

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Thursday, August 16, 2018**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Thursday, August 16, 2018 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, Vice-Chairman Mike Banks, Caralee Gibson, Fay Seketa, Cathy Alley and Skip Miller. Dennis Chavez was not in attendance.

Growth Management staff in attendance were Lisa Payton, Code Enforcement Supervisor; Kerry Parsons, County Attorney; Lynne Oler, Code Enforcement Administrative Assistant, John Wilson, Code Enforcement Officer, and Elliot Kampert, Growth Management Director.

1. ROLL CALL

Ms. Lynne Oler conducted roll call.

2. SWEARING IN OF ALL SPEAKERS

County Attorney, Kerry Parsons swore in all who wished to address the Board.

3. APPROVAL OF MINUTES – April 19, 2018 Meeting

Motion to approve the minutes as written made by Skip Miller, second by Caralee Gibson, approved unanimously.

4. ANNOUNCEMENTS

Ms. Lisa Payton introduced the new Board Member, Michael Rojas, who will be joining the Board officially next month. Mr. Rojas was sitting in to observe the meeting.

5. OLD BUSINESS

There was no Old Business.

6. NEW BUSINESS

A. CEB CASE #18-423170
Location of Violation:

Nelson T. & Eufrosina McCaw
189 Wright Circle, Niceville

Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III Nuisances, Division 3 Litter, Section 11-134 (e) and Section 11-136 (1)-(3); and Appendix E, Land Development Code, Chapter 6, Construction standards, Section 6.02.01, 11(c)(d).

Ms. Payton introduced Mr. John Wilson, the Code Enforcement Officer presenting this case.

Mr. Wilson read the case and the description of the Ordinances as stated above. He said our office was contacted on February 22, 2018, by the Indigo Village Homeowners Association through Panhandle Property Management. Along with the complaint was a single photo, which was included in the Code Boards packet. Mr. Wilson stated upon investigation of the property and outside of the home, there were other violations. He was contacted by Panhandle Property Management yesterday, August 15, 2018, and was given a phone number and an email address for the owner, Mr. Nelson McCaw. Mr. Wilson proceeded to tell the Board that he spoke with Mr. McCaw on the phone and emailed him the code violations. Also, yesterday at 10:32 a.m. Mr. Wilson received a phone call from Mr. McCaw where Mr. McCaw explained that he was very sick and didn't have much money and he cannot travel. Mr. McCaw said the home was paid for, the taxes were paid, and he didn't understand the problem. Mr. Wilson explained that the home could become a life/safety issue and that the harboring of vermin that have been seen, could lead to issues such as rabies and other diseases to the residents of that neighborhood.

Vice Chairman Banks asked if the home had been rented previously or if we had any further information from the neighbors or complainant. Mr. Wilson stated that the homeowners association filed a lien against the property in 2000 because it was vacant. In 2003 the lien was satisfied. Mr. Wilson said he couldn't be sure, but it seems it has been vacant since at least 2000. He could not find any records of it having been rented. Mr. Wilson said that Mr. McCall told him that he has no interest in selling the property.

Mr. Wilson went on to say that he posted the property on June 14th for the upcoming meeting in July, which ended up being cancelled. He went back to the site on July 5th and all the grass had been cut and the shrubs trimmed and everything was cleaned up. He said he checked with the tax collector and the taxes had been paid. Mr. Wilson stated that at the beginning of this case, he sent a certified letter to Mr. McCaw and it was returned "undeliverable". He went on to say that the taxes were paid right before we received the letter back, and that was also when the grass was cut. He believed that someone in the area has knowledge of the property.

Ms. Faye Seketa asked Mr. Wilson to describe the litter. She asked if it was old air conditioning parts, pipes, or just stuff from garbage cans. Mr. Wilson said it was stuff from garbage cans, some wind debris, and several saplings. He said everything was gone and that the yard had practically been manicured.

Mr. Banks asked if the back yard was mowed. He said sometimes the neighbors get tired of looking at the tall grass and just mow the front yard. Mr. Wilson said wasn't sure, but he didn't remember anything drawing his attention to the back yard.

