

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Thursday, April 20, 2017**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Thursday, April 20, 2017 at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Chairman Spence King, Vice-Chairman Mike Banks, Cathy Alley, Dennis Chavez, Caralee Gibson, Skip Miller and Fay Seketa. 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 - February 16, 2017 Meeting

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

4. ANNOUNCEMENTS

No announcements.

5. OLD BUSINESS

CEB CASE #17-409414

PNC Mortgage

Location of Violation:

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 reviewed the details of the case wherein the Board previously moved to provide PNC Mortgage with 30 days to bring the property into compliance, and if that time frame was not met to fine them \$250 per day retroactive to February 16, 2017. Ms. Payton sent notice to PNC regarding the Board's motion and as of April 20, 2017 has received no response and nothing has been done to the property. Chairman King asked if any further action needed to be taken by the Board and Ms. Payton responded that she has the Finding of Facts document

for the Chairman to execute. Discussion ensued regarding the possibility that the parcel is currently for sale with a contract, but it was established that a different parcel is for sale. Mr. Miller requested that the document be filed with the Clerk of Court as soon as possible. Ms. Payton stated that she would file it the next day following signature by the Chairman.

6. NEW BUSINESS

A. CEB CASE #17-410823
Location of Violation:

Ronald Alter
5298 Colt Drive, Crestview

Ordinance Violation and Public Nuisance.

Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 2 Accessory Uses and Structures, Section 2.21.05, Limitations and Restrictions, 9 Home Occupation; Chapter 9, Operational Performance Standards, Section 9.03.05 Public Nuisance.

Ms. Payton informed the Board that in November 2015, she received a call from the property's Homeowner's Association concerning a burned structure which had not been remedied. Staff visited the site to verify the violation and attempted to make contact with the tenant. Upon no response from the tenant, staff members left business cards. At follow-up visits the business cards had been removed, but there was no contact from the tenant or property owner. Ms. Payton then sent a notice via certified mail to the owner, and he responded via telephone call. He stated that he would take care of the issue and asked for 60 days to find someone to complete the job.

On December 15, 2015, Ms. Payton received a call from the owner wherein he stated that he was having trouble finding someone to demolish the structure whom he could afford. She gave him an extension and the structure was eventually torn down by the tenant. The owner called Ms. Payton to inform her that the structure was down and that he wanted to keep the bricks for future use. Ms. Payton informed him that he could keep the bricks, but he could not leave them out in the yard, they had to be stored somewhere. Follow-up inspections at the property found that the bricks were in the yard thrown in a rubble pile, which is indicated in the photographs presented tonight.

In April of 2016, the Homeowner's Association again contacted Ms. Payton about this property, this time about the tenant possibly using it for a scrap metal business and storing various HVAC units there. Staff members attempted for several months to contact the tenant. No contact or response was made, so Ms. Payton sent a Notice of Violation and a Notice of Hearing to the owner. Ms. Payton stated that she believes the tenant works for an air conditioning company, that the company gives him the HVAC units and he repairs and sells them. Ms. Payton stated that per her interpretation, as well as the Growth Management Director's interpretation of the county ordinance, the tenant is running a business from this parcel in a residential area. Since receiving the Notice of Hearing, the owner has contacted Ms. Payton numerous times stating that he would get the yard cleared by April 17, 2017 and asked her to remove this item from the meeting agenda. Staff checked the parcel today and minimal progress has been made on the property.

Mr. Miller asked if there are any environmental concerns and Ms. Payton stated nothing that she is aware of at this time. Ms. Gibson stated that she would like staff to contact the air conditioning business owner to see if he is aware of the problem regarding the HVAC units on the property. Ms. Payton stated that she is not certain of the legality of that action. Chairman King stated that he would like to discuss staff's recommendation for a remedy to the current issue, then call for discussion on possibly notifying the business owner. Ms. Payton stated that her recommendation is to give the owner 30 day notice to come into compliance, or he will receive a \$250 per day fine. Ms. Payton also mentioned that this is not the owner's homestead property, it is rental property for him.

Motion to give Mr. Alter 30 days to come into compliance, and if he does not, to make the daily \$250 fine retroactive to today's date, made by Skip Miller, seconded by Cathy Alley.

Ms. Payton requested to interject at this point that Mike Banks is on the Homeowner's Association for this parcel, so he will abstain from voting on this item and will fill out *Form 8B – Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers* and submit it to the Board Secretary.

