

**CODE ENFORCEMENT BOARD
REGULAR MEETING
APRIL 11, 2022**

The City of Lake Wales Code Enforcement Board held an in person meeting on April 11, 2022 at 5:31 p.m. in the City Commission Chamber located in the City Administration Building.

ATTENDANCE

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

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Rodney Cannon	Bruce Austell	Courtney Schmitt	Julia Paul
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Albert (Chuck) Galloway, Jr. – City Attorney

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

- 1) **CALL TO ORDER** – Meeting called to order at 5:33 pm
- 2) **ROLL CALL** – A quorum was present.

Ms. Lozano did the attendance roll call. She notified the Board that Ms. Paul notified her that she would not attend the meeting as she is out of town. Mr. Jones made a motion to mark this absence as excused. Mr. Cannon seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano notified the Board that Mr. Austell notified her that he would not attend the meeting as he is out of town. Mr. Marino made a motion to mark this absence as excused. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

- 3) **EXPLANATION OF PROCEDURES** – Chairperson

Mr. Wilson explained the procedures for the meeting and read the pledge of Civility as posted on the public podium.

- 4) **APPROVAL OF MINUTES – Regular Meeting – March 14, 2022**

Mr. Wilson asked for a motion to approve the minutes. Ms. Marino made a motion to approve the minutes. Ms. Jones seconded the motion. All voted in favor, the motion passed unanimously.

5) ADMINISTER OATH/MISCELLANEOUS ITEMS

5.1 Administer Oath:

Board secretary administered the oath to staff.

Mr. Wilson asked Ms. Lozano if she needed to be sworn in. Ms. Lozano stated yes and Mr. Wilson administered the oath to Ms. Lozano

6) REVISIONS

Ms. Lozano notified the Board that there are no revisions to tonight's agenda.

7) CASE(s) NEW BUSINESS

7.1 Case # 2008-00001

City of Lake Wales VS Ricardo Murillo
647 Booker Ave
PID: 27-29-34-873000-004060
Violation(s): N/A (Request for Partial Release)

Ricardo Murillo and Jeremiah Manning were present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case and notified the Board that this is a request for a partial release of the lien that has cross attached to a parcel in Winter Haven. He stated that staff is recommending that the Board approve the partial release, for the sum of \$500 and release from the Code Enforcement Lien only the following described property without impairing the Code Enforcement Lien as to the property either described in the Code Enforcement Lien, and/or any other property to which the Code Enforcement Lien would attach pursuant to applicable Florida law. The parcel to be partially released information is as follows:

Parcel ID: 26-29-05-669000-03300
Address: 135 5th ST SW, Winter Haven, FL 33839
Legal description: EXTENSION OF SOUTH WINTER HAVEN PB 10 PG 17 BLK C
LOTS 30 THRU 32 SE1/2 LESS SELY 15 FT THEROF FOR ADDNL R/W FOR 5TH
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Mr. Manning addressed the Board and stated that the property owner is a good friend of his and that he is helping him obtain a mortgage. He stated that Mr. Murillo bought the property back in 2006 and that he built his house on the lot. He stated that the property was obtained from Polk County and that he never had a mortgage on his original property which he combined with this premises, and that the Code Enforcement action carried over to his entire parcel in Winter Haven. He stated that now they are trying to refinance and that during the title search this lien came up. He stated that Mr. Murillo has never owned the property in Lake Wales nor does he know the property owner in Lake Wales. He stated that they are requesting a release so that they can obtain financing on the property in Winter Haven since he is not the actual person who caused the issue.

Mr. Murillo stated that he did not know and was shocked when he was trying to refinance to find this out. He stated that he has maintained the property in Winter Haven and has kept it clean and that the County offered him to buy it and he did not really pay much attention to anything else. Mr. Lozada asked the Board to keep in mind that approving this request for partial release will not affect the lien attached to the Lake Wales parcel. Ms. Jones asked if the current owner of the Lake Wales parcel owned the Winter Haven parcel at some point and that the Lake Wales owner is the one who incurred the liens. Mr. Lozada responded correct. Mr. Cannon asked if they are having to make this same request at other municipalities. Mr. Manning stated yes and that they have spent \$1,200 trying to get this resolved. Mr. Cannon made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

- 7.2 Case # 2022-00033
City of Lake Wales VS Walmart Stores East LP and Sunbelt Rentals
2000 HWY 60 E
PID: 28-30-07-940853-000011
Violation(s): 7-8 Building Permit Required
19-102 Local Business Tax Receipt Required
23-216 Special Exception Use Permit
23-545 Signs
23-545.1 Permit Required

John William Houghton, Sunbelt representative was present to provide testimony.
Alef Wadi, Sunbelt representative was present to provide testimony.
Euriel Sanez, Store Manager; Walmart representative 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 case was referred to the Code Compliance Division by the Building Official for the City of Lake Wales back in February of 2022 and that although some violations have been corrected, as of today violations still exist. He stated that

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$137.65 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$75.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Mr. Houghton addressed the Board and stated that they have opened over 70 of these Sunbelt Stores in front of Walmart where you exit and everyone does it different and that in all markets they fall under Walmart's umbrella and did not realize that they needed a County License and a City License. He stated that he just got involved about a week ago and that the structure has been removed. He stated that he has been dealing with Ms. Lozano for the last 10 days and that he was told that he needed a special exception permit and that the signs in front of Walmart have been removed. He stated that the only item left is the business tax receipt for which he has submitted the application and asked Ms. Lozano if the application has been received. Ms. Lozano confirmed that the application has been received and that the application is processed by the Building Division who has stated that the application is incomplete. Mr. Houghton stated that all documents are in and that if the Board approves a fine it should be against Sunbelt and not Walmart. Mr. Cannon asked if they intend to file the correct permitting paperwork and then the structure will be brought back once approved. Mr. Houghton responded that the interior unit's paperwork is what is in process and that according to Ms. Sepulveda from the Building Division the Fire Marshall will come out to inspect the unit inside. Ms. Jones asked Ms. Lozano if the paperwork submitted is incomplete. Ms. Lozano responded yes, but that she does not know the specifics of the incompleteness as the business tax receipt application is handled by the Building Division, but that she did confirm with Ms. Sepulveda this morning who told Ms. Lozano that the paperwork was incomplete. Ms. Jones asked Mr. Houghton if he has gotten an for approximate date to secure the inspection. Mr. Houghton responded that it would be up to the City. Mr. Lozada stated that they were notified back in November of 2021 by the Building Official of all the processes that they needed to move forward with being in compliance, and that the Code Compliance Division was involved back in February of 2022 where the official notification process took place, and it is now April and the application was just recently submitted on Friday right before this hearing. Ms. Lozano stated that to aid Ms. Jones with her question, she did ask Ms. Sepulveda what the usual processing time for a complete business tax receipt application is, and that Ms. Sepulveda stated 7-10 business days, but that would be pushing it and ensuring that everything is complete. Mr. Cannon asked Mr. Lozada if it is correct that the amount of the recommended fine was reduced from \$250 to \$75 per day. Mr. Lozada stated that all of the violations are taken into account to determine the fine amount and since only the business tax receipt is outstanding, then \$75 daily is being recommended for the outstanding violation. Mr. Sanz stated that Sunbelt leases from them and that he is here for contractual agreement and that Sunbelt will be addressing all of this. Ms. Jones made a motion to accept staff recommendations with an extension of 15 days (4/26/2022) to achieve compliance. Mr. Marino seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson clarified that the costs of enforcement are also part of the motion and due. Mr. Houghton asked how to make the payment. Ms. Lozano stated she would contact him the following day.

7.3 Case # 2022-00056
City of Lake Wales VS Lisa M. Meneely
721 Greenbrough Dr
PID: 27-29-35-880010-000160
Violation(s): 12-233.1 Sanitation and storage of materials.
23-521 Garaging and parking of vehicles, trailers, recreational and non-commercial vehicles, and boats.

Lisa Meneely, Property owner was present to provide testimony.
Floyd Rideau, representative 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 although contact has been made with the property owner and after explanation of expectations for compliance, violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$86.59 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$150.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Ms. Meneely apologized to the Board and stated that she did not willfully try to break the rules. She stated that Ms. Lozano has further explained what the violations are. She stated that Mr. Floyd did a good job at cleaning the front yard and Ms. Lozano has informed her of the issues in the back yard. She stated that since the City has now trimmed all the brush by her back fence, her back yard is now visible from the Spook Hill side. She stated that now that she knows what needs to be done she can have it resolved within the day or so. Mr. Wilson asked how much more time she needs to correct the violations. Ms. Meneely responded a few days as she also needs to get fence materials to repair the fence. Mr. Floyd stated that one week would be fine. Mr. Cannon asked if the broken fence has been repaired. Mr. Floyd responded he did not properly fix it. Mr. Marino stated he was looking at how long ago the violation was open for as it is not very sightly. Ms. Jones responded since the beginning of March. Mr. Wilson stated that it sounds like once the property owners got clarity they understand it better. Ms. Meneely stated that a lot has improved from the date of the original violation but that she understands that the neighbors can see. Ms. Jones made a motion to accept staff recommendations with an extension of 15 days (4/26/2022) to achieve compliance. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously. Ms. Jones stated to the property owner that once they are in compliance that they should contact the Code Compliance Division.

7.4 Case # 2020-00360
City of Lake Wales VS Diana Lynne Pilsbury
1184 Yarnell Ave
PID: 28-30-06-940800-003100
Violation(s): 12-233.4 Weeds, grass and overgrowth
12-72 Deposition and impoundment of vehicles or vessels.

Diana Pilsbury, property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.
Mr. Bennett excused himself from the floor since he resides in the same neighborhood as this premises.

Code Compliance Officer Jose Lozada presented the case. He stated that there has not been any communication with the property owner and that violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$106.97 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$150.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Ms. Pilsbury addressed the Board and stated that the first two notices were taken care of and that a female Code Enforcement Officer went through the violations about the camper with her son. She stated that that she has had some health problems and that her husband passed away. She stated that she is lucky to have known about this hearing as she did not sign for a certified letter. She stated that the front yard has been mowed, but the weeds keep coming back. She stated that one car is fixed and the other she is waiting on her son to decide what he is doing with it since it is his car. She stated that she is not sure what is being referred to as overgrown. Mr. Lozada responded that the issue is near the boats. Ms. Pilsbury stated that she tries as often as she is able to but she does not have the strength. Mr. Wilson asked if there are pictures dated for today with high grass and weeds. Mr. Lozada confirmed that there are pictures dated for today. Mr. Wilson asked Ms. Pilsbury if she resides at the premises. Ms. Pilsbury responded that normally she does, but due to her health issues she stays with her son and that she has someone cutting the grass. Ms. Jones asked if the violations of derelict vehicles and vessels include the boat as well. Mr. Lozada responded yes, boats as well. Ms. Pilsbury stated that they are all registered. Mr. Lozada stated that the boats and the camper have become unsightly. Ms. Pilsbury stated that the camper is sitting on sand on concrete pavers and that the previous female Code Enforcement Officer said it would be fine for the camper to be on pavers. Mr. Wilson asked who she is referring to. Ms. Lozano stated that she does not know as there is no other female Code

Compliance Officer other than herself and she is the administrative assistant. Ms. Pilsbury stated that the lady came in a City truck that said Code Enforcement. Mr. Cannon asked if that would have been for the violations in 2017. Ms. Pilsbury responded that it might have been. Mr. Cannon stated that if it was back that far and it came into compliance, that is not what we are talking about today. Ms. Jones asked if the pavers and tires are properly installed then the vessels would not be in violation. Mr. Lozada responded yes, if they perform in the manner that they are meant to perform then they would be ok. Mr. Marino asked if the boats are legal to be on the property where they are. Mr. Lozada responded yes so long as they are not derelict. Ms. Jones asked if there is reason to believe that the Boats are not functioning. Mr. Lozada stated that in all of the pictures you can see that they are decaying and have flat tires and look neglected. Ms. Pilsbury stated that they sit in the weather. Ms. Jones asked Mr. Lozada if he saw flat tires today. Mr. Lozada responded yes, you can tell that the camper is leaning. Ms. Pilsbury stated that the sand is soft and that both tires are on pavers. Mr. Lozada stated that if the boat and camper are properly registered and not unsightly they are ok to stay where they are. Mr. Wilson stated that landscaping should be done on a more frequent basis. Ms. Pilsbury stated that \$135 a month is a little steep for a widow. Mr. Marino asked who owns the red car. Ms. Pilsbury stated that the white car is hers and that the red car is her son's and that she told her son that he has to make a decision. Ms. Pilsbury stated that she can place a tarp to cover the vehicles. Mr. Lozada stated that a tarp will not meet the code and that it must be a fitted cover. Ms. Jones asked the property owner how long it will take her to either register, repair or get rid of the cars, get rid of the weeds or pressure wash the vehicles. Ms. Pilsbury responded that it will be two weeks before her son gets off for Easter. Mr. Wilson asked if 30 days would be enough time. Ms. Pilsbury stated that 30 days would be more than enough time to cover the boat and the camper. Mr. Wilson made a motion to accept staff recommendations with an extension of 30 days (5/11/2022). Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson asked Ms. Pilsbury if she understands. Ms. Pilsbury said yes. Mr. Cannon stated that getting a cover is less the issue, and just get the vehicles wiped down once every couple of weeks.

7.5 Case # 2021-00088
City of Lake Wales VS Antonio Vences
13 Orange Park Blvd
PID: 28-30-06-939700-003010
Violation(s): 12-233.1 Sanitation and storage of materials.

Property owner was not 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 premises was declared a repeat violator back in 2019 and that although there has been communication with the property owner and the tenant, and expectations for compliance have been explained, violations still exists. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$153.89 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$300.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Mr. Wilson stated that he recalls that this case came before the Board before. Both Mr. Marino and Mr. Lozada responded yes. Mr. Cannon stated that it says that the tenants were supposed to have been evicted since May. Mr. Lozada responded yes. Ms. Cannon stated that he got his tire fixed there six months ago. Mr. Marino made a motion to accept staff recommendations. Ms. Jones seconded the motion. All voted in favor. The motion passed unanimously.

7.6 Case # 2021-00539
City of Lake Wales VS Giovanna Rivera
136 E St
PID: 27-29-35-880000-002100
Violation(s): 12-230.1 Unsafe Structures
12-230.3 Structure Unfit for Human Occupancy
12-230.5 Dangerous Structure or premises

Giovanna Rivera, Property owner was present to provide testimony.
Ms. Lozano administered the oath to all persons mentioned above.

Code Compliance Officer Jose Lozada presented the case and its history. He stated that this case was referred to the Code Compliance Division as an emergency demolition due to the eminent collapse of the structure. He stated that there has been communication with an insurance agent and recently with the property owner who were explained the expectations for compliance. He stated that violations still exist. He stated that:

STAFF REQUESTS THE BOARD:

- 1) Find that all cited violations were allowed to exist past the date for correction and
- 2) Find that Proper Notice has been afforded to the Property Owner and,
- 3) Find that all Procedural requirements have been met.

Imposing the cost of enforcement of \$130.17 to present this case.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to initiate the demolition process and take necessary steps and inspections for the proper abatement of the Dangerous/uninhabitable structure effective TODAY.

- 2) Impose a fine in the amount of \$250.00 (per day), every day the violation exists effective Today and authorize an Administrative Lien be placed against the property until such time as all violations are corrected, and an Affidavit of Compliance is issued by a representative acting for the city and restitution is made for all fines and costs incurred by the city to present this case.

Ms. Rivera addressed the Board and stated that she has been dealing with the insurance company and that they have finally declared the home a total loss in March. She stated that the check arrived last week and is waiting for the mortgage lender to release it. She stated that she asked if the City can demolish the structure and send her the bill, but that she was told that it would be more expensive for the City do it and that she went ahead and contacted some contractors on her own. She stated that the contractor she contacted would charge her \$4,500 and that she is just waiting on the mortgage company to release the funds. Mr. Wilson asked if she is ok with the demolition and if 30 days will be enough time to get that done. Ms. Rivera responded yes since it has already been settled with the insurance company. Mr. Marino stated that he likes to see homes be rebuilt but that when the cost is more than what it is actually worth you're at zero. Mr. Marino made a motion to accept staff recommendations with an extension of 30 days (5/11/2022) to achieve compliance. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson stated to the property owner that if she experiences any obstacles between now and the 30 days she should contact the Code Compliance Division.

8) PUBLIC COMMENTS AND PETITIONS

Mr. Wilson opened the floor for public comments.

Danny Krueger, City Commissioner seat 4, addressed the Board and thanked the Board Members for the time that they spend here and that it occurs to him that the Board Members do not have a fun job, but at the same time a very necessary job.

Tomas Lawrence of 809 Wildabon Ave, addressed the Board and stated that he would like to make the Board aware of issues at the end of Wildabon Ave and 9th street. He stated that there are hedges along the road that obstruct the view of traffic at the stop sign. He stated that he is concerned that there will be an accident with school kids loading the school buses. He stated that he has brought this to the Board before and that he wanted another opportunity to express it again. He stated that the second issue is that the roads along Spook Hill Elementary need to be repaired, as there are holes all over the road especially in front of the school. He stated tires are being damaged and that he would like for the road to be repaved.

9) **BOARD/STAFF COMMENTS/OTHER BUSINESS**

Ms. Lozano and Mr. Lozada thanked the Board Members for their time.

Mr. Bennett stated that he will follow up with Public Services about Mr. Lawrence's concerns and also thanked the Board Members for their time.

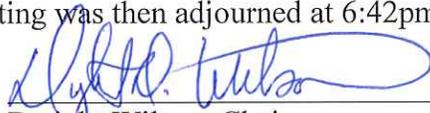
Ms. Jones thanked staff and stated that she noticed that cases are coming before the Board more quickly. She stated that in the past during different administration sometimes violations would occur over the course of a year before they would actually be presented to the Board for a decision and she appreciates the job staff is doing.

Mr. Marino stated that he cannot hear Mr. Lozada sometimes. Mr. Lozada stated that he is a bit under the weather and that it does not help.

Mr. Wilson thanked everyone for their time.

10) **ADJOURNMENT**

With no further business to discuss, the meeting was then adjourned at 6:42pm.



Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:



Fany Lozano, Recording Secretary