**CODE ENFORCEMENT BOARD**

**MEETING MINUTES**

**Wednesday, January 18, 2023**

# MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, January 18, 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, Caralee Gibson, Mark Siner, and Dana Cawthon attended the meeting. Dennis Chavez was unable to attend.

Growth Management staff in attendance: Lisa Payton, Code Enforcement Supervisor; Lynne Oler, Code Enforcement Administrative Assistant; Ron Cliff, Code Enforcement Officer; Sean Donaldson, Code Enforcement Officer; and Chris Moody. Okaloosa County Attorneys, Kirsten Mood and Lynn Hoshihara, were 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 those that wished to speak at this meeting.

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

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

**5. ANNOUNCEMENTS:**

Ms. Payton, Code Enforcement Supervisor, informed the Board that we still have two openings on the Board. She said they are a realtor and a contractor. Chairman Banks asked if he should move his position from a business person to the contractor and it was agreed that he would take the contractor’s position. The Code Board needs a realtor and a business person.

**6. PUBLIC COMMENTS:**

There were none.

**7. OLD BUSINESS**:

There were none.

**8. NEW BUSINESS:**

**A. CEB CASE #23-522585 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.

Code Enforcement Supervisor, Lisa Payton, read the above violation. She said that the Board heard this case in August, and found the property in violation. They did comply by the compliance date so there were no fines assessed to the property. The administrative fees were paid before the deadline. However, we did receive another complaint on November 30th and we went out on December 1st and they brought the issue into compliance that day. Ms. Payton stated that the issue is that we have had numerous phone calls, as well as emails, on this property, and at least ninety percent of the time, there is a violation. Ms. Payton said we just need Mr. Garner to stop. She went on to say that Mike Danford, Mr. Garner’s brother, is hear to speak on this issue. He would like to be contacted when there is a complaint. He is the one that has paid the fines against this property in the past. She said that Code cannot address what is behind the fence, but what’s in front of the fence and on the right-of-way (ROW) we can address. Chairman Banks asked if they were currently in compliance and Ms. Payton replied that they are, and that they have a dumpster on site and they are trying to clean up behind the fence and in front of the fence. They are trying to get the property through probate and get the property put into Mr. Garner’s name, so that it can be homesteaded, but currently it is not homestead property. Chairman Banks said it’s hard to fine them when it’s in compliance and asked for Staff’s recommendation. Ms. Payton said that Code Enforcement respectfully requests that the Board find that the property was in violation of a repeat offense but there are no fines associated with it because they brought it into compliance prior to the hearing, and that the administrative fees be paid.

Mr. Danford approached the podium and then asked if the neighbor, Mr. Doe, speak first. (Mr. Doe’s voice was muffled)

Mr. Doe came to the podium to address the Board. Mr. Pete Doe, 713 Glenn Place, FWB introduced himself. He stated he had lived there since 1989. Mr. Doe said that every time Code Enforcement came out, they would clean up the property, but after a little while they didn’t see Code Enforcement and they were back to stacking stuff up again. He said he couldn’t even use his back yard because of all the items holding water at 715 Glenn and that the mosquitoes are horrible. He said that he spoke with a guy from the Environmental Association and that they had concerns about possible pollutants on the property. Mr. Doe said that he has a good relationship with Mike and Mark, but that his property value is being brought down by their property. He asked what kind of authority the Board had to make sure this does not happen again. He asked that the Board members drive down Glenn Place and see if they would like to live next to this property. He then stepped down.

Mr. Mike Danford approached the podium to address the Board. The first thing he did was apologize that they all had to be here. He introduced himself and gave his address of 6978 Hawks Run, Laurel Hill. He again apologized. He went on to say that they inherited the property about 6 years ago, when Mark’s father, his (Mike Danford) stepfather, passed away. He said there is one guy across the street that continuously complains. He’s the one that Ms. Payton got over a hundred calls and emails from. He said that they were going to comply. He gave a little history about how the property got to be this way. Chairman Banks said the main issue is that it is brought into compliance and then it’s back out of compliance again. Mr. Danford said that once they bring it into compliance, he was going to move the fence back to where his brother, Mr. Garner, would be parking on his property.

*Caralee Gibson made a motion to record for the record, that this property is repeatedly found in violation and that the administrative fees are due at this time, with a caution to the owner to please keep it in compliance, second by Dana Cawthon. Motion passed unanimously.*

**B. CEB CASE #23-522597 Annie M. Redding**

**Location of Violation: 315 Grimes Avenue, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Sec. 11-132, Sec. 11-134, and Sec. 11-136 Public Nuisances; and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65.

Mr. Chris Moody said that on February 11, 2022, there was an inspection done and a Notice of Correction was issued for the above violation that he read into the record. Mr. Moody said after several months of reinspection’s, on September 6, 2022 a Notice of Violation was issued for this property. He said he took over this case in November, after Mr. Kenney, left the County. He said he inspected the property the 1st of November and, as of today, the property has still not come into compliance. Mr. Moody said he has made contact with the owner but still nothing has been done. Mr. Moody said Staff recommends that the administrative fees of $178.87 be paid, and daily fines of $250 per day until the violations are corrected.

Chairman Banks asked if there was anyone who would like to speak on behalf of this property. Annie Redding, of 315 Grimes Avenue, Crestview approached the podium. She said that she has called someone to fix the roof, and she has had people out there working on cleaning up the property. She said that she does have some vehicles that need to be sold and there is some aluminum that also needs to be sold. She said she had two trees that fell down and that she had to have someone come in and cut it up, but it takes money to do all of this. She said she was staying in Fort Walton, but that she lost everything during the Pandemic, so they had to move back into the house. She said there has never been an issue with her land until a firing range wanted to buy her land and she refused to sell it to them. She said it would just take time and money because she is also trying to get the inside fixed up. She said she is trying to do what Code Enforcement is asking and working a full-time job. She said she has had two dumpsters out there. Chairman Banks asked about the mobile home that looks like it was split in two pieces. Ms. Redding said that a tree fell on it and chopped it in half. She said she has things in there that are to come into her home. Mr. Siner asked Ms. Redding if it wouldn’t be better to just get the fence up and if all of this is behind a privacy fence, we won’t be able to see it from the ROW. The fence might be easier than trying to get rid of everything quickly. She said that they are working on getting the fence up.

*Mark Siner made a motion to bring the property into compliance by March 14, 2023 or fines of $250 per day, along with administrative fees would begin. Second by Dana Cawthon and the motion passed unanimously.*

**C. CEB CASE #23-522611 Jamie R. & Miria Lopez-Rixquiacche**

 **Location of Violation: 4065 Whippoorwill Drive, Holt**

Okaloosa County Code of Ordinances, Chapter 6 Building and Construction, Article IV Building Code, Sec.6-134(b) Building Permits and Fees: Appendix E, Land Development Code, Chapter 2, Zoning Regulations, Sec. 2.02.04 Permitted Uses; and Appendix E, Land Development Code, Chapter 6, Development Design Standards. Sec/ 6.00.04, Regulations.

Code Enforcement Officer, Chris Moody read the above violation. He said he this is another of Steve Kenney’s cases that he inherited. He said on May 19, 2022, Mr. Kenney did an initial inspection and spoke with the property owner about some unpermitted work, people living in RV’s, there were illegal plumbing connections, and again, nothing was permitted. Mr. Kenney issued a Notice of Correction. Mr. Kenney gave corrective actions to obtain a permit for a mobile home, permits for plumbing and electrical, and any other needed permits and to cease living in the RV. Several re-inspections were done and on September 16, 2022 a Notice of Violation was issued. Mr. Moody said there was a lot to this case. There cannot be a second trailer on the property and there is one in the back. The person that was living in the RV is gone, but the issue is the trailer in the back. They haven’t gotten it permitted. Some discussion took place about the electrical, and the septic permits.

Mr. Miria Lopez-Rixquiacche came forward to speak. He said his address is 4065 Whippoorwill Dr., Holt, FL. He said he was trying to get the paperwork done and had a friend trying to assist him but that she quit about half way through. Chairman Banks asked for Staff’s recommendation. Ms. Payton asked that the Board find this property in violation, with a $250 per day fine, along with administrative fees. Ms. Payton added that Mr. Lopez needs to speak with the Planning Department. Mark Siner said, according to the survey Mr. Lopez handed out to the Board, that he has 1.01 acres, and in rural residential, he could subdivide the parcel into two half acre lots and have a solution for this issue. Ms. Payton explained that he was given time to go to Planning and get this all done, that’s why we find him in violation.

*Mr. Siner made a motion that the Board grant him until March 14, 2023 to come into compliance and if not a $250 per day fine, plus administrative fees, would be assessed. Caralee Gibson made a second to the motion, and it passed unanimously.*

Some discussion took place about how difficult it is to find a mobile home installer. Chris Moody said he would get with Mr. Lopez and try to help him understand what needs to be done.

**D. CEB CASE #23-522616 Jerry Wayne Cleckler & Regina Alford**

 **Location of Violation: 5376 Hare Street, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Section 11-136, Public Nuisances; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles.

Ron Cliff, Okaloosa County Code Enforcement Officer, read the above violation into the record. He said that both owners of the property are here today. Mr. Cliff said he received a complaint on August 30, 2022 and went out to the property but was unable to locate anyone at the property. He issued a Notice of Violation and sent it out on September 8, 2022. He did receive the green card back on September 13th showing that Mr. Cleckler and Shirley Cleckler had signed for the notice. He said after about 30 days he went by the property and Ms. Alford was there. She said she was unaware that the notice was sent out. Mr. Cliff explained to her what needed to be done and gave her an additional 30 days to comply. Mr. Cliff gave the Board some pictures that were taken around noon today (Jan. 18, 2023) and the property is still not in compliance. He said there was improvement but still a lot to do. Caralee Gibson asked for Staff recommendation. Mr. Cleckler interrupted that the vehicles were not his, but he guessed he was responsible, since he owns the property.

Mr. Jerry Cleckler, 5352 Hare St., Crestview, right up the road from this property. He said he let his daughter stay down there and he has had nothing but issues since he allowed them to stay there. He told the Board about a lot of issues that had happened in the past. Several personal issues were brought up and several loud voices, speaking over each other. Mr. Cliff asked that we try to keep the discussion on what’s before the Board today.

Mr. Siner asked Mr. Cleckler if he remembered being brought before the Board in November. He said he did. Mr. Siner asked where that case stood right now. Mr. Cliff said the recommendation for that property was $500 per day, since it was a repeat offense, until the property was brought into compliance, plus administrative fees. (*more loud voices speaking over each other*)

Ms. Regina Alford, 5376 Hare Street, Crestview, approached the podium. Ms. Alford said Mr. Cleckler had not come down there to talk with her and that the boats and trailers have tags on them and they are legal. She said they were trying to work on getting the property cleaned up. Chairman Banks said he noticed a trailer that was packed and looked like it was ready to be hauled away. Ms. Alford said they were getting ready to take it to the dump. She said Mr. Cliff had told her the things they needed to do and that they can’t have the truck covered with a tarp, and that they need to get an approved car cover. (*more loud voices speaking over each other*)

*Mr. Siner made a motion to bring the property at 5376 Hare St., Crestview into compliance by February 14, 2023, or there would be a fine of $500 per day, along with administrative fees, assessed to the property. Second by Ms. Gibson.* County Attorney, Kirsten Mood, asked Staff when was the first violation on this property. Mr. Cliff said he believed it was in October. Short discussion on Mr. Cleckler owning other properties that had violations. *Mr. Siner* ***amended*** *his motion to bring the property at 5376 Hare St., Crestview into compliance by February 14, 2023 or a fine of $250 per day, plus administrative fees, would be assessed. Ms. Gibson* ***amended*** *her second to the motion. Motion passed unanimously.*

**E. CEB CASE #23-523800 Kathleen Wangerin**

 **Location of Violation: 413 Woodrow Street, Ft. Walton Beach**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Section 11-134 (b)(2), Public Nuisances; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles.

Code Enforcement Officer Chris Moody read the above violation. He said this was another of Mr. Kenney’s cases. On June 28, 2022, a Notice of Correction was issued stating the corrective action to be taken. On September 30, 2022, a Notice of Violation was issued. Mr. Moody said he left a voice mail with the property owner’s son on December 15, 2022. The owner’s son called back and said he would get things taken care of, however, as of today’s photos the property is still not in compliance. Mr. Moody said Staff requests a fine of $250 per day, along with administrative fees, until the property is brought into compliance. Ms. Gibson asked if anyone lives in the house. He said he is not sure, we only know that it is the mother’s home and the son said he was going to get it cleaned up.

*Mr. Siner made a motion to bring the property into compliance by February 14, 2023, or there would be a fine of $250 per day, along with administrative fees, assessed to the property. Second by Ms. Gibson and motion passed unanimously.*

**F. CEB CASE #23-523801 Ryan Hall Prop of Crestview**

 **Location of Violation: 605 James Lee Blvd. W, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Litter, Sec. 11-134, Litter Storage (b) (1-2); Division IV, Excessive Growth and Accumulation. Sec. 11-156 Nuisance declared; and Appendix E, Land Development Code, Chapter 6 Development Design Standards, Section 6.02.01 Construction Codes 11 (c-d).

Sean Donaldson, Okaloosa County Code Enforcement Officer, requested that CEC Case #23-523801 be tabled until next month, because there is a new owner and they are working diligently to get their Notice of Commencement and their permits in order.

*Mark Siner made a motion to table this issue until our February 15, 2023 meeting. Second by Caralee Gibson, motion passed unanimously.*

 **G. CEB CASE #23-523803 Raymond Alford ET AL**

 **Location of Violation: 6287 Bethany Drive, Crestview**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health & Sanitation, Article III, Nuisances, Division 3, Section 11-136, Public Nuisances; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Section 21-65 Nuisance Vehicles.

Code Enforcement Officer, Ron Cliff, read the above violation. He said he has never talked with the owner, only the tenant. He said he sent out a Notice of Violation last year, then another one recently. He said the pictures he passed out were taken as of 11:00 a.m. today. Mr. Cliff said that the owner is aware of the issues, according to the tenant, but he has yet to speak with him.

Mr. Cliff said that Staff’s recommendation is a fine of $250 a day and administrative fees.

Ms. Payton interjected that this property is actually owned by several family members and Lonzo Alford signed for the Notice of Hearing for today’s meeting. She said when she sent out the notice, she sent it to all of the names on file to the separate addresses and that Lonzo Alford is the only one that responded.

*Caralee Gibson made a motion that they bring the property into compliance by February 14, 2023 or a fine of $250 per day, plus administrative fees, will be assessed. Second by Dana Cawthon, and the motion passed unanimously.*

**9. OTHER BUSINESS:**

1. **Chair**

*Caralee Gibson made a motion that Mike Banks continue on as Chairman, second by Mark Siner. Motion passed unanimously.*

**Vice-Chair**

*Dana Cawthon made a motion to elect Caralee Gibson as Vice-Chair, seconded by Mark Siner. Motion passed unanimously.*

1. **2023 Code Board Hearing Schedule**

*Caralee Gibson made a motion to accept the 2023 Code Board Schedule, second by Mark Siner. Motion passed unanimously.*

**10. ADJOURN:**

*There being no further business before the Board, Chairman Banks declared the meeting adjourned at 5:36 pm.*

Prepared by:

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Lynne Oler

Code Enforcement Administrative Assistant