

**CODE ENFORCEMENT BOARD  
SPECIAL MEETING  
SEPTEMBER 14<sup>TH</sup>, 2020**

The City of Lake Wales Code Enforcement Board held a special hybrid virtual and in person meeting on September 14<sup>th</sup>, 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<br>Ralph Marino | Vice-Chair<br>Wilena<br>Vreeland | Sara<br>Jones | Dwight<br>Wilson | Rodney<br>Cannon | Bruce<br>Austell | Julia<br>Paul |
|--------------------------|----------------------------------|---------------|------------------|------------------|------------------|---------------|

|   |
|---|
| Albert (Chuck) Galloway, Jr. – City Attorney<br>Appeared Remotely - Virtually |
|---|

|   |
|---|
| <b>City Staff: Development Services Department</b>  |
| Jose Lozada– Code Compliance Officer<br>Fany Lozano – Recording Secretary<br>Christina Adams – Administrative Assistant<br>Cheryl Baksh – Administrative Assistant<br>Mark J. Bennett – Development Services Director<br>William “Bill” Nolen – Building Official |

|  |
|--|
| <b>City Staff: Information Technology Department</b>   |
| Kevin Sunderland – IT Manager<br>Daniel Gonzalez– IT Technician II<br>Johnny Ramirez – IT Technician I |

- 1) **CALL TO ORDER** – Meeting called to order at 5:31 pm
- 2) **ROLL CALL** – A quorum was present. All members present attended in person.
- 3) **COVID STATEMENT/HYBRID MEETINGS** – Albert C. Galloway

City Attorney Albert C. Galloway read into the record the Executive orders and procedures for Virtual Public meetings.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, extended by Executive Order No. 20-112, and further extended by

Executive Order No. 20-114, 20-150 and 20-179, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

4) **NEW CHAIRMAN AND VICE CHAIRMAN ELECTION**

Mr. Marino opened the floor for nominations for the Chairman position. Ms. Jones asked if there was a prohibition to keep the already elected officers. There was no response to her question. Mr. Marino nominated himself for the chairman position. Ms. Jones seconded his nomination. All voted in favor. Mr. Marino was elected as Chairman of the Board.

Mr. Marino opened the floor for nominations for the Vice-Chairman position. Mr. Marino nominated Ms. Jones. Ms. Vreeland nominated herself. With two nominations on the floor there was discussion of a written tabulation or secret ballot. Mr. Galloway clarified that a secret ballot is not available. Ms. Jones stated that she would be willing to nominate Ms. Vreeland for the position. With Ms. Jones' nomination of Ms. Vreeland, all voted in favor. Ms. Vreeland was elected as Vice-Chairman of the Board.

5) **APPROVAL OF MINUTES – Special Meeting – June 25<sup>th</sup>, 2020**

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

6) **ADMINISTER OATH/MISCELLANEOUS ITEMS**

6.1 Administer Oath:

Board secretary administered the oath to staff only. Respondents will be sworn one by one.

6.2 Introduction of Development Services Director – Mark J. Bennett:

Mr. Marino introduced Mr. Bennett to the Board and invited Mr. Bennett to address the Board. Mr. Bennett thanked the Board for spending their time here. He stated that he considers this board to be a very important board and that he appreciates their time and service. He stated that he worked for the City in the mid-late 90s and he was involved in Code Enforcement then, and that his wife also served on the Board.

6.3 Introduction of Building Official – William “Bill” Nolen:

Mr. Marino introduced Mr. Nolen to the Board and invited Mr. Nolen to address the Board. Mr. Nolen introduced himself and let the Board know that he has been with the City for two months. He stated that he has a good working relationship with the Code Compliance Staff. He stated that Lake Wales is a great little town and that he sees lots things coming down the road and he is enjoying the opportunity to be part of it.

6.4 COVID Statement – Development Services Department – Fany Lozano:

Ms. Lozano stated for the record:

Staff would like for the Board Members to know that although some businesses have been affected by the Pandemic, The Development Services department which houses the Building and Permitting Department, The Planning and Zoning Department and the Code Compliance Division has remained open, and they have continued to accept permits via email and on an appointment basis even while the building continues to be closed to the public. Also, the recording office in Bartow has been accepting items for recording via regular mail. Business for the Development Services Department has not been interrupted.

7) **CASE(s) New Business**

7.1 Case # 2008-00002

City of Lake Wales VS Amber Shepard

338 D Street

PID: 27-29-35-879000-006180

Violation(s): N/A Request for Reduction

Amber Shepard, Property Owner/Respondent was present to provide testimony.

Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. Mr. Lozada stated that this is a request for reduction of the administrative lien attached to this premises. He stated that there is a fine of \$250 per day that started to run on 05/12/2008 and stopped on 9/26/2017 by the City abating the violation. He stated that the amount due on the fine is \$856,250. He stated that staff recommends the Board approve reduction of the administrative fine from \$856,250 to \$2,250 or the Board's discretion.

Ms. Shepard was present and addressed the board. Ms. Shepard stated that she acquired the premises earlier this year. She stated that She purchased the property via tax deed and that she makes sure to maintain the premises in compliance. Ms. Shepard stated that she intends to help with the clean-up of the northwest section of the city because of all the dilapidated properties. She stated that she does not have a lot of money to put towards the lien because of college debt. Ms. Jones asked Ms. Shepard what her thoughts are on the \$2,250 recommended by staff. Ms. Shepard stated that she would be thankful for any reduction at all but she asked if she could pay \$750. Mr. Cannon stated that he sees on the staff form that all service liens have been paid and it appears she has paid over \$4,700. Mr. Lozada stated that whoever paid the taxes paid the service liens. Ms. Shepard clarified that she paid the taxes as she purchased the property via tax deed. Mr. Lozada stated that Ms. Shepard has also paid other service liens herself direct to the City. Ms. Vreeland asked if the property is being maintained? Mr. Lozada stated yes. He stated that since Ms. Shepard purchased the property she has maintained it in compliance. Ms. Jones discussed with the Board the possibility to reduce the fine amount to zero. Ms. Jones made a motion to reduce the fine to zero. Mr. Marino seconded the motion. Ms. Lozano re-stated the motion on the floor as follows: We have a 1<sup>st</sup> and a 2<sup>nd</sup> to reduce the administrative fine from \$856,250 to zero. All voted in favor. The motion passed unanimously.

7.2 Case # 2017-00261  
City of Lake Wales VS Dorla J. Trotman  
1069 Grove Ave E  
PID: 27-30-12-923000-005250  
Violation(s): N/A Request for Reduction

Dorla Trotman, Property Owner/Respondent was present to provide testimony.  
Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this is a request for reduction of the administrative lien attached to this premises. He informed the Board that this case was presented to the Board at the last two previous meetings and that the premises is now in compliance, and the property owner is making a request to reduce the fines. He stated that staff recommends that the Board approve the reduction of the administrative fine from \$16,050 to \$1,605 which is 10% of the total amount due.

Ms. Trotman was present and addressed the Board. She stated that she found out that her previous contractor was not licensed and he took her money. There was open discussion about the possibility that the contractor may have committed fraud and Ms. Trotman notified the Board that she does have a pending investigation against the contractor. Mr. Marino asked Mr. Lozada if the property is in compliance. Mr. Lozada responded, yes. Mr. Lozada also stated for the record that this is a 2017 case and the contractor is one of several contractors that Ms. Trotman hired. Mr. Wilson asked Ms. Trotman if she felt that the staff recommended reduction is fair. Ms. Trotman responded that she is only working 32 hours a week and she has no savings. Mr. Cannon asked Ms. Trotman if she could make the payment by October 14, 2020. Ms. Trotman responded, no. Mr. Wilson asked if it would impact the case if the case was postponed pending the investigation? Ms. Lozano clarified that the request is being made by the property owner and that its best not to postpone the decision as the lien makes her property less marketable. Mr. Wilson asked Ms. Trotman what she feels she can pay in good faith? Ms. Trotman stated that by October she can pay \$500. Ms. Vreeland made a motion to reduce the fine to \$500. Mr. Wilson seconded the motion. Ms. Lozano restated the motion on the floor to reduce the administrative fine from \$16,050 to \$500 and payment must be made by October 14, 2020, failure to make payment by the deadline will null and void the reduction. Ms. Jones asked Ms. Trotman if October 14 is a realistic date for her? Ms. Trotman stated that she did not think so. Ms. Jones amended Ms. Vreeland's motion to extend the payment date to November 15<sup>th</sup>. Ms. Lozano restated the motion by Ms. Jones as follows: to reduce the administrative fine to \$500 and payment must be made by November 15<sup>th</sup>, 2020, Mr. Austell seconded Ms. Jones' amended motion. All voted in favor. The motion passed unanimously.

