

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

The City of Lake Wales Code Enforcement Board held a regular meeting on March 11, 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 Manno	Wilena Vreeland	Sara Jones	Donald King	Dwight Wilson	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 5:00 pm
- 2) **ROLL CALL** – A quorum was present
- 3) **APPROVAL OF MINUTES** – Regular Meeting – January 14, 2019

Murray Zacharia addressed some corrections on the minutes. Secretary Fany Lozano stated that the corrections have been made. Dwight Wilson 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.

5) CASES/REDUCTION/RELEASE OF LIENS

5.1 CASE # 201900052
CITY OF LAKE WALES VS ESTATE OF KATHLEEN M. WADDLE RUSS
109 BRIGGS AVE
PID: 28-30-06-939400-006110
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth

Property owner/representative was not present.
Code Compliance Officer Brian Nadeau presented the case and its history. 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. Zacharia asked if there was any board discussion or questions? Mr. King made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

5.2 CASE # 201900053
CITY OF LAKE WALES VS TRINITY MCCALL AND KRISSY PETERSON
473 D STREET
PID: 27-29-35-879500-012240
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth

Property owner/representative was not present.
Code Compliance Officer Brian Nadeau presented the case and its history. Officer Nadeau stated that this is a vacant lot and there are no structures but property continues to be a problem. 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 made a motion to accept staff recommendations. Mr. Wilson seconded the motion. Mr. King asked what is involved when a property is posted? Officer Nadeau responded that is a sign placard that contains the notice of violation and the notice to appear, and that these documents are posted at the premises and at City Hall to serve as notice to the property owner as well as mailing the notices. Mr. Zacharia asked about the service liens. He asked that if on this particular case, were these costs that were incurred by the City in 2018? Officer Nadeau responded "No". Mr. Zacharia stated that he wonders how many properties are out there like this? Officer Nadeau responded that we now have a contractor under contract and that with this contract we hope to catch the violations when the grass is at 12 inches in height and not 3, 4 or 5 feet. Mr. Galloway stated that when costs are sent to the non-advalorem taxes, the liens will be paid when the taxes get paid. Mr. Zacharia asked if the City has a contractual agreement with the tax collectors office where they charge a fee when they collect moneys for the City? Officer Nadeau responded that he believes that we get charged a 1% fee. Motion on the floor to accept staff recommendations was voted on. All voted in favor. Motion passed unanimously.

5.3 CASE # 201900054
CITY OF LAKE WALES VS LLJ PROPERTY MANAGEMENT LLC
490 D STREET
PID: 27-29-35-879500-011010
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth

Property owner/representative was not present.

Code Compliance Officer Brian Nadeau presented the case and its history. 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.

Officer Nadeau stated that this is a small parcel located across the street from an elementary school. He also stated that the property owner mows half of the lot. Mr. King made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

SKIPPED TO 5.6

5.6 CASE # 201900061
CITY OF LAKE WALES VS ESTATE OF CECIL CARL GARRET
339 C STREET
PID: 27-29-35-879000-006020
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Cecil Carl Garret II of 338 C Street, Lake Wales, FL 33853 was present as representative of the Estate.

Mr. Galloway asked Mr. Garret if he has the authority to speak for the Estate? Mr. Garret stated that he is the son of Mr. Garret who is deceased. Code Compliance Officer Brian Nadeau presented the case and its history. 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:

2. 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.

Officer Nadeau stated that this is a vacant parcel next to a church that is no longer in use. Mr. Garret stated that he has cleaned up the lot. Ms. Vreeland asked Mr. Garret if he is going to keep the lot? Mr. Garret stated that he does not know at this moment. Ms. Vreeland asked if people are dumping junk and trash on his lot? Mr. Garret responded that neighborhood kids just throw trash out and the wind blows the trash onto his lot. He also stated that he works out of Miami and it is difficult for him to maintain the lot. Ms. Vreeland made a motion to accept staff recommendations. Mr. Wilson seconded the motion. Ms. Vreeland stated that it would be nice if Mr. Garret sold the lot to the church if they ever re-open it. Mr. Garret stated that he has already spoke to the Pastor of the church and they are not interested in purchasing the lot. Mr. Wilson stated that the church has relocated outside of the community. Mr. Zacharia asked Mr. Garret if he understood the staff recommendations and that he will be deemed a repeat violator if accepted. Mr. Garret responded that he understands. All vote in favor of the motion on the floor to accept staff recommendations. The motion passed unanimously.

Back to 5.4

5.4 CASE # 201800362
CITY OF LAKE WALES VS PUTNAM INVESTMENTS LLC
444 ALABAMA STREET
PID: 27-29-34-874000-002230

Violation(s): 12-233.4 Weeds, Grass, and Overgrowth

Property owner/representative was not present.

Code Compliance Officer Brian Nadeau presented the case and its history. 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 made a motion to accept staff recommendations. Mr. King seconded the motion. Mr. Wilson stated that he noticed that the notice was returned to sender, he wonders if the property owner received the notice of violation. Officer Nadeau responded that this is why we post the property to provide notice. Mr. Wilson asked that if when we received a signature, is that the post office just attempting to deliver? Officer Nadeau responded that when a green card is signed it means it has been delivered and someone has signed for the notice (ie: secretary, representative, etc). Mr. Zacharia asked where is the subject property in relation to the pink house in the pictures? Office Nadeau responded that the pink house is the house next door, but the pictures have to be taken at an angle so that we can view the back yard. Mr. Zacharia asked where do we go with this case? Officer Nadeau stated that we will send it to the contractor to mow and we will invoice the property owner, lien the property and then send to property non-ad valorem tax roll. He also stated that we are having administrative discussions about the possibilities of foreclosure on these properties. All voted in favor or the motion on the floor. The motion passed unanimously

5.5 CASE # 201900060
CITY OF LAKE WALES VS 337 LAND TRUST
337 B STREET
PID: 27-29-35-879000-005062

Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Property owner/representative was not present.

Code Compliance Officer Jose Lozada presented the case and its history. 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 asked if anyone is getting the notices since the notice was returned attempted-not known? Officer Lozada stated that whatever address is on record for the post office is unknown and this is why we post the property. Mr. Wilson asked if this property is near the new sewer lines that are going to be installed on B street? Officer Nadeau responded that he thinks the sewer lines are going to be installed behind this lot. Mr. Zacharia asked about the service lien of \$1,300 plus that is showing up for unsafe structure and demolition. He asked what was the unsafe structure for? Officer Nadeau responded that this was an unsafe, unsecure structure. Mr. Zacharia asked if there are plans to demolish the structure? Officer Nadeau responded that no demolition is being planned at this time. Mr. Wilson made a motion to accept staff recommendations. Mr. King seconded the motion. All voted in favor. The motion passed unanimously.

5.7 CASE # 201900062
CITY OF LAKE WALES VS ESTATE OF SAMUEL N. HINEMAN
415 D STREET
PID: 27-29-35-879500-012180
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Property owner/representative was not present.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that staff requests:

1. Find that all cited violations were allowed to exist past the date for correction and,
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Staff recommends:

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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 made a motion to accept staff recommendations. Mr. Wilson seconded the motion. Mr. Wilson asked if when notices are sent do we check and cross reference the mailing addresses on public records since the notice came back “insufficient”? Officer Nadeau responded that we send notices of violation to the mailing address listed on property appraiser. Officer Lozada stated that when properties are in the name of a business we do check for that business’ mailing address and do cross checks. All voted in favor of the motion on the floor. The motion passed unanimously.

5.8 CASE # 201900063
CITY OF LAKE WALES VS ALONZO W. HIGHSMITH
425 D STREET
PID: 27-29-35-879500-012200

Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Property owner/representative was not present. Mr. Zacharia stated for the record that normally we ask for the property owner to step forward to speak if they are present, but because there is no one in the audience he is bypassing and asking the code officer to present the case. Code Compliance Officer Jose Lozada presented the case and its history. 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 property has a history of 10 years of violations, and that it appears that the property owner does not get it and that this must be frustrating for the Code Compliance Division. Mr. King made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5.9 CASE # 201900064
CITY OF LAKE WALES VS ESTATE OF COURTNEY WOODROW
406 E STREET
PID: 27-29-35-879500-012140
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Property owner/representative was not present.
Code Compliance Officer Jose Lozada presented the case and its history. 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:

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Ms. Vreeland asked if the house is vacant? Officer Lozada stated, "yes". Mr. Zacharia asked about the add on structure with the corrugated aluminum roof and if there are any intentions to demolish the structure? Officer Nadeau responded that we may add this property to our intent to demolish list. Ms. Vreeland made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

5.10 CASE # 201900065
CITY OF LAKE WALES VS ESTATE OF JAMES MORAB
0 D STREET
PID: 27-29-35-879500-012220
Violation(s): 12-233.4 Weeds, Grass, and Overgrowth
12-37 Junk and Trash

Property owner/representative was not present.
Code Compliance Officer Jose Lozada presented the case and its history. He stated that staff requests:

1. Find that all cited violations were allowed to exist past the date for correction and,
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Mr. King made a motion to accept staff recommendations. Ms. Vreeland seconded the motion. Mr. Zacharia stated that he notices that staff recommendations have been the same for all of the cases heard today. He also stated that he is glad to see that we have gotten away from charging \$250 a day fine and are doing different things. He wanted to know if the next step is to send someone in to abate the property? Officer Nadeau stated we are asking for repeat violator status and that the board will not see this case again until we get to the foreclosure process. With repeat violator status we can automatically send our contractor to abate the violation. Ms. Vreeland stated that there appears to be a pattern with the addresses. Officer Nadeau stated that these are the ones in this particular area only, but that they will see other areas in the future. Officer Nadeau stated that we can bring these cases before the board and request administrative liens, but that administrative lien does not accomplish anything because we still have to mow the property, we still have to bill the property owner and the administrative lien just sits until someone wants to purchase the property. Mr. Wilson re-motined to accept staff recommendations. Ms. Vreeland seconded the motion. All voted in favor. The motion passed unanimously.

- 6) **NEW/UNFINISHED BUSINESS**
NONE
- 7) **REQUESTS FOR FORECLOSURE**
NONE
- 8) **REQUESTS FOR DEMOLITION AUTHORIZATION**
NONE
- 9) **COMMUNICATIONS AND PETITIONS**

OTHER BUSINESS

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



Murray Zacharia, Chairman or
Ralph Marino, Vice Chairman

Attest:



Fany Lozano, Recording Secretary