Discussion ensued related to notifying the business owner of the circumstances surrounding this case and the HVAC units on the property. Attorney Hoshihara stated that the Board may, as a courtesy, notify the business owner of the situation, but that the Board does not have any enforcement authority against the business owner. Ms. Payton stated that her preference is to send a letter to the business owner.

Vote was taken, was unanimous with Mr. Banks abstaining from the vote.

B. CEB CASE #17-410930 Richard T. Frazier Trust
Location of Violation: 1718 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).

Ms. Payton informed the Board that on May 19, 2015 she received a call from a citizen concerning an unsafe house with roof damage. Staff visited the site and found excessive overgrowth, the structure appears vacant and has roof deterioration. Research showed that the property is in trust and the owner's address is in Santa Rosa County. The usual research did not provide a phone number for the owner, so notice was sent via general delivery. Multiple follow-up visits to the site showed no action taken and no response was received from the owner. Ms. Payton sent a certified return receipt mailing which included a Notice of Violation and a Notice of Hearing, and this mailing was returned to staff unsigned by the owner. To attempt notification, Ms. Payton placed notice in the form of a sign on the parcel. As of today, no response has been received from the owner of the parcel. Ms. Payton states that she believes staff has completed due diligence in an attempt to notify the owner, and therefore has presented this case to the Board today for action.

Discussion ensued concerning the parcel's identification number, whether it is homestead property and whether or not the owner is living. Ms. Payton stated that it is not homestead property and through research she did not find a death certificate for the owner.

Chairman King asked what staff's recommendation is for today and Ms. Payton stated 30 day notice and if no response, then \$250 per day lien retroactive to today.

Ms. Alley stated that this parcel (1718 25th Street, Niceville) is currently for sale with a contract and closing is expected soon. Ms. Alley further stated that the property in this case is in probate which tells her the owner has died and the sale is pending due to probate.

Discussion ensued concerning the Notice of Violation and Notice of Hearing for this property in relation to it being in probate, concerning the posting/advertising of notices related to this parcel and possibilities for notifying the potential buyer/agent.

Chairman King inquired whether a lien placed on the property would go to the potential buyer and Attorney Hoshihara stated that it would. Ms. Gibson stated that due to the probate case, she believes the Board should notify the potential buyer/agent of the 30 days to comply so they are aware of the potential fines and can make contact with staff if they choose.

Ms. Gibson proposed a motion: assess the fine, allow the 30 days, but because we know that there is a listing that's pending this probate action that we advise that a letter by Code Enforcement be sent to inform the listing agent who would then in turn provide it to the potential buyer notifying that this action will carry over with the purchase of the property and that they will only have until 30 days from today to advise this Board, ask for leniency in an extension or to make sure that the work is completed by the 30 days from today. Otherwise those fines will pass to that purchaser.

Discussion ensued concerning what may or may not be discussed with the listing agent. Attorney Hoshihara stated that only Board action which had already been taken should be discussed.

Chairman King inquired if there was a motion on the floor. Ms. Gibson restated her proposed motion for clarity.

Motion to assess \$250 per day fine retroactive to today if the property is not cleaned up in 30 days and, in addition, Code Enforcement staff will send a letter to the property listing agent in hopes that the agent will notify the potential purchaser of the actions taken by this Board today, made by Caralee Gibson, second by Mike Banks, approved unanimously.

C. CEB CASE #17-410916
Location of Violation:

Henry Price
5278 Cavalier Drive, Crestview

Ordinance Violation and Public Nuisance.
Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 6
Development Design Standards, Section 6.00.04 (7) Regulations, Travel Trailers.

Ms. Payton stated that on February 24, 2016 she received a complaint from the Florida State Health Department that there were several illegal camper trailers (campers) on the property in question. Ms. Payton further stated that in researching the property, she found that a mobile home park had been grandfathered on the property with 2 single family residences and 3 mobile homes. This property was not authorized to have campers as living quarters. The park existed prior to establishment of the Code in 1974 and was classified as a park at that time.

Code Enforcement has had public nuisance issues with the owner off and on over the years, and the campers have been on site, but with no indication that anyone was residing in them at the time. The campers were likely moved onto the property after the owner received the grandfather status. The owner previously complied with resolution of public nuisance issues, but with minimum required action.

Upon visiting the property for the current violation, staff found that two of the campers had tenants residing in them with illegal electrical connections, specifically, extension cords were running from the campers to an electric power pole on the property. There was another camper on the property, but it did not have electric and appeared that no one was living in it.

