

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Wednesday, March 27, 2024

1:30 PM

Main Library - Council Chambers

Municipal Code Enforcement Board

Present 5 - Board Member Robert Kenne, Board Member David Farrar, Board Member KerryAnn Rainey, Board Member C. Daniel Engel, and Board Member Duane Schultz

Absent 1 - Chair Greg Brown

Also Present – Andy Salzman – Attorney for the Board, Jerrod Simpson – Assistant City Attorney, and Nicole Sprague – Secretary to the Board

1. Call To Order

2. Approval of Minutes

Member Kenne moved to approve the minutes of the February 28, 2024 Municipal Code Enforcement Board meeting as submitted in written summation. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda None.

4. New Business Items

- 4.1** Continued from January 24 and February 28, 2024 - Case 03-24 - Find respondent(s) Patricia De Priest at 1631 Tuscola Rd. in violation of Code for Exterior Surfaces; and issue an order with the compliance deadline and fine if compliance is not met. (Jehnzen)

No one was present to represent the Respondent.

Inspector Jehnzen provided a PowerPoint presentation. He said the property is owner occupied and has been in disrepair for years. In response to questions, Mr. Jehnzen said the case was continued in January because he was not in the office and the property owner requested the continuance in February because she was ill.

Member Schultz moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.

Member Rainey moved to enter an order requiring the Respondent to correct the violations on or before April 27, 2024. If the Respondent does not comply within the time specified, the Board may order a fine of \$150.00 per day per violation for each day each violation continues to exist. After 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 4.2** Continued from February 28, 2024, Continue to April 24, 2024 - Case 17-24 - Find

respondent(s) Shawnte Turner and Mark Acevedo at 1142 Palm Bluff St. in violation of Code for Exterior Surfaces; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

Case 17-24 was automatically continued.

- 4.3** Continued from February 28, 2024 - Case 21-24 - Find respondent(s) Kimberly Home Inc at 1180 Grove St. in violation of Code for Exterior Surfaces and Roof Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Stephens)

No one was present to represent the Respondent.

Inspector Stephens provided a PowerPoint presentation. He said there is roof paper on top of the old roof with wood nailed in to try to hold the paper down. The screens on the front porch are torn. The property owner requested the continuance in February to obtain necessary repair permits.

Member Schultz moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.

Member Rainey moved to enter an order requiring the Respondent to correct the violations on or before April 27, 2024. If the Respondent does not comply within the time specified, the Board may order a fine of \$150.00 per day per violation for each day each violation continues to exist. After 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 4.4** Case 32-24 - Find respondent(s) Vicki A Hass at 3035 Oak Cove Dr. in violation of Code for Exterior Surfaces; and issue an order with the compliance deadline and fine if compliance is not met. (Brown)

Attorney representative Luke Lirot said he has represented Ms. Hass for years but was recently retained by the City to represent them in federal court, which would be a conflict of interest. He requested the case be continued to allow Ms. Hass to hire another attorney.

Member Kenne moved to continue Case 32-24 to April 24, 2024. The motion was duly seconded and carried unanimously.

- 4.5** Case 33-24 - Find respondent(s) Mark and Cynthia Jackson at 1775 Lawrence Dr. in violation of Code for Roof Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Brown)

Property owner Mark Jackson was present and admitted to the violation.

Inspector Brown provided a PowerPoint presentation. She said she has worked with the property owners and the roof issues have been going on for a couple years. A blue tarp has covered the roof for much of that time.

Member Rainey moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.

Member Schultz moved to enter an order requiring the Respondent to correct the violations on or before May 27, 2024. If the Respondent does not comply within the time specified, the Board may order a fine of \$150.00 per day per violation for each day each violation continues to exist. After 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 4.6** Continue to April 24, 2024 - Case 34-24 - Find respondent(s) Dawn Blair at 910 Plaza St. in violation of Code for Exterior Surfaces and Abandoned Building; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

Case 34-24 was automatically continued.

- 4.7** WITHDRAWN - Case 35-24 - Find respondent(s) Ilham Bilgutay at 503 N Garden Ave. in violation of Code for Parking, Exterior Surfaces, and Exterior Storage; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

Case 35-24 was withdrawn.

- 4.8** Case 36-24 - Find respondent(s) Montebello LLC at 604 N Ft. Harrison Ave. in violation of Code for Fences and Walls, Exterior Surfaces, and Roof Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

Property representative Rafael Rodriguez was present and admitted to the violation.

Inspector Kasman provided a PowerPoint presentation. He said there is damage to the roof and soffits. A portion of the roof is caved in. The fence is in disrepair and there is a lot of damage to the exterior siding.

A progress update was requested for the April meeting.

Member Rainey moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.

Member Kenne moved to enter an order requiring the Respondent to

correct the violations on or before May 27, 2024, with a status update given at the April 24, 2024 meeting. If the Respondent does not comply within the time specified, the Board may order a fine of \$150.00 per day per violation for each day each violation continues to exist. After 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 4.9** Case 37-24 - Find respondent(s) Nancy O'Neill at 1360 Druid Rd. in violation of Code for Parking; and issue an order with the compliance deadline and fine if compliance is not met. (Jehnzen)

Nancy O'Neill was present and admitted to the violation.

Inspector Jehnzen provided a PowerPoint presentation. A boat parked on the property needs to be moved, it is currently being stored on the side yard and is partially on the neighbor's property.

Ms. O'Neill said she had the neighbor's permission to park the boat partially on their property.

Member Rainey moved to find the Respondent in violation of the City of Clearwater Code as referred to in the affidavit in this case. The motion was duly seconded and carried unanimously.

Member Kenne moved to enter an order requiring the Respondent to correct the violations on or before April 24, 2024. If the Respondent does not comply within the time specified, the Board may order a fine of \$150.00 per day per violation for each day each violation continues to exist. After 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

5. Old Business Items

- 5.1** Accept the Affidavits of Compliance as listed.

5.1.1 Case 12-19 Affidavit of Compliance
Marjorie Connelly
151 Devon Dr.
Permits - Root

5.1.2 Case 98-19 Affidavit of Compliance
Chaplin, Jacqueline Est

1000 Grantwood Ave.
Fences & Walls, Exterior Surfaces, Door & Window Openings, and Windows
Maintenance - Dixon

5.1.3 Case 49-23 Affidavit of Compliance
Saint Laurent Holdings LLC
1620 N Ft. Harrison Ave.
Exterior Surfaces, Door & Window Openings - Dixon

5.1.4 Case 23-24 Affidavit of Compliance
Wallace Ernestine Est
906 Engman St.
Lot Clearing - Dixon

Member Kenne moved to accept the Affidavits of Compliance for Cases 12-19, 98-19, 49-23, and 23-24. The motion was duly seconded and carried unanimously.

5.2 Continued from February 28, 2024, Continue to April 24, 2024 - Case 127-23 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Dorothy Fraley at 1754 Apache Trl for Exterior Surfaces and Exterior Storage. (Dixon)

Case 127-23 was automatically continued.

5.3 Case 144-23 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Joan Klein at 2387 Nash St. for Abandoned Building. (Jehnzen)

No one was present to represent the Respondent.

Member Rainey moved to accept the Affidavit of Non-Compliance and issue an order that states after 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

5.4 Case 140-23 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Gilbert Jannelli at 540 Jones St. for Exterior Surfaces, Door and Window Openings, and Roof Maintenance. (Kasman)

Gilbert Jannelli was present. He said he has a buyer who was undecided if they want to repair the building. A decision was made to repair it and bids have been received for the work, which should begin by next week.

Inspector Kasman showed photos of the property. He said each time he spoke to Mr. Jannelli regarding the violations, Mr. Jannelli said the property is being sold. Some repairs have been made but the building is still not in compliance.

