

A Code Enforcement Board Hearing was held on **October 14, 2021**,
was called to order at 1:30 PM, Adjourned 3:27 PM.

Code Enforcement Board Members Present:

Nicholas Coppola, Chair
Courtney G. Tito,
Nicole Fontaine
Michael Schiff
Samuel Spear, Jr.
Ingrid E Lee
Kevin Wagner, Code Enforcement Board Attorney

City Staff Present:

Thomas Story, Code Enforcement Officer.
Jose Morales, Code Enforcement Officer
Jude Leconte, Code Enforcement Officer
Lawonda Warren, Assistant City Attorney

Case 21-4504 – 820 SE 5th Avenue A & B

1st Violation: Officer Thomas Story testified regarding a Modified Site & Development Plans & Industrial Uses violation, which is a violation of 2.4.5 (G)(1)(A to D); 4.6.6. (A)(1 to 3).

2nd Violation: Officer Thomas Story testified regarding Principle Uses, which is a violation of 4.4.9 (B)(1 to 6). Nine photographs were presented as evidence, they were introduced as City Exhibit 1-9 without objection. Neighbor testified stating that there have been dogs present for years and multiple police reports filed.

Samuel Spear made a motion that two violations exist and the property owner has 14 days to come into compliance or a \$150.00 daily fine for each violation.

1st Violation: The Board ruled 6-0 that a violation exists, gave the property owner 14 days to correct the violation or a \$150.00 daily fine.

Roll Call (Violation 2.4.5)	
Nicholas Coppola	Yes
Courtney G. Tito	Yes
Nicole Fontaine	Yes
Michael Schiff	Yes
Samuel Spear	Yes
Ingrid E Lee	Yes

2nd Violation: The Board ruled 4-2 that a violation exists, gave the property owner 14 days to correct the violation or a \$150.00 daily fine.

Roll Call (Violation 4.6.6)	
Nicholas Coppola	Yes
Courtney G. Tito	Yes
Nicole Fontaine	No
Michael Schiff	Yes
Samuel Spear	Yes
Ingrid E Lee	No

Cases 21-5325 - 38 SW 8th Avenue

Jose Morales, Code Enforcement Officer testified regarding work being done without permits, which is a violation of 2.4.6 (B)(1 to 5). Four photographs were presented as evidence, they were introduced as City Exhibit 1-4 without objection.

Ingrid Lee made a motion that a violation exist and the property owner has 30 days to come into compliance or a \$100.00 daily fine.

Nicole Fontaine was not present for testimony and did not vote on this case. The board ruled unanimously 5-0 that a violation exists, gave the property owner 30 days to correct the building maintenance violation or a \$10 0.00 daily fine.

Case 21-6524 – 820 SE 5th Avenue A & B

Officer Thomas Story testified regarding a Principle Use violation, which is a violation of 4.4.9 (B)(1 to 6). Six photographs were presented as evidence, they were introduced as City Exhibit 1-6 without objection.

Samuel Spear made a motion that a violation exist and the property owner has 7 days to come into compliance or a \$1,000.00 daily fine.

The Board ruled unanimously 6-0 that a violation exists, gave the property owner 7 days to correct the violation or a \$1,000.00 daily fine.

Roll Call (Violation 4.4.9)	
Nicholas Coppola	Yes
Courtney G. Tito	Yes
Nicole Fontaine	Yes
Michael Schiff	Yes
Samuel Spear	Yes
Ingrid E Lee	Yes

Case 21-9130 – 626 SE 4th Avenue

Officer Jude Leconte testified regarding a Light Control & Spillage violation, which is a violation of 4.6.8 (B)(3)(b). Eight photographs were presented as evidence, they were introduced as City Exhibit 1-8 without objection. Exhibit 1-4 (photos taken by complainant) Exhibit 5-8 (photos taken by Code Officer) Exhibit 9 was submitted by complainant the LDR was entered into evidence as City Exhibit 9.

Complainant Isabelle Muhua testified that the light is not in compliance as of the date of hearing. Ms. Muhua also testified to the first four photos that were entered into evidence. Complainant submitted the LDR into evidence which was entered into evidence as City Exhibit 9.

Courtney Tito made a motion that a violation did exist for finding of facts that a light control and spillage violation onto the adjacent property has occurred. The case came into compliance after the Final Compliance date.

The Board ruled unanimously 6-0 that a violation exists.

Case 18-112209 – 801 SW 3rd Court (Non Compliance)

Officer Thomas Story testified as to the case history of the property, requested the board to lien the property in the amount of \$85,100. and to continue the daily fine of \$100 until compliance is achieved. Property owner was not present at the hearing.

Four photographs, City exhibit 1-4 was presented to show continued noncompliance and entered into evidence without objection.

Samuel Spear made a motion to find the property owner in violation, to continue the fine and to lien the property in the amount of \$85,100.

Case 12-25803 – 618 SW 5th Avenue – Old Business (Lien Reduction Request)

Officer Thomas Story testified as to the case history of the property. Current Liens and Accrued Fines total \$47,650.00

Gary Garmon was sworn in and is requested a lien reduction. Gary Garmon has requested that both cases be heard together Case 12-25803 and Case 12-27663. City agreed to hear cases together, but lien reductions will be done separately for each case.

City recommended a 90% reduction which with the combined cases would be a total of \$15,620.00

Gary Garmon has asked for a reduction to \$10,000.00 for the combined liens.

The cities current director Sam Walthour suggested taking the reduction of \$10,000. for both cases.

Samuel Spear made a motion to reduce case 12-25803 to \$2,500.00 if paid within 30 days or the full amount will be owed.

Case 12-27663 – 618 SW 5th Avenue – Old Business (Lien Reduction Request)

Officer Thomas Story testified as to the case history of the property. Current Liens and Accrued Fines total \$108,600.00

Cases was heard together with case #12-25803.

Cities current director Sam Walthour suggested taking the reduction of \$10,000.00 for both cases combined. Cases were given individual amounts.

Samuel Spear made a motion to reduce case 12-27663 to \$7,500.00 to be paid within 30 days or the full original amount will be owed.

Case 19-3462 – 115 SW 11th Avenue – Old Business (Lien Reduction Request)

Officer Thomas Story testified as to the case history of the property. Current Liens and Accrued Fines total \$28,100.00

Akin Cakir (Manager) testified for the owner and is requesting a lien reduction on his behalf. Akin, has asked to pay \$1,000.00

City suggests a 90% reduction.

Samue Spear made a motion to reduce case 19-3462 to \$2,000.00 to be paid within 60 days or the full original amount will be owed.

Adjourned at 3:27pm