Mr. Miller asked about the photo of the electric meter. Mr. Wilson said he had contacted Chelco to try to find out if someone was paying an electric bill, and if so, who that person was, but Chelco would not release that information to anyone but the owner. Mr. Miller explained with the rodent infestation, and if the power is on, it could be a fire hazard and those homes pretty much have a zero lot line.

Mr. Miller made a motion to put the \$250 a day fine. At this point, County Attorney Kerry Parsons, said that there are violations of two different policies, the Litter Policy and the Construction Standards, for maintenance and unsafe buildings. It has been stated for the record that the property is now in compliance with the Litter Policy, so if the Board would clarify that the motion is only based on the Construction Standards portion of the policy, it would be appreciated.

Mr. Miller stated he would change his motion to give them written notice, that they have 30 days to bring the Construction Standards into compliance, if not, then retroactive to this date, the \$250 a day fine, or the maximum fine, would be initiated along with any administrative fees associated with this case. Cathy Alley seconded the motion.

The Board discussed the HOA fees and the previous lien they had against the property that was eventually paid.

The Vice Chairman called for the vote, the motion passed unanimously.

B. CEB CASE #18-431369
Location of Violation:

Robert Lee Smelley
3621 Grady Johnson Rd., Crestview

Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III Nuisances, Division 3 Litter, Section 11-134 (e) and Section 11-136 (1)-(3); Division 4 Excessive Growth and Accumulation, Section 11-153 and 11-157; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, section 21-65 Nuisance Vehicles; and Appendix E, Land Development Code, Chapter 6, Construction standards, Section 6.02.01, 11(c)(d).

Ms. Payton read the case and description of the ordinances as written above.

Ms. Payton began by saying there have been numerous complaints about this property dating back to 2013. She went on to say that Code Enforcement was going to bring them before the Board in 2016, but they brought the property into compliance before the meeting and it was removed from the agenda. There have been several complaints of nuisances, vehicles, and very little progress. In the beginning this property belonged to the father, Terry Smelley, but Robert Smelley is the current owner. In dealing with the previous owner, there was trash, derelict vehicles, a derelict structure (the shed in the back yard); also note that Robert Smelley was residing there at that time.

On May 9, 2018, Code received a complaint from a neighbor that the home had deteriorated once again. The violations were clearly visible because the easement adjacent to the property has been cleared, and this allowed the Code Officer to view the property from the right of way. A correction notice was issued on May 10, 2018, allowing 15 days to bring the property into compliance. After several visits to the property with minimal compliance, we decided to treat the property as a repeat offence and schedule it for the Code Board. Mr. Robert Smelley did contact us and ask for additional time, but from having dealt with them in the past, more time would just mean a longer violation.

Mr. Miller made a motion to give Mr. Smelley 30 days to bring the property into complete compliance, per the Code of Ordinances listed, and if not brought into compliance, then the \$250 fines would be retroactive. Second by Caralee Gibson. Motion passed unanimously.

Ms. Payton asked the Chairman if she could get clarification from the County Attorney. She asked if this property is brought into compliance and then goes into violation again, could the Code Division automatically start the fines again. Ms. Parsons replied that if they came into compliance and then went into violation again, a repeat violation, it would have to be brought before the Board, but the Board would not have to give them a time period and they could retroactively enforce the fine.

Mr. Miller made a motion that administrative fees be applied as dictated by Staff. Second by Ms. Gibson. Motion passed unanimously.

C. CEB CASE #18-431372
Location of Violation:

Christopher Ryles
1322 Charlie Day Rd., Crestview

Code of Ordinances, as amended, Chapter 6, Building and Construction, Article VI Building Code, Section 6-134 Building Permits and Fees.

Ms. Payton read the case and description of the ordinances as written above.

