

**CODE ENFORCEMENT BOARD
REGULAR MEETING
February 12, 2018**

The City of Lake Wales Code Enforcement Board held a regular meeting on February 12, 2018 at 5:00 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

**Code Enforcement Board Members
(Shaded area indicates absence):**

Chair Melissa Anne Konkol	Vice-Chair Murray Zacharia	Ralph Marino	Wilena Vreeland	Angella Knapstein	Ronald Wheat	VACANT
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Albert (Chuck) Galloway, Jr. – City Attorney
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City Staff: Planning and Development Department
Kathy Bangley – Planning and Development Director
Brian Nadeau – Code Compliance Officer
Jose Lozada – Code Compliance Officer
Fany Lozano – Recording Secretary

- 1) **CALL TO ORDER** – Meeting called to order at 5:00 pm

- 2) **ROLL CALL** – Angella Knapstein was not in attendance. A quorum was present

- 3) **APPROVAL OF MINUTES** – Regular Meeting – December 12, 2017

Murray Zacharia made a motion to approve the minutes with corrections. Wilena Vreeland seconded the motion. The motion was approved unanimously.

- 4) **ADMINISTER OATH/MISCELLANEOUS ITEMS**

Board secretary administered the oath to staff and respondents.

5) **CASES/REDUCTION/RELEASE OF LIENS**

CASE #CEB 201700113

CITY OF LAKE WALES VS DON AND BERNICE BROWN

226 DR JA WILTSHIRE AVE E (PID: 27-30-01-883000-003180)

Officer Lozada reviewed the case and its history and stated that a lot of the violations have come into compliance, and that the property owner did apply for a permit and plans for the permit have been approved. Staff recommends that property should come into compliance within 30 days or an administrative fine of \$250 per day should be started for each day that the property remains out of compliance. City Attorney Chuck Galloway stated a date certain should be stated for compliance. Officer Lozada recommended that date should be March 12, 2018, which is the date of the next hearing at which point Officer Lozada will testify as to whether the property is or is not in compliance. Mr. Zacharia motioned to accept staff recommendations, Mr. Marino seconded the motion. Officer Lozada informed the Board that the property owner was present to testify. Mrs. Bernice Brown from 3738 Matthews Circle, Lakeland, FL was present and addressed the Board. Mrs. Brown stated that the back porch is not new construction, it was replaced and that some of the damage to the wires and roof was a result of Hurricane Irma. She stated that she was unaware that she needed a permit to repair hurricane damage on a roof since codes vary my municipalities. Mrs. Brown requested more time than the 30 days that staff recommends. Ms. Konkol asked Mrs. Brown how much time did she think she needed? Mrs. Brown stated that because she did not know what the outcome of the inspection would be, she felt that 30 days may not be enough. Mrs. Konkol asked Mr. Galloway about the timeframe of the permit once the permit is issued. Mr. Galloway stated that the permit is good for 60 days, but that the Board has the authority to set a different timeframe for the property to come into compliance. Mr. Zacharia asked about a picture that shows a posting of the property being uninhabitable and asked if there was anyone living at the property? Mrs. Brown responded that there is a tenant at the property. Officer Lozada confirmed that the property is now habitable since the only open violation is the porch structure that was built without a permit. Ms. Konkol clarified staff recommendations with Officer Lozada. Officer Lozada stated that staff is asking that the work on the porch and the roof be permitted and inspections completed by March 12, 2018 for the property to come into compliance. Kathy Bangley, addressed the board and clarified the plan and inspections process, and stated that the inspector will inspect to ensure that everything was built to code. Ms. Konkol re-stated the motion on the floor to accept staff recommendations, that property owner shall have 30 days to come into compliance or an administrative fine will be assessed, if fine is assessed against the property Mrs. Konkol invited Mrs. Brown to come back before the Board to request a reduction of the fine. Mrs. Brown wanted the record to state that there should be no surprises, but if there are, she will come back before the Board to request for a reduction of the fine. As stated above: Mr. Zacharia motioned to accept staff recommendations, Mr. Marino seconded the motion. The motion passed unanimously.

6) **UNFINISHED BUSINESS**

CASE 201700422

CITY OF LAKE WALES VS. CARDIFF HOWELL (SEMINOLE HOTEL)

207 N 1ST STREET

Officer Nadeau stated that there was no action to be taken today, staff is updating the Board on the progress of the case. The Board heard this case back at the December 11, 2017 hearing. On December 11, 2017 the Board found the structure to be in a state of complete disrepair, and required property owner (Mr. Cardiff Howell) to obtain a Florida License Design Professional to submit drawings and a scope of work to repair the building. A records check on January 31, 2018, found that no drawings or scope of work for the required repairs have been submitted. Thompson Engineering Group requested an additional six months to submit drawings for approval. On February 5, 2018, Staff exercised its authority under the Florida Building Code, to placard the premises unsafe and uninhabitable. The property owner was contacted on site and all tenants in the structure at the time the property was posted, were instructed that they had to vacate the premises by 8:00am on February 6, 2018. On February 6th, 2018 the Code Compliance Division with the assistance of the Lake Wales Police Department made contact with the property owner, and together inspected, vacated, and secured every room. Utilities were disconnected and all exterior doors were secured. The administrative fine ordered at the December 11, 2017 hearing is at a total of \$29,750. Ms. Konkol stated, "we are just holding right now?" Officer Nadeau responded that we are waiting to get the drawings, and then we may bring this case back before the Board for other recommendations.

CASE 201700395

CITY OF LAKE WALES VS GARY ESTES (BLUE GOOSE)

137 E SESSOMS AVE

Officer Nadeau stated that there was no action to be taken today, staff is updating the Board on the progress of the case. The Board heard this case back at the December 11, 2017 hearing. On December 11, 2017 the Board found the conditions of the premises existed and have gotten worse and required property owner (Mr. Gary Estes) to obtain a Florida Licensed Design Professional to submit drawings and a scope of work required to repair the building. A records check on January 31, 2018, found that no drawings or scope work for required repairs or demolition have been submitted. On December 8, 2017, Staff received a letter from Philip E. Khun P.A. notifying us that Mr. Estes had obtained legal counsel to file an appeal. The administrative fine ordered at the December 11, 2017 hearing is at a total of \$16,000. Action has ceased because we are waiting on the appeal process and advice from our City Attorney. Ms. Konkol asked if the lien is running? Mr. Galloway and Officer Nadeau confirmed that the lien is still running. Mr. Galloway stated that Mr. Estes filed an appeal with the Circuit Court but there are some

flaws with the appeal. Mr. Galloway has filed a Notice of Appearance and a Notice of Email address with the circuit court and he stated that it will take some time for the case to resolve. Mr. Zacharia asked, "what is it that Mr. Estes is filing an appeal on?" Per Mr. Galloway it's difficult to say what he filed an appeal on because there is no record of verbatim transcription. Mr. Zacharia asked if the photos are part of the record. The response from Ms. Konkol and Officer Nadeau is that they are public record. Mr. Zacharia asked if the property is secured? Officer Nadeau confirmed that the structure is not secured, and someone can gain entry under the falling roof. Mr. Marino asked, "Is Mr. Estes' intention to tear the building down?" Officer Nadeau responded that Mr. Estes would like to tear down part of the building, but wants to save another part of the structure, and that is the reason we are requesting that he obtain a Design Professional drawing.

OTHER BUSINESS

Ms. Konkol asked what was the purpose of the workshop held for Board members? Ms. Bangley responded that it was training for new Board member and interested Board members and that it consisted of a discussion of the code, the enabling legislation and different examples of things that might come before the Board.

Ms. Konkol asked why it was not done at the meeting tonight?

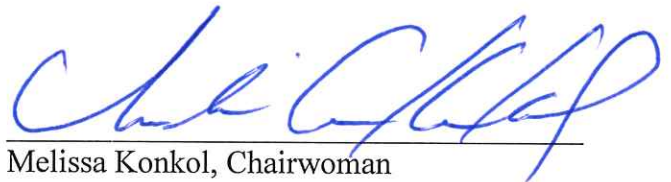
Ms. Bangley responded, "Because workshops and training do not take place at Board Meetings." Ms. Konkol stated that it could have been done prior to the Board Meeting. Ms. Bangley stated that the Board meeting starts at 5pm and that times were offered to accommodate everyone's schedules, and apologized to Ms. Konkol for her disappointment that she was not available to attend the workshop. Ms. Konkol stated that she was disappointed with how the whole process was handled. Ms. Bangley stated that we chose to offer a training and that Ms. Konkol was not the only Board member that was not available, and other time slots were offered to meet with people individually.

COMMUNICATIONS/PETITIONS

Barry Jackson of 316 Dorsett Ave Lake Wales, Florida addressed the Board to speak on behalf of the Seminole Hotel. He stated that he has known Mr. Howell since 2006 and that the hotel has historic value. He stated that he has seen the prestige in the building since he did maintenance work with Mr. Howell. He stated that Mr. Howell has vowed to restore the structure and that he has done a lot of work to the building. He asked the Board to not look down upon the building as an eyesore, to please look at it as a historic monument. Ms. Konkol told Mr. Jackson that the Code Compliance Division is working towards getting the building repaired which should help with what he is asking of the Board. Mr. Jackson asked the Board to have a Heart and Soul.

Cardiff Howell (Property Owner of the Seminole) of 5406 Iowa Orlando, Florida addressed the Board and stated that he has done a lot of work to the property and a lot of electrical work, which passed when it was inspected. He stated that he is looking for other engineers because the engineer he was working with charges \$40,000, so he is shopping around for a cheaper rate. He stated that he is looking forward to the drawings being completed within the next 30 days. Ms. Konkol thanked Mr. Howell and told him that the Board is looking forward to the improvements of the building.

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


Melissa Konkol, Chairwoman

Attest:



Recording Secretary Fany Lozano

