

City of Clearwater

*Main Library
100 N. Osceola Avenue
Clearwater, Florida 33755*



Meeting Minutes

Wednesday, January 23, 2019

1:30 PM

Council Chambers - Main Library

Municipal Code Enforcement Board

Roll Call

Present 6 - Chair Wayne Carothers, Vice Chair Robert Prast, Board Member C. Daniel Engel, Board Member Sue A. Johnson, Board Member Michael Mannino, and Board Member Sheila Cole

Absent 1 - Board Member Jonathan Barnes

Also Present: Andy Salzman – Attorney for the Board, Michael Fuino – Assistant City Attorney, Nicole Sprague – Secretary to the Board, Patricia O. Sullivan – Board Reporter

DRAFT

1. Call To Order

The Chair called the meeting to order at 1:30 p.m. at the Main Library, followed by the Pledge of Allegiance.

The Chair outlined procedures and stated any aggrieved party may appeal a final administrative order of the Municipal Code Enforcement Board to the Circuit Court of Pinellas County within thirty days of the execution of the order. Florida Statute 286.0105 requires any party appealing a decision of this Board to have a record of the proceedings.

To provide continuity for research, items are in agenda order although not necessarily discussed in that order.

2. Approval of Minutes

- 2.1 Approve the minutes of the December 19, 2018 Municipal Code Enforcement Board meeting as submitted in written summation.

Member Johnson moved to approve minutes of the December 19, 2018 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 Case 175-18, Continued from December 19, 2018 - Find respondent(s) Gulf to Bay Boulevard Clearwater LLC at 1765 Gulf-to-Bay Boulevard in violation of Code for Temporary Signs; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

No one was present to represent the Respondent.

Inspector Daniel Knight said compliance had been met and requested a declaration of violation.

Assistant City Attorney Michael Fuino submitted composite exhibits.

Member Mannino moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.2** Withdrawn: Case 176-18, Continued from December 19, 2018 - Find respondent(s) Clarendon Assets LP at 478 Mandalay Ave. #A in violation of Code for Temporary Signs; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Case 176-18 was withdrawn.

- 4.3** Case 177-18, Continued from December 19, 2018 - Find respondent(s) Mary G Realty, Inc. at 490 Mandalay Ave. in violation of Code for Sign Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

No one was present to represent the Respondent.

Inspector Daniel Knight said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Prast moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.4** Case 178-18, Continued from December 19, 2018 - Find respondent(s) Golden Villa Resort LLC at 225 Coronado Dr. in violation of Code for Vacant Parcel Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

No one was present to represent the Respondent.

Inspector Gregory Dixon said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Cole moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine

of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.5** Case 179-18, Continued from December 19, 2018 - Find respondent(s) Rene J Neyrey at 901 N Ft. Harrison Ave. 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. (Phillips)

Property owner Rene Neyrey admitted to the violations.

Member Mannino moved to find the Respondent(s) 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.

Inspector Julie Phillips recommended compliance by February 23, 2019 or a fine of \$150 per day per violation be imposed for the exterior surfaces and abandoned building violations.

Mr. Neyrey said his personal problems resulted in the poor condition of the property, which also was damaged by vagrants and trashed by dumped truck tires. He said he spent more than \$900 to clean the property and requested time to make repairs. He said he could bring the property into compliance in 2 weeks.

Attorney Fuino submitted composite exhibits.

Member Prast moved to enter an order requiring the Respondent to correct the violations on or before February 23, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 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** Case 180-18, Continued from December 19, 2018 - Find respondent(s) Zahid N Roy at 1412 N Ft. Harrison Ave. in violation of Code for Exterior Surfaces and Door and Window Openings; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

Property owner Zahid Roy admitted to the violations.

Member Mannino moved to find the Respondent(s) 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.

Inspector Julie Phillips recommended compliance by February 23, 2019 or a fine of \$150 per day per violation be imposed for the exterior

surfaces and door & window openings violations. She presented photographs of the violations. Repairs were almost completed.

Mr. Roy said before he purchased the building, a permitted stairway was built in front of the window and blocked the front door, which was why they were boarded. He said after his purchase, he was required to meet current Code by widening the stairs to 36 inches; staff signed off on the permit.

Assistant Building & Planning Director Gina Clayton recommended Mr. Roy meet with Assistant Building Official Dana Root to resolve the issue.

Attorney Fuino submitted composite exhibits.

Member Engel moved to enter an order requiring the Respondent to correct the violations on or before February 23, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 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.

- 4.7** Case 181-18, Continued from December 19, 2018 - Find respondent(s) Sagonias Revocable Trust, Berk Aydin Tre at 1724 N Ft. Harrison Ave. in violation of Code for Exterior Surfaces and Parking Lot Surfaces; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

No one was present to represent the Respondent.

Inspector Julie Phillips said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Johnson moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violations were corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violations, the Board may order a fine of up to \$500 for each day each violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.8** Case 182-18, Continued from December 19, 2018 - Find respondent(s) Bawana LLC at 1209 N Osceola Ave. in violation of Code for Short Term Rental; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

No one was present to represent the Respondent.

Inspector Julie Phillips said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Johnson moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.9** Case 01-19 - Find respondent(s) Andrew Brown at 1536 S Martin Luther King, Jr. Ave. in violation of Code for Exterior Surfaces and Door and Window Openings; and issue an order with the compliance deadline and fine if compliance is not met. (Fletcher)

Property owner Andrew Brown was present.

Inspector Julie Phillips said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Prast moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violations were corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day each violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.10** Case 02-19 - Find respondent(s) Manuella Cash Clark at 2461 Sundancer Dr. in violation of Code for Hauling Trailer, Residential Grass Parking, and Exterior Storage; and issue an order with the compliance deadline and fine if compliance is not met. (Brown)

No one was present to represent the Respondent.

Member Mannino moved to find the Respondent(s) 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.

Inspector Shelby Brown said she responded to a complaint. She recommended compliance for the 3 violations by February 22, 2019 or a fine of \$150 per day per violation be imposed for the hauling trailer, residential grass parking, and exterior storage violations. She presented photographs of the violations, which were visible from Enterprise Road. She met the owners' son and caregivers who apologized, were unaware of the violations, and anticipated complying by February 22, 2019.

Attorney Fuino submitted composite exhibits.

Member Cole moved to enter an order requiring the Respondent to correct the violation on or before February 22, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 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.

- 4.11** Case 03-19 - Find respondent(s) Gerrity Family Trust, Christopher T Gerrity Tre at 1500 S Missouri Ave in violation of Code for Sign Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

No one was present to represent the Respondent.

Member Johnson moved to find the Respondent(s) 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.

Inspector Daniel Knight presented photographs of the violation, noting multiple violations had been corrected. He recommended compliance by February 23, 2019 or a fine of \$150 per day be imposed for the freestanding sign maintenance violation.

Attorney Fuino submitted composite exhibits.

Member Mannino moved to enter an order requiring the Respondent to correct the violation on or before February 23, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 per day for each day the 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.

- 4.12** WITHDRAWN - Case 04-19 - Find respondent(s) P W R E O Highland LLC at 1831 N Highland Ave. in violation of Code for Sign Permit Required; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Case 04-19 was withdrawn.

- 4.13**Case 05-19 - Find respondent(s) Zahid N. Roy at 1412 N Ft. Harrison Ave. in violation of Code for Outdoor Storage; and issue an order with the compliance deadline and fine if compliance is not met. (Phillips)

Property owner Zahid Roy admitted to the violations.

Member Johnson moved to find the Respondent(s) 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.

Inspector Julie Phillips recommended compliance by February 6, 2019 or a fine of \$150 per day per violation be imposed for the commercial parking restriction and outdoor storage/inoperable vehicle nuisance violations.

Mr. Roy said the commercial trailer should be permitted since the property's zoning had been changed. He requested additional time to remove the trailer.

Attorney Fuino submitted composite exhibits.

Member Prast moved to enter an order requiring the Respondent to correct the violations on or before February 23, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 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.

- 4.14**Case 06-19 - Find respondent(s) Clemente Teran, Petra Maye, and Santiago Teran at 2371 Chaucer St. in violation of Code for Construction Material Storage; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

Property owner Clemente Teran was present.

Inspector Gregory Dixon said compliance had been met and requested a declaration of violation.

Attorney Fuino submitted composite exhibits.

