**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, August 17, 2022**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, August 17, 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 Dennis Chavez were in attendance. Dana Cawthon was unable to attend.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor, Lynne Oler, Code Enforcement Administrative Assistant, and Steve Kenney, Code Enforcement Officer. Okaloosa County Attorney, Kirsten Mood, 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, Code Enforcement Supervisor.

**4. APPROVAL OF MINUTES – June 15, 2022 Meeting**

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

**5. ANNOUNCEMENTS:**

Ms. Payton introduced Kirsten Mood, who had been attending our meetings via zoom.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**

**A. CEB CASE #22-514196 Alvin & Renate U. Trocha**

**Location of Violation: 904 Spruce Court, Fort Walton Beach**

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.

Ms. Payton informed the Board that they heard this case on July 20, 2022, at which time, the Board ordered that the property must come into compliance by August 1, 2022. She said that she has the Board’s Order of Compliance for signature as they have come into compliance.

*Caralee Gibson made a motion to remove case #22-514196 from the agenda since they have come into compliance, second by Mark Siner. Motion passed unanimously.*

Ms. Payton asked Kirsten Mood with the Okaloosa County Attorney’s Office, if we needed to have a motion to remove these items from the agenda. Ms. Mood stated that we do not need to have it on the agenda, but since it was noticed on the agenda this time, we should go ahead and have a motion.

**B. CEB CASE #22-511402 Raymond Palmer Jr.**

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

Violation of Okaloosa County Code of Ordinances, Chapter 11, Health and Sanitation, Article III nuisances, Division 3 Litter, Section 11-134 (e), and Section 11-136; Chapter 21 Traffic & Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec 21-65 Nuisance Vehicles, Chapter 6 Development Design Standards, Section 6.00.04 Regulations, (7) Travel Trailers, campers and motorhomes.

Ms. Payton stated that this property is also in compliance and we would like to remove it from the agenda.

*Caralee Gibson made a motion to remove this item, CEB Case #22-511402, from the agenda because they have come into compliance. Second by Dennis Chavez*. *Motion passed unanimously.*

**8. NEW BUSINESS:**

**A. CEB CASE #22-515310 Harry Garner (Heirs of)**

**Location of Violation: 715 Glenn Place, Fort Walton Beach**

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 Appendix E, Chapter 2 Zoning Regulations.

Ms. Payton read the above violation. She stated that Mr. Garner had appeared before the Code Board on November 17, 2021. At that time, because the property was in compliance, the Board took no action, but stressed to Mr. Garner that property must stay in compliance. On March 9, 2022, we received another complaint about trash and junk on the right-of-way and that he was running a scrap business. We visited the site and issued Mr. Garner a citation for a repeat offence and issued him a $500 citation. Follow-up found the items had been removed, however the citation had still not been paid. On July 20, 2022 another complaint of the same nuisance was received, and the Sheriff’s Office was called out on this one and they filed a complaint with us as well. The Sheriff’s Office was also aware of a violation of the noise ordinance during the time Mr. Garner was breaking down the appliances for scrap. We went back out there on July 21, 2022 to verify the violations, except for the noise, there was none at the time, and found the property out of compliance. On July 27th we went out and found the property worse than it was on July 21st. A Notice of Violation and a Notice of Hearing were sent to Mr. Garner on the 30th of July. Ms. Payton said we have repeatedly responded to complaints on this property over the past 2 ½ years. She said we have worked with Mr. Garner about safety issues repeatedly. She informed the Board that the property has not been probated and that Mr. Garner continues to run a business from the property. She explained that the parents are deceased and the heirs are Mr. Garner and his brother. Ms. Payton said that he has made some strides to clean up, but it is not in compliance, and he continues to use the County easement as if it were his property, storing appliances, bicycles, or whatever he has, on the easement. On one occasion he moved a fence out there.

There was some discussion on the issue of the owners of the property being deceased, and the two brothers that had not gone through probate yet. Ms. Payton also explained that this was the third citation issued in the last 2 ½ years and the brother that doesn’t live on the property paid the other two and said he would not pay another one.

*Caralee Gibson made a motion that if the property has not been brought into compliance by August 31, 2022, then a fine of $500 per day, along with administrative fees would begin on September 1, 2022. Second by Mr. Siner. Motion passed unanimously*.

**B. CEB CASE #22-504627 Charles E. & Pauline M. Rice (Heirs of)**

 **Location of Violation: 919 47th Street, Niceville**

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 Vehicles, Section 21-64.

Ms. Payton read the above violation into the record. She went on to say that we received this complaint on October 6, 2021. The complainant alleged that the property resembled a junk yard and that there was a make shift structure made of plywood and tarps. On October 7th we visited the site and found several derelict vehicles as well as trash and debris on the right-of-way. We observed the structure that had been turned into a living quarter. We spoke with Mr. Charles Rice, who is the son of the owner’s, who are deceased. We told him that the vehicles needed to be registered, covered with an approved car cover, in a garage or removed from the property. We told him that the person living in the structure would have to cease and desist and that all the junk needed to be removed. We took photos and issued a Correction Notice. On October 11th, Mr. Rice called and said he could not afford to purchase the car covers and that he was trying to get “Joe”, who lives in the structure, to get off the property but he is refusing and they will have to call law enforcement and have him removed. The Sheriff’s Office informed Mr. Rice that since “Joe” receives mail at this address and pays them to live there, they would have to go through the eviction process. On October 19th, Mr. Rice called us and said he had scheduled for the trash to be picked up and provided a ticket number. Follow up found no progress made on the property and a citation was issued for failure to comply and violation of County Ordinance to remove the rubbish and trash from the property. On December 2nd, Mr. Rice said he had removed the vehicles from his yard and that he was getting the paperwork to remove the gentleman named Joe. After a month we found no progress made and the citation had not been paid. We spoke with Mr. Rice and he informed us that he was trying to get people out of his home and off his property, but to no avail. Our next visit to the property found more trash and junk on the property and the citation had still not been paid and we were unable to contact Mr. Rice. During this time, there had been a police raid on this property with some arrests made and an overdose. On March 11th there was no change to the property, the probate wasn’t done, and Mr. Rice was informed that there would be a Notice of Violation to the heirs of this property. Mr. Rice said he is the only living child of his parents. On March 14th he paid his citation. A follow up in April found a dumpster on the property but we had to leave a message for Mr. Rice. On May 16th a follow up found additional trash on the property. Another follow up, a couple of weeks later found two of the vehicles gone and the structure that Joe was living in was gone. The dumpster was still there but no other improvements. Subsequent follow ups found no changes. We spoke with Mr. Rice and he said he had moved out of the home and that squatters were still living there. He said that he and his brother had signed paperwork to sell the property to a guy in south Florida, but would not tell us who. There are no documents with the Property Appraiser, the Tax Collector or the Clerk of Court that would indicate a new owner.

*Mark Siner made a motion to give the heirs of Charles E & Pauline M. Rice until August 31st to bring the property into compliance or there would be a $250 a day fine, along with administrative fees, placed on the property. Caralee Gibson seconded the motion and the motion passed unanimously.*

**9. OTHER BUSINESS:**

There was none.

**10. ADJOURN**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 4:34 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant