

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Wednesday, January 17, 2024**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, January 17, at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner’s Chambers, Shalimar, Florida. Chairman Mike Banks, Mark Siner, Marte Lancaster, Tammy Summers, Parrish Hollingsworth and Caralee Gibson attended the meeting. Mr. Dana Cawthon was unable to attend the meeting.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor; Elliot Kampert, Growth Management Director; Lynne Oler, Code Enforcement Administrative Assistant; Code Enforcement Officers, Sean Donaldson and Ron Cliff. Kirsten Mood, Okaloosa County Attorney’s Office, was also in attendance.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Ms. Lynne Oler conducted roll call.

3. SWEARING IN OF ALL SPEAKERS

Ms. Lynne Oler swore in all who wished to speak at the meeting.

Ex Parte Query: *Kirsten Mood, of the Okaloosa County Attorneys Office, asked if any member of the Board had any ex-parte communications to disclose on the record, including any site visits or any communication with any Respondents. There were none.*

4. APPROVAL OF MINUTES – December 20, 2023 Meeting

Motion to approve the minutes of the December 20, 2023 meeting, made by Marte Lancaster, second by Tammy Summers, motion passed unanimously.

5. ANNOUNCEMENTS:

Ms. Payton requested that case 24-541912 on 1779 Dad’s Road, Baker, FL. It was agreed to remove this item from the agenda.

6. PUBLIC COMMENTS:

There was none.

7. OLD BUSINESS:

A. Disposition of Previous Cases:

CEB CASE #24-533794

Location of Violation:

Rickey Joe Miller

4578 Antioch Road, Crestview

Ms. Payton stated this property is non-compliant and we are filing the Order adopting Findings of Facts/ Conclusions of Law and that the administrative fees are due.

B. CEB CASE #23-537418

Leslie T. McDowell

Location of Violation:

1764 Sycamore Avenue, Niceville

Violation of Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 6 Development Design Standards, Sec. 6-02.01 Construction Codes (11)(c) Maintenance and (d) Unsafe building; and Chapter 9, Operational Performance Standards, Sec. 9.03.05 Public Nuisance (3).

Ms. Payton said that she had left Mr. McDowell’s case on the agenda, but the Code Board extended him until February 20, 2024 to get his issue resolved.

8. NEW BUSINESS:

A. CEB CASE #24-541912

Woodrow Broxson

Location of Violation:

1779 Dads Road, Baker

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-136. Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65.

Removed from the agenda.

B. CEB CASE #24-541949

Joe A. Senterfitt (Heirs of)

Location of Violation:

579 W Hwy 90, Holt

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-136. Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65.

Code Enforcement Officer Ron Cliff stated that the date of this complaint was June 27, 2023, and read the above violation. Mr. Cliff stated that this case was received from the Okaloosa County Sheriff’s Office. There was trash and nuisance vehicles upon inspection of the property. In July 2023 the owners of the property were contacted via telephone and were told what needed to be done. The property was not brought into compliance, and Mr. Cliff ultimately requested this case go before the Board on January 17, 2024. Staff recommendation is to request that the Board adopt the Findings of Fact/Conclusion of Law and allow Respondent until February 20, 2024 to bring the property into compliance, to include paying administrative fees of \$198.58.

Mr. Henry Senterfitt, 5446 Old Bethel Rd., Crestview FL, stated he turned the property over to his son in 2018. Mr. Senterfitt stated that he would bring the property into compliance and had removed several tires and vehicles. He stated that he told the owner of the RV on the property that the RV would have to be moved off the property. Mr. Senterfitt alleged that the owner agreed to move the RV over the weekend, but as of Monday, the RV was still there, and according to Mr. Cliff, the RV was there on the day of the hearing. He said he was going to go by there and tell them they have seven days to move it. He said he would greatly appreciate more time to clean up the property. He said he would have to have it done by April 1. Ms. Mood reminded the Board that the only violations that were properly noticed to be addressed on this case were public nuisances and abandoned and nuisance vehicles, and that the violations related to the RV were not the subject of the hearing. Ms. Lancaster asked if the Board gave him until March 19th, would he be able to have it cleaned by then. Mr. Senterfitt said he would give it 100%.

Ms. Gibson made a motion to give Mr. Senterfitt until March 19, 2024 to bring the property into compliance with Chapter 11, Health and Sanitation, Article III, Nuisances, Division 3, Sec. 11-136 Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and

Nuisance Vehicles, Sec. 21.65, and if the property is not brought into compliance by March 19, 2024 a \$250 a day fine and that the administrative fees of \$198.58 would be assessed. Second by Ms. Lancaster, motion passed unanimously.

C. CEB CASE #24-543588

Herman R. & Cynthia A. Smith

Location of Violation:

1580 Pine Street, Niceville

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-131. Definitions, Sec. 11-134 (b)(1). Litter Storage, and Sec. 11-136 Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65.

Mr. Sean Donaldson, Okaloosa County Code Enforcement Officer, stated that this case was reported on November 8, 2023, and that the complainant alleged racoons, trash and derelict vehicles. Officer Donaldson observed two vehicles, possibly inoperable with no plates, and lots of trash, coolers, washing machines, tools, car parts, boxes of clothes. He mailed a Notice of Violation on November 15, 2023 and it came back unsigned, and he posted a Notice of Violation on a window November 20, 2023. The notice was still there on the next investigation and Mr. Donaldson mailed a Notice of Hearing. Staff's recommendation is to give them until February 20 to comply, to pay the administrative fee of \$203.03, and a fine of \$250 per day if they do not come into compliance. Chairman Banks asked if Mr. Donaldson ever spoke with anyone. Mr. Donaldson replied he had not and he didn't believe there was anyone here for this property. He said he actually got the returned letter on the 5 of January, 2024. He doesn't believe anyone lives in the home.

Caralee Gibson made a motion that this property come into compliance by February 20, 2024 and that, if the property is not brought into compliance by that date a fine of \$250 per day, and the administrative fees of \$203.03 will be assessed beginning on February 21, 2024. Mark Siner seconded the motion and the motion passed unanimously.

D. CEB CASE #24-543589

Justino Chacon

Location of Violation:

**Vacant Lot, Pinewoods Drive, Crestview
Parcel ID #15-3N-23-0000-0013-0000**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b). Litter Storage, and Sec. 11-136 Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65.

Code Enforcement Officer Ron Cliff read the above violation and stated this case was reported on September 15, 2023. Ms. Payton stated that this is a vacant lot on Pinewoods Drive, in Crestview. Mr. Cliff stated that he provided a certified notice requesting the violations be cleared up no later than October 19, 2023. Mr. Cliff stated that on October 24, 2023 he noticed there was a typo with an incorrect compliance date on the notice. On October 27, 2023 another notice was sent out with a compliance date of November 24, 2023. Neither of the notices were signed for, so staff sent a Notice of Hearing. Staff recommendation is for the Board to sign the Findings of Facts/Conclusions of Law, to give them until February 20, 2024 to comply, to include the administrative fee of \$184.12.

Caralee Gibson made a motion that this property needs to come into compliance by February 20, 2024, if not the fee of \$184.12 will be due, and a fine of \$250 per day will begin on February 21, 2023. Second by Tammy Summers, motion passed unanimously.

E. CEB CASE #24-543590

Alex Bader Jr. & Kiara M. Tona

Location of Violation:

8530 Robinson Road, Laurel Hill

Violation of Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b)(1), Building permits and fees.

Code Enforcement Officer Ron Cliff read the above violation into the record. This complaint was received November 21, 2022. A pole barn had been converted to an enclosed and livable structure. The owners met on the property with Purl Adams, Okaloosa County Building Official along with Mr. Cliff. An extensive permit process ensued between the engineers and our department and finally on December 23, 2023, a certified Notice of Violation was sent. A Notice of Hearing was issued for today. As of yesterday, January 16, 2024, a permit was issued and a new address was issued for 8516 Robinson Rd., Laurel Hill. Staff's recommendation is to sign the Findings of Facts/Conclusions of Law for not meeting the deadline and to pay the administrative fees of \$173.32. Ms. Payton stated that the owner is aware and has agreed to pay the administrative fees and he chose not to come today because the issue has been resolved. Mr. Cliff stated that the permits were issued and the inspections have been signed off on and the permits are closed.

Ms. Gibson made a motion to find that the issue has been brought into compliance and the fees have been paid, and that Respondent is found to have been in violation of Chapter 6 Building and Construction, Article IV Building Code, Sec 6-134(b)(1), Building permits and fees. Second by Mr. Siner, motion passed unanimously.

F. CEB CASE #24-543591

Maxine & Nichols E. Cochran

Location of Violation:

2580 Kingston Road, Crestview

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited.

Code Enforcement Officer Ron Cliff, read the above violation. Mr. Cliff stated this case was brought to us by the Okaloosa County Board of Commissioners and, upon inspection, trash and debris was discovered. A Correction Notice was issued, and the violation was to be corrected by May 11, 2023. Due to the amount of debris, Mr. Cliff gave them a few more weeks to correct the violation. On May 25, 2023 Mr. Cliff visited the property and spoke with Joseph Harrell and told him he needed to be finished by the next week or a Citation of Noncompliance would be issued. On June 3, 2023, Mr. Harrell was picking up the remaining trash and the property met compliance. A few weeks later Mr. Cliff noticed the clutter building up again. He pulled out the case and found that the owner had passed. On October 16, 2023, he issued a notice of violation for the property. On November 6, 2023 Mr. Cliff sent a certified Notice of Violation for a compliance date of November 17, 2023, which was not signed for and returned. Mr. Cliff sent out a Notice of Hearing for January 17, 2024. Staff's recommendation is to sign the Order adopting the Findings of Fact and Conclusions of Law and allow Respondent until February 20, 2024 to comply, and to pay the administrative fee of \$194.02.

Mr. Joseph Harrell, 2580 Kingston Rd., Crestview. He said the property belonged to his mother. He said it was his brother's mess and he was trying to clean it up. He said he thought he could get it cleaned up by February 20th.

Mr. Nolan Weeks, 2568 Kingston Rd., Crestview. He said he was friends with the elderly couple that lived there, before these people moved in, and the yard was always well kept. Then these people moved in and they went around collecting metal and it went downhill. Wire and rubber is always being burned, all hours of the night and they never had a rat problem and now they are seeing rats. He said, looking at the pictures, it was four or five times worse a few days ago.

Chairman Banks explained that the Code Enforcement Board just wants compliance. If they come into compliance in a month and then the neighbors start noticing it again, the Board can issue higher fines and give less time to bring it into compliance.

Mr. Mark Clark of 2603 Victoria Place, Crestview, stated he lived about a block over from this address. He said about four months ago he noticed rats and he'd never noticed them in the past. He also said that it sounds like industrial work going on over there in the evening. Mr. Elliot Kampert, Growth Management Director, stated that you can't operate a business in a residential zone without a home occupation. Ms. Mood added that those violations can be brought to the Code Enforcement Board after they have been properly noticed, but today we can only address the litter that can be seen in the front yard and from the right-of-way.

Marti Lancaster made a motion to find 2580 Kingston Rd., Crestview in violation of Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132 Littering prohibited, they have until February 20, 2024 to bring the property into compliance or a \$250 a day fine will be issued, along with the administrative fee of \$194.02. Mark Siner seconded the motion and it passed unanimously.

G. CEB CASE #24-543592

Brian P. & Stacey C. Phillips

Location of Violation:

35 Holly Avenue, Shalimar

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-136. Public Nuisances described.

Lisa Payton, Code Enforcement Supervisor, read the above violation into the record. On May 27, 2022 Code Enforcement received a complaint where there were concerns about an unmaintained pool at a vacant home that had a fire in December 2021. On June 24, 2022 Code Enforcement sent out a Notice of Violation and a construction company came in and told us they had treated the pool and they would be submitting plans soon. Reinspection's on July 18, 2022 and August 8, 2022 found that the property was unchanged. There had been no contact from the owner. On August 12, 2022, Mr. Phillips called and stated that their intent was to demo and rebuild new. Mr. Phillips said they had treated the pool and sent in a preliminary set of plans. On August 31, 2022 the permit was still pending and September 14, 2022 the property was unchanged. On September 15, 2022 the contractor stated that they were waiting on stamps from the engineer. On October 21, 2022 a Demo Permit was issued. After the demo permit was issued, we felt the issue was resolved because demolition would resolve the noncompliance. Then we had an inquiry as to when the issue would be resolved. Since the owners were properly noticed, we issued a Notice of Hearing. Ms. Payton said she believed there were a few people at this meeting to speak on the issue. Ms. Payton said Staff's recommendation is for the Board to sign the Findings of Facts/Conclusion of Law, allow until March 19, 2024 to bring the property into compliance and to pay the administrative fees of \$217.82. The contractor that pulled the permit for demo, stated that they could not get a "go ahead" from the owners.

Mr. Brian Phillips of 35 Holly Ave, Shalimar approached the podium. He stated that he gave the contractor money and that the contractor has disappeared, he won't respond to emails or phone

calls. Mr. Phillips said he is fighting with insurance and has been for quite some time. He explained that he has hired an attorney to go after the insurance company and that's where things stand at this time. More discussion took place about the structure. Mr. Phillips said the inside is totally gutted, there is nothing in it.

Ms. Mood read the code that relates to the structures.

Mr. Galan Miller, 39 Holly Ave, Shalimar approached the podium. He said it is a mess and throwing a blue tarp over the roof is not going to fix the situation. He believes the house is full of mold after being rained on for two years.

Mr. Dave Behrendt, Jr., 37 Holly Ave, Shalimar was sworn in by Ms. Oler. Mr. Behrendt said he moved in around January 2022, right after the fire. He said everything smelled like smoke. He said he can't go into the back yard because of all the mosquitoes and there are frogs, cock roaches etc. He said that, yes, they treated the pool once, but that needs to be an ongoing treatment. He said the house is open in the back.

Mr. Siner asked who could deem this house unsafe.

Ms. Payton replied it would be the building official, Purl Adams.

Mr. Siner made a motion finding the property at 35 Holly Ave, Shalimar to be in violation of Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-136 Public Nuisances, and granting Respondent until March 19, 2024 to bring the property into compliance or a fine of \$250 per day, along with the administrative fee of \$217.82 will be assessed. Marte Lancaster seconded the motion, and the motion passed unanimously.

9. OTHER BUSINESS:

A. Chair

Marte Lancaster made a motion to nominate Mike Banks as Chairman, second by Tammy Summers. Motion passed unanimously.

B. Vice-Chair

Marte Lancaster made a motion to nominate Mark Siner as Vice-Chair, second by Tammy Summers. Motion passed unanimously.

C. 2024 Meeting Schedule

Mark Siner made a motion to pass the 2024 Board Meeting Schedule as presented. Second by Marte Lancaster. Motion passed unanimously.

10. ADJOURN:

There being no further business before the Board, Chairman Banks declared the meeting adjourned at 5:27 pm.

Prepared by:

Lynne Oler
Code Enforcement Administrative Assistant