

A Code Board Hearing was held on **August 11, 2022**,
was called to order at *1:34 PM*, Adjourned *3:15 PM*.

Code Enforcement Board Members Present:

Nicholas Coppola
Michael Schiff
Ingrid Lee
Courtney Tito
Wayne Pasik
Jonathan Jonas
Keven Wagner, Code Board Attorney

Code Enforcement Board Members Absent:

Christina Godbout

Present:

Thomas Story, Code Enforcement Officer
Khatoya Wesley, Code Enforcement Officer
Jude Leconte, Code Enforcement Officer
Marc Woods, Code Enforcement Officer
Lawonda Warren, Assistant City Attorney
Walter Morgan, Attorney
Ronald Ford, son of Betty Ford

Minutes Approved: August 11, 2022

Resolution of Original Agenda:

Postponed Cases are as follows: 22-6305; 22-6336; 17-97878

Compliance Cases are as follows: 21-8018; 22-4300; 22-5293; 22-5298; 22-6340; 22-6600;

Closed or Voided Cases are as follows:

Code Board Hearing started at 1:35 pm

Case #1 22-473

Since no one was present to represent this case Lawonda asked if it was possible to go on until the next case; skipped to case #2.

Case #2 22-1726

Code officer Thomas Story testified regarding structures on the city alleyway which is a violation of 1.4.2 (A-C) which states the chief building official for the city of Delray Beach shall order the removal of all structures or alterations. Thomas Story presented eleven (11) photographs and they were presented into evidence. Lawrence Fifer, the owner had obtained an attorney asking for a continuous since his attorney was unable to make it due to health issues. Ingrid Lee made the motion in agreement to postpone the case until the next Code Board meeting. Courtney Tito seconded the motion and all were in favor.

Board Polled Passes 6-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Courtney Tito</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Case #3 22-3417

Code officer Jude Leconte II observed a non-permitted structure at the rear of the property which is a violation of 2.4.6 (B) (1 to 5). The officer presented four (4) photographs that were presented into evidence. Lawonda (attorney) questioned the code officer as to what the structure could possibly be, and Jude suggested

that it might be a gazebo or possibly some type of shading. The city recommended thirty days for Fabiano Silva to come into compliance with the city which means removing the structure or be fined \$100.00 thereafter. Ingrid Lee made the motion and Michael Schiff seconded the motion.

Board Polled Passes 6-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Courtney Tito</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Case #4 22-5216

Skipped to next case.

Case #5 22-5753

Code Officer Khatoya Wesley presented a General Violation of 4.6.6 (C)(2) of restrictions of outside usage on the property. The Code Officer presented four (4) photographs into evidence. Ronald Ford (son of owner) whom was there to represent his mother Betty Ford. According to Mr. Ford the Pod (container) was obtained as storage while they worked inside there home so that everything was maintained nice and clean. Lawonda suggested that if they were doing inside modifications on the interior of their home that they would need to go to the city and apply for a site plan or approval which could then be obtained a permit for such storage. Ingrid Lee questioned what is exactly considered to be a setback, and Lawonda mentioned that often changes with the zoning area or your neighborhood. The board after the cities suggestions decided to give them forty-five (45) days to remove the storage container or pay \$150.00 a day fine thereafter. Ingrid Lee made the first motion and Courtney Tito seconded it.

Board Polled Passes 6-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes

<i>Courtney Tito</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Case #6 21-5325

This case was skipped.

Case #7 12-25142

This case was skipped.

Case #8 18-121488

Thomas Story, code officer, presented the old business case, an unsafe building 7.4.1 (103.2.1) that has since come into compliance by our code officer Marc Woods whom inspected the house before closing the case. This case is now in compliance, and has come to Code Board for a reduction in the lien. The attorney (Walter Morgan) from Morgan Olsen and Olsen was there representing the case, requesting a reduction. The cities recommendation was a 70% reduction which ends up being a total amount of \$44,822.40 considering the living conditions while people were living there and to be paid within 30 days. Jonathan Jonas made the first motion and Wayne Pasik seconded it. The attorney asked the board to consider 60 days rather than 30 because of the amount of money that they need to come up with.

