \$200 and requested more time. Ms. Vreeland asked Ms. Wallace if she has proof that she has been in contact with the probate attorney? Ms. Wallace asked if she said previously that she would provide proof. Ms. Jones stated that the Board asked for that at the last meeting. Ms. Wallace stated that she has been in touch with Rural Legal Association and there is a form that is supposed to be signed and returned. Ms. Jones asked Ms. Wallace if she has proof – documentation to retain attorney services. Ms. Wallace stated that she has done the intake process at Lakeland and that she has been communicating via phone. Ms. Vreeland asked Mr. Lozada what does the stucco look like? Mr. Lozada stated that it has not changed. Mr. Lozada stated that she has cleaned up the property a bit, but the structure is still in violation. Ms. Jones stated that she understands that the improvements are slow but she would not mind entertaining to bring the case back with an improvement plan. There was open discussion about the possible improvement plan. Ms. Jones stated that she would like to see something in writing from FL Rural Legal services that they are assisting Ms. Wallace. Ms. Vreeland stated that this is what was requested in September and that it would not be wise to continue to bring this case back every single month. Ms. Lozano asked if she could recommend that the Board entertain giving Ms. Wallace a date certain of compliance that the Board feels comfortable with and if Ms. Wallace is not in compliance by that date certain then the fines will start on that date certain and the case does not have to come back. Ms. Jones agreed that she likes the recommendation. There was open discussion by the Board Members as to what would be a good amount of time to allow Ms. Wallace to come into compliance. Ms. Jones asked Ms. Wallace if she has obtained a bid on what the stucco would cost her. Ms. Wallace responded that while her husband was alive, her husband got a quote of \$35,000. Ms. Jones asked when Ms. Wallace's husband passed away, and Ms. Wallace responded 2017. Ms. Jones expressed concern that Ms. Wallace does not have an up to date quote on what the stucco will cost her. Ms. Vreeland asked if they should move for 90 days. Mr. Cannon asked for clarification if they are looking to bring back the case in 90 days or if the fine will start in 90 days. Ms. Jones stated that they could move for either option but that the discussion is for the fines to begin. Ms. Jones made a motion to accept staff recommendations with an amended date of compliance of 120 days. Mr. Cannon seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano re-stated the motion on the floor as follows: We have a 1<sup>st</sup> and a 2<sup>nd</sup> and approved motion to impose a fine in the amount of \$200 per day every day the violation exists effective 120 days which puts the date to February 9, 2021, until such time as all violations are corrected, and an affidavit of compliance is issued by a representative acting for the city.

7.2 Case # 2018-00215  
City of Lake Wales VS Michael Fisher and Melissa Fisher  
802 Campbell Ave  
PID: 27-30-01-884000-060110  
Violation(s): Multiple Violations (request for reduction – noncompliant case)

Michael Fisher, Property Owner was present virtually to provide testimony.  
Melissa Fisher, Property Owner was present virtually to provide testimony.  
Dolores Vogel, Representative for Owner and prospective Buyer was present to provide testimony.  
David Bass, Contractor/Representative for Owner and prospective buyer was present to provide testimony.  
Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Lozada presented this case and its history. He stated that this case is being presented to the Board as a noncompliant case. The property owner has an interested buyer for this property but the buyer does not want to close on the property with a lien attached to the premises. He stated that the current property owners are requesting that the existing lien be reduced to facilitate the sale of these premises going through as the interested buyer is willing to bring the premises into compliance. He stated that staff recommends that the Board take action on this case with the consideration of giving the new buyer with interest on bringing the property into compliance a change to help improve this property. Staff is recommending a reduction of the fine from \$129,750 to \$12,975 which is 10% of the amount due.

Melissa Fisher, property owner who appeared virtually stated that it was never her intention to leave the home in the state that it is in. She stated that she almost lost both of her homes and that she is very sorry for the impact that this home has had on the community. She stated that she does not have additional income and that she feels stuck.

Michael Fisher, property owner who appeared virtually stated that he feels that the majority of the violations are not code violations as the home is not habited. He stated that there is no issued with the permit and he never did work without permits. He stated that he started this project with the intention to flip the home but got over his head and was unable to do it. He stated that when he first appeared before the Board he admitted to some of the violations such as the high grass, but since then he has hired someone to maintain the grass. He stated that in his opinion the house is in compliance and that he is unable to complete the construction. He stated that he is concerned that as he heard the other cases being presented today, those cases were getting lower recommendations and that his case is not being held to the same standards. He stated that he has an interested buyer for this home. Ms. Fisher stated that she did pay the service fine for the abatement the City did on the dumpster bags.

