

**CODE ENFORCEMENT BOARD
REGULAR MEETING
JULY 12TH, 2021**

The City of Lake Wales Code Enforcement Board held an in person meeting on July 12, 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):**

Dwight Wilson Chairperson	Ralph Marino Vice-Chair	Sara Jones	Rodney Cannon	Bruce Austell	Courtney Schmitt	Julia Paul
---------------------------------	-------------------------------	---------------	------------------	------------------	---------------------	---------------

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.
- 3) **ELECT CHAIRPERSON AND VICE CHAIRPERSON**

Mr. Marino gave the floor to Ms. Lozano so that she may take nominations for the position of Chairperson. Ms. Lozano asked for nominations. Mr. Marino nominated Mr. Wilson. Ms. Lozano asked for any other nominations and there were no other nominations. Ms. Lozano asked Mr. Wilson if he would accept the nomination. Mr. Wilson accepted. Ms. Lozano asked all in favor. All voted in favor. Mr. Wilson was declared Chairperson for the Board.

Ms. Lozano gave the floor back to Mr. Wilson so that he may ask for nominations for the Vice Chairperson position. He asked Ms. Lozano to ask for nominations. Ms. Lozano asked for nominations for the Vice Chairperson position. Mr. Marino nominated himself for the position of Vice Chairperson. Ms. Lozano asked if there were any other nominations for the Vice Chair position. There were no other nominations. Ms. Lozano asked if all were in favor. All voted in favor. Mr. Marino was declared Vice Chairperson for the Board.

4) EXPLANATION OF PROCEDURES – Chairperson

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

5) APPROVAL OF MINUTES – Regular Meeting – June 14th, 2021

Mr. Wilson asked for a motion to approve the minutes. Mr. Cannon made a motion to approve the minutes. Mr. Austell 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. Wilson asked Ms. Lozano if there were any revisions to the agenda. Ms. Lozano responded that item number 11, Board member application for Ms. Joyner has been removed from the agenda. Ms. Joyner is not present to be interviewed by the Board.

8) CASE(s) NEW BUSINESS

- 8.1** Case # 2001-0002 CEB# 01-025
City of Lake Wales VS Trinity McCall
473 D Street
PID: 27-29-35-879500-012240
Violation(s): High Grass (Request for Reduction)

Valerie Shayne McCall-Cassady, representative for the 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. He stated that this a request for reduction of the administrative fine that is currently attached to this premises. He stated that the cost of enforcement for this case is \$109.94 and that staff is recommending a reduction from \$275,250.00 to \$27,525.00.

Ms. McCall was present and addressed the Board. She stated that she is not sure how to respond to Mr. Lozada's testimony. She stated that this is her brother's property which he acquired via tax deed sale, and that it has recently been quit claim deeded solely to him by his ex-wife. She stated that she is trying to sell another property to which this lien has cross-attached and that all taxes and service liens have been paid. She also stated that her brother intends to give or gift this property to the City. She stated that once she clears up this lien and the other property that she is trying to sell closes, all other liens will be paid off as well.

Mr. Marino made a motion to reduce the fine to \$109.94 and that it should be paid by 8/12/2021. Ms. Jones seconded the motion. Ms. Lozano re-stated the motion on the floor as follows: we have a first and a second to reduce the administrative fine from \$275,250.00 to \$109.94, failure to make payment by 8/12/2021 will null and void the reduction as if no reduction had ever been granted. All voted in favor. The motion passed unanimously.

8.2 Case # 2003-00003 CEB# 03-003
City of Lake Wales VS Trinity McCall
473 D Street
PID: 27-29-35-879500-012240
Violation(s): High Grass (Request for Reduction)

Valerie Shayne McCall-Cassady, representative for the 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. He stated that this a request for reduction of the administrative fine that is currently attached to this premises. He stated that the cost of enforcement for this case is \$109.94 and that staff is recommending a reduction from \$1,342,750.00 to \$134,725.00.

Ms. McCall did not state anything as her testimony is the same as item 8.1 as stated above. Ms. Jones made a motion to reduce the fine to \$109.94 and that it should be paid by 8/12/2021. Mr. Austell seconded the motion. Ms. Lozano re-stated the motion on the floor as follows: we have a first and a second to reduce the administrative fine from \$1,342,750.00 to \$109.94, failure to make payment by 8/12/2021 will null and void the reduction as if no reduction had ever been granted. All voted in favor. The motion passed unanimously.

