**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, May 17, 2023**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, May 17, 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, Mark Siner, Parrish Hollingsworth, Tammy Summers, Marte Lancaster, and Dana Cawthon attended the meeting. Caralee Gibson was unable to attend.

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 Moody, 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 all who wished to speak during the meeting.

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

*Motion to approve the minutes of the March 15, 2023 meeting, made by Mark Siner, second by Dana Cawthon, approved unanimously.*

**5. ANNOUNCEMENTS:**

Ms. Payton introduced and welcomed the new Code Enforcement Board members: Mr. Parrish Hollingsworth, Ms. Marte Lancaster, and Ms. Tammy Summers.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**:

There were none.

**8. NEW BUSINESS:**

*Ms. Kirsten Mood, of the Okaloosa County Attorney’s Office, asked if any member of the Board has any ex-parte communications to disclose on the record, including any site visits or any communication with any Respondents, outside of what will be presented before the Board. There was none.*

*Speakers and Code Enforcement Officers were sworn in.*

 **A. CEB CASE #23-525753 Theresa L. Mireles & Phillip N. Canchola**

 **Location of Violation: 611 Happiness Road, Mary Esther**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-131 Definitions (Junkyard –like conditions), Sec. 11-134, Litter Storage, and Sec. 11-136 Public Nuisances described; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65 Nuisance vehicles; and Appendix E, Land Development Code, Chapter 6 Development Design Standards, Sec. 6.02.13 Mobile Homes.

Code Enforcement Officer, Sean Donaldson, read the above violation into the record. Mr. Donaldson said this complaint was given to Code Enforcement about various vehicles, boats, accumulation of debris in the yard, the skirt around the mobile home. The complaint regarding the property was brought to him in February 2023. He went to the site and found a vehicle in the street, two boats without current registrations, and no skirt on the mobile home. This property came into compliance before the last meeting, which was canceled. Officer Donaldson noted that the respondent has done everything that he needed to do and more: he has put up a fence, moved the boats behind the fence, covered the vehicle, put up the skirting around the mobile home and cleaned up around the yard.

Ms. Payton asked that the Board to sign and file the Order, including Findings of Facts and Conclusions of Law, in case the Respondent violates again, it would be a repeat violation. Ms. Payton went on to say that she did not believe that Mr. Canchola could pay the administrative fees and that they are struggling. She asked that the Board waive the administrative fees in this case.

*Mark Siner made a motion to approve the Order, including Findings of Facts and the Conclusions of Law and waiving the administrative fees. Seconded by Dana Cawthon. Motion passed unanimously.*

**B. CEB CASE #23-527765 Stephen R. & Laura Blocker**

**Location of Violation: 6119 Eden Square, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles; Appendix E, Land Development Code, Chapter 9 Operational Performance Standards, Sec. 9.03.05 Public Nuisance.

Code Enforcement Officer Ron Cliff read the violation of CEB Case 23-527765. Mr. Cliff said that Code Enforcement received a complaint about the condition of the property and he went out to visit the site and found multiple nuisance violations. He made several visits to the site trying to catch someone at the property and finally did get in touch with someone. He gave them the information needed to bring the property into compliance. The property was not brought into compliance, and Officer Cliff sent a Notice of Violation on January 30, 2023, with a date of compliance to be February 28, 2023. The respondents were given an additional 30 days with the April Code Enforcement Board meeting being canceled. Officer Cliff found the property in even worse condition than on the original visit in a site visit on the date of the Hearing. Ms. Summers asked Mr. Cliff if this is a tenant occupied property and he responded that it is.

*Mr. Siner made a motion to find Stephen R. & Laura Blocker in violation of Code of Ordinances Chapter 21, Traffic and Motor Vehicles, Section 21-65 Nuisance Vehicles, and Chapter 9 Operational Performance Standards, Sec. 9.03.05 Public Nuisance, with a fine of $250 per day, along with administrative fees, if they do not bring the property into compliance by June 20, 2023.*

*Seconded by Mr. Cawthon.*

Chairman Banks asked for discussion. Ms. Summers asked if there were any disabilities with the residents or any reason they cannot get the property cleaned. The record did not contain evidence that would support any such reason. Chairman Banks said the Respondents could have requested an extension, but they did not. He called for the question.

*The motion passed unanimously.*

 **C. CEB CASE #23-527767 Tam V. Do**

**Location of Violation: 541 Dorado Avenue, Fort Walton Beach (OI)**

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

Ms. Payton read the above violation into the record. On January 31, 2023, Code Enforcement went out to the property for an inspection after receiving a complaint about the respondent’s pool and found the pool was green, murky and full of debris. The Respondent, Mr. Do, was on site, and Ms. Payton issued him a Notice of Violation with a compliance date of February 20, 2023. Ms. Payton informed Mr. Do that if the violations were not corrected by the date given, the case would be presented to the Code Enforcement Board and it would be subject to fines and penalties. Mr. Do did not correct the issue by the compliance date, and staff sent him a Notice of Hearing for the April Code Board meeting, which was canceled. Staff followed up by sending Mr. Do a Notice of Hearing for the May meeting. On April 18, 2023, Code Enforcement found the pool was in compliance.

Mr. Siner asked if we checked swimming pools and said he thought that would be Health Department issue. Ms. Payton replied that for residential pools, it is a Code Enforcement issue, and for commercial pools, it is a Health Department issue.

Ms. Payton requested that the Order, including Findings of Facts, Conclusions of Law, and administrative fees, be signed, and reiterated that entering an Order finding the prior violation and compliance is necessary so that any future violations may be treated as a repeat violation. The administrative fee is $67.53 for this case.

*Mark Siner made a motion that the Code Enforcement Board find Mr. Tam V. Do, 541 Dorado Ave., Fort Walton Beach. in violation of Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3 Litter, Sec. 11-136, Public Nuisance, and finding that Mr. Do brought the property into compliance after the date of compliance but prior to the hearing. The Chairman will sign the Findings of Facts and Conclusion of Law and the respondent is required to pay the administrative fees of $67.53. Seconded by Ms. Lancaster and the motion passed unanimously.*

**D. CEB CASE #23-530291 Robert D. Mays**

 **Location of Violation: 615 Vermont Avenue, Fort Walton Beach**

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

Okaloosa County Code Enforcement Officer Chris Moody read the above violation. On March 17, 2023, Officer Moody received the initial complaint, conducted an inspection, and issued a Notice of Violation for the above violations. Mr. Moody has gone out to inspect the property twice and there has been no change to the property. A Notice of Hearing was issued for today’s meeting. Staff is requesting administrative fees of $150.26 and a fine of $250 per day.

Ms. Barr stepped to the podium and said she was the representative for Mr. Robert Mays. Ms. Barr said that she and Mr. Mays are married at common law in the state of Georgia. Ms. Barr said she has Not Your Junk Removal Company coming to the property on May 18, 2023, to plan to clean the property. She asked for 60 days to clean the property.

Mr. Siner asked what her relationship is to the property. Ms. Barr said that she is the executor of Mr. Mays’ estate in Georgia.

Ms. Lancaster asked if Mr. Mays is deceased and Ms. Barr said he is.

Mr. Siner asked how this property got in such disarray. Ms. Barr said she didn’t know, but she thought people had been on the Property. Mr. Siner asked how people got in and Ms. Barr said she didn’t know.

Ms. Lancaster asked if the property was secure now and if it was posted. Ms. Barr said that she is trying to get everything corrected.

Ms. Lancaster asked if Staff had a recommendation. Ms. Payton asked that the Board to sign the Order, including Findings of Facts and the Conclusions of Law, fine, and administrative fees, and allowing 60 days for compliance.

*Mark Siner made a motion to find the property in violation of Code of Ordinances Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-134, Litter Storage, and Sec. 11-136 Public Nuisances described; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65 Nuisance vehicles. The Code Enforcement Board will assess a $250 per day fine, if the property is not brought into compliance by July 18, 2023, along with administrative fees of $150.26. Second by Parrish Hollingsworth. Motion passed unanimously*

**E. CEB CASE #23-530292 Brent D. Acree**

**Location of Violation: 107 Doodle Avenue, Fort Walton Beach**

Okaloosa County Code of Ordinances, as amended, Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles; Appendix E, Land Development Code, Chapter 2 Zoning Regulations, Section 2.21.05 Limitations and Restrictions 10 (b) Poultry.

Code Enforcement Office Sean Donaldson read the above violation. Officer Donaldson received a complaint about a rooster on the Property, and during inspection also found two vehicles that were out of compliance. Officer Donaldson found that the vehicles and rooster were removed after the compliance date in the notice of violation and prior to the hearing. Officer Donaldson said Staff’s recommendation is to have the Board sign the Order, including the Findings of Facts and the Conclusion of Law and the administrative fee to be paid. Ms. Payton said the administrative fee is $83.26.

*Mr. Siner made a motion to find the property of 107 Doodle Ave, Fort Walton Beach in violation of Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles; Appendix E, Land Development Code, Chapter 2 Zoning Regulations, Section 2.21.05 Limitations and Restrictions 10 (b) Poultry. The property has been brought into compliance and the Board will assess an administrative fee of $83.26. The Findings of Facts and Conclusions of Law will be signed. Seconded by Ms. Lancaster. Motion passed unanimously.*

**F. CEB CASE #23-530293 Bobby Hudgins**

**Location of Violation: 10 7th Street, Shalimar**

Okaloosa County Code of Ordinances, as amended, Chapter 6, Buildings and Construction, Sec. 6-134 Building Permits and Fees.

Code Enforcement Officer Chris Moody read the above violation. The original call came in March 2, 2023, and Officer Moody conducted an inspection and entered a stop work order. They had a roof permit, but there were no other permits. The violations included siding, windows, a water heater, and electrical being done without a permit. Officer Moody gave Respondents a compliance date of March 9, 2023, but no permits were issued. On March 13, 2023 he issued a Notice of Violation for Chapter 6, Buildings and Construction, Sec. 6-134 Building Permits and Fees. The respondent came into compliance on May 4, 2023. Staff recommends the administrative fees of $67.96 be paid and that the Findings of Facts and Conclusions of Law be signed.

*Mr. Siner made a motion to find Bobby Hudgins, 10 7th St., Shalimar, in violation of Code of Ordinance Chapter 6, Buildings and Construction, Sec. 6-134 Building Permits and Fees. The property has been brought into compliance and the Code Enforcement Board assesses administrative fees of $67.96, and the Chairman will sign the Findings of Facts and Conclusions of Law. Second by Ms. Lancaster. Motion passed unanimously.*

**G. CEB CASE #23-527763 Shalimar Living, LLC**

 **Location of Violation: 57 11th Street, Shalimar**

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

Code Enforcement Officer Sean Donaldson read the above violations. On May 5, 2022 Officer Donaldson observed and documented the property as being used for litter storage, nuisance vehicles and unregistered vehicles. Officer Donaldson made contact with the Respondent, Mr. Dewrell, who stated that he would get the property cleaned up. Officer Donaldson issued a Notice of Violation on July 12, 2022, and the Respondent only removed couches out of the right-of-way and removed the pontoon boat. Ms. Payton said that the Respondent called her and informed her he was leaving the country and she gave him more time for compliance, trying to work with him. Respondent has not cleaned up any of the violations that he was notified of in July 2022. Officer Donaldson said that Staff’s recommendation is to enter the Order, including Findings of Fact and Conclusions of Law, charge the administrative fee of $256.96, and give an allotted time of 30 days to come into compliance or a fine of $250 per day will be assessed.

*Mark Siner made a motion to find Shalimar Living, LLC, at the property of 57 11th Street, Shalimar, in violation of Code of Ordinances, Chapter 11, Heath & Sanitation, Article III, Nuisances, Division 3, Sec. 11-134, Litter Storage, and Sec. 11-136, Public Nuisances described; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65 Nuisance Vehicles. If the property is not brought into compliance by June 20, 2023 a fine of $250 per day, along with administrative fees of $256.96, will be assessed.*

**9. OTHER BUSINESS:**

There was none

**10. ADJOURN:**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 4:49 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant