

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Wednesday, February 21, 2024**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, February 21, 2024, at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner's Chambers, Shalimar, Florida. Vice Chair Mark Siner, Marte Lancaster, Tammy Summers, Parrish Hollingsworth and Caralee Gibson (arrived 4:04 pm) attended the meeting. Mr. Dana Cawthon and Chairman Mike Banks were unable to attend the meeting.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor; 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 Attorney's 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.*

Ms. Mood also pointed out, that the last couple of orders have assessed the administrative fee only if the property does not come into compliance by the compliance date. The administrative fee is for the purpose of covering the cost of the notices, mailings, the site visits, all the postings involved in getting the case to this point. Ms. Mood pointed out that it started out as a leniency for hardship cases, but the last few meetings it has been a standard and the last meeting, every case, stated that the administrative fees were due only if they did not come into compliance by the compliance date.

4. APPROVAL OF MINUTES – January 17, 2024 Meeting

Motion to approve the minutes of the January 17, 2024 meeting, made by Tammy Summers, second by Caralee Gibson, motion passed unanimously.

5. ANNOUNCEMENTS:

There were none.

6. PUBLIC COMMENTS:

There was none.

7. OLD BUSINESS:

A. Disposition of Previous Cases:

CEB CASE #24-541949

Joe A. Senterfitt

Location of Violation:

579 W Hwy 90, Holt

Ms. Payton stated the Board gave this case until March 19, 2024 to come into compliance. She said they made great progress and she believed it would be in compliance by March 19th.

CEB CASE #24-543588

Herman R. & Cynthia A. Smith

Location of Violation:

1580 Pine Street, Niceville

Ms. Payton announced that this property is in compliance.

CEB CASE #24-543589

Justino Chacon

Location of Violation:

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

Ms. Payton said that this property has no changes, we haven't heard from anyone, so we will file the Findings of Facts/Conclusions of Law for noncompliance.

CEB CASE #24-543591

Maxine & Nichols E. Cochran

Location of Violation:

2580 Kingston Road, Crestview

Ms. Payton stated that this property is now in compliance.

CEB CASE #24-543592

Brian P. & Stacey C. Phillips

Location of Violation:

35 Holly Avenue, Shalimar

Ms. Payton said that Mr. Phillips hired Barber Construction, they acquired a demolition permit and have demolished the residence. They are in compliance.

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 Mr. McDowell is in the process of selling his home. They are signing the contract on March 1, 2024 and Mr. McDowell will be out of the house by March 31, 2024. The new purchaser plans to demolish and rebuild.

C. General Update

1058 Quail Hollow Dr., Mary Esther – Lien paid, Satisfaction of Lien Signed

The fines on this property have been paid and the Satisfaction of Lien has been signed.

100 Dolphin Rd., Mary Esther – Lien paid, Satisfaction of Lien Signed

The fines on this property have been paid and the Satisfaction of Lien has been signed.

Both of these properties have been sold.

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.

Code Enforcement Officer Ron Cliff read the above violation. On August 3, 2023, Code Enforcement received a complaint from the Department of Environmental Protection. A Notice of Violation was issued to Mr. Stewart, with a compliance date of September 22, 2023. On September 26, 2023, a visit to the property found noticeable improvement and a 30-day extension was granted. The visit on November 8, 2023 found very little accomplished and Mr. Stewart was not on the property. On January 17, 2024 a Notice for the Code Board was given and Mr. Stewart had until February 17, 2024 to comply. A Notice of Hearing was issued and scheduled for today. The recommendation of Staff is to sign the Findings of Facts/Conclusions of Law and give him until March 20, 2024 to come into compliance, and pay the administrative fees of \$222.52.

Charles Stewart, 1779 Dad's Road, Baker, FL, approached the podium. He said he was disabled and he, and his wife, are the only people working on the property. He requested a little more time. More discussion took place about vehicles and the trash accumulation.

Ms. Mood, of the Okaloosa County Attorney's Office, said that not all of the notices issued included the nuisance vehicle violation and recommended that the Board stay with the litter accumulation, Violation 11-136.

Mr. Stewart said he believes he can get the property cleaned up in 30 days.

Ms. Lancaster made a motion to find the 1779 Dad's Rd., Baker in violation of Okaloosa County Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-136, Public Nuisance, and pay the administrative fees of \$222.52 as of today, and give Mr. Stewart until March 19, 2024 to come into compliance by March 19, 2024, and if the property is not in compliance by that date, a \$250 per day fine will begin. Seconded by Caralee Gibson. Motion passed unanimously.

**B. CEB CASE #24-544974
Location of Violation:**

**Clarence A. Stewart II
201 Pawnee Circle, FWB**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-134. Litter Storage (b)(1), Sec. 11-136. Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65. Code Enforcement Officer Chris Moody said his initial inspection was November 3, 2023. Mr. Moody read the above violation. A Notice of Violation was mailed certified mail. On January 9, 2024 a reinspection was done. The property owner requested an extension and it was granted. On January 29, 2024 all violations remained and a hearing was requested. Officer Moody said Staff recommendation is for the administration fee of \$214.80 be paid and if the property is not brought into compliance by February 29, 2024.

Caralee Gibson made a motion that the property located at 201 Pawnee Circle, Fort Walton Beach is in violation of Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-134 Litter Storage (b)(1), Section 11-136, Public Nuisances; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65. The administrative fee of \$214.80 is due as of today (February 21, 2024) and if the property is not brought into compliance by February 29, 2024 a fine of \$250 per day will be assessed. Marte Lancaster seconded; the motion passed unanimously.

C. CEB CASE #24-544149

Sandon Properties, LLC

Location of Violation:

3663 Grady Johnson Road, CV

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b); Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described.

Code Enforcement Officer Ron Cliff read the above violation. Mr. Cliff stated that on November 14, 2023 a complaint came in about multiple recreational vehicles (RV) on 3663 Grady Johnson Road, Crestview and prohibited litter storage as noticed in the original Notice of Violation. When inspecting this complaint, he found several properties with multiple RVs.

Mr. Cliff checked with our zoning department on November 17, 2023 to see if there were any applications for RV's, RV parks and possible rentals. November 28, 2023, sent a registered Notice of Violation to the property of record. January 8, 2024, Mr. Cliff was informed by the zoning department that there had been no requests for a Temporary Use Permit or rezoning requests. Notice of Hearing was provided and scheduled for today (February 21, 2024).

Donald Michael, 3663 Grady Johnson Rd., Crestview came forward to speak. He said he has six RV spots on the property. He has septic tanks permitted from the Health Department. He said his sister lives on the property, and another sister and nephew who lives on the property. He said he had three empty spots so he put up a sign and tried to fill those spots. He said he spoke with Ron and was told that it was illegal to advertise, so he took down his signs and took down his advertisement on Facebook. Mr. Michael said that his property has two lots and when the Health Department came out to install the septic tanks, he told them what he was doing. They told him that as long as there isn't more than 4 RV's on a single lot, he was fine do what he was telling them. He said he spent \$10,000 to get the septic tanks. Mr. Michael said he had two renters and he would get rid of them if it's necessary.

Caralee Gibson made a motion that the Code Enforcement Board finds 3663 Grady Johnson Rd., Crestview, Case #24-544149 was in violation of Sections 11-134, and 11-136 of the Code, at the time of the complaint, but they have since then come into compliance prior to the date of the hearing, and therefore there will be no fine or administrative fees. Second by Tammy Summers. Motion passed unanimously.

D. CEB CASE #24-544146

Joyce F. Blair

Location of Violation:

3650 Grady Johnson Road, CV

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b); Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described.

Code Enforcement Officer Ron Cliff read the above violation. Mr. Cliff checked with our zoning department on November 17, 2023 to see if there were any applications for RV's, RV parks and possible rentals. November 28, 2023, sent a registered Notice of Violation to the property of record. January 8, 2024, Mr. Cliff was informed by the zoning department that there had been no requests for a Temporary Use Permit or rezoning requests. Notice of Hearing was provided and

scheduled for today (February 21, 2024). Recommendation is for the Code Enforcement Board to sign the Findings of Facts/Conclusions of Law and allow until March 19, 2024 to come into compliance and to pay administrative fees of \$174.16. Mr. Siner asked if there is an additional home on this property, Mr. Cliff replied there is.

Ms. Mood read Sec 6-134 of the Code relating to building permits and fees.

Ms. Tanya Toney, 3640 Grady Johnson Rd., Crestview, came up to the podium. She said that they had been turned into the State and a State Inspector came and inspected the property. Ms. Toney said that she did not know that you couldn't have an RV hooked up to your own septic system and that's the only thing they did wrong. The State Inspector said that they could get a "tote" and drain the tank and then take it to a dump station, or the landlord could do it. The State Inspector did pass them. She said that she would like the original allotted time, because they did not get the "warning letter" they only received the "consequence letter". Ms. Toney went on to say that there was an issue with burning, but the fire department said that they would prefer them to burn in the whole they had dug out. Vice Chairman Siner asked Ms. Blair to come to the front, because it was her case that we are discussing. Joyce Blair of 3635 Grady Johnson Rd., Crestview, was asked by Vice Chairman Siner if she rented the RV to someone. Ms. Blair said she owns the property at 3650 & 3652 Grady Johnson Rd. Ms. Blair said she has two lots that she rents out.

Ms. Blair stated that the State Inspector had also passed her property.

Ms. Lancaster spoke to clarify the situation; from what we have heard, Ms. Blair originally was renting the properties and she plans to go to the County to receive Okaloosa approval for renting out the lots, Ms. Blair said that is correct.

Caralee Gibson made a motion to find that the property at 3650 Grady Johnson Rd., Crestview was in violation of Sections 11-134 and 11-136 of the Okaloosa County Code at the time of the complaint, but it has been brought into compliance and there will be no fines or fees for the violations. Second by Marte Lancaster, motion passed unanimously.

**E. CEB CASE #24-544147
Location of Violation:**

**William M. Price
3655 Grady Johnson Road, CV**

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b); Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described.

Code Enforcement Officer, Ron Cliff, read the above violation and stated that this violation is for a burnt-out trailer and derelict sheds and a properly noticed violation of Chapter 6.02.02 (11)(d)X of the Land Development Code, for an unsafe structure. Mr. Cliff said that Code Enforcement received a complaint about multiple RVs on Grady Johnson. On November 9, 2023, Mr. Cliff spoke with Mr. Price, and he stated that Mr. Price would start work on his property. On January 8, 2024 Mr. Cliff found out that no one had made any trips to planning nor had they applied for permits. Mr. Price told Mr. Cliff that someone had been living on his property illegally. A Notice of Hearing was issued for February 21, 2024. Mr. Cliff said there was a burnt-out trailer and several dilapidated sheds and buildings placed without permits.

Tanya Toney, 3640 Grady Johnson Rd., Crestview, said that people that from that property are breaking into sheds on her property. She said there are definitely people living on that property and in the woods and the owner is well aware.

Caralee Gibson made a motion that the property located at 3655 Grady Johnson Road, Crestview, Case 24-544147, Mr. William M. Price, is in violation of Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b); Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described, as well as Chapter 6.02.01 (11)(d)X, and if the property is not in compliance by March 19, 2024 there will be a fine of \$250 per day and the administrative fees of \$174.16 are due immediately. Marte Lancaster seconded the motion, motion passed unanimously.

F. CEB CASE #24-544148

Tonya L. & Robert F. Toney

Location of Violation:

3640 Grady Johnson Road, CV

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b); Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described.

Code Enforcement Officer Ron Cliff read the above violation. RVs and accumulated trash and litter were found during the inspections of the property resulting in a notice of Hearing was issued for February 21, 2024. Prior to the hearing, the litter was cleaned and property was brought into compliance

Tonya Toney, 3640 Grady Johnson Rd., Crestview approached the podium. The first thing she wanted to get clear was that the fire department told her it was okay to burn in a hole in the ground. She stated that it was strange that she, Ms. Blair and another person did not get their “warning notices”. Ms. Gibson asked if she had any renters. Ms. Toney said that she has four renters currently. She said that if she can go through Planning she’d like to get everything in order and hopefully it would be in compliance by April.

Marte Lancaster made a motion that 3640 Grady Johnson Road, Crestview, Case 24-544148, at the time of the initial inspection, was in violation of Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132. Littering prohibited, Sec. 11-134 (b)(1). Litter storage, and Sec. 11-136 Public nuisances described, but they are currently in compliance, and the administrative fees of \$174.16 immediately due. Mr. Parrish Hollingsworth seconded the motion. Motion passed unanimously.

G. CEB CASE #24-544977

James David Properties, LLC

Location of Violation:

5768 Hwy 4, Baker

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

Ron Cliff, Code Enforcement Officer, Okaloosa County, read the above violation. This complaint came in September 27, 2023, from the Building Department, in terms of illegal building construction. Mr. Cliff visited the site the day of the complaint and found an additional awning being added to the main structure of Baker Tire Store. Mr. Cliff issued a Cease-and-Desist order

and contacted the contractor and he stated he would obtain a permit. On October 17, 2023 Mr. Cliff asked if a permit had been applied for but Building Official Purl Adams had informed Mr. Chapman (the contractor) that he needed to contact an engineer. November 17, 2023, Mr. Cliff was able to leave a message for Mr. Chapman and on December 4, 2023 Mr. Chapman said that he had talked with Mr. Adams but he hadn't been on site yet. December 19, 2023, Mr. Cliff sent out a Notice of Violation to the owner of the property. January 29, 2024, Mr. Cliff checked our software and no permit was issued. Notice of Hearing was issued and scheduled for today (February 21, 2024). February 19, 2024, Mr. Cliff was contacted by Mr. Adams to discuss the issue, a permit was applied for and issued that same day. Staff's recommendation is to have the administrative fee of \$282.47 paid, for the Board to sign the Findings of Facts/Conclusion of Law and close out the case upon final inspection and payment of the administrative fee.

Marte Lancaster made a motion to find James David Properties, LLC, Case 24-544977, 5768 Hwy 4, Baker in violation at the time of the investigation, they have come into compliance prior to the hearing, and that the Board assess the administrative fee of \$282.47. Second by Parrish Hollingsworth. Motion passed unanimously.

9. OTHER BUSINESS:

**A. Request for Reduction of Code Enforcement Lien
- 304 Pine Moss Dr., Fort Walton Beach**

Ms. Mood, Okaloosa County Attorney's Office, reminded the Code Enforcement Board about application requirements for Lien Reduction: In order to apply for the Lien Reduction, the applicant must have not been the owner at the time of violation, or if they are the owner at the time of violation they can prove extenuating circumstances or legal deficiency with the code enforcement process. The Board could consider in approving a Lien Reduction: The severity of the violation/existence of health/safety/welfare dangerous condition; Whether this was a repeat violation; The duration of the violation; Repeat Applicant has previously applied for lien reduction on this or other property; Whether the County holds other unsatisfied liens on property owned by Applicant. The maximum amount of the reduction is the actual amount of the administrative cost and fees plus 20%.

**A. Request for Reduction of Code Enforcement Lien
304 Pine Moss Dr., Fort Walton Beach**

Ms. Payton stated that Code Enforcement brought this before the Board on September 21, 2022. The Board order stated they must be in compliance by October 21, 2022. Compliance was not met so a Lien was entered. Ms. Payton said that Staff will bring this before the Board of County Commissioners for a complete reduction of fees. The amount is \$108,500. Due to extenuating circumstances, we are asking for a complete reduction, for a zero-amount due. Ms. Hart was in Opp at the time and the violation was mailed to Opp. Ms. Hart has two sons and was dealing with a severe illness. Ms. Payton said she believes this falls into the extenuating circumstances category. She explained that one son, Mr. Tracy Hart has come in and paid the Administrative Fees and the Application Fee for the Reduction of Lien. Ms. Gibson asked how much Code Enforcement had collected. Ms. Payton replied \$269.47.

These minutes are a DRAFT copy. They have not been approved by the Board.

Ms. Mood stated that the maximum amount the Board can reduce is to administrative costs and fees plus 20% under current Code and indicated that the written application did not seem to include any of the extenuating circumstances Ms. Payton described as required by the Code.

Caralee Gibson made a motion, that based on the recommendation of the Code Enforcement Department, that the Code Enforcement Board recommends that the Board of County Commissioners grant the maximum reduction possible for Ms. Hart available under the Lien Reduction ordinance provided that the Board of County Commissioners finds the application sufficiently demonstrates the extenuating circumstances are as presented before this Board today. Marte Lancaster seconded the motion. Motion passed unanimously.

10. ADJOURN:

There being no further business before the Board, Vice-Chairman Siner declared the meeting adjourned at 6:08 pm.

Prepared by:

Lynne Oler
Code Enforcement Administrative Assistant