Member Mannino moved to find the Respondent was in violation of the City of Clearwater Code as referred to in the affidavit in this case, the violation was corrected prior to today's hearing, and to enter an order that no fine be imposed against the Respondent. If the Respondent repeats the violation, the Board may order a fine of up to \$500 for each day the violation continues to exist. The motion was duly seconded and carried unanimously.

- 4.15** Case 07-19 - Find respondent(s) Bruno One, Inc. at 2083 Envoy Ct. in violation of Code for Fences; and issue an order with the compliance deadline and fine if compliance is not met. (Dixon)

No one was present to represent the Respondent.

Member Engel moved to find the Respondent(s) 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.

Inspector Greg Dixon recommended compliance by February 1, 2019 or a fine of \$150 per day be imposed for the fences violation. He presented photos of the violation. A permit probably will be required to repair the fence. He had not spoken with the property owner; mail sent to several addresses was all returned. The timeline for his recommendation was based on the property owner's failure to respond.

Attorney Fuino submitted composite exhibits.

Member Mannino moved to enter an order requiring the Respondent to correct the violation on or before February 1, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 per day for each day the 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.

- 4.16** Case 09-19 - Find respondent(s) Calvin Lee Ladd at 1246 Idlewild Dr. in violation of Code for Unsafe Building; and issue an order with the compliance deadline. (Cantrell)

No one was present to represent the Respondent.

Member Johnson moved to find the Respondent(s) 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.

Inspector Jason Cantrell provided a PowerPoint presentation and presented photographs of the multiple hazards at the unsafe structure, including exposed and unsecured electrical wires, an exposed electric breaker and panel, plumbing supported by pavers, missing exterior doors, boarded and broken windows, a wall air-conditioner fallen through the wall, etc. The property owner was incarcerated; the house was occupied by transients and lacked electric power. He recommended compliance by February 23, 2019 or authorization for the City to take corrective action.

It was suggested citing the property for 10 violations instead of 1 would

provide more pressure on the property owner to make necessary repairs. Assistant Building Official Dana Root said accrued fines already surpassed the property's market value. The City preferred to lien the property rather than track multiple fines. The quickest way to resolve the property's issues would be to declare it unsafe and allow the City to raze it.

Neighbor William Corser requested help. He said the property was an eyesore, diminished neighborhood property values, and posed hazards for children. He said the fence often fell down and multiple appliances had been stored in the backyard which the City cleaned out several times. He said during the past 4 years the owner had promised multiple times to clean the property but nothing was done.

Attorney Fuino submitted composite exhibits.

Member Prast moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations on or before January 30, 2019. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including demolition, which are required to bring the property into compliance, 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.

- 4.17** Case 10-19 - Find respondent(s) H & S Realty & Property Inc at 1501 N Betty Ln. in violation of Code for Unsafe Building; and issue an order with the compliance deadline. (Cantrell)

Project Manager Russ Rogers admitted to the violation and said he obtained a permit on December 19, 2018 to repair the building.

Member Johnson moved to find the Respondent(s) 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.

Inspector Jason Cantrell recommended compliance by February 23, 2019 or authorization for the City to take corrective action. He provided photographs of the shell of the structure which was damaged by fire in July 2015.

Mr. Rogers said the first permit they pulled was insufficient to make necessary repairs and the owner had the plans redrawn. He said he was ready to start construction with the new permit; he estimated completion in 120 to 150 days. He said inspections were needed every 30 days. He

said he was in contact with Mr. Root and Attorney Fuino. He said the structure would be repaired and reopened as a convenience store.

Inspector Cantrell said he would work with the respondent. Mr. Root said staff wanted the option to raze the structure if remodelling work stopped.

Attorney Fuino submitted composite exhibits.

Member Prast moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations on or before February 23, 2019. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including demolition, which are required to bring the property into compliance, 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.

- 4.18**Case 11-19 - Find respondent(s) Timothy Bryant at 502 N Martin Luther King, Jr. Ave. in violation of Code for Unsafe Building; and issue an order with the compliance deadline. (Cantrell)

No one was present to represent the Respondent.

Member Mannino moved to find the Respondent(s) 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.

Inspector Jason Cantrell provided a PowerPoint presentation and provided photographs of the unsafe building, which was unoccupied and had no power. He had not spoken with the owner. He recommended compliance by February 23, 2019 or authorization for the City to take corrective action.

Attorney Fuino submitted composite exhibits.

Member Prast moved to enter an order finding the Respondent in violation of the City of Clearwater Code and requiring the Respondent to correct the violations on or before February 23, 2019. If the Respondent does not comply within the time specified, the City may take all reasonable actions, including demolition, which are required to bring the property into compliance, 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.

- 4.19**Case 12-19 - Find respondent(s) Marjorie D Connelly at 151 Devon Dr. in violation of Code for Commencing work before permit issuance; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

Property owner Kevin Kincaid admitted to the violation.

Member Mannino moved to find the Respondent(s) 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.

Inspector Sam Swinton provided photographs of the violations. The property owner submitted a permit application in 2017 but did not complete the application process. The wall on the east side of the house was too high and built without permit and the slab had been raised and stairs installed on the front east side of the home without permit. He recommended compliance by February 22, 2019 or a fine of \$150 per day be imposed per violation for 2 violations: 1) commencing work without a permit and 2) out of compliance permit paperwork.

Mr. Root said the slab was in the 5-foot setback from the property line. Paperwork for construction work was not in order.

Mr. Kincaid said the house was built in the 1950s. He said he was a contractor in Chicago. He said he removed the cracked and heaved knee wall, rebuilt it, and also poured the slab. He said he thought he may have built the wall too high. He said when he tried to obtain a permit to lower the wall, the City required him to hire a contractor but he could not find one who would agree to reduce the wall's height. He said he had made a mistake. He said when the court dismissed the case, he thought the problem had been handled until he received notice of this meeting.

In response to a question, Mr. Root said when homeowners applied for a permit, staff reviewed the project with them; Mr. Kincaid applied for a permit after work was done. Compliance could be met by removing the wall and slab.

It was recommended that Mr. Kincaid meet with Assistant Building Official Dana Root. Concern was expressed that Mr. Kincaid could not comply by February 22, 2019.

Ms. Clayton said the City could not approve a wall over 6 feet in height. The elevated slab was within the setback. She did not know if Mr. Kincaid could prove the high wall and slab within the setback met the general character of the neighborhood to qualify for flexibility. She said demolition may be the only course of action.

Mr. Kincaid requested additional time.

Attorney Fuino submitted composite exhibits.

Member Cole moved to enter an order requiring the Respondent to correct the violations on or before March 22, 2019. If the Respondent does not comply within the time specified, the Board may order a fine of \$150 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. Members Prast, Johnson, Mannino, Cole, and Chair Carothers voted "Aye"; Member Engel voted "Nay." Motion carried.

- 4.20** Withdrawn: Case 13-19 - Find respondent(s) Grand Bellagio at Baywatch Condo Assn Inc at 2741 Via Cipriani Unit 921A in violation of Code for Commencing Work before Permit Issuance; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

Case 13-19 was withdrawn.

5. Unfinished Business

5.1 Accept the Affidavits of Compliance as listed:

5.1.1 Case 06-15

Everett Dyer II

812 Pine St.

Hauling Trailer in ROW/Exterior Surfaces/Exterior Storage - Fletcher

5.1.2 Case 133-16

Moore, John A Est

915 N Highland Ave.

Ext. Surfaces/Door & Window Openings/Abandoned Bldg - Knight

5.1.3 Case 114-18

Oceanaire Homes LLC

977 Bruce Ave.

Fences - Dixon

5.1.4 Case 144-18

William N Carroza

Weiss, Julian S Living Trust

1740 Ft Harrison Ave.

Lot Clearing - Phillips

5.1.5 Case 168-18
Willie & Sarah Parker
1149 Kingsley St
Residential Grass Parking - Fletcher

5.1.6 Case 169-18
Harman Rev Trust
1400 Lime St.
Residential Grass Parking - Fletcher

5.1.7 Case 171-18
John A Koymarianos
2382/2384 Chaucer St.
Exterior Storage/Hauling Trailer - Dixon

5.1.8 Case 189-18
Neil L Zagelbaum Rev Trust
1021 Sedeeva St.
Lot Clearing - Jewett

Member Cole moved to accept the Affidavits of Compliance for Cases 06 15, 133 16, 114 18, 144 18, 168 18, 169 18, 171 18 and 189 18. The motion was duly seconded and carried unanimously.

- 5.2** Case 127-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) David J. Gangelhoff at 400 N Garden Ave. for Unsafe Building. (Cantrell)

Representative Charlie Wright admitted to the violation.

- 5.3** Case 128-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) David J. Gangelhoff at 400 N. Garden Ave. for Roof Maintenance, Abandoned Building, Lot Clearing, and Fences. (Phillips)

No one was present to represent the Respondent.

Inspector Phillips reported the City had agreed that no fine would go into effect until 90 days after today's date.

Member Prast moved to accept the Affidavit of Non-Compliance with a fine that would not go into effect until 90 days after today's date 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. 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.

- 5.4** Case 129-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Tsetse LLC at 314 N Garden Ave. for Unsafe Building. (Cantrell)

No one was present to represent the Respondent.

- 5.5** Case 131-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Tsetse LLC at 405 N Garden Ave. for Roof Maintenance and Door and Window Openings. (Phillips)

No one was present to represent the Respondent.

- 5.6** Case 133-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Tsetse LLC at 314 N Garden Ave. for Roof Maintenance, Door and Window Openings, Abandoned Building, and Fences. (Phillips)

No one was present to represent the Respondent.

- 5.7** Case 141-18 - Continued from December 19, 2018 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Pat Brooking at 1118 LaSalle St. for Lot Clearing, Door and Window Openings, and Exterior Surfaces. (Phillips)

No one was present to represent the Respondent.

Member Prast moved to accept the Affidavits of Non-Compliance for Cases 127-18, 129-18, 131-18, 133-18, and 141-18 and issue orders that state 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. 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.

6. Other Board Action

- 6.1** Case 31-14 - Consider request by respondent(s) Madisyn Park LLC at 1410 Park St. to reduce the fine re Delinquent BTR; 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. (Knight)

Property owner Michael Leon requested a fine reduction. He said he had not received all of his mail while he worked in New York to pay the mortgage on this property. He said he had misread the City's letter that his property was in compliance without realizing a \$150/day lien had been filed. He said his parents had taken over the property and when he

realized the BTR was delinquent he paid it. He said he had set up his banking account to now automatically pay for the BTR by the due date.

Inspector Daniel Knight said the fine included the time the BTR (Business Tax Receipt) was delinquent in 2014-15 after MCEB (Municipal Code Enforcement Board) action. The BTR was in red status twice since 2014; the property owner could have been charged for repeat violations. The City opposed reducing the lien.

Attorney for the Board Andy Salzman said administration costs were \$1,287.20 and the total lien was \$8,700.

Concerns were expressed the BTR was delinquent more than once and delinquencies could continue. It was suggested the lien be reduced to \$2,000 plus administrative costs.

Attorney Fuino submitted composite exhibits.

Member Engel moved to enter an order reducing the fine for Case 31-14 to administration costs of \$3,287.20 payable within 30 days or the lien will revert to its original amount. The motion was duly seconded and Members Prast, Engel, Johnson, Cole, and Chair Carothers voted "Aye"; Member Mannino voted "Nay." Motion carried.

6.2 Election of Chair/Vice Chair

Member Prast thanked Wayne Carothers for serving as Chair.

Member Prast moved to appoint Sue Johnson as Chair. The motion was duly seconded and carried unanimously.

Member Prast moved to appoint Wayne Carothers as Vice Chair. The motion was duly seconded and carried unanimously.

7. Nuisance Abatement Lien Filings

- 7.1** Case 08-19 - Accept the Nuisance Abatement Lien for respondent(s) Maya Ellie Hamblet at 502 Palm Bluff St. for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Dixon)
- 7.2** Case 14-19 - Accept the Nuisance Abatement Lien for respondent(s) Aegis Asset Management LLC at 1365 Overlea St. for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Della Volpe)

No one was present to represent the Respondents.

Member Prast moved to enter an order finding the Respondents for Cases 08-19 and 14-19 in violation of the City of Clearwater Code and requiring the Respondents to correct the violations within 5 days of the Board's written order. If the Respondents do not comply within the time specified, the City may take all reasonable actions, including entry onto the properties, to abate and maintain the nuisance, and charge the Respondents with the reasonable costs which will become a lien on the properties. 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.

8. Adjourn

The meeting adjourned at 3:30 p.m.

Chair, Municipal Code Enforcement Board

Attest:

Secretary to the Board