Ms. Alley asked if she would need to recuse herself since Mr. Ryles had rented from her before. The Attorney explained that she did not. Skip Miller stated he was recusing himself from speaking or voting on this issue, Case #18-431372 and filed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. (Attached to this set of minutes)

Ms. Payton said on March 1, 2018, Code Enforcement received a complaint from the Property Appraiser about a mobile home installation. She explained that we went out to the property and took photos of the mobile home. On March 7, 2018, we were able to make contact with Mr. Ryles. Mr. Ryles said someone from Alabama had installed the mobile home, but he couldn't remember who it was, but that he would contact them and provide us with the documentation. On March 22, 2018, we spoke with Mr. Ryles again, and he said he could not find the paperwork, but that he would get with an installer to pull paperwork for a permit. Code Enforcement gave him several weeks to do this, but when we contacted him again on April 11, 2018, we issued a correction notice giving him 14 days to provide a permit. Code Enforcement checked to see if he had purchased the permit; he had not. We attempted to contact him and finally spoke with his secretary who said he hadn't applied for the permit, and he would need a little time. The week of May 21-25, 2018, multiple attempts were made to contact Mr. Ryles, but we couldn't contact him. On June 6, 2018, Code Enforcement was able to contact Mr. Ryles and issued a citation for unpermitted activity and failure to comply with the correction notice, which was a \$450.00 fine. Mr. Ryles admitted he was not close to compliance and he had not attempted to get anyone to pull any permits for him. On June 18, 2018 his secretary came in to pay the citation and was told to have Mr. Ryles take care of that permit as soon as possible. After speaking with Mr. Ryles a few times, he admitted he had not, and probably would not, attempt to get a permit.

Ms. Payton said she sent Mr. Ryles a certified letter announcing this Code Board meeting and letting him know he could attend. He did sign for the letter, however he did not show up.

Ms. Gibson asked if the mobile home was occupied and if it had power. Ms. Payton replied that it was set up for someone to move, but had no power because a permit was never pulled.

Cathy Alley asked what the options are for the Board. Ms. Payton replied that we would proceed with the standard 30 days to come into compliance and then the \$250.00 a day fine. After 90 days we could pursue foreclosure. Attorney, Kerry Parsons, agreed and said the fines could continue past the 90 days, but when the foreclosure process starts, that decision would be made by the County Commissioners.

Ms. Gibson made a motion that if after the 30 days he has not come into compliance, then we impose a \$250.00 a day fine and any administrative fees, retroactive to the beginning of the 30 day notice, and after the 90 day period come back to the Code Board to consider the cost and any relevant new information and discuss whether or not we should forward a recommendation to the Board of County Commissioners regarding any liens. Seconded by Ms. Alley. Motion passed unanimously.

7. OTHER BUSINESS: Board Members Update

Ms. Payton stated that it was with a sad heart that she announces the retirement of Spence King. Ms. Payton said she had a letter drafted by the Chairman of the Board of Okaloosa County Commissioners for Mr. King to thank him for his years of service.

Ms. Payton went on to say that we need to vote on a new Chairman and possibly Vice Chairman.

Fay Seketa nominated Mike Banks for the position of Chairman. Skip Miller seconded the motion.

Discussion took place about Skip Miller as Vice Chairman, but he had to decline because he would no longer be on the Board. Mr. Miller explained that he could only be on one Board and he was going to continue to serve on the Construction Board.

Ms. Parsons asked Mr. Banks to state for the record whether he accepts the nomination. He replied that he accepted the nomination.

The motion for Mike Banks to serve as Chairman of the Code Enforcement Board, passed unanimously.

Chairman Banks made a motion that Cathy Alley serve as the Vice Chairman of the Code Enforcement Board. Seconded by Caralee Gibson.

Chairman Banks asked Ms. Alley if she would accept the position and she replied, yes.

Motion passed unanimously.

Ms. Payton announced that Ms. Faye Seketa would also be leaving the Code Board, but she has agreed to stay on until we can find a replacement. Ms. Payton announced that we need an engineer and contractor.

8. ADJOURN

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

Prepared by:

Lynne Oler
Code Enforcement Administrative Assistant