

City of Clearwater

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



Meeting Minutes

Wednesday, August 25, 2021

1:30 PM

Main Library - Council Chambers

Municipal Code Enforcement Board

Roll Call

Present 5 - Chair Nicole Bray, Vice Chair KerryAnn Fuller Rainey, Board Member Greg Brown, and Board Member Lina Teixeira

Absent 2 - Board Member David Farrar and Board Member Peter Kohut

Also Present - Andy Salzman – Attorney for the Board, Matt Smith– Assistant City Attorney, Nicole Sprague – Secretary to the Board

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.

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

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.

2. Approval of Minutes

- 2.1** Approve the meeting minutes of the July 28, 2021 Municipal Code Enforcement Board as submitted in written summation.

Member Teixeira moved to approve minutes of the July 28, 2021 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

Charles Collum said the 1862 Francis Drive property in his nice neighborhood resembled an exploded dumpster. He said the City's web site indicated that Code Enforcement assured compliance to maintain property values. He said the long process dragged down nearby property values.

Julian Netter said he was a small business owner and no Black owned businesses in Clearwater were open on Sundays. He said Clearwater was established with the help of Black people but the UDC had a visible presence at the City's entrance and influenced the school curriculum. He expressed concerns that local schools provided inadequate education for Black students and the City needed to invest more in Black businesses and create more jobs for Black men and boys.

4. New Business Items

- 4.1** Case 90-21 - Find respondent(s) Roberta Spathari & Ardit Samarxhiu at 712 S Glenwood 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.

Assistant City Attorney Matt Smith submitted composite exhibits.

Member Teixeira 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** Case 91-21 - Find respondent(s) PJ's Auto World Inc. at 516 Phoenix Ave. in violation of Code for Hauling Trailer; and issue an order with the compliance deadline and fine if compliance is not met. (Kasman)

No one was present to represent the Respondent.

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

Attorney Smith submitted composite exhibits.

Member Teixeira 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.

- 4.3** Case 93-21 - Find respondent(s) Christine Dorcelus at 214 S Highland Ave. in repeat violation of Code for Residential Grass Parking; and issue an order that a daily fine be imposed for each day the repeat violation(s) existed. (Kasman)

No one was present to represent the Respondent.

Inspector Daniel Kasman recommended a \$250 per day fine be imposed for the 10 days, July 1, 6, 12, 15, 20, 22 and August 9, 12, 19 and 24, 2021, when the repeat violation for Residential Grass Parking existed, for

a total of \$2,500.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order that a fine of \$250 per day be imposed for the 10 days the repeat violation existed for a total fine of \$2,500 payable within 30 days of posting of Order. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. 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 95-21 - Find respondent(s) Allen Dodd at 3013 Sarah Dr. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

Case 95-21 was continued to September 22, 2021.

- 4.5** Case 96-21 - Find respondent(s) Leonardo Varela at 1465 Sunset Point Rd. in violation of Code for Signage without Permits and Excessive Window Signage; 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 Rainey moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Inspector Daniel Knight presented property photos of the violations. He recommended compliance by September 25, 2021 or a fine of \$150 per day per violation be imposed for Signage Erected without Permits and Excessive Window Signage violations.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order requiring the Respondent to correct the violations on or before September 25, 2021. 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. If fines and fees remain unpaid 3 months after such

lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

- 4.6** Case 97-21 - Find respondent(s) Publix Super Markets Inc. at 130 Island Way in violation of Code for Business Tax Receipt Required; 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 Smith submitted composite exhibits.

Member Brown 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.

- 4.7** Case 98-21 - Find respondent(s) Valli Subramanian at 820 S Ft Harrison Ave. in violation of Code for Signage without Permits; 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 presented property photos of the violation. The property owner had advised him she could not attend today's hearing. The property owner and tenants had told him the violation could be corrected in 60 days; the business was in the process of obtaining permits.

Inspector Knight recommended compliance by October 25, 2021 or a fine of \$150 per day be imposed for the Awning Signage Erected without Permits violation.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Attorney Smith submitted composite exhibits.

Member Brown moved to enter an order requiring the Respondent to correct the violation on or before October 25, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

- 4.8** Case 99-21 - Find respondent(s) Huang Family Properties Inc at 2456 Gulf to Bay Blvd. in violation of Code for Signage without Permits; 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 Smith submitted composite exhibits.

Member Teixeira 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 100-21 - Find respondent(s) Biltmore Land Trust, First Florida Mgmt Services LLLP Tre at 401 S Belcher Rd. in violation of Code for Signage without Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Ms. Pruitt, representing the respondent, admitted to the violation. She said Trustee Bobbie Allen was present. She said permit applications had been submitted.

Inspector Daniel Knight provided property photos of the violation. He said when cited, none of the signs in the shopping center was permitted; one sign remained out of compliance. A permit application was submitted for the Daily News Café which had an unpermitted sign painted on the wall under other unpermitted signage. The applicant needed to pay for the permit and schedule an inspection. He recommended compliance by September 25, 2021 or a fine of \$150 per day be imposed for the Signage Erected without Permits violation.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Attorney Smith submitted composite exhibits.

Member Brown moved to enter an order requiring the Respondent to correct the violation on or before September 25, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

4.10 Case 101-21 - Find respondent(s) Cypress Plaza Clearwater LLC at 23492 US Highway 19 in violation of Code for Attached Signs; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Respondent Anne Othen admitted to the violation and reviewed the history of the painted sign. She said the City had advised her she did not qualify for the comprehensive sign plan but recently said she did. She said she was in the process of obtaining a permit for a larger sign.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Inspector Daniel Knight recommended compliance by September 25, 2021 or a fine of \$150 per day be imposed for the Attached Signage Erected in a Non-Residential Zoning District violation. He presented property photos of the violation for too much signage. He said his recommendation had changed. The Respondent no longer wanted the signage approved by a recently issued sign permit; she was applying for a different sign permit under the comprehensive sign plan. The word "LOVE" was considered a mural and could remain. Painted signage would not be approved.

Ms. Othen said the City did not allow 2 signs, which would be more attractive as the building was wide with an alcove in the middle. She said each of 5 businesses previously operating in the space had a separate sign.

Empathy was expressed for businesses navigating City sign requirements.

Planning & Development Assistant Director Lauren Matzke reviewed the Comprehensive Sign Plan.

Ms. Othen requested additional time to obtain a permit and erect the sign.

Inspector Knight said he had worked 18 months trying to get the business to comply.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order requiring the Respondent to correct the violation on or before October 25, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

- 4.11** Continue to September 22, 2021 - Case 102-21 - Find respondent(s) Thomas & Dorothy Jessup at 1770 Drew St. in violation of Code for Sign Maintenance; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Case 102-21 was continued to September 22, 2021.

- 4.12** Case 103-21 - Find respondent(s) 15 Hollingsworth Street Realty Trust at 1831 N Highland Ave. in violation of Code for Signage without Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Knight)

Ahmed Karpoura said the property owner was out of town. He said the contractor was working to solve the issue.

Inspector Daniel Knight said the property manager had told him the owner was out of state due to a medical emergency and had agreed to Inspector Knight's recommended compliance deadline.

Member Rainey moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Inspector Knight presented property photos of the violation. The M & T Beauty Supply store had not applied for a permit for its existing unpermitted sign. He recommended compliance by September 25, 2021 or a fine of \$150 per day be imposed for the Signage without Permits violation.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order requiring the Respondent to correct the violation on or before September 25, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

Mr. Karpoura said the property owner needed more time to comply. It was recommended that the property owner start working with the City immediately to meet compliance.

- 4.13** Case 105-21 - Find respondent(s) Mohamed Faour at 843 Lantana Ave. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Espinosa)

No one was present to represent the Respondent.

Inspector Nilda Espinosa provided a PowerPoint presentation. A Stop Work Order re conversion of the garage to living space was issued in November 2016. A property photo through a fence showed part of a sliding glass door on the "garage" in the rear of the property. A Zillow screenshot advertised that the property had a separate guest house and included property photos of its kitchen, bathroom, and bedroom; the property remained for sale. A contractor for the property owner had applied for and then voided a permit to convert the garage door. She recommended compliance by September 30, 2021 or a fine of \$150 per day be imposed for the Stop Work Order – Unpermitted Conversion of a garage to living space violation.

Assistant Building Official Dana Root said no permits were issued to convert the garage to a living space. Based on its zoning, the property was too small for 2 separate dwelling units. The building needed to be converted back to a garage with permits required to demo the living space and install a garage door.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order requiring the Respondent to correct the violation on or before September 30, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

- 4.14** Case 106-21 - Find respondent(s) Steven N. Grasso at 1545 Scranton Ave. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Espinosa)

Property owner Steven Grasso admitted to the violation. He said he had submitted a demo permit application that morning.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Inspector Nilda Espinosa provided a PowerPoint presentation. A Stop Work Order was issued for building a porch and enclosing a storage area without permits. She presented an April 2014 Google photo of the property as a comparison to an August 24, 2021 property photo which showed reconfiguration of the front of the house, the new front porch and newly enclosed storage area. The property owner's permit application for the changes was denied as it lacked signed and sealed engineering drawings. She recommended compliance by September 30, 2021 or a fine of \$150 per day be imposed for the Stop Work Order - building unpermitted porch and enclosing storage area violation. She said this case did not address the property's fence.

Mr. Root said the City would accept a 90-day compliance deadline.

Attorney Smith submitted composite exhibits.

Member Brown moved to enter an order requiring the Respondent to correct the violation on or before November 30, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

- 4.15**Case 107-21 - Find respondent(s) FYR SFR Borrowers LLC at 1310 S Washington Ave. in violation of Code for Permits; and issue an order with the compliance deadline and fine if compliance is not met. (Swinton)

No one was present to represent the Respondent.

Inspector Sam Swinton presented a February 2021 Google photo of the property as a comparison to recent property photos showing a recently built unpermitted front porch and a recently installed unpermitted front window. He recommended compliance by September 25, 2021 or a fine of \$150 per day be imposed for the Work without Permits violation. He did not know if the house was occupied.

Member Teixeira moved to find the Respondent(s) in violation of the City of Clearwater Code as referred to in the affidavit in this case and has committed a repeat violation. The motion was duly seconded and carried unanimously.

Attorney Smith submitted composite exhibits.

Member Brown moved to enter an order requiring the Respondent to correct the violation on or before September 25, 2021. 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. If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

5. Unfinished Business

5.1 Accept the Affidavits of Compliance as listed.

5.1.1 Case 64-18 Affidavit of Compliance

Ron A White
221 N Saturn Ave.
Exterior Surfaces - Phillips

5.1.2 Case 213-19 Affidavit of Compliance

Thomas & Kathie Parks
1101 N Garden Ave.
Lot Clearing - Dixon

5.1.3 Case 22-21 Affidavit of Compliance

Sixteen Red LLC
610 S Betty Ln.
Exterior Surfaces - Kasman

5.1.4 Case 23-21 Affidavit of Compliance

Sixteen Red LLC
616 S Betty Ln.
Exterior Surfaces - Kasman

5.1.5 Case 54-21 Affidavit of Compliance

Edward S Adly
1261 Cleveland St.
Prohibited Signage - Knight

5.1.6 Case 56-21 Affidavit of Compliance

Kimnect Holdings LLC

536 Phoenix Ave

Abandoned Building/Fences/Door & Window Openings/Exterior Surfaces - Kasman

Member Teixeira moved to accept the Affidavits of Compliance for Cases 64-18, 213-19, 22-21, 23-21, 54-21 and 56-21. The motion was duly seconded and carried unanimously.

5.2 Continued from November 18, 2020 & July 28, 2021 - Case 19-20 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Jeffrey Rothschild at 600 Edenville Ave. for Parking Lot Surfaces. (Odegaard)

Property owner Jeffrey Rothschild said he was seriously ill, lived on a small, fixed income, and needed more time to comply. He said he was waiting for the City to get back to him re his permit application. He said the contractor would charge him \$3,000 for repairs. He said meeting compliance should not be a problem once the City returned the permit and work begins.

Code Inspector Ryan Odegaard said the Notice of Violation was issued almost 2 years ago. Since then the property owner provided a variety of excuses for delays in correcting the violation. The property owner started to demo the driveway without permit; large chunks of driveway were missing. The day before the July hearing, the property owner called him, stating he was ill and requesting another continuance. The permit application, submitted on Monday, was in the review process. In response to a question, he said work would not be completed in a month; the permit had not been approved, the contractor had not provided a schedule, and the property owner had not paid the contractor.

Attorney Smith submitted composite exhibits.

Member Rainey moved to accept the Affidavit of Non-Compliance and issue an order that states If fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

5.3 WITHDRAWN Continued from May 26, June 23, & July 28, 2021 - Case 22-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Sixteen Red LLC at 610 S Betty Ln. for Exterior Surfaces. (Kasman)

Case 22-21 was withdrawn.

- 5.4** WITHDRAWN - Continued from May 26, June 23, & July 28, 2021 - Case 23-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Sixteen Red LLC at 616 S Betty Ln. for Exterior Surfaces. (Kasman)

Case 23-21 was withdrawn.

- 5.5** Continued from July 28, 2021 - Case 35-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Totten, Marilyn Trust at 1279 Druid Rd. for Vehicle Repair, Residential Grass Parking, Inoperative Vehicles, and Canvas Structure. (Touray)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 5.6** Case 21-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Frederick S Bachmann at 1425 Gulf to Bay Blvd. for Roof Maintenance. (Kasman)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 5.7** Case 46-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Ilhan M. Bilgutay at 503 N Garden Ave. for Exterior Surfaces. (Dixon)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 5.8** WITHDRAWN - Case 56-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) Kimnect Holdings LLC at 536 Phoenix Ave. for Fences, Exterior Surfaces, Door & Window Openings, & Abandoned Building. (Kasman)

Case 56-21 was withdrawn.

