**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, June 15, 2022**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, June 15, 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, Caralee Gibson, Mark Siner, and Dana Cawthon were in attendance. Dennis Chavez was absent.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor, Lynne Oler, Elliot Kampert, Growth Management Director, Code Enforcement Administrative Assistant, Sean Donaldson, Code Enforcement Officer, and Steve Kenney, Code Enforcement Officer. County Attorney, Kirsten Mood, attended via Zoom.

**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 any others who might speak during the meeting.

**4. APPROVAL OF MINUTES – May 18, 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. Kirsten Mood, County Attorney’s Office, recommended that the item should be tabled until a time and date certain.

*Caralee Gibson made a motion to table this issue until the Board’s September meeting, second by Dana Cawthon. Motion passed unanimously.*

**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. **(Tabled)**

Ms. Payton stated that on May 18th the Board made a motion to prepare the Findings of Facts and it is ready to be signed. Ms. Gibson asked if she was correct that there are still no permits and Ms. Payton stated she is correct but that Ms. Smith is here and would like to address the Board.

Ms. Smith said that she has contacted Mr. James Blaze who will move the trailer off the property but hasn’t gotten to it yet. Chairman Banks asked Ms. Smith if she had a signed contract to which Ms. Smith said she didn’t have anything in writing, but she could call him. Chairman Banks reiterated that for the past several meetings the Board has stressed that the Board needed something in writing. Discussion took place about the need to have something in writing.

*Caralee Gibson made a motion that a fine of $250 per day, plus administrative fees, is to be begin on July 20th if the trailer has not been moved off the property by July 19th when a Code Officer will go out to make sure it is gone. Second by Mark Siner*. Mr. Siner requested clarification and stated that the trailer didn’t necessarily have to be gone, that they just need to come into compliance. *Caralee Gibson amended her motion to say that this property needs to be in compliance no later than midnight on July 19th so that when Code goes out there on the 20th of July, the property is in compliance. Mark Siner seconded the amended motion. Motion passed unanimously.*

**C. 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)**

Ms. Payton said that the Board tabled this issue and that Mr. Oglesby is removing the equipment and materials from the property. He had two knee surgeries and they slowed him down quite a bit. Ms. Payton said that you cannot view anything from the right-of-way.

*Mark Siner made a motion to remove CEB Case 21-497860 from the agenda, second by Caralee Gibson, motion passed unanimously.*

**D.** **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). **(FOF)**

Ms. Payton said that the Board tabled this issue on the May 18th meeting. Ms. Payton informed Mr. Broxson that he had not removed the vehicles, as he stated he would do to the Board in April. Ms. Payton said the Board’s motion was if they were not in compliance today, then a fine of $250 per day, plus administrative fees would be initiated. She said not only had he not removed the vehicles, there are additional vehicles. Ms. Payton said one of the vehicle’s registration will expire this month and that the Findings of Facts are ready for signature.

*Ms. Gibson made a motion to proceed as previously motioned, with a $250 per day fine, along with administrative fees, to begin today (June 15, 2022) and sign the Findings of Facts. second by Mr. Cawthon, motion passed unanimously.*

**E.**  **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). **(Sign FOF)**

Ms. Payton said that the Board made a motion to fine this property $250 per day, along with administrative fees, at the May 18th meeting, for failure to comply. Ms. Smith stated she had cleaned the property. The motion included that Code Enforcement was to go back out on the 19th of May to verify that it cleaned, but it was not in compliance. Ms. Payton said that she had prepared the Findings of Facts for signature.

Ms. Smith said that all the garbage had been cleaned up and hauled off. Ms. Payton said that the pictures that Code Enforcement took were taken on the 14th, yesterday.

Kirsten Mood, County Attorney’s Office, stated that the Order/Findings of Facts were prepared and no further consideration was needed.

Chairman Banks asked the attorney if we needed to do anything more and she replied that we just sign the Findings of Facts, and no further motion was needed since the Facts of Findings (FOF) were ready to be signed.

**F. 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. **(Table)**

Ms. Payton said that in April, Mr. Chessher asked for additional time to bring this property into compliance. She said he made good progress with the nuisance issues and almost has his fence completed, however there are still some safety issues that we believe have higher priority. There are some electrical issues, buckets holding oil and water, and tires holding water. Ms. Payton said he called and asked if we could give him until July 19th and he would have the property brought into compliance.

Chairman Banks asked if once he finished the fence, would he still have these health and safety issues. Ms. Payton stated that we could continue to monitor those since we are aware of them. Ms. Payton said that she will stress that those issues shall be addressed by the next meeting if the Board wishes to grant him the extension.

*Mark Siner made a motion that if this property is not brought into compliance July 18, 2022, then a $250 per day fine, plus administrative fees would begin. Motion seconded by Caralee Gibson, and the motion passed unanimously.*

**G. 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. **(FOF)**

Ms. Payton said that on May 18th the Board made a motion to prepare the Findings of Facts with a $250 per day fine, along with administrative fees, and she has the Findings of Facts ready for signature.

Chairman Banks said he would sign them after the meeting.

**H. 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. **(Table)**

Ms. Payton said the Code Board tabled this issue. Mr. Bowman asked the Board to give them until June because they could not attend the May meeting because of a family emergency. Ms. Payton said that they are here today.

Terrance Bowman, 3797 Golden Acres Circle, Crestview, said they are making strides. He said, there is nothing that can be seen from the right-of way.

Chairman Banks asked for Staff’s recommendation. Ms. Payton said she believes they will continue and bring the property into compliance with additional time.

*Mark Siner made a motion to table this issue until July 20th meeting, second by Caralee Gibson. Motion passed unanimously.*

**I. 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. **(FOF)**

Ms. Payton said on May 18th the Board made a motion to fine Ms. Lawrence $250 per day, plus administrative fees and that she had prepared the Findings of Facts.

There was discussion about whether a motion needed to be made to sign the Findings of Facts and Kirsten Mood, County Attorney’s Office said that the Board did not need to make a motion to sign the Findings of Facts. Chairman Banks said he would sign them after the meeting.

**J. CEB CASE #22-508833 Merrie A. Wright**

**Location of Violation: 2332 Willow Bend Blvd., Ft. Walton Beach**

Violation of Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-134 Litter Storage; and Appendix E

Land Development Code, Chapter 9, Operational Performance Standards, Section 9.03.05 Public

Nuisance. **REMOVE**

Ms. Payton said she would like to remove this issue from the agenda as the property is in compliance.

*Caralee Gibson made a motion to remove this item from the agenda as the property has been brought into compliance. Second by Mark Siner. The motion passed unanimously.*

**K. CEB CASE #22-509456 S K ENTP of Northwest FL**

**Location of Violation: 1916 W Hwy 98, Mary Esther**

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. 11-136 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.

Ms. Payton said that the Board made a motion, last month, that if the property was not brought into compliance by this meeting then a $250 per day fine, plus administrative fees would begin. She said she prepared the Findings of Facts, but the owner contacted us and said they had a problem with getting rid of some squatters on the property. They had the Sheriff’s Office out there and finally got them off the property. The owner told Ms. Payton if the Board would table this until the July meeting he would have the property brought into compliance.

Discussion took place about rescinding the motion of May that stated that there would be a $250 per day fine, along with administrative fees, if the property was not brought into compliance by the June meeting.

At this point Ms. Mood said that the Order/Findings of Facts should have been issued after the vote last month, and that it was no longer an issue for the Board. She said once the Board votes to find a violation, an associated Order/Finding of Facts must be issued within 10 days, and jurisdiction lies with the court.

**L. CEB CASE #22-508843 Real Property of Northwest Florida**

**Location of Violation: 201 Taylor Street. Ft. Walton Beach**

Violation of Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-132 Littering Prohibited; Sec 11-136 Public Nuisance Described; and Appendix E Land Development Code, Chapter 2, Zoning Regulations, Section 2.21.05 Limitations and Restrictions, 5 Dumpster. **REMOVE**

Ms. Payton said that this property has been brought into compliance and that Staff would like to remove it from the agenda.

*Caralee Gibson made a motion to remove this item from the agenda as it has been brought into compliance; second by Dana Cawthon. Motion passed unanimously*.

**8. NEW BUSINESS:**

 **A. CEB CASE #22-51109119 Matthew H. McCowen**

**Location of Violation: 1202A E Chestnut Avenue, Crestview**

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.

Ms. Payton read the above violation. She stated that Code Enforcement received a complaint on February 3, 2022. Mr. McCowen’s neighbor said that he had placed an unpermitted storage building on her property. Code Enforcement met with the complainant on site and observed the storage building, approximately 500 square feet in size. We stopped to speak with the owner and found out the property was a rental. We posted a Correction Notice with a compliance date of February 17, 2022. On February 7th a permit application was submitted but no calls or correspondence from the owner or tenant. A follow up in May found that the permit had still not been issued and that the structural plans had failed review on two occasions. On May 10th we mailed a Notice of Violation with a compliance date of May 23rd. The notice was delivered on May 17th and still no contact with the owner or tenant. A follow up on May 24th found no permit obtained, no survey submitted, structural plans not resubmitted and no plans for tie downs. As of today, the structure has not been removed, not been tied down, and although he signed for the notice, Ms. Payton’s attempts to contact Mr. McCowen by phone have been unsuccessful.

Chairman Banks asked if this building was a pre-fabricated building. She replied it is.

*Mark Siner made a motion that if the property has not been brought into compliance by July 18th, then a fine of $250 per day, along with administrative fees would begin. Second by Ms. Gibson. Motion passed unanimously*.

**B. CEB CASE #22-509119 Raymond Palmer Jr.**

**Location of Violation: 910 Barrow Street, Fort Walton Beach**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Litter, Sec. 11-136, Public Nuisances; Division 4, Excessive Growth and Accumulation of Vegetation, Sec. 11-156 Nuisance Declared; Chapter 21 Traffic and Motor Vehicles, Article IV. Abandoned and Nuisance Vehicles; Sec. 21-65; and Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.02.01 Construction Codes 11(c-d).

Ms. Payton read the above violation into the record. She said the first time we dealt with this property was May 7, 2021. The complainant met with Ms. Payton and complained about a pile of debris on the right-of-way. The complainant said it looks like a junk yard. Ms. Payton observed a very large pile of mixed trash on the right-of-way. She attempted to reach the owner and found several phone numbers but could not contact him. She said she drafted a letter and sent it to the owner and a follow up inspection found the property cleaned and the case was closed September 15, 2021. Six months later we received several calls, as well as the Okaloosa County Sheriff’s Office, asking us to look into some issues on the property. The Sheriff’s Office had a large volume of calls to this property. The complaints included, a homeless camp, trash on the right-of-way, drug use, people living in RV’s, sheds, tents and vehicles. There was also a complaint, that since there were no facilities on the site, the people were using the bathroom out in the open. There have been 66 emergency calls to this property, including the two calls in the last six days. Code Enforcement met with Mr. Palmer, the owner, on the 3rd of June at the site. We explained what needed to be done to bring the property into compliance. Mr. Palmer informed those he saw that they had to leave the property and remove the RV’s, tents, trash, etc. Things improved but, in less than a week, things started piling up again. There is a constant smell of drugs and sewage from the site. This is a repeat offence to the Code Office, not to the Board, and will continue to be so unless the encampment is cleared permanently.

*Caralee Gibson made a motion to begin a fine of $500 per day, along with administrative fees, if the property is not completely brought into compliance by July 18, 2022, second by Dana Cawthon.* Discussion:

Mr. Roland Godwin asked if he could speak. Ms. Oler swore him in. He said that he has storage units at 911 Barrow Street, right across the road from this property. He said that Ms. Payton told the truth. People walk outside with a 5-gallon bucket and relieve themselves. There are kids walking up down the road. There is drug use in the wooden compound that you see in the photos. Mr. Godwin said he picks up needles. Vagrants come and go all night long. You can see them passing money back and forth for drugs. He said the smoke it right there and the smell drifts across the road. He said people come over trying to rent a unit and they smell drugs, sewer and garbage and it has just gotten out of hand in the last few months.

Some discussion took place about the number of parcels and that the nuisance overlaps onto these other properties. The attorney clarified that this would include all parcels being discussed.

Chairman Banks called for the vote.

*Motion passed unanimously.*

**9. OTHER BUSINESS:**

 **A. CEB CASE #22-511124 Heirs of Frank Feagin**

**Location of Violation: 2925 Aplin Road, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Litter, Sec. 11-136, Public Nuisances; Division 4, Excessive Growth and Accumulation of Vegetation, Sec. 11-156 Nuisance Declared; and Appendix E Land Development Code, Chapter 6 Development Design Standards, Sec 6.02.01 Construction Codes 11(c-d). **(FOF, Clean & Lien)**

Ms. Payton read the above violation into the record. She explained that we brought this case before the Board in 2020. We went through the process and gave them time to clean the property and that did not happen. In October 21, 2020, the Board ordered that a lien of $250 per day, along with administrative costs, begin on this property. Due to a 12 month stipulation in the Code it could not immediately go to the BCC for foreclosure. In October when we began to pursue the foreclosure, we found that when the Findings of Facts and Order were signed, we were supposed to restate the Board’s order into the minutes. It was not done, so we had to start the case over. We tried to help the Feagin’s with the property, we supplied roll off dumpsters while we went through the process, but that was unsuccessful, because the property looks worse now than it did when this issue was brought to Code. We would like to Clean & Lien and pursue a Public Nuisance Abatement.

Kirsten Mood explained that when they went back and looked at the minutes, there was no motion at the prior hearing to find a violation and to assess the $250 per day. Ms. Gibson asked how long we needed to give them to come into compliance. Ms. Mood said a day could be reasonable.

*Caralee Gibson made a motion, based on the photos and the continued egregious condition of this property, to give the Heirs of Frank Feagin 24 hours/1 day to bring this property into compliance, and if it is not brought into compliance a fine of $500 per day, along with administrative fees, will begin at the end of that one day period. The Findings of Facts are to be signed and sent before the Board of County Commissioners for a Clean & Lien. Second by Dana Cawthon. Motion passed unanimously.*

Ms. Mood made a point of clarification, that the “one day period” would be one day after receipt of the notice.

Ms. Mood also pointed out that Ms. Payton has the power to sign these orders, so we do not have to wait for another meeting or bring someone in to sign.

Ms. Mary Fagan stepped forward to ask to speak. Her address is 2374 Stephan Dr., Crestview, FL. She said she quit her job 3 days ago to try to clean up this property. She said that they filled up 2 dumpsters and it seems like every time she cleaned up something and had to go back to Louisiana, the place would be worse when she got back. She wants to try to do something, but her brother is making it hard.

Ms. Mood asked that the Board restate the motions. The motion was made in two parts:

1)

*Caralee Gibson made a motion to advise the staff to send notice and that within receipt of that notice, if compliance has not been met in one day/24 hours, then a fine of $500 per day, along with administrative fees, will begin. Second by Dana Cawthon, motion passed unanimously.*

2)

*Caralee Gibson made a motion that once the Findings of Facts have been signed, Staff is to present them to the Board of County Commissioners to proceed with the Clean & Lien abatement process. Second by Dana Cawthon, motion passed unanimously.*

**10. ADJOURN**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 5:08 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant