**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, March 15, 2023**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, March 15, 2023 at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner’s Chambers, Shalimar, Florida. Chairman Mike Banks, Caralee Gibson, Mark Siner, Dennis Chavez, and Dana Cawthon attended the meeting.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor; Lynne Oler, Code Enforcement Administrative Assistant; Sean Donaldson, Code Enforcement Officer; Ron Cliff, Code Enforcement Officer; and Chris Mitchell, Code Enforcement Officer. 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 Lisa Payton.

**4. APPROVAL OF MINUTES – February 15, 2023 Meeting**

*Motion to approve the minutes made by Caralee Gibson, second by Mark Siner, approved unanimously.*

**5. ANNOUNCEMENTS:**

There was none.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**:

There were none.

**8. NEW BUSINESS:**

 **A. CEB CASE #23-513102 Michael V. Timberman**

 **Location of Violation: Various Right of Ways –Okaloosa County**

Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 8, Signs, Sec. 8.02.03).

Code Enforcement Supervisor, Lisa Payton, read the above violation into the record. Ms. Payton read the portion that said explains the use of temporary signs. She said that on April 29, 2022, Code Enforcement conducted a signage inspection throughout Okaloosa County. She went on to say that Code Enforcement removed several signs and on May 4, 2022 sent out a Notice of Violation and requested that all violations be corrected by May 23, 2022. Ms. Payton said she spoke with the respondent upon receipt of the Notice and reiterated that placing signs on the right-of-way (ROW) is a violation of our Code in Okaloosa County. The violations were not corrected, and Code Enforcement removed an additional forty-seven (47) signs from the County ROW. Code Enforcement then sent a Citation to remit payment for associated fines. Upon receipt of the Notice and the Citation, Code Enforcement spoke with the respondent again and he asked about a reduction in the fine. Ms. Payton informed him she could not reduce the fine and directed him to the Director of Growth Management, who also said he could not reduce the fine. Payment never came, Code Enforcement sent a Notice for a hearing before the Code Enforcement Board. Ms. Payton stated that because of the case is before the Code Enforcement Board, the Code allows a fine of $100 per violation plus administrative fees. Therefore, the calculation of the fine for 47 signs within the County Right-of-Way (ROW) works out to $4,950 which is $4,700 for the violation and $250 for the administrative fee. Ms. Payton stated that she spoke with Mr. Timberman before the meeting and he has agreed to pay the fines and the administrative costs.

Kirsten Mood, of the Okaloosa County Attorney’s Office, advised that because the original Citation was not deposited with the Court, the case was being brought before the Code Enforcement Board to make findings of facts, conclusions of law, and enter an order regarding the violations of the Code.

Ms. Payton reiterated that the Code Enforcement Board does need to make a findings of fact, conclusion of law, and find Mr. Timberman in violation of the Code in a signed order. She clarified that the company signs can only be placed at a job site, white the job is going on. Once contractors complete the job, they must remove their signs.

*Caralee Gibson made a motion to find Mr. Timberman in violation of Chapter 8, Section 8.02.03 with a fine of $100 per sign for a total of $4,700, plus administrative fees of $250, for a total of $4,950. Second made by Mark Siner. Mr. Dennis Chavez abstained from the vote.*

*Motion passed 4-0 with one Abstained.*

 **B. CEB CASE #23-526526 Betty P. Frederick W. Kaucher**

 **Location of Violation: 595 James Lee Blvd. W, Crestview**

Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 2, Zoning Regulations, Sec. 2.10.00 General commercial; and Chapter 9 Operational Performance Standards, Sec. 9.03.05 Public Nuisance; Chapter 21 Abandoned and Nuisance Vehicles, Sec.21.65 Nuisance vehicles.

Code Enforcement Officer Ron Cliff read the above violation. Mr. Cliff indicated that on November 28, 2022 staff originally received this complaint and upon investigation found a lot of trash and several nuisance vehicles. On January 30, 2023 a certified notice was provided, requesting the violation be corrected. Respondents were given until February 28, 2023, or the case would be sent to Code Enforcement Board. Compliance was not met by the date given and a Notice of Hearing was issued. Mr. Kaucher called Mr. Cliff and said that he would be out of town on the date of the hearing and was asking for additional time to comply and he would have it taken care of by the next Code Enforcement Board meeting. Staff’s recommendation is to have the Board sign the Findings of Facts and the Conclusion of Law and allow them until April 18, 2023 to comply and to remit the administrative fees of $72.50.

Kirsten Mood, of the Okaloosa County Attorney’s Office, noted that the original Notice of Violation and case materials provided to the Code Enforcement Board lists only Zoning Regulations for General Commercial (C3) under Section 2.10.00 of the Land Development Code (LDC) but the property is property is zoned Mixed Use, which is contained in Section 2.07.00 through 2.07A.00 of the LDC. While the permitted uses for Mixed Use in Section 2.07.04 of the LDC reference Section 2.10.04, General Commercial because the Notice of Violation and Notice of Hearing in this case do not include Section 2.07 of the LDC regarding Mixed Use, the Office of the County Attorney recommends making the findings of the public nuisance under Section 9.03.05 of the LDC and nuisance vehicles under Section 21.65 of the Code as presented in the draft Order for this case.

*Caralee Gibson made a motion find the Kaucher’s in violation of Section 21.65, Nuisance Vehicles, and Section 9.03.05, Public Nuisance and that they have until April 18, 2023 to come into compliance or fines of $250 per day will be assessed beginning the April 18, 2023 and either way they will owe the administrative fee. Second by Dana Cawthon. Motion passed unanimously.*

**9. OTHER BUSINESS:**

Mr. Dennis Chaves, said that he was resigning as of today and he would be moving over to the Board of Adjustments. He thanked everyone for all they do.

**10. ADJOURN:**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 4:24 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant