

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Thursday, February 16, 2017**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Thursday, February 16, 2017 at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway N., first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Chairman Spence King, Vice-Chairman Mike Banks, Fay Seketa, Caralee Gibson, Skip Miller and Cathy Alley. Dennis Chavez was not present. Assistant County Attorney Lynn Hoshihara was also present.

Growth Management staff in attendance were Lisa Payton, Code Enforcement Supervisor and Karen Rossi, Code Enforcement Administrative Assistant.

1. ROLL CALL

Ms. Rossi conducted roll call.

2. SWEARING IN OF ALL SPEAKERS

Staff in attendance was sworn in.

3. APPROVAL OF MINUTES from December 15, 2016

Motion to approve the minutes as written made by Mike Banks, second by Fay Seketa; approved unanimously.

4. ANNOUNCEMENTS

Addition to the Agenda - Ms. Payton stated that she wishes to add the presentation of the Code Enforcement Case Data spreadsheet under Other Business.

5. OLD BUSINESS

**CEB CASE #16-403473
Location of Violation:**

**Thomas V. Kolmetz Jr. & Annie R. Kolmetz
1511 & 1550 Hwy 90 W, Baker**

**Ordinance Violation and Public Nuisance.
Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 9,
Operational Performance Standards, Section 9.03.05 Public Nuisance, and Ordinance
12-25, Article III, Abandoned and Nuisance Vehicles.**

Ms. Payton reminded the Board that this is a follow-up as required by the Board's motion made at the August 18, 2016 meeting, wherein they provided 90 days for Mr. Kolmetz to get through the eviction process and remove cars from the site, and also the Board's motion made at the December 15, 2016 meeting to add an additional \$250.00 per day fine for the boats if not removed by January 21, 2017.

Ms. Payton stated that Code Enforcement has made several recent visits to the property with no progress made on the boats and provided the Board with updated photos. Mr. Banks asked if staff knows the outcome of the ownership case on the property. Ms. Payton replied that Mr. Kolmetz did prevail, however, Mr. Fowler has stated that he is going to contest the court's decision in that case. Ms. Payton stated that as far as staff and the court is concerned, Mr. & Mrs. Kolmetz are the owners of the property. Ms. Payton further stated that with no progress being made on the property as per the Board's orders, staff has moved forward with preparation of documentation for the fines and lien and has it ready for the Chairman's signature today if the Board is in agreement. Chairman King suggested that because the motion is ongoing, the Board might proceed with the documentation with no further discussion. There was no discussion and Ms. Payton agreed.

OLD BUSINESS CONTINUED

CEB CASE #16-407652
Location of Violation:

Joyce M. Stepp
1415 Cedar Street, Niceville

Ordinance Violation and Public Nuisance.

Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 6 Development Design Standards, Section 6.02.00 Construction Standards, (11) c and d (vii); Chapter 9, Operational Performance Standards, Section 9.03.05 Public Nuisance.

Ms. Payton presented Board members with updated photos of the property and reported that the Board ruled on December 15, 2016 to give Ms. Stepp 90 days to bring the property into compliance. She further reported that Code Enforcement staff monitored this property on a weekly basis and found that Ms. Stepp made progress each week. Ms. Payton stated that per the photos taken on 02/08/17, the only remaining issue is removal of the dumpster. Ms. Payton asked the Board to keep this item on the Board's agenda until the dumpster is removed as this could become an issue if not removed. Chairman King stated that he agrees with Ms. Payton on that point. Mr. Banks noted that Ms. Stepp will be charged extra for the dumpster if it remains past 30 days and that may be incentive for Ms. Stepp to remove the dumpster. Ms. Payton stated that she discussed removal of the dumpster and the potential for extra fees from the County and the dumpster rental company if the dumpster is not removed in time.

6. NEW BUSINESS

CEB CASE #17-409414
Location of Violation:

PNC Mortgage Corp.
1708/1710 25th Street, Niceville

Ordinance Violation and Public Nuisance.

Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 6 Development Design Standards, Section 6.02.00 Construction Standards, (11) c and d (vii); Chapter 9, Operational Performance Standards, Section 9.03.05 Public Nuisance.

Ms. Payton informed the Board that staff received a complaint from a neighbor on February 29, 2016 concerning two vacant homes that were unsafe and falling down. Staff visited the site and documented that there was overgrowth on both properties, and at 1708 the back door was unsecure. At 1710 there was structural damage to the rear of the property as indicated in the photos that were emailed to the Board. Staff investigation found that both structures are

on the same parcel and were owned by the same person. Research showed that ownership was transferred from Nicole Webb to PNC Mortgage Corp on September 3, 2014 and the properties were under the management of Safeguard Properties. Staff contacted Safeguard Properties and they indicated that they were no longer affiliated with the properties. Ms. Payton informed the Board that Safeguard Properties is a property preservation company that goes in and mows grass, repairs windows, etc. for bank owned properties.

Ms. Payton stated that she mailed certified return receipt via US Postal Service a Notice of Violation to PNC Mortgage, as well as Shane Leach at Catanovia Creek Funding One LLC in New Orleans and the Tax Certificate Holder at US Bank Customs for PFS Financial One LLC in San Antonio, as those two companies hold tax certificates on the properties. All three businesses were notified of the issues at hand and a plan of action to bring the properties into compliance was requested from them. The Postal Service 3811 return receipt forms were signed and received, but subsequent visits to the properties showed no improvements or action taken.

In October staff received an email from Compliance Connections, which is another property preservation group, indicating that Wells Fargo was currently servicing the properties and that they would notify them of the code issues and copy staff on the request. On November 3rd, staff received a letter from Wells Fargo indicating that they no longer had an interest in the property and to please remove their name from County documents. Subsequent visits to the property showed no changes, and businesses on record as having something to do with the property were all noticed of the code violations.

Ms. Payton reiterated that she sent Notice of Violation and Notice of Hearing in January for all parties involved and postal service cards were received by staff, but no responses of any kind were received.

Mr. Miller asked who currently holds title to the properties and Ms. Payton responded that it is PNC Mortgage.

Mr. Banks asked if both addresses belong to the same parcel. Ms. Payton stated that they do, that the one parcel has two houses with 1708 and 1710 as the addresses.

Ms. Gibson asked if banks are required to maintain the same standards as regular owners on parcels. Ms. Payton stated that they are.

Chairman King asked Ms. Payton if she has a specific request for this case. Ms. Payton replied that staff is recommending that the Board issue the standard 30 day Notice to Comply, to bring the properties into compliance or the \$250.00 per day fine and administrative fees will apply.

Motion to issue a 30 day Notice to Comply to bring properties into compliance to PNC Mortgage; if compliance is not met, to assess a \$250.00 per day fine in addition to administrative costs, made by Fay Seketa; second by Caralee Gibson.

Discussion ensued regarding the length of time for compliance, whether to use the parcel ID number, the addresses or the legal description for the Notice and what caused the specific damage to the house.

Chairman King requested that the Notice to Comply use the parcel ID number or the legal description as identification for the properties.

Ms. Seketa commented that she feels that 30 days is a sufficient amount of time for PNC Mortgage to comply before starting the fine process.

Discussion ensued regarding whether the Board is required to hear the case again prior to imposing the fines, or if the fines can be started without additional Board action. Attorney Hoshihara stated that the Board would have to make a determination whether or not compliance had been made before fines can be imposed, but the fines can be retroactive to the meeting date.

Motion to clarify the original motion to include: to assess \$250.00 per day to begin today if after 30 days no progress has been made, and a decision to assess that progress will be made at the next meeting, made by Caralee Gibson, second by Mike Banks, approved unanimously.

7. OTHER BUSINESS

Ms. Payton presented the Code Enforcement Case Data spreadsheet and an update was given to the Board.

A brief discussion ensued regarding the information in the spreadsheet.

8. ADJOURN

Chairman King asked what the next meeting date is and Ms. Rossi replied March 16. Several Board Members stated that they will not be available for the March date.

A brief discussion ensued regarding Board member schedules and quorum requirements.

Chairman King recommended cancellation of the March 16 meeting, and asked if there is any objection to canceling the March meeting. There being none, Chairman King stated that the March 16 meeting is officially cancelled.

There being no further business before the Board, Chairman King declared the meeting adjourned.

Prepared by: Karen Rossi
Karen Rossi
Administrative Assistant II
02.28.17