Staff issued a Correction Notice to cease and desist from rental of the campers, and to remove the illegal electric connections/extension cords. Staff also arranged for the owner to meet with the Planning Department for advice on the process to become legal, which would allow him to rent the campers, if it was an allowed use.

Follow up found that the owner did not contact the Planning Department and the extension cords had been removed, but the tenants were still residing in the campers. Ms. Payton believes that the extension cords were removed for the site visit, but returned to the tenants after staff left the property. Ms. Payton gave the owner time to remove the tenants from the campers, in order to give the tenants time to find other lodging.

In May 2016 the Health Department (HD) informed staff that two campers were being advertised for rent, but HD staff could not verify that anyone was in the campers because the owner had put up No Trespassing signs and placed a lock on the gate. Code Enforcement staff also found the signs and locked gate, and upon contact with the owner, he would not allow access to the property, nor discuss the issue with staff. Repeated attempts to contact the owner and to access the property were denied.

One week later, staff received a complaint from one of the tenants on the property concerning plumbing issues and bedbugs. Staff asked the tenant if she would allow them access to her unit for a site visit. Upon entrance to the property, staff found that the owner had both units

rented and both tenants had complaints. The tenant of the other unit complained of lack of an electric source. Staff believed that the owner had pulled the extension cords. Staff explained to the tenants that the campers were being rented illegally and they would need to find other lodging immediately. The owner asked staff to leave the property at that time and would not discuss the case. Ms. Payton stated that the owner believes that because he owns this property, he has the right to do with it as he pleases.

Staff attempted to serve a Notice of Hearing to the owner in October 2016. The following month his granddaughter contacted staff and stated that the owner had been ill, had been baker acted and was suffering from dementia. The owner's granddaughter further stated that she no longer goes to the property due to the conditions there, and following his release to return home, he banned her from the property.

Staff has had no success attempting to contact the owner, he has not complied with staff requests and staff currently cannot access the property without law enforcement. Staff has recently found that one of the tenants moved out, but the other tenant is still residing on the property.

Discussion ensued concerning the possibility of the Okaloosa Building Official condemning the property, whether the power pole can be removed because it is unsafe and a fire hazard, what power source the campers are using and the fact that the property is unsafe and unsanitary due to the sewage issue.

Ms. Alley inquired why the Health Department has not condemned the property and Ms. Payton responded that the state has removed most of the authority from local agencies, they cannot even issue a warning notice.

Mr. Miller proposed that the Board give the owner 30 day notice to comply with a \$250 per day fine retroactive to today, giving Ms. Payton time to contact the Building Official to find out what can be done regarding condemnation.

Discussion ensued concerning the power pole location, what buildings in the photos are approved to be on the property, and whether the power pole providing electricity to the campers can be removed. Ms. Seketa stated that the power pole is not the problem in this case, the campers are the problem and that the owner has a permit approving that pole. Attorney Hoshihara stated that if the owner has a permit for the power pole, unless he is violating anything related to the permit, the violation is the camper, not the power pole.

Discussion ensued concerning what can be done related to the unsanitary sewage issue, whether the mobile home park grandfather status can be revoked and whether an environmental approach can be used related to the sewage on the property.

Chairman King inquired how the Board wishes to proceed at this time. Ms. Payton suggested that they consider condemnation with the support of the HD, but is unsure what may happen due to the owner's mental health status and the property's homestead status.

Motion made to give the owner 30 days for compliance and if it is not met, to retroactively fine \$250 per day back to today's date, and in the meantime staff will contact the Building Official to discuss potential condemnation due to unsanitary conditions based on the recommendation of the Health Department, made by Skip Miller, seconded by Cathy Alley.

Motion amended to include notification to the Department of Environmental Protection concerning the potential environmental impact, made by Skip Miller, seconded by Mike Banks, approved unanimously.

Mr. Chavez inquired exactly what compliance will be. Ms. Payton stated that the owner can leave the campers on the property, but they shall not be occupied and no sewage or electricity is allowed.

7. OTHER BUSINESS

Ms. Seketa inquired if staff has heard anything new regarding the FWC Bear program and garbage storage situation. Ms. Payton replied that she has heard nothing new on this issue.

8. ADJOURN

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

Prepared by: Karen Rossi
Karen Rossi
Administrative Assistant II
05.01.17