**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Thursday, May 18, 2017**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Thursday,

May 18, 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, Skip Miller and Fay Seketa. Assistant County Attorney Kerry Parsons 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 – April 20, 2017 Meeting**

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

**4. ANNOUNCEMENTS**

Ms. Payton announced that she would not be able to attend the meeting in June due to training.

**5. OLD BUSINESS**

**A. CEB CASE #17-410823 Ronald Alter**

 **Location of Violation: 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 restated the facts of this case and re-read the Board’s motion from the April 20, 2017 meeting wherein they voted to give Mr. Alter 30 days to come into compliance, and if he does not, to make the daily $250 fine retroactive to April 20, 2017. Ms. Payton further stated that staff returned frequently to the site and found that some progress has been made, but not enough in her opinion. She provided photos of the current condition of the parcel and stated that some of the A/C units have been removed and others placed behind a fence, but some were still in the open. Ms. Payton stated that on May 17, Mr. Alter requested two more weeks, she advised him that he had been given enough time to complete the clean-up and gave him until close of business on May 17, 2017 to come into compliance. Ms. Payton stated that she checked the site prior to today’s meeting and as of that visit, it had not been brought into compliance.

Ms. Payton recommended that the Board move forward with the prior motion, and Chairman King mentioned that the 30 day abatement period given in that motion would not be up until May 19, which is tomorrow. Ms. Payton agreed and stated that this issue cannot be moved on until the next board meeting. Chairman King stated that the fine would begin May 19 if compliance is not met by that date and Ms. Payton agreed. Ms. Payton stated that another motion on this case is not needed at this time.

**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 restated the facts of this case and re-read the Board’s motion from the April 20, 2017 meeting wherein they voted 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 the Board.

Ms. Payton stated that Ms. Alley contacted the realtor, who then contacted Ms. Payton and informed her that this case has gone through probate and they are waiting for a Judge to sign the Final Order. The realtor stated that it is unknown how long it will take for the Final Order to be signed.

The realtor provided a copy of a sales contract signed by the buyer whose intent is to demolish the structure after the Final Order has been signed and the buyer takes possession of the property.

Ms. Payton stated that she would like to table this item to give the buyer the opportunity to proceed with their plans to demolish the structure. The Chairman stated that the 30 day abatement period is not up on this item. Attorney Parsons stated that the Board can readdress the issue and extend the abatement period further because the 30 day period is not up, but to assess a fine prior to the end of the 30 day period is a different issue.

Discussion ensued regarding who the sales contract is with and whether or not any additional action need be taken. Attorney Parsons stated that the Board has already taken action on this item and no further action is required.

Chairman King stated that before they move forward he wished to inquire whether Ms. Payton sent a letter to the air conditioning business owner in the Ron Alter/Colt Drive case. Ms. Payton stated that she did, and the business is based out of Jacksonville. She further stated that the tenant in this case is the only employee in this area for that business and they perform home warranty work.

**C. CEB CASE #17-410916 Henry Price**

 **Location of Violation: 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 the 30 day abatement period is not up in this case either, and Mr. Banks inquired if there is any update on the property. Ms. Payton stated that the County building official has not been able to coordinate a time to meet at the site with a representative from the Department of Environmental Protection. Ms. Payton further stated that Mr. Price is in bad health at this time and that may affect the outcome of this case. No further action was taken at this time.

**6. NEW BUSINESS**

No new business.

**7. OTHER BUSINESS**

**CEB CASE #13-361121 Robert Schmidt/Citibank**

**Location of Violation: 3375 Peeble Drive, Crestview**

**Ordinance Violation and Public Nuisance**.

**Okaloosa County Land Development Ordinance 91-1 as amended, Chapter 6, Development Design and Implementation Standards, Section 6.02.01, 11 (c-d) Construction Codes; and Chapter 9, Operational Performance Standards, Section 9.03.05 (3) Litter and Nuisance Control.**

Ms. Payton stated that this case was originally heard by the Code Enforcement Board in 2015 and at that time it was decided that this case would wait until an abatement ordinance or tax assessment ordinance was created and then this case would be forwarded to the Board of County Commissioners (BCC). She further stated that after speaking with legal it was suggested that this case can be moved forward now that an ordinance is on the books.

Ms. Payton stated that because the original motion was made before the new ordinance was approved, this Board needs to restate a motion. Attorney Parsons stated that if the Board wishes to take this to the BCC she has a proposed motion and stated it as follows: move to forward this case to the BCC to take up the issue as to whether to go onto the property and perform the work necessary to abate the violation. Discussion ensued regarding the noticing of these meetings and the clean and lien ordinance, whether the Board wishes to move forward in this manner and at which BCC meeting it would be heard.

Motion to forward this case to the Board of County Commissioners for them to take up the issue as to whether to go onto the property and perform work necessary to abate the violation made by Skip Miller, seconded by Mike Banks, approved unanimously.

**8. ADJOURN**

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

Prepared by: 

Karen Rossi

Administrative Assistant II

 05.30.17