**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, April 20, 2022**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, April 20, 2022 at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner’s Chambers, Shalimar, Florida. Chairman Mike Banks was not in attendance. Those in attendance were Caralee Gibson, Mark Siner, Dennis Chavez and Dana Cawthon.

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

**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, Code Enforcement Supervisor and several others who might speak during the meeting.

**4. APPROVAL OF MINUTES – March 16, 2022 Meeting**

*Motion to approve the minutes made by Caralee Gibson, second by Dana Cawthon, approved unanimously.*

**5. ANNOUNCEMENTS:**

There were none.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**

**A. CEB CASE #21-485249 Jesus Franco**

**Location of Violation: 3026 Sandy Lane, Crestview**

Okaloosa County Code of Ordinances, as amended, 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; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-64 through Section 21-67. (**Tabled until Probated)**

Ms. Payton reminded the Board that Mr. Franco passed away and it was agreed to table this issue until probate is complete.

**B. CEB CASE #21-492790 Kevin Rogers**

**Location of Violation: 1918 Olenes Lane, Baker**

Okaloosa County Code of Ordinances, as amended, Chapter 6, Building and Construction, Article VI Building Code, Sec 6-133 Amendments, Section 105 Permits, (A)105.1 Required, Section 110 Inspections; 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; and Appendix E, Chapter 6 Development design Standards, Section 6.00.04 Regulations, 7; and Section 6.02.13 Mobile Homes.

Ms. Payton stated that the Board tabled this issue to allow Ms. Smith, the representative of Mr. Rogers, to supply some type of verification that they were on a waiting list for a mobile home setup. As of today, there is still no mobile home permit and Ms. Payton said she hasn’t received any documentation that they are on a waiting list. Ms. Payton said she had talked with Ms. Smith on a couple of occasions and that Ms. Smith was calling around. But at this time there is no permit and no agreement.

Mr. Siner asked if we were only looking at an unpermitted mobile home. Ms. Payton replied that there is a gate that is locked and we were unable to get to the property to see if they had cleaned up as they indicated they would. Ms. Payton stated that we went out there originally for an unpermitted mobile home and that’s when we saw the nuisance issues.

*Caralee Gibson made a motion, based on previous discussions, to begin a fine of $250 per day, as well as administrative fees, beginning today, second by Dana Cawthon, approved unanimously.*

***At the end of the regular meeting this issue was revisited because Ms. Smith was held up in traffic.***

Ms. Payton stated that this was the one that has the mobile home without a permit. There was a gentleman with Ms. Smith last time that said he would clean up the property and get the permit going. Ms. Smith stepped forward and said that she had contacted Mr. Hall and he is backed up at this time. She said no one is living in it.

Mr. Siner asked Ms. Oler what the exact motion was at the last meeting. Ms. Gibson said she believe the Board asked Ms. Smith to bring in some type of documentation that stated Ms. Smith was on the waiting list with Hall’s. Ms. Smith said she left them a voice mail requesting that they text her but they never sent the text.

Mr. Siner said that if we table this until the next meeting, that would give Ms. Payton time to verify that the property is cleaned up, and that Ms. Smith could get some sort of documentation from Hall’s that says that they are working on it.

*Caralee Gibson made a motion to rescind her original motion and amended her motion to table this until the May 18th meeting to give Ms. Smith time to get a document, whether it’s emailed, or Ms. Smith has to pick it up, or they mail it to Ms. Smith, that shows that this mobile home is on their schedule for set up and that Ms. Payton brings back prove that the property is cleaned up. Seconded by**Dennis Chavez, motion passed unanimously.*

**C. CEB CASE #21-492728 Steven R. Baker**

**Location of Violation: 3918 Poverty Creek Road, Crestview**

Okaloosa County Code of Ordinances, as amended, 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; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles.

Ms. Payton said that the Board tabled this issue because Mr. Baker was making process on his property. She noted the photos she had supplied and that he was just about finished with the fence. He still has a couple of vehicles to get off the property.

Caralee Gibson asked for Staff’s recommendation. Ms. Payton said to give them until the next meeting.

*Caralee Gibson made a motion to table this issue until May 17, 2022 to allow Mr. Baker to complete the clean-up, if compliance is not met, then a $250 per day fine, and administrative fees, would begin on May 18, 2022, second by Dennis Chavez, motion passed unanimously.*

**D. CEB CASE #22-497860 Ronnie Oglesby**

**Location of Violation: 807 Playground Road, FWB**

Okaloosa County Code of Ordinances, as amended, Chapter 11 Health and Sanitation, Division 3 Litter, Sec.11-131 Definitions, Junkyard-like conditions; and Chapter 16, Sec. 16-48 Commercial Activity on Public Lands. **(Tabled until May 18, 2022)**

Ms. Payton said that the Board tabled this issue until the May 18th meeting.

**E.** **CEB CASE #22-501341 TJ Broxson & Debra J. Chappell**

**Location of Violation: 4819 Gilmore Road, Holt**

Okaloosa County Code of Ordinances, as amended, 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; Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.02.01 Construction Codes 11(c-d).

Ms. Payton said that this issue was tabled until this month’s meeting. At the time, Mr. Broxson has still had one vehicle to remove, and he still has that one vehicle. Mr. Broxon told Ms. Payton that it would be moved in the morning. They do have a little debris and they are taking care of it at this time.

Ms. Gibson asked for Staff’s recommendation. Ms. Payton said she believes they will take care of it. She said she told Mr. Broxson that Code would be by there Tuesday to make sure it was done.

*Caralee Gibson made a motion to continue this case until the May 18, 2022 meeting, with the understanding that Code would make sure that compliance was met by Tuesday (April 26th),the van and debris would be removed, second by Dennis Chavez, motion passed unanimously. ,*

**F.**  **CEB CASE #22-503359 Rainie J. Lainhart & Tena Kuhl**

**Location of Violation: 5083 Hibiscus Avenue, Crestview**

Okaloosa County Code of Ordinances, as amended Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65; Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.00.04 Travel Trailers, Campers, and Motorhomes; and Okaloosa County Policy Number 2007-007 Travel Trailers, Campers, and Motorhomes.

Ms. Payton pointed out that the photos show the fence is up, and they have gotten their plumbing permit, and they are waiting on inspections. Mr. Siner asked if there was anything they needed to complete for Code and Ms. Payton said there is not and that we can remove this from the agenda.

*Caralee Gibson made a motion to remove this item from the agenda because this property has come into compliance, second by Dana Cawthon, motion passed unanimously.*

**G. CEB CASE #22-504629 Troy Lane Casey**

**Location of Violation: 5465 Lunnie Barnes Street, Baker**

Okaloosa County Code of Ordinances, as amended, 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; Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.02.01 Construction Codes 11(c-d). **(Tabled until May 18, 2022)**

Ms. Payton said last month the Board voted to give them thirty days to bring this property into compliance. She said the only thing that had happened on this property is that some things have been moved around. Ms. Payton said that Ms. Smith called her and said that there has been a boat brought out to the property.

Ms. Smith said that she had filed the paperwork to have these people removed from the property, but they are still there.

Mr. Siner and Ms. Payton verified that the issues that brought this property before the Board were the squatters living in a tent and debris.

Ms. Smith came up to the podium. She said that Mr. Casey had sent her a power of attorney that would allow her to file a complaint and get the squatters off the property. Mr. Siner reinforced that the only thing that Code Enforcement can address is the pile of debris on the property. The other issues of the squatters and the equipment, boat and trailer, etc, are an issue for another entity.

Ms. Gibson and Mr. Chavez explained that if Ms. Smith gets the debris picked up, she would be finished with Code Enforcement.

*Caralee Gibson made a motion to bring the property into compliance by May 18th and if it is not brought into compliance then a fine of $250 per day, along with administrative fees, would begin on May 18, 2022, seconded by Dana Cawthon. Motion passed unanimously.*

**H. CEB CASE #22-502541 Drage, LLC/Harry E. Townley IV**

**Location of Violation: 5170 Quince Avenue, Crestview**

Okaloosa County Code of Ordinances, as amended, 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; Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.02.01 Construction Codes 11(c-d). **(Remove)**

Ms. Payton said she would like the Board to remove this item from the agenda because they have come into compliance.

*Caralee Gibson made a motion to remove this item from the agenda because the property has been brought into compliance, seconded by Dennis Chavez. Motion passed unanimously.*

**I. CEB CASE #22-504844 Jerry D. Chessher Life Est.**

**Location of Violation: 4351 Sundance Way S, Holt**

Okaloosa County Code of Ordinances, as amended, 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; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65. **(Tabled until May 18, 2022)**

**J. CEB CASE #22-504857 Jerry Davis**

**Location of Violation: 702 Woodlawn Avenue NW, FWB**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-131 Definitions, Sec. 11-134 Litter Storage, Sec. 11-135 Litter Control, Sec. 11-136 Public Nuisances; Chapter 21 Traffic and Motor Vehicles, Article IV. Abandoned and Nuisance Vehicles; Sec. 21-65; Appendix E Land Development Code, Chapter 6 Development Design Standards, Section 6.00.04 Regulations, (7) Travel Trailers, campers and motorhomes. **(Tabled until May 18, 2022)**

**K. CEB CASE #22-504879 Jeffrey & CW Keniston**

**Location of Violation: 4566 Scarlett Drive, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 21 Traffic and Motor Vehicles, Article IV. Abandoned and Nuisance Vehicles, Sec. 21-65.