- 5.9** Case 76-21 - Accept the Affidavit(s) of Non-Compliance for respondent(s) The Estate and Unknown Heirs of Carole E. Martin at 209 S Jupiter Ave. for Abandoned Building. (Kasman)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to accept the Affidavits of Non-Compliance for Cases 21-21, 35-21, 46-21 and 76-21 and issue orders that state If fines and fees remain unpaid 3 months after such liens are filed, the City is authorized to foreclose, collect or settle such liens. The motion was duly seconded and carried unanimously.

6. Other Board Action: None.

7. Nuisance Abatement Lien Filings

- 7.1** Case 121-21 (PNU2021-00931) - Accept the Nuisance Abatement Lien for respondent(s) Ayad Elayyan at 1383 Gulf to Bay Blvd. for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Kasman)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.2** Case 122-21 (PNU2021-00932) - Accept the Nuisance Abatement Lien for respondent(s) Sealty LLC at 1401 Gulf to Bay Blvd. for Lot Clearing; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Kasman)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.3** Case 123-21 (PNU2021-00936) - Accept the Nuisance Abatement Lien for respondent(s) Bradely Bachand at 908 Nicholson 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)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.4** Case 124-21 (PNU2021-00986) - Accept the Nuisance Abatement Lien for respondent(s) Brigitte Blanchet at 208 N Missouri 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. (Dixon)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.5** Case 125-21 (PNU2021-00979) - Accept the Nuisance Abatement Lien for respondent(s) North Myrtle Avenue Land Trust at 407/409 N Myrtle 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. (Dixon)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.6** Case 126-21 (PNU2021-00980) - Accept the Nuisance Abatement Lien for respondent(s) North Myrtle Avenue Land Trust at 820 Hart 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)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

See below for motion to accept.

- 7.7** Case 127-21 (PNU2021-00957) - Accept the Nuisance Abatement Lien for respondent(s) Shirley Allbritton at 1661 Dartmouth St. for Inoperative Vehicle; and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Kasman)

No one was present to represent the Respondent.

Attorney Smith submitted composite exhibits.

Member Teixeira moved to enter an order finding the Respondents for Cases 121-21 (PNU2021 00931), 122-21 (PNU2021 00932), 123-21 (PNU2021 00936), 124-21 (PNU2021 00986), 125-21 (PNU2021 00979), 126-21 (PNU2021 00980), and 127-21 (PNU2021 00957) in violation of the City of Clearwater Code and requiring the Respondents to correct

the violations within five days of the Board's written order. If 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 nuisances, and charge the Respondents with the reasonable costs which will become a lien on the properties. If costs, fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such liens. The motion was duly seconded and carried unanimously.

- 7.8 Case 128-21 (PNU2021-00974) - Accept the Nuisance Abatement Lien for respondent(s) Gilbert G Jannelli at 2634 Woodring Dr. for Public Nuisance Condition (Pool); and issue an order with the compliance deadline and authorize the City to mitigate the violation if compliance is not met. (Brown)**

No one was present to represent the Respondent.

Inspector Shelby Brown provided a PowerPoint presentation and property photos of the nuisance condition for the attractive nuisance easily accessible by children; the hazardous swimming pool was unsecured. The bottom of the swimming pool was not visible through opaque, unfiltered black water. Property owner Gilbert Jannelli purchased the property after fire had damaged the house, which was partially razed. The house and swimming pool were unsecured and had been accessible from the front yard for at least a year. The swimming pool was a breeding ground for mosquitos; each time it rained the pool filled with several feet of stagnant water.

Inspector Brown said she spoke to Gilbert Jannelli on July 27, 2021 and recommended he hire a pool contractor to cover the swimming pool. She presented August 2021 property photos of the swimming pool haphazardly covered with boards with gaps large enough for people to fall through. A cover must adhere to Florida Abandoned Pool Covering Requirements.

In response to a question, Inspector Brown said this case did not address the unsafe structure violation. If Gilbert Jannelli did not cover the pool according to State requirements, the City would hire someone to fix it and lien the property for those costs. She requested a compliance deadline of August 31, 2021.

Attorney Smith submitted composite exhibits.

Member Brown 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 six 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. If costs, fines and fees remain unpaid 3 months after such lien is filed, the City is authorized to foreclose, collect or settle such lien. The motion was duly seconded and carried unanimously.

8. Adjourn

The meeting adjourned at 3:10 p.m.

Chair, Municipal Code Enforcement Board

Attest:

Secretary to the Board