Roll call was done. Vote was 5-0 because Courtney Tito had to recuse herself due to conflict.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Courtney Tito</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Back to case #1

Case #1 22-473

Jude Leconte, code officer, came before the board representing case 22-473 which is Maintenance of a Historic Site violation 4.5.1 (E) (9). The code officer presented eleven (11) photographs which were introduced into evidence. Michael Schiff motioned exhibits 1 through 10 into evidence. Lawonda the attorney asked Jude Leconte if he has had any contact with the owners, and Jude said no, except for the company that has a sign outside on the yard. Overall concern with this property is the maintenance of a historic property. Ingrid Lee questioned after back and forth discussion, and said that it is crucial since it is a historical building that the fine be higher. The city recommends 30 days to come into compliance or \$100.00 each day afterwards. Ingrid Lee made the motion to up the fine to \$250.00 a day, and still 30 days to come into compliance, and Jonathan Jonas seconded the motion.

Board Polled Passes 6-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Courtney Tito</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Case #4 22-5216

Code Officer Khatoya Wesley came before the Code Board concerning a Care Premises violation 7.4.1 (307.4) cars that have been parked in front of yard at unauthorized locations with expired tags and flat tires. The Code Officer presented six (6) different photographs into evidence. Lawonda the attorney suggested to present all photos into evidence. Ingrid Lee made the motion to except the photos into evidence and Michael Schiff seconded the motions.

Board Polled Passes 6-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Courtney Tito</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Nicholas Coppola questioned the code officer about the mail whether he had received it and if there was communication or not. Officer Khatoya Westley had mentioned that she personally spoke to him, and a door hanger was also placed on his door. Michael Schiff was concerned about the communication and whether or not the owner is aware of what is happening. Lawonda confirmed that according to Statute 162 the owner does not have to be at the Code Board Hearing, because Code Enforcement does follow their legal obligations by communicating with letters and posting at City Hall. Kevin Wagner communicated that what Statute 162 does require that we are reasonable as far as our time limit that we give owners to deal with what needs to be taken care of. Michael Schiff made the motion of inoperable and unlicensed vehicles to come into compliance within 15 days and \$150.00 a day thereafter. Wayne Pasek seconded the motion.

Noncompliance:

Case #6 21-5325

This case was originally taken by the code officer Jose Morales, by Thomas Story presented the case. There was a conflict of interest on this case for Courtney Tito one of our code board members, so Nicholas Coppola mentioned that she excused herself for the case. This case was a noncompliance case which was working without a permit. Thomas Story spoke for the record that he and the previous code officer made an effort to get ahold of the owner, however was unable to get in contact with them. The board asked if mailing had been done, and Thomas said yes, and that mailings

and postings had been done; however still they had no response from the owner. The code officer Thomas Story mentioned that there is still a accruing fine and lien of \$26,500.00 be placed against the property and that a daily fine of \$100.00 continue because the violations still exists. Thomas Story presented six (6) photographs. Owner did pull permit, but no specifications as to whether it was the interior/exterior alterations of the house or the garage. No inspections were ever done, so the permit itself expired. Thomas Story mentioned that after the permit is approved they have 180 days to complete the work and have an inspector go out and look at the work, but that was never done by the owner. In respect to the case 21-5325 Ingrid Lee made the first motion to approve the photos into evidence, and Jonathan Jones seconded the motion. Michael Schiff asked if there was any communication, and Thomas Story said none whatsoever. He mentioned that the door to the garage was open, but saw no one working at the time he drove by. Ingrid Lee from the board made the motion that the violation continues to exist on the property and that work without a permit continues to be done, and to continue with the lien against the property of \$26,500.00 and that the fine of \$100.00 per day continue until the property owner comes into compliance. Jonathan Jonas seconded the motion.

Board Polled Passes 5-0

<i>Nicholas Coppola</i>	Yes
<i>Michael Schiff</i>	Yes
<i>Ingrid Lee</i>	Yes
<i>Wayne Pasek</i>	Yes
<i>Jonathan Jonas</i>	Yes

Old Business:

Case 12-25142

This case was originally given by Lashay Johnson, but was presented by Thomas Story requesting that this case be released due to administrative error. Nicholas Coppola agreed and went straight into the motion. Ingrid Lee made the motion that case 12-25142 be released, and Courtney Tito seconded the motion and all were in agreement.