

**CODE ENFORCEMENT BOARD
REGULAR MEETING
SEPTEMBER 13, 2021**

The City of Lake Wales Code Enforcement Board held an in person meeting on September 13, 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
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Albert (Chuck) Galloway, Jr. – City Attorney
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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) **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 – July 26, 2021**

Mr. Wilson asked for a motion to approve the minutes. Mr. Austell made a motion to approve the minutes. Ms. Paul 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.

6) REVISIONS

Mr. Wilson asked Ms. Lozano if there were any revisions to the agenda. Ms. Lozano responded that there are no changes to the agenda today.

Mr. Galloway stated that because this is a seven member board and there are only four members present, any decision made tonight would have to be unanimous.

7) CASE(s) NEW BUSINESS

7.1 Case # 2019-00178
City of Lake Wales VS Hassane Benjamaa
1037 Highview Dr
PID: 27-30-01-892600-003040
Violation(s): N/A (Request for Reduction)

Hassane Benjamaa, property owner was present to provide testimony.
Robert Connors, 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 \$71.93 and that staff is recommending a reduction from \$5,921.93 to \$592.19.

Mr. Connors addressed the board and stated that he has known the property owner for 15 years. He stated that he is representing the property owner today as the owner has difficulties with communicating due to the language barrier. He stated that the property owner failed to understand the letter and oral communications he received. He stated that the property owner obtained the home from an elderly couple who had accumulated lots of items but that the current property owner was kind enough to let the elderly couple stay in a camper outside of the home, and that the property owner began to slowly clean up the property. He stated that this is a case of mental exhaustion and that the property owner is fearful of losing his home. He stated that he is asking for full elimination of the fines and that he is asking for understanding and compassion. Ms. Schmitt stated that the pictures from today so show lots of progress. Mr. Wilson made a motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously. Ms. Lozano stated that failure to make payment by 10/13/2021 will null and void the approved reduction, and property owner will be liable for the entire face value of the original amount of the lien(s) as if no reduction had ever been granted.

7.2 Case # 2020-00477
City of Lake Wales VS Agroparcel and Associates LLC
15 Sessoms Ave W
PID: 27-30-02-901000-001100
Violation(s): Multiple Violations

Xavier Suarez, property owner was present to provide testimony.
Denis Suarez, brother of 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 there are multiple violations on the structure and although Dennis has had communications with Ms. Lozano the violations still exist at this premises. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$ 250.00 (per day), every day the violations exists effective today and
- 2) 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. Suarez addressed the Board and stated that he bought this property back in February with the intention to resell it. He stated that since then he has discovered lots of problems and requested commencement of a permit for demolition. He stated that he currently is working with an asbestos lab and he is requesting the Board to grant him a few weeks to obtain the permit to demolish the structure. Ms. Paul asked if he is currently working with a demolition contractor. Mr. Suarez responded that he will be contacting a demolition contractor after the lab work issue is addressed and that he is working on it. Mr. Austell asked when did he contacted the asbestos lab? Mr. Suarez responded back in July and that he had an inspection in September. Mr. Austell asked Mr. Suarez if he had contacted Mr. Lozada. Mr. Suarez responded no. Mr. Wilson stated that the grass is a simple fix and if there is a reason why it has not been done. Mr. Suarez responded that it was done today and that he lives far away and that he is trying. Mr. Wilson asked for a timeline of how long Mr. Suarez thinks it will take to correct the violations, and if he thinks that it could be done by the next Code Board meeting. Mr. Suarez responded yes within a week. Mr. Wilson asked staff if there was a reason why there could not be an extension granted. Mr. Lozada stated that it is at the Board's discretion and that there were several extensions granted in the past, but so long as they maintain the premises we can continue to work with them. Mr. Austell made a motion to accept staff recommendation but to grant an extension through the next Board meeting. Ms. Paul seconded the motion. Ms. Lozano restated the motion as follows: we have a first and a second to accept staff recommendations to impose a fine in the amount of

\$250 per day to start to accrue on 10/11/2021 for non-compliance. All voted in favor. The motion passed unanimously.

7.3 Case # 2021-00080
City of Lake Wales VS BMS Holdings LLC
101 Washington Ave
PID: 27-29-35-879000-005104
Violation(s): Multiple Violations
No property owner/representative was present to provide testimony.

Code Compliance Officer Jose Lozada presented the case. He stated that there are multiple violations on the structure. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Impose a fine in the amount of \$ 250.00 (per day), every day the violation exists effective Today and
- 2) 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. Schmitt asked if the notice was ever received by the property owner? Mr. Lozada responded that per our records it does not look like the notice was signed for but that staff posts the notices on the premises to comply with notice requirements. Mr. Austell made a motion to accept staff recommendations. Mr. Wilson seconded the motion. All voted in favor. The motion passed unanimously.

7.4 Case # 2020-00180
City of Lake Wales VS Violet M. Stewart and Samuel Stewart II
223 D St
PID: 27-29-35-880000-006060
Violation(s): Multiple Violations

Samuel Stewart II, 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 there are multiple violations on the premises and that although the property owner has communicated with Ms. Lozano on how to correct the violations, the 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) 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.
- 2) Authorize the Code Compliance Division to start the demolition process.

Mr. Stewart addressed the Board and stated that the property is currently in probate and that it is partially his but that he is working with a person who will obtain the permit for demolition. He asked if when the demolition happens does the slab need to be removed as well. Ms. Lozano responded that yes, everything must go. Mr. Stewart asked the Board for 60 days to achieve compliance. Mr. Wilson asked if he has been maintaining the grass. Mr. Stewart responded yes. Ms. Paul asked if he was sure 60 days was enough time. Mr. Stewart responded yes. Ms. Paul made a motion to accept staff recommendation but extended the deadline for compliance to 60 days. Mr. Austell seconded the motion. Ms. Lozano re-stated the motion as follows and clarified to include the demolition order: we have a first and second to accept staff recommendation to impose a daily fine in the amount of \$250 per day and to authorize the Code Compliance Division to start the demolition process for failure to comply by November 12, 2021. All voted in favor. After clarification the motion passed unanimously as stated by Ms. Lozano.

7.5 Case # 2009-00005
City of Lake Wales VS TC 13 LLC and TC 13 S
111 Sessoms Ave W
PID: 27-30-02-900500-001030
Violation(s): N/A Foreclosure

No property owner/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 there has been many cases opened against this premises and that the City has abated the violations at this address on multiple occasions to include demolition of the structure, and that staff is seeking to foreclose on the existing liens at this premises. He stated that the amount owed on this case is \$833,500. He stated that the total amount owed to the City for all of its liens is \$1,382,908.10. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to start the foreclosure process.

Mr. Wilson asked if this premises has incurred a demolition cost. Mr. Lozada responded yes. Mr. Austell asked if there has been any contact from the property owner. Mr. Lozada responded that the property owner has not contacted staff. Mr. Austell made a motion to accept staff recommendation. Ms. Schmitt seconded the motion. All voted in favor. The motion passed unanimously.

8) CASE(s) OLD BUSINESS

8.1 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 has been tabled numerous times and that this is the fourth time that this case is presented before the Board. He stated that since the last meeting Mr. Salerno emailed Ms. Adams from the Planning Division notifying staff that his request for two parking spaces from the Church was denied by the Church. He stated that staff is still seeking to foreclose on the administrative fines owed to the City as of today in the amount of \$147,000. 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.

AND STAFF RECOMMENDS THE BOARD:

- 1) Authorize the Code Compliance Division to start the foreclosure process.

Mr. Gonzalez stated that they made a request to the Church to use two parking spaces but that the Church was not responding to their request until the Church's Board denied the request. He stated that they made a second request to move two other spaces to relocate the enclosure but that request was also rejected and that they do not know where to place the enclosure. Ms.

Schmitt asked if they have attempted to get a roll off because there does not seem to be anything happening at this building. Mr. Gonzalez stated that the hold up is the enclosure. Ms. Schmitt stated that whatever they are doing is not working and that they should be doing whatever it takes to show effort in rehabbing this building. Mr. Wilson stated that the Board has been lenient and working with the property owner, but that he notices that the grass is not cut. Mr. Wilson stated that the Church is not going to give the property owner what they need, and that they should have been more aggressive and that it is difficult for him to consider offering another extension. Mr. Gonzalez stated that the Church's procedure could take up to three months for their Board Members to meet. Mr. Wilson stated that this has been ongoing since 2018 and that it has been over three years of back and forth. Ms. Schmitt asked if the Church is interested in this property. Mr. Gonzalez responded that he thinks they are. Mr. Wilson made a motion to accept staff recommendations. Mr. Austell seconded the motion. All voted in favor. The motion passed unanimously. Mr. Wilson asked Ms. Lozano to translate for Mr. Salerno to ensure that he understood what was just voted on. Ms. Lozano translated the motion and accepted action made by the Board to start the foreclosure process. Mr. Salerno asked Ms. Lozano why as he is trying to correct the violation. Ms. Lozano responded that they have already voted on the action.

9) PUBLIC COMMENTS AND PETITIONS

Mr. Wilson opened the floor for public comments.

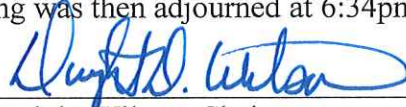
George Williams of 813 Wildabon Ave addressed the Board and stated that he has always had a problem where he lives with water run off. He stated that there are currently three new homes being built on Osceolla Ave and when it rains, the water and the dirt from the construction runs onto his property. Ms. Lozano stated that this issue is not something that this Board would handle. Mr. Williams stated that we have to start somewhere. Both Mr. Lozada and Ms. Lozano stated that this is the first time that they hear of this issue. Mr. Williams stated that he has made numerous phone calls to the City and that on his last call someone told him that they would send an inspector out to inspect. Ms. Lozano asked if he possibly communicated with the Utilities department. Mr. Williams responded that he possibly did speak to the utilities department. Samuel William of 821 Wildabon also addressed the Board and expressed that he has the same problems as Mr. Williams above. Thomas Mack of 809 Wildabon also spoke on the same matter of the drainage issue and also stated that there is a stop sign on 8th street and Wildabon that people speed through and he is concerned that someone will be hit and killed by a driver. Mr. Mack also stated that there are bushes that obstruct the view on 9th street and Wildabon. Ms. Lozano took everyone's contact information and Mr. Lozada stated that we will look into these complaints to see if there is anything that the Code Compliance Staff or the Building Division Staff can do to address their concerns.

10) BOARD/STAFF COMMENTS/OTHER BUSINESS

Mr. Bennett provided an update to the Board about the Mobile Car Wash Ordinance that has been drafted. He notified the Board that staff met with the car wash vendors and that there have been revisions made to the ordinance which staff intends to go over with the vendors in an upcoming meeting with the vendors so that the ordinance can move forward.

11) ADJOURNMENT

With no further business to discuss, the meeting was then adjourned at 6:34pm.



Dwight Wilson, Chairperson or
Ralph Marino, Vice Chairperson

Attest:



Fany Lozano, Recording Secretary