

**CODE ENFORCEMENT BOARD  
REGULAR MEETING  
FEBRUARY 10, 2020**

The City of Lake Wales Code Enforcement Board held a regular meeting on February 10, 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 Sara Jones	Wilena Vreeland	Dwight Wilson	Rodney Cannon	Bruce Austell	VACANT
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Albert (Chuck) Galloway, Jr. – City Attorney
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<b>City Staff: Planning and Development Department</b>
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

Chairman Ralph Marino welcomed two new Board Members, Rodney Cannon and Bruce Austell.

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

- 3) **APPROVAL OF MINUTES** – Regular Meeting – November 11<sup>th</sup>, 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 # 201900144  
City of Lake Wales VS Our Children's Rehab Center Inc.  
551 Burns Ave  
PID: 27-29-35-000000-021030  
Violation(s): Multiple Violations  
Request for Administrative Lien Reduction

Michael Mahalak, Owner/Representative was present and provided testimony.

Officer Brian Nadeau presented the case and its history. This case previously came before the Board on April 8, 2019 and an order was issued. Due to non-compliance with that order, daily administrative fines started to run. An affidavit of compliance was issued on December 10, 2019 and stopped the fines from running. The total due on the administrative fine is \$24,300. Officer Nadeau stated that property owner is making a request to reduce the fines and that staff is recommending that the fine be reduced from \$24,300 to \$1,190 which is 5% of the amount now due, and that it should be paid by March 11, 2020.

Mr. Mahalak was present and provided testimony. He apologized to the Code Compliance Division for spending so much time on this case. He stated that his board's chairman did not communicate this issued to him properly and that there was lack of communication. He stated that he knew about some of the fence issues, but hat his board's chair had communicated to him that all the issues had been resolved and he did not realize that they were not taken care of. He stated that he will gladly pay the reduction as recommended by Staff.

Ms. Jones made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

Board Secretary Lozano read into record the following statement: "Failure to make any Code Enforcement Board ordered reduction payment in full by March 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."

5.2 Case # 201900144  
City of Lake Wales VS Our Childrens Rehab Center Inc  
555 Burns Ave  
PID: 27-29-35-000000-021050  
Violation(s): Multiple Violations  
Request for Administrative Lien Reduction

Michael Mahalak, Owner/Representative was present and provided testimony.

Officer Brian Nadeau presented the case and its history. This case previously came before the Board on April 8, 2019 and an order was issued. Due to non-compliance with that order, daily administrative fines started to run. An affidavit of compliance was issued on December 10, 2019 and stopped the fines from running. The total due on the administrative fine is \$23,800. Officer Nadeau stated that property owner is making a request to reduce the fines and that staff is

recommending that the fine be reduced from \$23,800 to \$1,190 which is 5% of the amount now due, and that it should be paid by March 11, 2020.

Mr. Mahalak stated that this is the same situation as the previous case heard in section 5.1 of these minutes and that he would be happy to pay the reduction as recommended by staff.

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

Board Secretary Lozano read into record the following statement: "Failure to make any Code Enforcement Board ordered reduction payment in full by March 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."

**5.3** Case # 201700395  
City of Lake Wales VS Blue Goose Inc  
137 Sessoms Ave E  
PID: 27-30-02-909660-006010  
Violation(s) : Multiple Violation

Gary Estes, property owner/representative was present and provided testimony.

Officer Brian Nadeau presented the case and its history. He stated that this case was brought before the board on December 11, 2017 and an order for compliance was issued. Due to non-compliance by the deadline of January 31, 2018 on that order, the administrative fines began to run as of 12/11/2017 at \$250 a day. Officer Nadeau stated the following:

**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:**

- 2) Authorize the Code Compliance Division to continue with the demolition process.

Mr. Estes was asked to present his case and he provided Board Members with a document. He stated that he was waiting on an engineer and that he had a contractor and at some point he was granted a 90 day extension on his permit, and then the permit expired again. He is requesting more time to get it done.

Ms. Jones inquired about the pictures taken today and asked if staff believes that the building should be demolished? Officer Nadeau responded that the building is a dangerous structure and it has been in the dangerous condition since 2005. Ms. Vreeland mentioned that a lot of work has been done. Ms. Jones asked Mr. Estes if he could provide a completion date. Mr. Estes responded that he could have all work done in 6 months, but also admitted that his

contractor has not done a whole lot of work. Mr. Wilson asked if the premises are secured? Officer Nadeau responded that there is a fence that was put up without a permit, but that the structure is mostly secure, but that there is a portion to the east where the fence is not complete and there is access. Mr. Wilson asked that if when no one is working is the fence erected? Mr. Estes responded yes, except for a piece on the south end that is not erected yet. Mr. Wilson stated that he is concerned about the premises not being secured, there being no signs, and the possibility of children getting hurt. He stated that he would like to see more signage. Ms. Vreeland asked if 6 months is doable? Mr. Estes responded that in 6 months the building can be closed in. Ms. Jones suggested that any decision made today should have a date certain for compliance. Mr. Wilson asked if other items can be cleared up such as tires observed in the pictures taken today. Mr. Estes stated that they are golf cart tires. Mr. Wilson stated again that he is concerned with safety and the esthetics of the building and he would like to see the premises be cleaned up in the coming weeks and to make sure the premises are secured. Officer Nadeau stated that 6 months is not a reasonable amount of time to come into compliance. Ms. Jones asked Mr. Estes what are his ultimate plans with the premises? Mr. Estes stated that he uses the building as a warehouse. Ms. Jones asked Mr. Estes if he had applied for permit renewal. Mr. Estes stated that he did apply for permit renewal but it was not granted to him. Officer Nadeau stated that the reason the permit was not extended is due to the previous Code Board Order and the permit has already been extended once which was beyond the Order.

Ms. Jones suggested to temporarily lift any stop work orders and to bring the case back in two to three months so that the Board can see what progress has been made and the case can be revisited at that time. Ms. Jones made a motion as follows: "allow for permitting for work on this property and reset Mr. Estes for Hearing at the April Code Board Meeting." Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

**5.4** Case # 2201900627  
City of Lake Wales VS Ernesto Garcia  
41 Bullard Ave W  
PID: 27-30-02-903500-007402  
Violation(s) : Fences and Hedges/Fence without a permit

Property owner/Respondent was not present to provide testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a case for a fence built without a permit and that although the property owner came into the office and inquired about the notice of violation and was provided with permit applications, he has not submitted any applications to the permitting department. 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 an administrative fine in the amount of \$ 75.00 (per day) every day the violation exists effective today.

Fence must be permitted OR completely removed to be compliant.

Ms. Vreeland asked which fence on the pictures? Officer Nadeau responded the 4ft picket fence. Mr. Wilson asked that if when the property owner came in to inquire about the notice of violation what was the property owner's rationale? Officer Lozada stated that he possibly just did not know that he needed a permit. There was open discussion about notice and that property owner has not signed for his notice to appear. There was a question of property owner being notified about the fine. Board Secretary clarified that after motion is made property owner will receive a Findings of Fact with the Order. Officer Lozada suggested that what can be done is that they can accept staff recommendations with a comply by date specified by the board. Ms. Jones made a motion to accept staff recommendations with a 30 day allowance for compliance. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously. Board Secretary Lozano asked for clarification on when the administrative fine should start to run. Ms. Jones clarified that it would start at the 30<sup>th</sup> day (3/11/2020) from today's hearing date of 2/10/2020.

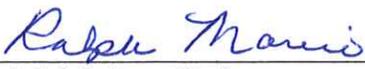
**6) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS**

Ms. Jones stated that at one point the city was talking about eliminating the Code Enforcement Board and she is against that and that if anyone else is interested in that issue, they may want to attend the City Commission meetings. Officer Nadeau stated that the issue was not the Board Members themselves or any decisions that they were making, it had to do more with the quantity of the meetings. Mr. Wilson asked about vacancies. Ms. Lozano stated that we still have one vacancy and two alternate positions. Mr. Wilson stated that for anyone who may be watching or listening to the meeting, there is still an opportunity for persons to volunteer and serve on the board.

Mr. Marino stated that someone has been interviewed but it was too late to get her appointment at the commission meeting, but she should be appointed by our next meeting.

**7) ADJOURNMENT**

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

  
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Ralph Marino, Chairman or  
Sara Jones, Vice Chairwoman

Attest:

  
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Fany Lozano, Recording Secretary