In response to a question, Mr. Jannelli said the estimated closing date is July 5, 2024.

Member Kenne moved to accept the Affidavit of Non-Compliance and issue an order that states after 3 months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

6. Other Board Action

- 6.1** Case 17-02 & 98-19 - Consider request by petitioner(s) Zachary Sorrentino at 1000 Grantwood Ave to reduce the fine re Fences, Exterior Storage, Door and Window Openings, and Window Maintenance ; and if approved, issue an order that specifies a fine that includes administration costs and establishes a date payable or the lien will revert to its original amount. (Dixon)

Petitioner Zachary Sorrentino said he purchased the property and let the tenant stay for an additional 30 days, then he got to work to bring the property into compliance.

One individual said this has been a problem property for years and that it now looks great.

It was said that the property owner passed away. The daughter inherited it and then passed away.

Member Schultz moved to enter an order reducing the amount of the lien for Cases 17-02 and 98-19 to administrative costs of \$2,972.40, payable within 30 days or the lien will revert to its original amount. The motion was duly seconded and carried unanimously.

- 6.2** Case 12-19 - Consider request by petitioner(s) Kevin Kincaid at 151 Devon Dr. to reduce the fine re Permits; and if approved, issue an order that specifies a fine that includes administration costs and establishes a date payable or the lien will revert to its original amount. (Root)

Kevin Kincaid was present.

Assistant Building Official Dana Root provided background of the case. A block wall, a concrete slab, and steps were installed without a permit in 2018. He said the City does not support a lien reduction.

Mr. Kincaid said he did the work without a permit. When the issue was brought to his attention, he worked to bring the property into compliance. He lives out of state and was trying to coordinate the work. During this time, his sister, whose name is on the property, passed away.

Attorney for the Board Andy Salzman said the administrative and investigative costs total \$1,502.20.

Member Kenne moved to enter an order reducing the amount of the lien for Case 12-19 to \$5,000.00, payable within 30 days or the lien will revert to its original amount. The motion was duly seconded and carried unanimously.

6.3 Cases 125-21 and 126-21 - Consider request by petitioner(s) North Myrtle Avenue Land Trust at 820 Hart St. and 407/409 S Myrtle Ave. to eliminate abatement liens. (Dixon)

Property owner Eddie Akpakpan was present.

Assistant City Attorney Jerrod Simpson said the lien amount on the subject cases are hard cost expenditures to abate nuisances. The property owner objects to some of the expenses.

Inspector Greg Dixon provided a PowerPoint presentation. He said he hadn't heard from the property owner until last fall. Ten abatements for overgrowth and two homeless camp removals have been completed by the City. All mail, including the Affidavit of Violation and invoices were returned unclaimed. He said work by the property owner was done but they only mowed a portion of the lot. He said he receives an email confirmation from the contractor when they go do the work, they send before and after photos.

Mr. Akpakpan said this started during COVID and he never received a notice and was not aware there was a situation. Once he was aware of the violation, he contracted with someone to keep up the property. He said he has invoices proving he paid for the upkeep of the property. He said the City did not provide proper notice.

Code Compliance Manager Rebecca Mulder said it is policy and procedure for the property to be posted with the Affidavit of Violation if the certified mail is not signed for. In response to a question, she said if the contractor goes to a job and sees that the work was already complete, they would notify the inspector.

Mr. Simpson said when the Board finds a property in violation for a nuisance, the Board order is recorded and contemplates the City abating a nuisance and maintaining the property.

Discussion ensued with comments made that there is no reason to reduce the lien and that the City needs to be reimbursed. Anyone that owns property with vegetation knows they need to maintain it. There is no requirement for the City to contact the property owner each time a contractor is sent to maintain a property.

Member Kenne moved to deny the request for a lien reduction for Cases 125-21 and 126-21. The motion was duly seconded and carried

unanimously.

