

**CODE ENFORCEMENT BOARD
REGULAR MEETING
MARCH 8, 2021**

The City of Lake Wales Code Enforcement Board held a hybrid virtual and in person meeting on March 8, 2021 at 5:30 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

**Code Enforcement Board Members
(Shaded area indicates absence):**

Chairperson Ralph Marino	Vice-Chair Wilena Vreeland	Sara Jones (virtual)	Dwight Wilson	Rodney Cannon (virtual)	Bruce Austell	Julia Paul
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Albert (Chuck) Galloway, Jr. – City Attorney Appeared Remotely - Virtually

City Staff: Development Services Department
Jose Lozada-- Code Compliance Officer Fany Lozano – Recording Secretary Mark J. Bennett – Development Services Director

City Staff: Information Technology Department
Kevin Sunderland – IT Manager Daniel Gonzalez– IT Technician II Johnny Ramirez – IT Technician I

- 1) **CALL TO ORDER** – Meeting called to order at 5:35 pm
- 2) **ROLL CALL** – A quorum was present, four members attended in person, two members attended virtually.
- 3) **COVID STATEMENT/HYBRID MEETINGS** – Chairperson

Mr. Marino read into the record the hybrid meeting statement for virtual meetings.

Mr. Galloway read into the record the instructions on how to participate in the virtual meetings.

4) **EXPLANATION OF PROCEDURES – Chairperson**

Mr. Marino explained the procedures for the meeting and his statement was as follows:

“Good Evening, welcome you to the March 8, 2021 Code Enforcement Board Meeting for the City of Lake Wales. This meeting is an evidentiary hearing. During this evidentiary hearing, we will hear testimony from property owners and the city’s Code Compliance Division about whether a property is in violation of the city code. We will hear testimony from the City’s Code Compliance Division even if a property owner who has received notice of this hearing fails to appear. A property owner, who arrives late after his or her case has been called, heard, and decided by this board, will not have a right to be heard.

This hearing will be conducted as follows:

The city shall present its case first. After each witness has testified, the property owner may, through the chairperson of the board, cross-examine or ask questions of the witnesses. When the city has presented all of its case, the property owner may present his or her case. An attorney or some other representative may represent you. You can present evidence under defense either through witnesses or your own testimony. If you present photographs or written documents as evidence, they must be submitted to the board’s recording secretary for the case file. The city will be able to cross-examine you and each of your witnesses. You have the right to remain silent and your silence will not be held against you. You have the right to testify and your testimony considered under the same standards as that of other witnesses. The board may ask questions of the witnesses on both sides as the evidence is presented. This is not a criminal proceeding. Strict rules of evidence are not applied in the proceedings. After the board has heard all testimony from both sides, the board will entertain a motion and may enter a closed discussion at this time. During the closed discussion among the board, no additional testimony from the city or the property owner may be heard. Based upon the testimony and the evidence presented, the board will decide whether or not a violation exists and whether the violation as been corrected. If the board finds that there is a violation that has not been corrected, the board will order the property owner to correct the violation in a specific time period and a daily fine to accrue there or after for failure to comply. Failure to correct the violation within the specified time will result in a fine for each day the property is not in compliance after that time period. After the board has made its decision, a copy of the board’s finding and order will be mailed to the property owner of record. The correction of violations must occur before midnight of the deadline set for compliance. If the corrections are not made by the deadline, the fine will be imposed for each day any uncorrected violation continues after that deadline.

PLEDGE OF CIVILITY as posted on the Podium

We will be respectful of one another even when we disagree.

We will direct all comments to the issues.

We will avoid personal attacks.”

5) **APPROVAL OF MINUTES – Regular Meeting – February 8th, 2021**

Mr. Wilson made a motion to approve the minutes. Ms. Paul seconded the motion. All voted in favor. The motion passed unanimously.

6) **ADMINISTER OATH/MISCELLANEOUS ITEMS**

6.1 Administer Oath:
Board secretary administered the oath to staff.

7) **REVISIONS**

Mr. Marino asked Ms. Lozano if there were any revisions to the agenda. Ms. Lozano responded that there are no revision to tonight's agenda.

8) **CASE(s) NEW BUSINESS**

8.1 Case # 2012-00010 CEB 2012-032 & Case# 2011-00004 CEB 2011-006
City of Lake Wales VS Brock Holliman
434 Tillman Ave E
PID: 27-30-01-883000-042020
Violation(s): N/A Request for partial release

Brock Holliman, Respondent was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case. He stated that this is a request for partial release for property that is not located within the City for which liens have cross-attached in the county for property situated in the City of Lake Wales. He stated that Mr. Holliman is making a request to partially release six parcels from the existing liens on the property located in Lake Wales. He provided the lien information which is as follows:

Lien 1: Lien recorded on 09/21/2011 under the name of Tarpon IV LLC in OR Book 8476 page 0528, and then re-recorded on 07/27/2012 as amended in OR Book 8709 page 1929. Amount due \$41,250.00

Lien 2: Lien recorded on 12/11/2012 under the name of Minervino Jorge in OR Book 8821 page 0851. Amount due \$241,750.00

Mr. Lozada stated that: Staff recommends that the Board approve the partial releases, for the sum of \$1,000 and release from the above-described Code Enforcement Liens only the following described properties:

1. 307 Dogfish Way, Poinciana FL 34759 PID: 28-28-03-934710-136120
2. 545 Cardinal Drive, Poinciana FL 34759 PID: 28-27-25-934060-074912
3. 310 Drum Court, Poinciana FL 34759 PID: 28-28-02-934710-131050
4. 302 Salmon Way, Poinciana FL 34759 PID: 28-28-02-934710-034030
5. 505 Peace Drive, Poinciana FL 34759 PID: 28-28-03-934760-066030
6. 1626 Sail Drive, Poinciana FL 34759 PID: 28-28-02-934710-019020

Without impairing the Code Enforcement Liens as to the property either described in the Code Enforcement Liens and/or any other property to which the Code Enforcement Lien would attach pursuant to applicable Florida law.

Mr. Holliman addressed the Board and explained that he purchased the properties back in November. He stated that he is not the property owner that caused the violations at 434 Tillman Ave E. He stated that he has built homes on the above mentioned lots and the liens are impeding the sales to close on the new homes. He stated that Mr. Lozada has explained the situation and that he would greatly appreciate the Board's consideration to Mr. Lozada's recommendation. He stated that this is the last of this issue for him as he also had to ask for the same considerations in the City of Lakeland, and Haines City and that they have granted him the partial releases.

Ms. Wilson made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

9) COMMUNICATIONS AND PETITIONS/OTHER BUSINESS

Mr. Marino opened the floor for public comments.

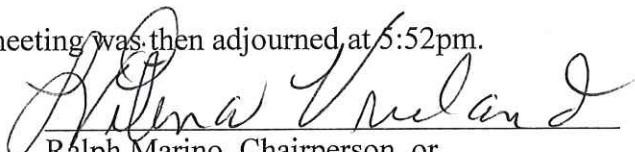
Ms. Lozano stated that there is no one in the Chambers that would like to address the Board. Ms. Lozano stated that there is no one online that would like to address the Board.

Ms. Lozano stated that she has provided the Board members with the Fine Schedule that staff uses to determine what fees should be assessed when cases are presented to them. She stated that this document should assist them with future orders should they feel the need to make a change to the fine amount that staff recommends.

Mr. Bennett thanked the Board members for their time.

10) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 5:52pm.



 Ralph Marino, Chairperson or
 Wilena Vreeland, Vice Chairperson

Attest:



 Fany Lozano, Recording Secretary