

**CITY OF ATLANTIC BEACH  
CODE ENFORCEMENT BOARD  
CITY HALL, COMMISSION CHAMBER  
NOVEMBER 10, 2015, 6:00 PM**

**AGENDA**

Call to Order

Pledge of Allegiance to the Flag

Roll Call

1. Election of Chair and Vice Chair (City Attorney Komando)
2. Approval of Minutes of the Regular Meeting of September 8, 2015.
3. Administration of Oath to Defendants/Witnesses.
4. Old Business  
None
5. New Business  
None
6. Rehearing

**CASE ID      NAME & ADDRESS**

**VIOLATION**

13-00000727      Obi Dorsey

IPMC 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

IPMC 304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

7. Miscellaneous Business  
None

## Adjournment

**Please Note:** This meeting will be live-streamed and videotaped and can be accessed by clicking on the Meeting Videos tab located on the home page of the City's website at [www.coab.us](http://www.coab.us).

**In accordance with the provisions of Florida Statute, Section 286.0105, if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need a record of the proceedings and for such purpose he/she may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**In accordance with the provisions of Florida Statute, Section 286.26, persons with disabilities needing special accommodation to participate in this meeting should contact the Code Enforcement Board Secretary at (904) 247-5810 no later than 48 hours prior to the meeting.**

# DRAFT

CITY OF ATLANTIC BEACH  
CODE ENFORCEMENT BOARD MINUTES  
6:00 P.M. – SEPTEMBER 8, 2015

IN ATTENDANCE:

Veda Harless, Chair  
Meade Coplan  
Benjamin de Luna  
Louis Keith  
Richard Lombardi, Alternate

Richard Komando, City Attorney  
John Markee, Code Enforcement Officer  
Dayna Williams, Secretary

Chair Veda Harless called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance to the Flag.

Secretary Dayna Williams read the roll, finding a quorum was present.

**1. Approval of Minutes**

**Motion: Approve the minutes of the Code Enforcement Meeting of July 14, 2015.**

Moved by Coplan, Seconded by Keith  
The motion was approved unanimously.

**2. Administration of Oath to Defendants/Witnesses**

Chair Veda Harless gave the oath to the defendants and witnesses.

**3. Old Business**

<u>CASE ID</u>	<u>NAME &amp; ADDRESS</u>	<u>VIOLATION</u>
13-00000727 14-1244	Obi Dorsey Southeast Property Investment Network P.O. Box 9567 Tampa, FL 33674	IPMC 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.  IPMC 304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Code Enforcement Officer John Markee presented the case, stating this is a rehearing to request a reduction of the fines. He stated they came into compliance on June 16, 2015. Mr. Markee stated he had contact with them on Friday, September 4, 2015, and was expecting them to show, but they are not present.

Staff recommends deferring the case to the next Code Enforcement Meeting in November.

Discussion ensued. Chair Harless asked Mr. Komando if they needed to make a motion to move the case to the next meeting, and he stated yes. Mr. de Luna stated we can just withdraw this matter from the Agenda. Mr. Komando stated if Mr. Markee withdraws it, he will have to start over on the notice. Mr. Komando stated, because Notice was satisfied for tonight, if you make a Motion to defer to a time certain Mr. Markee does not have to Notice everything related to this again.

**Motion: The Board moves to defer the case to the November 10, 2015 Code Enforcement Board Meeting.**

Moved by de Luna, Seconded by Coplan

The motion was approved unanimously.

<u>CASE ID</u>	<u>NAME &amp; ADDRESS</u>	<u>VIOLATION</u>
13-00000724	P. Campbell Ford, Esq	IPMC 301.3 Vacant Structures and Land
13-00000860	132 Belvedere St.	IPMC Sec 109.2 Temp Safeguards Board and Secure
14-1300		IPMC SEC. 108.1.5 3 Unfit for Human Habitation

Mr. Markee presented the case, stating this is another one of Mr. Bennett's properties. He stated the work on this property is quite exceptional if you look at the before and after pictures. Mr. Markee stated this is a rehearing to request a reduction of the fines. Chair Harless asked if the property was in compliance and Mr. Markee stated yes.

**Campbell Ford, 1210 Selva Marina Circle**, stated he and the builder, **Mike Phillips**, purchased the property at a foreclosure sale. Mr. Ford stated there was not really a compliance date, as they understood it. He stated they essentially had to almost get a Certificate of Occupancy, which meant they had to start from scratch and could not rush out there and clean it up in ten days.

Chair Harless stated the point of the fines is to generate a reaction to fix the property. Chair Harless asked Mr. Ford when they purchased the property and he stated in December 2014. She stated she wanted to know when they got a building permit and when they received the Certificate of Occupancy.

**Michael Phillips, 1250 Selva Marina Circle**, stated he is with Phillips Builders. Mr. Phillips stated they brought the property up to Code within the first two weeks of the date of purchase. Chair Harless asked what the fines were as of December 2014. Mr. Markee stated the fines were approximately \$31,525.00.

Mr. Ford recounted his case to the Board, requesting the Board to eliminate the fine completely or substantially reduce it. He respectively asked the Board to consider what kind of message they want to send when dealing with these kind of properties. Discussion ensued regarding how to get the banks to take care of the properties instead of letting the fines accrue.

Mr. Ford suggested the City needs to be a little more progressive about the fines. Mr. Ford stated the City has the ability to take over the properties, mow them down and get land to value while it still makes sense. Chair Harless asked Mr. Komando to address this issue and explain whether the City is able to do this or not. Mr. Komando stated there are additional costs going down that road. He stated the problem is property owners have rights, whether they are delinquent property owners or property owners in good standing. He added, in order

for a government to come in and start making improvements on a person's property, traditionally they have to go before a court, incurring additional costs and expenses. He stated many governments do not want to put that money out knowing the probability is they are never going to see a recovery of that money.

Mr. Komando stated the other road the government may choose is to make a decision to start foreclosing on those properties. He stated, at that point, there is also the balance on whether or not the Code Enforcement lien on the property is going to become inferior to the mortgage. He explained, the City could start the foreclosure process and if the mortgage on the property outweighs the value of the property, you do not see any money come out of it anyway.

Discussion ensued. Chair Harless stated, the Board is going to go over this again and again for all properties of this nature. She stated, as a Board, they need to decide how we want to handle these kinds of situations. She stated, she would like to have a dollar amount in order to recoup the administrative costs, time and efforts the City has invested in the property. Mr. Komando stated that it is probably not possible to capture the hours and time spent on a case. Discussion ensued.

**Motion: The Board moves to reduce the fine to \$6,000.00 and that it be paid within 30 days.**

Moved by de Luna

**Motion Failed.**

**Motion: The Board moves to reduce the fine to \$3,125.00 and that it be paid by December 1, 2015.**

Moved by Coplan, Seconded by Lombardi

**Votes:**

**Aye: - 3 – Harless, Coplan, Lombardi**

**Nay: - 2 – de Luna, Keith**

**Motion Carried**

Chair Harless asked Mr. Ford if he wanted to make the case now for the aforementioned property located at 133 Belvedere. Mr. Komando interjected, requesting a conversation with the Board. Mr. Komando stated he does not think the Board can commit to anything until afterwards. Mr. Komando stated he would rather the Board not do it during this meeting as it is not noticed as part of our agenda, adding, as Mr. Ford is not the property owner he really does not have the standing to ask. Mr. Komando suggested Mr. Ford take the conversations the Board provided tonight as part of his analysis of where to set the bid on the other property. Mr. Ford concurred.

<b><u>CASE ID</u></b>	<b><u>NAME &amp; ADDRESS</u></b>	<b><u>VIOLATION</u></b>
12-00000907	William R Blackard Jr 1595 Beach Ave	IPMC Sec. 304.7 Roofs and Drainage IPMC Sec. 304.10 Stairway,Deck,Porch,Balco IPMC Sec. 304.6 Exterior Walls IPMC Sec. 304.2 Protective Treatment IPMC Sec. 302.3 Sidewalks and Driveways IPMC Sec. 304.4 Structural Members

Mr. Markee presented the case, stating this is a rehearing to request an extension of time. Mr. Markee stated this is the third time Mr. Blackard has come before the Board. Mr. Markee stated Mr. Blackard was scheduled to come to the July 2015 meeting as his last extension expired on July 1, 2015, however, the case was re-scheduled for tonight's meeting. Mr. Markee stated Mr. Blackard has been making steady progress with the property and has come into compliance, as of today, with the stairway and the driveway. Mr. Markee stated Mr. Blackard has provided regular updates on the property and we have had multiple meetings on the property itself.

**William R. Blackard Jr, 1595 Beach Avenue**, stated he is the owner of the property and requested Mr. Markee state his recommendation to the Board, as previously discussed. Staff recommends the Board find the property owner in violation and orders that compliance be achieved by completing the repairs that are still outstanding on the property with a deadline in conjunction with the expiration of his permit renewal or a fine of \$100.00 be imposed for the first day and \$100.00 for every day thereafter the violation continues to exist. The property owner is responsible for contacting the City Code Enforcement Officer and obtaining an inspection of compliance. Chair Harless asked Mr. Markee for the date of the expiration of the permit. Mr. Markee stated his initial recommendation was for January 1, 2016. Discussion ensued.

Mr. de Luna stated he thought the last time Mr. Blackard came before the Board, the Board extended the date to give him enough time to complete the project. Mr. Komando stated, in fact, the Board gave more time than requested. Mr. de Luna said he thought the last time they had agreed it would be completed and we would have an Affidavit of Compliance by July 1, 2015. Mr. Blackard stated that is correct and he wished it had happened. Mr. de Luna asked him to explain why it has not happened and what is causing the delay. Mr. Blackard stated the concrete slab for the porch took longer to get poured than he expected. He stated it went back to engineering three or four times and finally Mike Jones, the building inspector, approved the design of the slab. He stated that put us behind and then we had to build the wood structure to support the porch covering.

Mr. de Luna asked Mr. Markee the date he recommended for the extension of time to complete the project. Mr. Markee stated he recommended January 1, 2016, with the understanding that the extensions stop at that point. Mr. de Luna stated, and then the fines will start, and Mr. Markee stated yes. Mr. Komando stated we cannot have self-executing fines that are going to start, the law lays out exactly how it is. Mr. Komando asked what violations are outstanding and what has to be done for the property to be in compliance. Mr. Markee stated roofs and drainage, exterior walls, protective treatment and structural members. Chair Harless asked Mr. Komando if they could make a motion to allow an extension, and Mr. Komando stated yes.

**Motion: The Board moves to extend the time to complete by January 1, 2016.**

Moved by de Luna, Seconded by Keith  
The motion was approved unanimously.

**4. New Business**

<u>CASE ID</u>	<u>NAME &amp; ADDRESS</u>	<u>VIOLATION</u>
14-1288	Michael L Altee 1202 Jasmine St	IPMC 301.3 Vacant Structures and Land IPMC Sec. 302.4 Weeds

Mr. Markee stated he is withdrawing the case, as there was no service or contact with the property owner.

**5. Miscellaneous Business**

Mr. de Luna stated his three year term will expire September 30, 2015. Discussion ensued regarding re-appointments and recruiting new members.

**Adjournment**

There being no further discussion, the meeting adjourned at 7:25 p.m.

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Veda Harless, Chair

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Dayna L. Williams, Secretary

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