- 6.4** Case 28-23 and 83-23 - Approve the Stipulation and Agreement for petitioner(s) Sonia Nasef & Mark Yousef at 1445 Cleveland St. (Stephens)

Assistant City Attorney Jerrod Simpson presented the agreement details. He said if the property is brought into compliance within 90 days of the agreement, the fine will be reduced to \$5,000 payable within 60 days.

Member Kenne moved to approve the Stipulation and Agreement as presented for Cases 28-23 and 83-23. The motion was duly seconded and carried unanimously.

7. Nuisance Abatement Lien Filings

- 7.1** WITHDRAWN - Case 41-24 (PNU2024-00013) - Accept the Nuisance Abatement Lien for respondent(s) RLV Cypress Point LP at 25813 US Highway 19 N for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Brown)

Case 41-24 was withdrawn.

- 7.2** Case 42-24 (PNU2024-00089) - Accept the Nuisance Abatement Lien for respondent(s) Patricia Halik at 1404 W Virginia Ave. for Inoperative Vehicle; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Still)

No one was present to represent the Respondent.

Inspector Still provided a PowerPoint presentation. He said the license plate has a registration sticker from 2020. The tires are flat. The neighbors said the owner has not been there in a long time. All mail was returned unclaimed.

Member Rainey moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations within five days of the Board's written order. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including entry onto the property, to abate and maintain the nuisance, and charge the Respondent with the reasonable costs which will become a lien on the property. After 3 months from the recordation date of such lien, if the costs remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 7.3** Case 43-24 (PNU2024-00172) - Accept the Nuisance Abatement Lien for respondent(s) Patricia Halik at 1404 W Virginia Ave. for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not

met. (Still)

No one was present to represent the Respondent.

Inspector Still provided a PowerPoint presentation. The back of the property is overgrown and in some places the overgrowth exceeds five feet. There is excessive growth along the fence line. All mail has been returned unclaimed.

Member Kenne moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations within five days of the Board's written order. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including entry onto the property, to abate and maintain the nuisance, and charge the Respondent with the reasonable costs which will become a lien on the property. After 3 months from the recordation date of such lien, if the costs remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 7.4** Case 44-24 (PNU2024-00036) - Accept the Nuisance Abatement Lien for respondent(s) Thomas Little P.A. at 2123 NE Coachman Rd. for Inoperative Vehicle; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Still)

No one was present to represent the Respondent.

Inspector Still provided a PowerPoint presentation. There is overgrowth in the parking spaces. A trailer holding jet ski's has a flat tire and the jet ski's do not have engines in them. The trailer registration expired in 2015. He said the leaves were blown off the surface lot recently, but the leaves were blown into the overgrowth.

Member Kenne moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations within five days of the Board's written order. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including entry onto the property, to abate and maintain the nuisance, and charge the Respondent with the reasonable costs which will become a lien on the property. After 3 months from the recordation date of such lien, if the costs remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 7.5** Case 54-24 (PNU2024-00221) - Accept the Nuisance Abatement Lien for respondent(s) Christopher and Ruby Voight at 205 S Evergreen Ave. for Inoperative Vehicle; and issue

an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Stephens)

No one was present to represent the Respondent.

Inspector Stephens provided a PowerPoint presentation. The vehicle has been in an accident, the front end is damaged and the air bags were deployed. The vehicle does not have a tag.

Member Schultz moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations within five days of the Board's written order. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including entry onto the property, to abate and maintain the nuisance, and charge the Respondent with the reasonable costs which will become a lien on the property. After 3 months from the recordation date of such lien, if the costs remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law. The motion was duly seconded and carried unanimously.

- 7.6** Case 55-24 (PNU2024-00207) - Accept the Nuisance Abatement Lien for respondent(s) Valentina Guarin at 208 S Hercules Ave. for Inoperative Vehicle; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Stephens)

Case 55-24 was withdrawn at the meeting.

8. Adjourn

The meeting adjourned at 3:46 p.m.

Chair, Municipal Code Enforcement Board

Attest:

Secretary to the Board