Ms. Vreeland asked Mr. Lozada if this was the same case where there was a number of neighbors that were present and provided testimony. Mr. Fisher stated yes, this is the same case. Mr. Fisher also provided testimony to the Board on pictures that he submitted to the Code Compliance Division and stated that the work was not done without a permit. Mr. Lozada clarified that the permitting issue is that the work that was done was not inspected and the permit has expired. He stated that because the permit is no longer active it is as if they never obtained a permit. Ms. Fisher stated that they cannot get on the other side of the permit because they cannot complete the work. Mr. Cannon asked why staff is recommending the 10%, is it because the case

is non-compliant? Mr. Lozada responded yes and that staff would like to see something positive happen with this property, but we also have to take into account that this property is non-compliant and that is why staff thought that 10% was a good starting point. Mr. Cannon asked Ms. Vogel if there is a target date for the sale to happen? Ms. Vogel, realtor stated that the buyer is ready to close pending the payment of the reduction. She stated that the buyer could not appear as she is elderly and is concerned for her health due to COVID. Ms. Vogel stated that Mr. Bass, contractor for the buyer will be doing the work once everything goes through. Mr. Bass stated that the buyer is looking to put close to \$100,000 to renovate the property. Ms. Jones asked Mr. Bass how long will it take to come into compliance? Mr. Bass responded that he cannot take over the permit that Mr. Fisher had, but that he will obtain the required permits as he has been waiting for two years to work on this house. There was open discussion about reducing the fine to 5% or 1%. Mr. Cannon asked the Fisher's if \$1,300 is a reasonable amount that they can afford? Ms. Fisher responded yes. Ms. Jones made a motion to stop the fine as of today 10/12/2020 and to reduce the amount due to 1% of the total due as of today. Mr. Marino seconded the motion. Ms. Lozano restated the motion as follows: we have a first and a second to stop the administrative fine as of today 10/12/2020 and to reduce the fine amount due of \$129,750 to 1% which equals to \$1,297.50, failure to make any Code Enforcement Board Ordered reduction payment in full by November 11, 2020 will null and void the approved administrative lien reduction and property owner will be liable for the entire face value of the original amount of the lien(s) as if no reduction had ever been granted. All voted in favor. The motion passed unanimously

## 8) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS

Mr. Marino opened the floor for public comments.

Ms. Lozano asked Ms. Baksh if there was anyone online who wanted to make any comments. Ms. Baksh responded there is no one online that wanted to make any comments.

Ms. Lozano asked Ms. Adams if there was anyone outside in the lobby area that wants to make any comments. Ms. Adams responded that there is no one in the lobby that wanted to make comments.

Ms. Lozano asked the audience in the chambers if anyone wanted to make any comments.


Mr. Mark J. Bennett made comments to the Board. He thanked the Board for their consideration on the last case as our normal policy is that the premises get fixed and then a request for reduction can be made. In this case we sensed that there is a willing buyer to fix the property given the fact that the ultimate goal is compliance. He stated that he can speak for staff and that we were all uncomfortable going this route, but it was a leap of faith, and he thinks that it will work out and he thanked the Board for their consideration and time.

Ms. Vreeland asked Mr. Lozada if when he rides around this neighborhood does he notice the houses with boards. She stated that beside this building there is a house that is boarded up and people are living in it. Mr. Lozada stated that he was not sure which house she is speaking of, but there are homes that still have boards up and they are not supposed to be, but the properties that he knows that are boarded are vacant.

Mr. Wilson stated that he is concerned about absent landlords specially at apartment buildings that do not necessarily have violations, but they have violations in the sense that police are constantly being called out to the complexes, is this an issue that the Board should take up and address. Mr. Lozada responded that it depends what the violations are. He stated that if the violations are structural, yes Code Compliance would address those violations, but if the violations are criminal they would be a police department issue as it is outside of the Code Compliance Jurisdiction. Mr. Wilson stated that he previously had a conversation with previous Code Compliance Officer Nadeau that after a certain amount of calls it would get escalated and someone needs to take action. The police department is not going to address an absentee landlord issue. Where would the issue be presented? There has been a problem at an apartment complex at Washington Ave and Jewel Street. Mr. Lozada stated that he will look at the property maintenance issues. Mr. Wilson stated that the grass is high and it should be looked at. He also stated that the trash cans are also being left out and trash is blowing into the neighboring properties.

9) **ADJOURNMENT**

With no further business to discuss, the meeting was then adjourned at 6:49pm.

  
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Ralph Marino, Chairman or  
Wilena Vreeland, Vice Chairwoman

Attest:

  
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Fany Lozano, Recording Secretary