9) CASE(s) OLD BUSINESS

9.1 Case # 2018-00029
City of Lake Wales VS La Oriental Investment LLC
282 Park Ave E
PID: 27-30-01-883000-029012
Violation(s): 23-306.2(d) Refuse Collection Area (Dumpster Enclosure Required)
Foreclosure Request

Demetrio Salerno, Property Owner was present to provide testimony.
Henry Gonzalez, Translator for 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. Mr. Lozada stated that this case was tabled from the last meeting and went over some of the history of this case as presented at the previous Board meeting. He stated that at the last meeting the Board tabled the case to allow the property owner to obtain permission from the Church to allow him to use two parking

spaces so that the dumpster placed on his premises can be serviced. He stated that there are no new updates for this address. He stated that he was contacted by Lake Wales Police Department because the premises had been broken into and he had to re-secure the structure a couple of weeks ago, and that as of this morning that grass is high. He stated that the City still intends on foreclosing on this property and he stated that staff is recommending that this case be tabled to the next available meeting or Board's discretion.

Mr. Wilson asked if the City is asking to allow the property owner more time. Mr. Lozada responded, yes and that the permit is still under review and that approval for use of the parking spaces has not been received by staff. Mr. Gonzalez, translator for Mr. Salerno addressed the Board and stated that they have been in communications with the Church but that their request has not been approved, and that they are staying on top of the issue and that they hope to have approval by the end of this month. Mr. Austell asked if they are making sure to maintain the grass. Mr. Gonzales responded that it was cut two weeks ago. Mr. Marino stated that the property owner should look into the other eight parking spaces to the side of the building to relocate the dumpster as he may not be able to get permission from the church. Ms. Lozano clarified for the Board that this premises has zero lot line and that he does not have any parking spaces available on either side of the building. She stated that the parking lot to the east is owned by the Church and the parking lot to the west is City property.

Ms. Jones made a motion to table this case to the next available meeting. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously.

Mr. Gonzalez asked for clarification with regards to the fines. Ms. Lozano explained that first they must come into compliance by completing the dumpster enclosure and closing out the permit. She stated that once compliance is achieved the fine stops accruing. Ms. Lozano then asked the Board if she could clarify for Mr. Salerno in Spanish that he does not have parking spaces to work with as he was saying in Spanish to Mr. Gonzalez that they were going to redraw the plans to submit for the other eight parking spaces as mentioned by Mr. Marino. Ms. Lozano clarified for Mr. Salerno that he should not do that and that he should continue to work with the Church, but that if he insists on the eight parking spaces he would then have to ask the City for permission instead. Mr. Salerno stated that he understood and that he will continue to work with the Church.

10) PUBLIC COMMENTS AND PETITIONS

Mr. Wilson opened the floor for public comments. There was no one in the audience to make public comments.

11) BOARD APPLICATION RECOMMENDATIONS

9.1 Deanna Joyner

This Item was not discussed. Ms. Joyner was not present.

12) BOARD/STAFF COMMENTS/OTHER BUSINESS

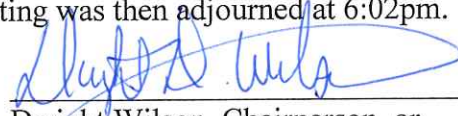
Ms. Lozano reminded the Board that staff plans on scheduling a workshop and that 6 members have confirmed that they are available for July 26, 2021. Mr. Austell told Ms. Lozano that he would get back to her.

Mr. Bennett stated that as Ms. Lozano has already mentioned, staff is working on scheduling a workshop in which we will discuss the foreclosure process with the Board and a presenter has been scheduled to come and speak to the Board. Mr. Bennett also notified the Board that at the last City Commission meeting the draft for Mobile Car Washes was presented. He stated that back in April we had a Citizen express frustrations and feedback about the mobile car washes as well as a Board Member. He stated that staff drafted a proposed ordinance and that to be blunt we received a lot of criticism and that he does not think it was fair or warranted. He stated that we were trying to respond to inquiries on a situation that was adversely affecting citizens in our community. He stated that we tried to write an ordinance that we thought was fair and balanced, respecting the rights of property owners while still allowing businesses to occur with appropriate regulation. The ordinance was tabled and staff will meet with mobile vendors to address their concerns. He stated that he appreciates staff efforts and a lot of time was spent on drafting this ordinance.

Mr. Marino stated that we sometimes do not look at the details of the fines, and that the previous case for La Oriental has been ongoing since 2018. He stated that we could have reconciled this case a long time ago but instead the case is coming back and that this is an issue. He stated that a lot of times when we have these issues we are dealing with an out of town developer or owner and that we really need to look at that, and he hopes this is one issue that will be discussed at the workshop.

13) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:02pm.



Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:



Fany Lozano, Recording Secretary