**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, July 19, 2023**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, July 19, 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, Dana Cawthon and Caralee Gibson 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 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 everyone that wished to speak during the meeting.

**4. APPROVAL OF MINUTES – June 21, 2023 Meeting**

*Motion to approve the minutes made by Caralee Gibson, second by Tammy Summers, approved unanimously.*

**5. ANNOUNCEMENTS:**

There was none.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**:

There were none.

*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 were none.*

**8. NEW BUSINESS:**

 **A. CEB CASE #21-494091 WBL SPO II, LLC**

**Location of Violation: 407 Cobia Avenue, Fort Walton Beach (O.I.)**

Violation of Okaloosa County Code of Ordinances, Chapter 6, Buildings and Construction, Article VI Building Permits and Fees, Section 6-133, Subsection 105, Permits and Subsection 110, Inspections, Section 6-134, Building Permits and Fees; and Okaloosa Island Protective Covenants and Restrictions, Part G - General Covenants and Restrictions.

Code Enforcement Supervisor, Lisa Payton, read the above violation into the record. Ms. Payton said that this case was previously brought before the Code Enforcement Board on March 16, 2022. The Board tabled the case until the permit issue was resolved, and ultimately the Board removed the item from the agenda. Ms. Payton said that, after finding out that the property had been foreclosed on, she contacted the new owners and informed them of the violations. This was on March 31, 2023 and she allotted them until May 1, 2023 to remove all violations and to obtain the required permits. There were people living in the sheds, and there was an RV with someone living in it. After not receiving a response by the May 1st deadline, on May 22, 2023, Ms. Payton sent a Notice of Hearing for the Code Enforcement Board Meeting. The Respondents have signed for both notices, however the new owners have not contacted us. Staff recommendation is to issue an Order giving respondents until August 15, 2023 to bring the property into compliance or the property will be assessed a $250 per day fine and administrative fees of $81.63.

*Caralee Gibson made a motion to recommend to the Okaloosa County Board of Commissioners to address the violations of Part G – General Covenants and Restrictions for Okaloosa Island that are being violated by the new owners of 407 Cobia Avenue, Fort Walton Beach, FL.*

*Second by Tammy Lancaster.* *Motion passed unanimously.*

*Caralee Gibson made a motion to find the Respondent in violation of Sections 6-133 and 6-134, Okaloosa County Code of Ordinances, and give Respondent until August 15, 2023, to bring the property into compliance and to pay the administrative fees of $81.63. If they fail to bring the property into compliance, a fine of $250 per day will be assessed. Second by Tammy Lancaster, motion passed unanimously.*

 **B. CEB CASE #23-530679 Samuel & Katherine Gardner**

 **Location of Violation: 838 Tropic Avenue, FWB (O.I.)**

Violation of Okaloosa Code of Ordinances, Appendix E Land Development Code, Chapter 9, Section 9.03.05 Public Nuisances; Okaloosa Island Protective Covenants and Restrictions, Part G - General Covenants and Restrictions (4) Health, Sanitation, and Cleanliness.

Code Enforcement Officer Sean Donaldson read the above violation. He stated that he received a complaint March 2, 2023 about garbage cans, different containers (detergent, toothpaste, etc.), bottles, and building blocks accumulated on the property. The building blocks are in the right of way. Mr. Donaldson posted a Correction Notice on March 2, 2023. Mr. Donaldson said he never heard back from the Respondent. Ms. Gibson asked if the house is occupied, and Mr. Donaldson confirmed that the home is occupied.

*Caralee Gibson made a motion to recommend to the Okaloosa County Board of Commissioners find Respondent in violation of Part G – General Covenants and Restrictions for Okaloosa Island.*

*Second by Mark Siner.* There was some discussion. *Motion passed unanimously.*

*Caralee Gibson made a motion to find Respondent in violation of Sec. 9.03.05 of the Land Development Code and to give the Respondent until August 15, 2023, to bring the property into compliance and if they fail to bring the property into compliance then a fine of $250 per day will begin on August 16, 2023. They will be held responsible for the administrative fees, those that have accumulated and those that will accumulate until the time they bring the property into compliance. Second by Dana Cawthon*. There was some discussion about the debris on the property. *Motion passed unanimously.*

**C. CEB CASE #23-533788 George I. Dewrell Jr.**

 **Location of Violation: 50 Port Dixie Blvd., Shalimar**

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article VI Building Code, Sec.6-134 Building Permits and Fees; Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Litter, Section 11-131, Definitions, Section 11-134, Litter Storage, and Section 11-136, Public Nuisances.

Code Enforcement Officer Sean Donaldson read the above violation. He stated he had received an email about excessive items in the yard, and when he arrived, he noticed work being done on the porch without permits. He sent a Notice of Violation, and the return receipt card came back signed. He did a follow-up site visit on June 15, 2023, and noticed there was still a large amount of debris in the yard and permits had not been applied for or issued. He then issued a Notice of Hearing. Mr. Donaldson said that the property owners were present to speak. He stated that he met with the respondents, and they have made some progress since the last site visit and still need to get their permits. Mr. Donaldson stated that Staff’s recommendation is to assess the administrative fees of $236.49 and if not brought into compliance by the date decided by the Board, then a $250 per day fine be assessed.

Mr. George Dewrell approached the podium and said he lives at 50 Port Dixie Blvd, Shalimar. He said that there was a lot of debris in the yard and he said it was an eyesore, but that it had all been picked up. Mr. Dewrell went on to say that he didn’t know that a permit was required since he wasn’t building anything or adding on, he was just taking the roof off of his front porch. Mr. Donaldson mentioned that a new board was put up on the front of the porch. Mr. Dewrell said he put it up for aesthetics. He asked if it would be possible to waive the administrative fees, and he was told the Board would take it into consideration.

*Mark Siner made a motion to find George I. Dewrell, Jr., at 50 Port Dixie Blvd., Shalimar, FL in violation of Sections 6-134, 11-131, 11-134, and 11-136, of the Okaloosa County Code of Ordinances and to order Respondent to bring the property into compliance by September 19, 2023, or be assessed a $250 per day fine, along with administrative fees. If the property is brought into compliance before the 19th of September, then the administrative fees would be waived. Second by Dana Cawthon*. Some discussion took place about the options and if permits were needed. *Motion passed unanimously*.

**D. CEB CASE #23-533789 Johnathon & Stephani Lettelleir**

**Location of Violation: 58 Lake Lorraine Circle, Shalimar**

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

Chris Moody, Okaloosa County Code Enforcement Officer, read the above violation. He said the initial inspection was May 8, 2023. He said he sent a Notice of Violation by certified mail and the notice came back and no one signed for it. Mr. Moody said that since they did not meet the compliance date, he requested a Notice of Hearing. Staff’s recommendation is to have the administrative fees of $208.39 paid, and if the property is not brought into compliance by a date determined by the Code Enforcement Board, then a fine of $250 per day assessed to the property. Ms. Gibson asked if someone lives in the house. Mr. Moody was not sure. Ms. Payton stated that in addition to posting at the property and mailing, the notice of hearing is posted on the OCAB (Okaloosa County Administrative Building).

*Mark Siner made a motion that the Respondent be found in violation of Sections 11-134, 11-136 and 21.65 of the Okaloosa County Code of Ordinances, and that the Respondent bring the property into compliance by August 15, 2023 or be assessed a $250 per day fine. Respondent will be assessed administrative fees of $208.39. Seconded by Parrish Hollingsworth, motion passed unanimously.*

**E. CEB CASE #23-533790 RAK Construction LLC**

**Location of Violation: Vacant Parcel, Lakeview Street, Mary Esther**

 **Parcel ID #18-2S-25-272A-0002-0080**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-134 (b) Litter storage.

Code Enforcement Officer Chris Moody noted that this property was abated prior to the hearing. There was a Correction Notice issued, and he made contact with Respondent, who was given time to correct the issues prior to receiving a Notice of Hearing but they did not bring the property into compliance in the allotted time. Accordingly, Mr. Moody issued a Notice of Hearing. On Mr. Moody’s site visit on the date of the hearing, all the construction materials had been cleared from the property. Ms. Payton noted that Staff are requesting that the Board find the prior violation and enter an order to create a record of the violation and assess an administrative fee of $273.39.

*Caralee Gibson moved to find RAK Construction, LLC had violated Section 11-134 of the Okaloosa County Code of Ordinances, brought the property into compliance prior to the hearing, and be assessed administrative fees of $273.39. Second by Mark Siner. Motion passed unanimously.*

**F. CEB CASE #23-533791 Chadwick & Becky Arnold**

**Location of Violation: 4601 Summertime Drive, Holt**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132, Sec. 11-134 (b), 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 that he received a complaint regarding the property on April 4, 2023. He found several public nuisances at the site during his inspection, including abandoned vehicles, clothes, and other debris. Mr. Cliff said it didn’t appear that anyone lived there, however when Code Enforcement sent out a Notice of Violation, it was signed for. Mr. Cliff has not made contact with Respondent. Mr. Cliff issued a Notice of Violation requiring that the property be brought into compliance by June 8, 2023. The property remained in violation after that date, and a Notice of Hearing was sent to Respondent. The recommendation of Staff is to enter an order finding the violation and give Respondent until August 15, 2023 to bring the property into compliance, and to assess the administrative fee of $224.89. If they don’t bring the property into compliance, a $250 per day fine will be assessed.

*Caralee Gibson made a motion to find Respondent in violation of Section 11-132, 11-134, 11-136, and 21-65 of the Okaloosa County Code of Ordinances, to Order Respondent to bring the property into compliance by August 15, 2023, or be assessed a $250 per day fine, and to assess the administrative fee of $224.89. Second by Mark Siner. Motion passed unanimously.*

**G. CEB CASE #23-533795 Roy A. Richards Jr.**

 **Location of Violation: 5504 Elzie Road, Baker**

Okaloosa County Code of Ordinances, as amended, Chapter 6 Building and Construction, Article VI Building Code, Sec.6-134(b) Building Permits and Fees; Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Litter, Sec.11-132, Sec.11-134, and Sec.11-136, Public Nuisances; and Appendix E, Land Development Code, Chapter 6, Development Design Standards. Sec. 6.00.04, Regulations.

Ron Cliff, Okaloosa County Code Enforcement Officer, read the above violation. He stated that he received the complaint and, during his inspection, found violations of piles of litter, piles of construction debris, some building materials, and a shed/dwelling that required a permit, but no permits had been issued. Mr. Cliff contacted the owner and told him what he needed to do and sent a Notice of Violation with a compliance date of May 30, 2023. The next two site visits showed no change. On May 30, Mr. Cliff met Mr. Richards at the site, and Mr. Richards indicated that he would get the debris cleaned up. On a subsequent site visit Mr. Cliff found the bags of trash had had been removed, but the building was still there as well as the construction materials. In the last 2 or 3 weeks, the construction materials have been removed, but underneath that pile was litter, that was not visible before the materials were picked up. Mr. Richards has removed the building, and there is only a small amount of litter remaining. The recommendation of Staff is to enter an Order finding the violations, assessing the administrative fees of $216.39, and providing for a $250 per day fine to be assessed if the property is not brought into compliance by August 15, 2023. Mr. Siner asked if the travel trailer was being used as a residence. Staff indicated that it was, but that the violation of Section 2.02.04 of the Land Development Code was not included in the Notice of Violation or Notice of Hearing and therefore could not be addressed in this hearing Ms. Payton reiterated that the violation of Section 2.02.04 is being addressed with Respondent.

Mr. Roy A. Richards, Jr., of 5504 Elzie Road, Baker, FL approached the podium. He stated that he will get the remaining debris picked up. Chairman Banks asked Mr. Richards he could have the remaining debris picked up by August 15, 2023. Mr. Richards replied that he would have it removed.

*Mark Siner made a motion to* *find Mr. Richards, 5504 Elzie Road, Baker, FL in violation of* *Sections 11-132, 11-134, and 11-136 of the Okaloosa County Code of Ordinances, and Section 6.00.04 of the Land Development Code, allow Respondent until August 15, 2023 to come into compliance or be assessed a $250 per day fee assessed, and to be assessed administrative fees of $216.39. Mr. Hollingsworth seconded the motion.*

Ms. Gibson asked if Mr. Richards had to pay the administrative fees, even if it is brought into compliance. The consensus was Mr. Richards owes the administrative fees. Mr. Richards asked that the administrative fees be waived. Mr. Siner replied that he could ask and it would be up to Board.

*Mr. Siner amended his motion find Mr. Richards, 5504 Elzie Road, Baker, FL in violation of Sections 11-132, 11-134, and 11-136 of the Okaloosa County Code of Ordinances, and Section 6.00.04 of the Land Development Code, allow Respondent until August 15, 2023 to come into compliance or be assessed a $250 per day fee and administrative fees of $216.39. If the property is brought into compliance, the administrative fees would be waived. Mr. Hollingsworth amended his second. Motion passed unanimously.*

**9. OTHER BUSINESS:**

Mr. Siner asked about a previous case, and Ms. Payton said the property was brought into compliance.

**10. ADJOURN:**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 5:09 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant