

**MINUTES OF THE CODE ENFORCEMENT BOARD  
OF THE CITY OF FORT WALTON BEACH, FLORIDA  
SEPTEMBER 10, 2008**

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**INTRODUCTION**

The Code Enforcement Board held its regular meeting on Wednesday, September 10, 2008, at 4:00 p.m. in the Council Chambers of City Hall with the following members present:

Paul Horn, Chairman; Lisa Courtney; Henry Faccini; Jeffrey Pendleton; Ramon Quiray

Absent: Lewis Jennings (excused); Beth McHenry, Vice-Chairman, (excused); and Lee McDonald (alternate) (unexcused)

Also present: Burt Rhodes, Code Inspector II; Ed Moore, Code Inspector; Toni Craig, Board Attorney, City Attorney's Office; Joe Lorenz, Staff Attorney; Malcolm Foley, Planning Manager

**CALL TO ORDER**

The meeting was called to order and roll call was taken.

**NEW MEMBER WELCOME**

The Chairman welcomed Jeffrey Pendleton as the newest member of the Board.

**OATH**

The City Attorney gave the oath to all individuals who expected to testify.

**PUBLIC HEARING**

**Case 08-89**

**210 Oak Street NE**

**Lawrence M. and Dorothy J. Byrne**

**Respondents**

Mr. Moore presented the City's case that on June 11, 2008, the property located at 210 Oak Street NE was found in violation of **Code Section 5.04.01: Litter and Code Section 3.10.06: Maintenance General**. The Board issued an order giving the respondent until July 11, 2008 to bring the property into compliance. Mr. Moore presented a case history and reported that as of today, September 10, 2008, the property remains in violation.

As there were no objections, Exhibits H, I, and J were entered into the record.

Mr. Moore advised that Staff is requesting issuance of Order II including the \$325.00 administrative fee, and recommends a fine in the amount of \$100.00 per day be imposed on the property with a starting date of December 9, 2008.

Mr. Moore informed that the property owner advised he could have the repairs done in 90 days, which would be December 9, 2008. Mr. Moore also advised that the property owner has been in communication with the City's building official and progress is being made on the property.

The members reviewed the exhibits including an overhead presentation of photos showing the violation(s).

Lawrence Byrne, 210 Oak Street NE, the respondent, explained that he is working diligently on his property; the west side is now structurally strong and he is working on the east side of the home. Mr. Byrne informed he is doing the work himself and requested three months to finish the work, and advised he has fixed the roof and has received a permit from the City.

**CASE 08-89 (cont)**

**Ms. Courtney moved issuance of Order II including the \$325.00 administrative fee and a fine in the amount of \$100.00 per day be imposed on the property with a starting date of December 9, 2008. Mr. Faccini seconded motion.**

Mr. Quiray asked that the administrative fee in the amount of \$325.00 be waived since Mr. Byrne exhibits concern and is doing the work himself. The City Attorney advised that the maker of the motion would have to accept it as an amendment, and that the person who seconded the motion would have to second the amendment.

**Ms. Courtney amended her motion of issuance of Order II excluding the \$325.00 administrative fee and a fine in the amount of \$100.00 per day be imposed on the property with a starting date of December 9, 2008. Mr. Faccini seconded the amendment and it carried unanimously with Courtney, Faccini, Horn, Pendleton, and Quiray in favor (Jennings and McHenry absent).**

**PUBLIC HEARING****Case 08-1021****402 Sullivan Street NW****James and Rachel Balazs****Respondents**

Mr. Rhodes presented the City's case that on June 25, 2008, the property located at 402 Sullivan Street SW was found in violation of: **Sec. 5.04.06, 5.04.07, 5.04.08, Grass Height, Developed**, Failure to Cut and Maintain All Grass and Weeds to a Height of 10: or Less; and **Section. 5.04.01 (1)(2)(3)(4)(5)(6)(7) & 5.04.02 (2)(4)(6)(7)&(9), Litter**, Prohibited Accumulation & Outside Storage of Buckets, Coolers, Car Parts, Construction Materials, Litter, and Debris.

Mr. Rhodes presented a case history and reported that as of today, September 10, 2008, the property remains in violation.

As there were no objections and no respondents were present, Exhibits A through G were entered into the record.

Staff is requesting issuance of Order I, including the \$325.00 administrative fee, and 10 days time for compliance of the violation(s), which would make the compliance deadline on September 20, 2008.

The members reviewed the exhibits including an overhead presentation of photos showing the violation. Mr. Rhodes reported the property is vacant and is in foreclosure. He advised he had spoken with Mrs. Balazs early in the case and the grass was cut at that time but the litter was left, and since that time the grass has grown and windows have been broken.

Mr. Rhodes advised the foreclosure is in process, that the bank has been served but they are not currently the owners. Mr. Rhodes has been in contact with the foreclosing law firm for the bank, and they are working to get permission to go ahead and spend money on the property, but as of yet nothing has happened.

**Mr. Faccini moved issuance of Order I, including the \$325.00 administrative fee, and 10 days time for compliance of the violation(s), which would make the compliance deadline on September 20, 2008. Mr. Quiray seconded motion and it carried unanimously with Courtney, Faccini, Horn, Pendleton, and Quiray in favor (Jennings and McHenry absent).**

**PUBLIC HEARING****Case 08-213****23 Comet Street SW****Andrew J. Henry****Respondent**

Mr. Moore presented the City's case that on December 18, 2007 the property located at 23 Comet Street SW was found in violation of **Code Section 12.739.01: Commercial Vehicles and Code Section 12.412.01: Commercial Activity**. Mr. Moore advised there was parking and storage of commercial vehicles in a residential zoned area/property and there was the prohibited use of an R-1A Single Family zoned property for the operation of a commercial cable laying business with commercial vehicles and commercial cable spools and supplies on the property.

Mr. Moore presented a case history and reported that as of today, September 10, 2008, the violations had been corrected. However, due to the repetitive occurrences of the violations at this property, Staff is requesting issuance of Order I In-Compliance, including the \$325.00 administrative fee.

As there were no objections and no respondent was present, Exhibits A through H were entered into the record.

The members reviewed the exhibits including an overhead presentation of photos showing the violation(s).

Mr. Moore advised the City has on record two other cases for the same violation on this property. He explained that the person(s) at this address are involved in some type of subcontracting for laying cable, and the trucks and spools of cable show up on the property. When notice is given the vehicles are removed, then another complaint is received in about a month and the cable trucks are back on the property. It is not known whether the person works for Cox, as the vehicles have the Cox name on them. Also, there is no tag on the vehicle.

Mr. Moore explained that the Order I in compliance would allow the City to begin a fine up to \$500.00 a day from the date of violation if the commercial vehicles show up again on the property.

The Board asked if this would be considered police issues since the vehicles are in the right of way and there is no tag. Mr. Rhodes responded the police may have been called but to his knowledge no action has been taken.

**Mr. Quiray moved issuance of Order I In-Compliance, including the \$325.00 administrative fee. Mr. Pendleton seconded motion and it carried unanimously with Courtney, Faccini, Horn, Pendleton, and Quiray in favor (Jennings and McHenry absent).**

**PUBLIC HEARING****Case 08-1142****229 Watson Drive NW****Kirk and Theresa Lanier****Respondents**

Mr. Rhodes presented the City's case that on July 15, 2008, the property located at 229 Watson drive NW was found in violation of :

**CASE 1142 (cont)**

**Sec. 5.04.06, 5.04.07, 5.04.08, Grass Height, Developed, Failure to Cut and Maintain All Grass and Weeds to a Height of 10: or Less; and Section. 5.04.01 (1)(2)(3)(4)(5)(6)(7) & 5.04.02 (2)(4)(6)(7)&(9), Litter, Prohibited Accumulation & Outside Storage of Construction Materials, Litter, and Debris.**

Mr. Rhodes presented a case history and reported that as of today, September 10, 2008, the property remains in violation.

As there were no objections and no respondent was present, Exhibits A through H were entered into the record. Mr. Rhodes noted that Exhibit H is a Final Summary Judgment of Mortgage Foreclosure dated August 25, 2008, which shows that at that time the attorney representing the respondents was served the Notice of Hearing.

Staff is requesting issuance of Order I, including the \$325.00 administrative fee, and 10 days time for compliance of the violation(s) which would make the compliance deadline on September 20, 2008.

The members reviewed the exhibits including an overhead presentation of photos showing the violation.

Mr. Rhodes explained that the respondents received the Notice of Violation and the Notice of Hearing was received by their attorney, and that Staff's attorney felt this was good service and advised to move forward.

Mr. Rhodes believes there is a sale pending on this property; that one of the two cases he brought forward has a sale pending. The order puts the bank and anyone else on notice of the violations.

Mr. Rhodes advised there is a swimming pool in the back yard that appears to be drained, but since he received a complaint about it he has contacted the County's Mosquito Control and it is on the list to be treated. Mr. Rhodes advised a privacy fence surrounds the pool.

**Ms. Courtney moved issuance of Order I, including the \$325.00 administrative fee, and also recommends 10 days time for compliance of the violation(s) which would make the compliance deadline on September 20, 2008. Mr. Faccini seconded motion and it carried unanimously with Courtney, Faccini, Horn, Pendleton, and Quiray in favor (Jennings and McHenry absent).**

**APPROVAL OF MINUTES**

Ms. Courtney advised that she called Staff in August to report she would not be present at the August 13 meeting, and requested that her absence for that meeting be listed as excused.

**Mr. Quiray moved to approve the minutes of August 13, 2008, as corrected. Mr. Faccini seconded motion and it carried unanimously with Courtney, Faccini, Horn, Pendleton, and Quiray in favor (Jennings and McHenry absent).**

**UNFINISHED BUSINESS**

The Chairman advised that City Council is requiring the chairman of each City board/committee make an annual presentation beginning in October as a way to keep communication open between Council and the boards. The Chairman recommended that the Board give their report on April 14, 2009, and asked that the Board provide input each month on ways to improve the process, and that he will work with Staff on the statistical issues to be included in the report.

**ABSENCE OF CITY ATTORNEY**

The City Attorney advised she will be absent for the October meeting but that Mr. Lorenz will be present.

**ADJOURNMENT**

As there was no further business, the meeting adjourned at 4:40 p.m.

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CHAIRMAN

\_\_\_\_\_  
DATE

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