Ms. Payton said that at the last meeting the Board voted to give 30 days to bring this property into compliance or a $250 per day fine, along with administrative fees, would begin on April 20, 2022. She said there has been nothing done on this property and if the Board would restate the motion then she would prepare the document for the Chairman’s signature.

*Caralee Gibson made a motion to have a fine of $250 per day, plus administrative fees, beginning today (April 20, 2022) for failing to come into compliance by the required date, second by Dana Cawthon. Motion passed unanimously.*

**8. NEW BUSINESS:**

 **A. CEB CASE #22-506623 C H & Sharon W. Butler Jr.**

**Location of Violation: 9 5th Street, Shalimar**

Violation of Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 2, Zoning Regulations, Section 2.21.05. Limitations and Restrictions (2); Chapter 9, Operational performance Standards, Section 9.03.05 Public Nuisance, (2); and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec.21-25 Nuisance Vehicles.

Ms. Payton read the above violation into the record. On September 30, 2021 we received a complaint about unlicensed vehicles, trash and overgrowth on the property. We visited the site and found four unregistered vehicles, an illegal trailer, a shed in the front yard and trash on the site. No one was there so we left our contact information on the front door. On October 7th, after receiving no response from the owner, we posted the property with a Correction Notice and gave thirty days to come into compliance. On October 15th, we located a phone number and spoke with a Jason Butler, the owner’s son. Mr. Butler stated that his father was recovering from surgery but he (Jason Butler) was working to bring the property into compliance. On January 3, 2022, Code went back to the site and found no changes so we sent a Notice of Violation, which was signed for on January 13th. On the 18th of January we received a message from Mr. Butler, who was upset about the Notice of Violation, stated that the property had been that way for seven years and “we were being used as pawns” to force Mr. Butler to sell the property. A follow up found no compliance. On March 25, 2022 we mailed a Notice of Hearing and Notice of Violation for today’s hearing and it was received on April 1st. As of today, our follow ups show that the shed has been removed and the junk from the patio has been removed, however, now there is a washer and dryer outside on the site and an RV which we instructed that no one was to live in and they have the RV running to sewer. There are now three unregistered vehicles on the site. Ms. Payton stated that Mr. Butler is here to address the Board.

Mr. Cawthon asked if Ms. Payton had a recommendation before we hear from Mr. Butler. Ms. Payton replied that she would like to see compliance by our next hearing or a fine of $250 per day along with administrative fees.

Mr. Carl Butler of 4 Memorial Pkwy, Fort Walton Beach, came to the podium and apologized for his son’s language. He said they had been through a lot, but that wasn’t the Boards problem. He said he is in the process of turning over the property to his youngest son and said he would be doing that in the next few weeks. He went on to say that his son was going to acquire a loan to completely redo the property, but didn’t believe that could happen in thirty days. Mark Siner said that the Board doesn’t want to fine him, but that we need to see progress being made on the property. Mr. Chavez said Mr. Butler could he could always move some items behind a fence and that the Board isn’t trying to make him get rid of anything, but to put somethings where they can’t be seen from the right of way. Ms. Gibson asked Mr. Butler how long he thought it would take to do the renovations he wished to do. He said probably six months. Ms. Gibson then asked Ms. Payton what is the minimum that Mr. Butler could do to be able to come into compliance. Ms. Payton said that he could cover the vehicles or put them behind a fence and remove the washer and dryer. Ms. Payton said as long as we can’t see it from the right of way. Ms. Gibson said that she believes that Mr. Butler could take care of the issues in this complaint in thirty days, because the renovation is not the issue before the Board, it’s abandoned and nuisance vehicles.

*Ms. Gibson made a motion to give Mr. Butler thirty days to remove the washer and dryer and take care of the nuisance vehicles to come into compliance. If it is not brought into compliance by the next Board meeting a fine of $250 per day, along with administrative fees would be assessed. Second by Dana Cawthon, motion passed unanimously.*

**B. CEB CASE #22-506624 Terrance & Dawn Bowman**

**Location of Violation: 3797 Golden Acres Circle, Crestview**

Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 9, Operational performance Standards, Section 9.03.05 Public Nuisance. Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21-25 Nuisance Vehicles.

Ms. Payton read the above violation. She said that on December 1, 2021 we received a complaint about the property being littered with a boat and junk. Code Enforcement visited the site on December 2nd, and met the complainant on his property next door. He explained where the trash site was located. We observed some illegally dumped trash and a trailer. We took some pictures from the complainant’s property and then went to the violator’s property and left our contact information. On December 10th we visited the site again and left an additional contact card because we had not received a response. On December 15th we sent a Notice of Violation which was signed for on December 23, 2021. On January 18, 2022 we met Mr. Bowman on the property, took additional photos and observed more trash and a few more vehicles. Mr. Bowman said he would start cleaning up the property and would hopefully be completed in a couple of weeks. On February 1st, a follow up found some clean up, but the property wasn’t in compliance. On February 16th and March 10th we revisited the property and found no additional changes, so on the 25th of March we sent out the violation, which was received on April 6th. As of today, our follow ups show no additional compliance of the property. Ms. Payton said Mr. and Mrs. Bowman are here to speak with the Board.

Mr. Terrance Bowman stepped up to the podium. He said he started cleaning up, as Ms. Payton mentioned, but then his father, who is in central Florida, got sick and he had to go and help his step-mother. That took up most of February. In March, he had a few days off, but during those times we had inclement weather. He said he had made progress this week. He said he had 2 cans, but one of them is for household trash, the other he is using for the yard. He said that his manager would help him haul the trailer to get rid of the trash on it. He said that by Tuesday of next week Code Enforcement could come by and verify that the trash on the trailer is gone. He said he has no way to pull them, he has two smaller vehicles. Mr. Bowman asked for sixty days. He believes he could have it cleaned up in that time. He said he has to visit his father next month for another surgery on the 18th of May and he would be unable to attend the Board meeting.

*Caralee Gibson made a motion to table this issue until the next Board meeting and if progress is made, the Board will extend the time until the June meeting, seconded by Dana Cawthon. Motion passed 4-0.*

**C. CEB CASE #22-506917 Betty A. Lawrence**

**Location of Violation: 1445 Greenwood Road, Baker**

Okaloosa County Code of Ordinances, as amended, Appendix E, Land Development Code, Chapter 9, Operational performance Standards, Section 9.03.05 Public Nuisance and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec.21-25 Nuisance Vehicles.

Ms. Payton read the above violation into the record. Code Enforcement received a complaint on December 6, 2021 through Public Works, pertaining to overgrowth and trash on this property. We responded to the complainant about the lack of an ordinance to enforce overgrowth in their zoning district, but stated that we would request the owner to maintain the lawn. On December 7th we visited the site at 9:27 am and no one answered the door. We left our contact information. We returned to the site at 11:24 am, and Ms. Lawrence answered the door. We explained that we had a public nuisance complaint about the property and informed her of the trash that needed to be cleaned up and the vehicle would have to be tagged, or in a garage, under a vehicle cover, or behind a privacy fence. We also asked that she get some routine lawn maintenance on the yard. She told us that her grandson was in Tennessee but that he would be returning for the for the holidays and she would have him address the issues. On December 20th we visited the site and found that the lawn had been cut but the trash and unlicensed vehicle remained. On January 8th, we found no additional changes to the property. It was the same on February 8th. Code spoke with Ms. Lawrence on February 8th and she said she would speak with her grandson about the clean up again, because she had had surgery and was unable to bend over. On March 2nd, there were no changes, however there was a white truck in the yard that we believed belonged to the grandson, but there was no answer at the door. On March 8th we mailed a Notice of Violation which was received March 9th, and subsequent follow ups showed no progress. We mailed a Notice of Hearing and Notice of Violation for todays hearing. As of today, our site visits have found no attempts to address the remaining code violations on the property. Ms. Lawrence did receive her certified notice.

Ms. Gibson asked for Ms. Payton’s recommendation. Ms. Payton stated, compliance by May 17th or a fine of $250 per day, plus administrative fees.

*Caralee Gibson made a motion to give them until May 17, 2022 to come into compliance, if the property is not brought into compliance by May 18th, then there will be a fine of $250 per day fine, along with administrative costs. Seconded by Dana Cawthon, motion passed unanimously.*

**9. OTHER BUSINESS:**

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Ms. Payton said that Ms. Smith would like to revisit the issue at 1918 Olenes Lane, Baker. See above – **Old Business – B. CEB Case# 21-492790.**

**10. ADJOURN**

*There being no further business before the Board, Vice Chairman Siner declared the meeting adjourned at 5:26 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant