

**CODE ENFORCEMENT BOARD
REGULAR MEETING
November 11, 2019**

The City of Lake Wales Code Enforcement Board held a regular meeting on November 11, 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	Dwight Wilson	VACANT	VACANT	VACANT
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Albert (Chuck) Galloway, Jr. – City Attorney
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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) **APPROVAL OF MINUTES** – Regular Meeting – August 12, 2019

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

4) ADMINISTER OATH/MISCELLANEOUS ITEMS

- 4.1** Board secretary administered the oath to staff and respondents.

5) CASES/REDUCTION/RELEASE OF LIENS

5.1 Case # 201200009

City of Lake Wales VS Alexis Monroe

234 Dr J A Wiltshire Ave

PID: 27-30-01-883000-003010

Violation(s): High Grass and Weeds

Partial Release Request for Parcel in Poinciana. (417 Maitland Ct, Poinciana, FL 34759)

Alexis Monroe, property owner for parcel in Poinciana was present and provided testimony.

Code Compliance Officer Lozada presented the case and stated that this is a request for a partial release of a parcel located in Poinciana currently owned by Alexis Monroe. There is currently a lien attached to 234 Dr. J A Wiltshire in Lake Wales that has attached to the parcel owned by Ms. Monroe in Poinciana, because the same owner that owned the property in Lake Wales also owned the property in Poinciana. Ms. Monroe addressed the board and stated that she purchased the property from the previous owner whose name the lien was placed under. She stated that she is requesting the partial release of the property she owns in Poinciana. Officer Lozada stated that staff is recommending that lien be partially released from the parcel in Poinciana without affecting the existing lien that is attached to the parcel in Lake Wales. Ms. Jones made a motion to accept staff recommendation to partially release the parcel in Poinciana without it affecting the lien currently attached to the parcel in Lake Wales. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5.2 Case # 201900111

City of Lake Wales VS Antonio Vences

13 Orange Park Blvd

PID: 28-30-06-939700-003010

Violation(s) : MULTIPLE VIOLATIONS

Antonio Vences, property owner was present and authorized his daughter Viridiana Vences to provide testimony on his behalf.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is about multiple violations that exist on the property. He stated that there is a tire shop that operates on this premise and they continuously have violations which include excessive tires, numerous signs and outdoor displays which are not allowed. Officer Lozada stated that there have been eight separate cases pertaining to the same violations. He also 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 an administrative lien in the amount of \$ 200.00 (per day) for every day the violation(s) exists effective immediately.
- 2) This property be shown as repeatedly contributing to a nuisance, and any further violations of the same ordinances shall be subject to a fine of \$200 (two hundred dollars) for each day the violation exists, in addition to any and all costs the city may incur.

Ms. Vreeland asked if the property is in compliance? Mr. Lozada responded that the property is still in violation. Ms. Vences stated that she is confused as to what the violations are since the tenant has told her that they are in compliance. Ms. Jones verified that they are the owner but they do not operate the tire shop. Ms. Jones also asked to confirm that the business is only allowed to have 100 tires. Mr. Lozada confirmed that they are only allowed to have 100 tires. Officer Lozada stated the list of violations for the record which are as follows:

- violation of their special exemption use permit with conditions of 100 tire limit and must be stored under roof
- landscaping requirements need to be addressed
- display and tent and rim display not allowed

Ms. Jones asked if the tent can be permitted? Mr. Lozada responded that the current tent is a temporary tent and it possibly cannot be permitted. Ms. Vences asked her father if the tent has always been there? Mr. Vences responded, "No." Officer Lozada continued with the violation list and mentioned that their current sign is also in violation. There was a permit obtained for the sign but it did not pass inspections and the permit has now expired. He stated that the sign violation needs to be addressed. Ms. Vences stated that the tenant does not communicate with her about the violations. Ms. Vreeland stated that it appears there is a miscommunication issue. Ms. Jones suggested that staff recommendations be accepted but amended the recommendation to allow 14 days so the property owner to consider evicting the tenant in order to allow the property owner to come into compliance. Mr. Lozada stated for the record that these owners are the owners that were in violation at the times of the other cases and that they have always been noticed. Ms. Marino suggested that maybe the tenant should be served with an eviction notice so that property owners can get the property cleaned up. Ms. Vences agreed. Ms. Jones made a motion to allow the property owner 14 days to either file for eviction or correct the code violations in full, and if neither of those two things happen to move

forward with staff recommendations of a \$200 fine per day. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously. Officer Lozada asked for clarification that the fine will begin to run in 14 days if not in compliance? Ms. Jones clarified that if the property is not in compliance on the 14th day the fine will start to run. Officer Lozada stated that there is also a second recommendation to find the premise as a repeat offender and be fined \$200 per day when found to be in violation in the future. Ms. Jones made a second motion to accept staff recommendations and find the premise to be a repeat offender. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

- 5.3** Case # 201900138
City of Lake Wales VS Chelcee Leeza Stewart and Jack Robert Fitzgerald
981 Lancelot Dr
PID: 27-30-02-926501-001750
Violation(s) : Fence without a permit
Fine Reduction Request

Jack Fitzgerald, property owner was present and provided testimony.

Officer Lozada presented the case and stated that this case came before the board for violation for fence without a permit back in August 2019. He stated that this is request to reduce the fines accrued. He stated that the current amount due on the fine is \$4,350 and that staff is recommending the standard formula for reduction which sets this reduction to \$150. Mr. Fitzgerald addressed the board and stated that in the process of him obtaining the permit there were inspections that needed to be done that he was unaware of and that is what caused him to accrue the fines. Ms. Jones asked staff if they agreed that there was a misunderstanding. Officer Lozada responded that there were some items missing that the permitting department required and that during that time of processing is when the fines accrued. Mr. Wilson made a motion to accept staff recommendations to reduce the fine amount to \$150 with the stipulation that payment must be made by December 11, 2019 or the reduction will be nulled and void. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

- 5.4** Case # 201900460
City of Lake Wales VS Celestino Ramirez
504 N 5th ST
PID: 27-30-02-896500-000082
Violation(s) : Fences and Hedges

Property owner/Respondent was not present to provide testimony.
Erik Ramirez-Lora, son of property owner was present and was allowed to provide testimony on behalf of property owner.

Code Compliance Officer Jose Lozada presented the case and stated that the violation is the fence height for this premise. He stated that at some point they had a 4-foot fence in

front of the house and a 6-foot fence to the rear of the house. Sometime between 2013 and March 2019 the fence got taller and the fence is now 6 feet high in the front and a block wall to the side that measures about 10 feet in height. He stated that staff wants for the fence to meet the current code, it has to be brought down to 4 feet in the front and 6 feet to the sides. 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 \$ 100.00 (per day) for every day the violation(s) exist if not compliant within 15 days (11/26/2019) from the date of this hearing.

Ms. Lozano swore in Mr. Ramirez and he provided testimony to the board. Mr. Ramirez stated that his father recently had surgery and that is the reason he could not be present at the hearing. Mr. Ramirez asked if the fence in the front of the house cannot be 6 feet? Ms. Jones explained that the fence in the front has to be 4 feet and 6 feet to the rear and sides of the house. Mr. Ramirez stated that he will let his father know that the fence has been brought down to the correct feet. Ms. Jones asked Mr. Ramirez how long did he think it would take his family to bring the fence down to the correct height? Mr. Ramirez responded that a month would be a realistic timeframe because of his father's surgery and that time will allow him to find someone to assist them in bringing the fence down to the correct height. Mr. Marino stated that he would suggest that more time be granted because of the situation with the property owner's health. Ms. Jones asked if permits will be needed to make corrections? Officer Nadeau responded, not unless they remove something and then want to rebuild it. Ms. Jones made a motion to accept staff recommendations but allow them 45 days to come into compliance before the fine of \$100 per day begins to run. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

Mr. Ramirez asked for clarification as to where he needs to start to cut back. Ms. Jones suggested to Mr. Ramirez that he comes back and communicates with staff as to exactly what needs to be done before he starts to work so that he understands the requirements.

5.5 Case # 201900470
City of Lake Wales VS Estate of Debra R. Zorn
222 Dr. Martin Luther King Jr Blvd
PID: 27-30-02-906000-004012
Violation(s) : High Grass and Weeds

This Case was Dismissed prior to hearing.

6) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS

Ms. Vreeland asked that if there is a nuisance property that is a neighbor to someone and they want to build a fence, can they only build to 6 feet in height? Officer Nadeau responded Yes, unless they are in the industrial section it can be 8 feet.

7) 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