

**CODE ENFORCEMENT BOARD
REGULAR MEETING
January 14, 2019**

The City of Lake Wales Code Enforcement Board held a regular meeting on January 14, 2019 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):**

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

Albert (Chuck) Galloway, Jr. – City Attorney

City Staff: Planning and Development Department
Brian Nadeau – Code Compliance Officer - Absent
Jose Lozada– Code Compliance Officer
Fany Lozano – Recording Secretary

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

- 2) **ROLL CALL** – A quorum was present

- 3) **APPROVAL OF MINUTES** – Regular Meeting – December 10, 2018

 Donald King made a motion to approve the minutes. Wilena 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.
 - 4.2 New board members Donald King and Dwight Wilson were introduced to the other members of the board and audience.

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

- 5.1 CASE # 201400007 and 200900006 CEB # 2014-010 and 2009-002
(Request for Administrative Lien Reduction)
CITY OF LAKE WALES VS CAPITAL HOLDINGS, LLC
1134 DRUID CIRCLE (PID: 28-30-06-939400-006110)
Violation: 12-230.1 Unsafe Structures

Property Owner, Kevin Guiguere was present.

Minute items 5.1 and 5.2 are being heard together. Code Compliance Officer Jose Lozada addressed the board and presented the cases and their history. Officer Lozada stated that these two cases are being heard together for the same violation of unsafe structures. This is a request for administrative fine reduction. Two administrative fines were attached to the same property and it appears that it happened due to ownership change. Officer Lozada stated that staff is recommending that the administrative fine in the amount of \$1,173,500 be reduced to \$1,000 (\$500 towards each fine) for both administrative fines. Manager Kevin Guiguere of Capital Holdings, LLC was present and addressed the board. Mr. Guiguere stated that he appreciates being able to speak to the board and that he has hired someone to maintain the property. Ms. Vreeland asked if everything is in compliance. Officer Lozada stated yes and that the property owner has paid off all of the existing service liens attached to the premises. Mr. Marino asked Mr. Guiguere what his intentions are. Mr. Guiguere responded that he intends to give the property to a friend. Ms. Vreeland made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously. It was then read into record by Mr. Marino that payment must be made by February 14, 2019 or the reduction will be null and void as if no reduction had ever been granted.

- 5.2 SEE MINUTE ITEM ABOVE 5.1

- 5.3 CASE # 200700006 CEB# 2007-040 (Request for Administrative Lien Reduction)
CITY OF LAKE WALES VS ANTHONY ROSA
1131 CARLTON AVE (PID: 28-30-06-939400-0040)
Violation: BLUE TARP ROOF

Krista Mahalak, Attorney for Mr. Rosa was present.

Code Compliance Officer Jose Lozada presented the case and its history. This is a request for administrative fine reduction. Officer Lozada stated that the property has changed hands multiple times and today we are looking to resolve the lien in the name of Mr. Rosa as he no longer owns the property. The other liens will remain on the property. Officer Lozada stated that staff is recommending that the administrative fine in the amount of \$116,184.90 be reduced to \$500. Ms. Mahalak addressed the board and she

stated that the issue of this lien came up when Mr. Rosa was in the process of selling another homestead, which delayed the closing of that property. She stated that Mr. Rosa had a previous quiet title action and thought that, that action would have satisfied the administrative lien. She stated that the home was sold with the lien, but that Mr. Rosa would still like to resolve the matter of the lien. She stated that because Mr. Rosa is not the owner on record he is unable to correct the problems with the property at this time. Ms. Jones made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously. Mr. Marino then stated for the record that payment must be made by February 14, 2019 or the reduction will be null and void as if no reduction had ever been granted.

5.4 CASE # 201800604
CITY OF LAKE WALES VS MINA ELEFThERIA N E
517 GREENVIEW TER (B) (PID: 27-29-35-880010-000211)
Violation: 12-36 PROPERTY CLEARING AND CLEANING

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for property clearing and cleaning. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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.

Mr. Wilson asked if there has been communication with the property owner. Officer Lozada responded no and that all notices come back to the city unclaimed and the city ends up having to abate the property. Mr. Marino asked if when we have vacant properties and we are paying to take care of them, are the costs now being sent to the property taxes? Mr. Galloway stated that the service liens now are showing up on the tax bill. He stated that you cannot do the same with the administrative liens, but the actual expenditure of funds by the city now goes to the tax bill to get paid with the non ad-valorem taxes. Ms. Jones made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

5.5 CASE # 201800402
CITY OF LAKE WALES VS J & R MARKETING GROUP
338 SCENIC HWY (PID: 27-30-01-88300-056020)
Violation: 12-36 PROPERTY CLEARING AND CLEARING

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for property clearing and cleaning. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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. Vreeland stated that the owner appears to be a marketing group and asked if we know who they are? Officer Lozada responded that on all the cases we have had, they do sign the notices but they never respond. Ms. Vreeland stated that the property has been an eyesore for a long time and that the property has been dumped on in the past. Ms. Vreeland asked what we can do about something like this? Mr. Galloway responded that we can just continue to abate the property and place the costs on the tax bill. Ms. Vreeland stated that the property owner has passed away. Mr. Galloway stated that possible investors may have picked up the property via tax deed. Ms. Vreeland asked if the city just has to continue to clean it up and remove the cars. Officer Lozada stated yes and that one of the reasons that staff is recommending repeat violator status is because there does not have to be reasonable notice for repeat violators, we can just send the contractor in to clean up the property. Mr. Marino asked if anyone has contacted the phone number on the for sale sign? Officer Lozada stated yes, but no one answers or return calls. Ms. Jones made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

For purposes of the record the board secretary stated that Mr. Zacharia has arrived and is in attendance for the rest of the meeting.

5.6 CASE # 201800602
CITY OF LAKE WALES VS MOUSLI INVESTEMENTS, INC
1068 STATE ROAD 60 E (PID: 27-30-12-923000-001200)
Violation: 12-233.4 WEEDS, GRASS AND OVERGROWTH

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for weeds, grass and overgrowth. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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 there has been contact with the property owner? Officer Lozada stated that there has been no contact and that every once in a while they comply, but not completely. Ms. Vreeland asked if there is any connection to Dr. Mousli? Ms. Jones responded no. Mr. Marino stated that the problem that he sees is that people just expect for the city to maintain their properties, they pay the fines on their tax bill and they continue to just let the city take care of the maintenance of the property. Mr. Galloway stated that the city is fortunate that at this stage within the last three years we have been able to asses on the tax bill. He stated that prior to that the city had no ability to recoup the moneys spent. Mr. Marino stated that at the last meeting it was brought up that the city is looking into getting into contract for prices and asked Officer Lozada if the contract has been set in place. Officer Lozada stated that the contract is actually going to be presented at the next commission meeting and that once it is accepted by commission, we can just sent the contractor to abate the properties. Officer Lozada stated that it will be an exclusive contract. Ms. Jones made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

5.7 CASE # 201800605
CITY OF LAKE WALES VS ESTATE OF REBECCA MIALE
608 SOUTH 6TH STREET (PID: 27-29-35-879000-003110)
Violation: 12-233.4 WEEDS, GRASS AND OVERGROWTH

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for weeds, grass and overgrowth. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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. Vreeland stated that this is such a beautiful house and asked if there is anyone living in it? Officer Lozada stated that the property is vacant and that no one has claimed the property. Ms. Vreeland asked if the property owner is alive? Officer Lozada stated that we know that the property owner is deceased. Mr. Marino asked if the property is secured? Officer Lozada stated yes. Ms. Vreeland made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5.8 CASE # 201900007
CITY OF LAKE WALES VS SLK FLORIDA LLC
206 W STUART AVE (PID: 27-30-02-899500-001450)
Violation: 12-233.4 WEEDS, GRASS AND OVERGROWTH

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for weeds, grass and overgrowth. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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.

Mr. Marino asked if there are houses adjacent to the vacant property? Officer Lozada stated yes. Mr. Marino stated that this property looks like a jungle. Ms. Vreeland asked what was demolished? Officer Lozada stated that he assumes that it was a residence since it happened before he started working here. Ms. Jones stated that it looks like someone signed for the notice. Officer Lozada responded yes and that actually applied for the amnesty program, but they did not qualify. Mr. Wilson asked if in discussions, have the property owners stated why they do not maintain the property? Officer Lozada stated no. Ms. Jones made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

5.9 CASE # 201800405
CITY OF LAKE WALES VS BH 72 LLC
138 E STREET (PID: 27-29-35-880000-002110)
Violation: 12-36 PROPERTY CLEARING AND CLEARING

Property Owner was not present.

Code Compliance Officer Jose Lozada presented the case and its history. Officer Lozada stated that this case is for property clearing and cleaning. Officer Lozada also presented the property case history, which showed that the City has already provided contractual service to bring the property into compliance several times. He stated that staff requests:

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.

Staff recommends:

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. Vreeland stated that it looks like they clean it and then let it go. Officer Lozada stated that it looks like there were times when the property owner cleaned up the property, but the other times the city had to step in and abate the violations. Mr. Marino asked if there anything that the city can do and close on these properties, hire a realtor and put the properties up for sale instead of constantly maintaining the properties? Mr.

Galloway stated that the city can foreclose, but the city would have to pay the back taxes and that would not be beneficial because the value is not there. Ms. Vreeland made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

6) NEW/UNFINISHED BUSINESS

6.1 The Sunshine Law DVD

There was open discussion about the sunshine law. Mr. Galloway stated that before the gavel and after the gavel strikes two board members of the same board cannot be having a discussion about the business of this body. Board Members can discuss with staff, but not with another board member off the record.

The sunshine law states, that Boards and Commissions are subject to:

- Open Meetings,
- Meetings must be reasonably noticed, and
- Minutes must be kept.

**7) REQUESTS FOR FORECLOSURE
NONE**

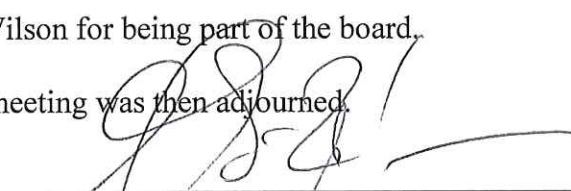
**8) REQUESTS FOR DEMOLITION AUTHORIZATION
NONE**

9) COMMUNICATIONS AND PETITIONS

OTHER BUSINESS

Mr. Marino thanked Mr. King and Mr. Wilson for being part of the board.

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



Murray Zacharia, Chairman or
Ralph Marino, Vice Chairman

Attest:



Fany Lozano, Recording Secretary