7.3 Case # 2020-00059  
City of Lake Wales VS Silverio Mezquite Mezquite & Jose Luis Mezquite Binzha  
814 Cohasset Ave  
PID: 27-30-12-926500-000050  
Violation(s): 7-8 Building Permit Required - Carport

Eduardo Verdugo, Owner/Representative was present and provided testimony.  
Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this case is for an unlawful structure, and that a carport was installed without permits. He stated that the property owner did submit a permit application but that application was denied because the structure does not meet setback requirements. 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 \$ 200.00 (per day), every day the violation exists effective 8/19/2020 until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city.

Eduardo Verdugo, son of the property owner was present and provided testimony to the Board. Mr. Verdugo stated that he obtained the carport and the company he purchased the carport from told him that they would obtain the required permits. He stated that he even paid another \$1,000 to the company so that they would obtain the permit, but the company never did so he lost that money. Mr. Marino stated that he sees two issues: one is that the contractor never pulled the building permit and number two is that the structure will not meet setbacks anyway and he will need to remove the carport. Ms. Jones asked Mr. Verdugo how long it will take him to remove the carport? Mr. Verdugo responded that he would contact the company he purchased it from to see if they can come and take it down. Mr. Wilson asked Mr. Verdugo if he thinks he can have the carport down in 30 days? Mr. Verdugo responded that he believes so. Ms. Vreeland stated that staff recommendation's fine says effective 8/19/2020 and asked if we are currently charging him fines. Mr. Lozada clarified that fines are not being charged at this time, but the fine will backdate to the date of correction. Ms. Jones asked Mr. Lozada why is the recommendation to backdate the fine? Mr. Lozada responded that the original violation date was back in February and property owner was notified several times to remove the structure and property owner has been non-responsive, so we are back dating it from the last date of notice for correction. Mr. Wilson asked if there had been an application submitted by a contractor? Mr. Lozada responded that the application received was an owner builder application. Ms. Jones stated that she is not comfortable backdating the fines. Ms. Jones made a motion to accept staff recommendations, but she would allow him the 30 days to come into compliance and then the fine will begin to accrue. Mr. Marino seconded the motion. Ms. Lozano restated the motion as follows: we have a 1<sup>st</sup> and a 2<sup>nd</sup> to accept staff recommendations, but to allow the respondent 30 days through October 14,

2020 to come into compliance, otherwise failure to comply will start the fines on October 14, 2020. All voted in favor. The motion passed unanimously.

7.4 Case # 2020-00153  
City of Lake Wales VS Mauro Verdugo & Delia Bravo  
843 Casselberry Dr  
PID: 27-30-11-913600-000110  
Violation(s): 7-8 Building Permit Required – Shed

Mauro Verdugo, Owner/Representative was present to provide testimony.  
Paula Verdugo, translator for Owner/Representative was present to provide testimony.  
Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer Lozada introduced the case information into the record and requested that the case be dismissed as the property came into compliance prior to the meeting. No motion is needed to dismiss the case.  
Case was dismissed.

7.5 Case # 2017-00397  
City of Lake Wales VS Estate of Leison Wallace  
431 Tillman Ave E  
PID: 27-30-01-883000-035160  
Violation(s): Multiple Violations

Angelithe Wallace, Owner/Representative was present and provided testimony.  
Analisia Wallace, daughter of the Owner/Representative was present and provided testimony.  
Ms. Lozano administered the Oath to all persons above who provided testimony.

Code Compliance Officer presented the case and its history. He stated that his is a multiple violations case and that the case began back in October of 2017. He stated that between October 2017 and March 2018 he spoke to Ms. Wallace and her daughters on several occasions and granted several extensions, but that communication and progress stopped. He stated that there are exterior violations with the maintenance of the structure, the porch is rotted and pool maintenance is an issue. 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 \$ 200.00 (per day), every day the violation exists effective 9/14/2020 until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city.

Ms. Wallace addressed the Board and stated that the property only has her husband's name on the deed and due to that she has been unable to obtain financing assistance. She stated that she is on low income and is limited on the work that she can do to the building. She stated that she wants to demolish the structure if she cannot bring it up to code. Mr. Wilson asked Ms. Wallace if she resides at the residence. Ms. Wallace responded that she resides there but that she does not sleep there. Ms. Jones asked Ms. Wallace if her intent is to demolish the structure and keep the vacant land? Ms. Wallace responded yes, but that this is a difficult situation for her. Ms. Jones asked Ms. Wallace if she has contacted demolition companies. Ms. Wallace responded yes and that she has received a few estimates. Ms. Paul asked if the house can be demolished even though it is under Ms. Wallace's husband's name? Ms. Lozano responded yes, if she hires a contractor. Mr. Lozada explained that the case started back in 2017 and that the issue is that the property is under the Estate of Ms. Wallace's husband, and that the property is in probate and that is why this case has dragged on for so long, but that we cannot allow for the conditions to continue indefinitely. Mr. Marino asked Ms. Wallace if she has any quotes. Ms. Wallace stated that she has one for \$13,000 but that the contractors are also telling her that if there is asbestos that may raise the costs. Mr. Marino asked when would the demolition be done if she decides to move forward with the demolition. Ms. Wallace responded that she believed two weeks and asked the Board for advice. Ms. Jones stated that it is Ms. Wallace's choice what she decides to do with the property and that she recommends that Ms. Wallace seeks advice from an attorney when it pertains to the probate issue. Ms. Jones asked Mr. Lozada if the structure has been deemed unsafe? Mr. Lozada responded No, that we are only here for the exterior violations as we do not know if there are any interior violations. Ms. Jones asked Ms. Wallace if she replaced the lock on the pool that she stated earlier had been removed. Ms. Wallace responded No. Analisia Wallace, daughter of Angelithe Wallace addressed the board and stated that this house is her mother's primary residence and that demolition is not what she wants. She stated that Mr. Lozada has been really lenient and that she is willing to help her mother with getting the property up to code and they want to keep the home. Ms. Jones asked if they had contacted a probate attorney. Analisia Wallace responded that they have to provide a birth certificate and an identification card to start the process, but that it has been a while since they last spoke to the probate attorney. Ms. Jones stated that although she cannot provide the property owner with legal advice, it is not that difficult to get the name changed on the estate. Mr. Wilson asked if they can work on the violation within the next 30 days. Mr. Lozada responded yes. Ms. Wallace stated that if she does not demolish the structure she can attempt to improve the aesthetics of the exterior of the home. Ms. Jones made a motion to reset this case to the next Code Enforcement Board meeting, with the conditions to move towards compliance and property owner to provide proof that the lock has been placed to secure the pool, proof that they have been in contact with the probate attorney, and they should maintain the high grass and weeds. Ms. Lozano re-stated the motion on the floor as follows: motion on the floor is to table this case to the next Code Board meeting on October 12, 2020 with the conditions to move towards compliance. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously.

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

Mr. Marino opened the floor for public comments.

Ms. Lozano asked Ms. Baksh if there was anyone online who wanted to make any comments. Ms. Baksh responded there is no one online that wanted to make any comments.

Ms. Lozano asked Ms. Adams if there was anyone outside in the lobby area that wants to make any comments. Ms. Adams responded that there is no one in the lobby that wanted to make comments.

Ms. Lozano asked the audience in the chambers if anyone wanted to make any comments.

Mr. Mark J. Bennett made comments to the Board. He thanked the Board for their time. He stated that he has asked staff to focus on public health, safety and then welfare. Public health is tires with water attracting flies, public safety is an unlocked pool, public welfare is high grass and weeds. "Recognizing that we cannot be at 100 percent of the city at 100 percent compliance at 100 percent of the time, that what I have asked the staff to do." He stated that he appreciates that fact that he sensed a lot of compassion today as this is a challenging board and he appreciates the board exercising good judgement.

Mr. Marino stated that this is a small city and that from time to time, someone may come up to the board that we may be friends with. He stated that he thinks that it would be prudent for board members to recuse themselves from a particular vote. Mr. Galloway clarified for the Board that the Board members do not have the ability to recuse themselves from a vote based on friendship or knowledge of the individual. The only way to abstain from voting is if you have a pecuniary interest related to the question before the body.

Ms. Jones stated for the record that she knows Doctor Shepard, not in any personal light but they do sit together in a couple of boards and that did not have any effect on anything that happened tonight. She stated that she wants to disclose that she does know Doctor Shepard.

9) **ADJOURNMENT**

With no further business to discuss, the meeting was then adjourned at 6:49pm.



\_\_\_\_\_  
Ralph Marino, Chairman or  
Wilena Vreeland, Vice Chairwoman

Attest:

  
\_\_\_\_\_  
Fany Lozano, Recording Secretary