

**APPROVED  
CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA**

**WORK SESSION MINUTES**

**February 24, 2005 – 11:30 am  
Seminole County Services Building – Room 1028  
1101 East First St, Sanford FL 32771**

- I      Opening Statement – Matt West, Planning Manager**
- II     Introductions**
- III    Welcome to Visitors**
- IV    Changes to Florida Statute 162**
- V     Board Input**
- VI    Staff Input**

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The scheduled work session of the Seminole County Code Enforcement Board was opened at 12:00 noon in the BCC Chambers, 1101 E. First Street, Sanford, Florida.

Members Present: Jay Ammon  
Larry Lawver  
Bill Fahey  
Stewart Fritz  
Melanie Chase  
Joann Lucarelli

Members Excused: Tom Hagood

Code Enforcement    Deborah Leigh, Senior Code Enforcement Officer  
Staff Present:        Pamela Taylor, Code Enforcement Officer  
Joann Davids, Code Enforcement Officer  
Jerry Robertson, Code Enforcement Officer  
Donna Wisniewski, Code Enforcement Officer  
Dorothy Hird, Code Enforcement Officer  
Connie R. DeVasto, Clerk to the Code Board

Others Present: Jean Metts, former Vice Chair of the CEB  
Dan Mantzaris, Code Enforcement Board Attorney  
Dan Matthys, Planning and Development Director  
Matt West, Planning Manager  
Kimberly Romano, Assistant County Attorney  
Mahmoud Najda, Development Review Manager  
Alan Willis, Plans Examiner, Development Review  
Bob Adolphe, Director of Environmental Services  
Carole Coleman, Animal Services  
Gloria Vyka, Assistant Supervisor – Planning  
Dixie Haller, Executive Assistant to Dan Matthys, Director

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Due to the fact that Jean Metts would not be able to attend the Work Session in its entirety, Matt West, Planning Manager, asked Ms. Metts to come forward. Senior Code Enforcement Officer Deborah Leigh presented Ms. Metts with a gift from the Board Members, Code Enforcement Officers and Staff in appreciation of her 17 years of service and dedication to the Code Enforcement Board. Thank you Ms. Metts!

Mr. West welcomed everyone to the 2005 Code Enforcement Board Work Session. He asked all Board Members to take their seats on the dais. He advised that since Tom Hagood was running late, the Board would need to choose a member to act as Chair of the Work Session. It was agreed that Mr. Jay Ammon would chair this meeting. Mr. West further advised that the purpose of this meeting was to review policies and procedures; to review how Staff presents cases to the Board; how the Board wants to hear our cases, and if the Board or Staff had any suggestions or concerns regarding Code Enforcement.

Mr. West introduced the guests who were present and then turned the meeting over to Dan Mantzaris, Attorney for the Code Enforcement Board and Deborah Leigh, Senior Enforcement Officer, to discuss any changes to Florida Statute 162 and any other new issues.

Mr. Mantzaris talked briefly about his background with Seminole County and his background serving as Legal Counsel to the Seminole County Code Enforcement Board, as well as other Boards in the surrounding counties. Mr. Mantzaris also serves as the Special Master for Orange City's Code Enforcement.

Mr. Mantzaris advised the Board that as a quasi-judicial Board, their decision is final and any decision they make does not go before the Board of County Commissioners for final approval. If a Respondent or the County is not happy with the decision of the Code Enforcement Board, the next step would be a Court of Law. Because of that, the Code Enforcement Board must adhere to Chapter 162. Chapter 162 is the enabling Statute that gives the CEB the authority. It has not changed drastically over the course of the

last couple of years. Copies of Chapter 162 have been provided if anyone would like to read it over. Seminole County Code Enforcement Board's main purpose is to obtain compliance; even though they can impose fines and liens that can ultimately result in foreclosure by the County.

Mr. Mantzaris advised that the goal of compliance has not been met as often as Boards would like in Florida. A few years ago, the Legislature looked at this and allowed for certain areas (counties or municipalities that have in excess of 50,000 residents) that were having problems with compliance issues because their Code Board fines didn't have enough 'stick', to increase the amount of their fines. That is something that Mr. Mantzaris thinks the Board should keep in mind when hearing certain cases. For example, depending on the type of case and the Respondent, a fine of \$250 per day is more than enough to get compliance. On cases where it involves a corporation or a business where there is a large amount of cash coming in, \$250 per day for a lot of commercial businesses could just be considered the cost of doing business that day. So, \$250 per day doesn't really motivate them to come into compliance. What we might want to do is make a request to the BCC to implement the new provisions of Chapter 162 for increasing fines by revising their ordinance to allow for this. Mr. Mantzaris advised that this is the only recent change in Chapter 162.

Senior Code Enforcement Officer Deborah Leigh stated that at this time, the CEB has the authority to fine up to \$250 per day for the first violation and \$500 per day for a repeat violation, if this Board had previously issued an Order for the same violation on the same Respondent. It does not have to be the same location; just the same violation and the same Respondent. On irreparable or irreversible type of violations, this Board only has the authority to impose a one time fine up to \$5,000. Because Seminole County has a population of more than 50,000, it has the authority to adopt the new fines, which could go up to \$1,000 per day for the first violation and up to \$5,000 per day for a repeat violation. If you have an irreversible type of violation, the Board could impose a one time fine of up to \$15,000. This is something that has been suggested by this Board in the past. Debbi Leigh advised that the Code Officers, who now work for the Sheriff's Office, would support anything that the Board can do to bring this issue to the Commissioners to adopt the new fines.

Mr. Bill Fahey addressed the two new Board Members and advised them that the Board normally gives the Respondent at least 30 days in which to comply and the higher fine amount is designed to get them to act within the 30 days.

Mr. Mantzaris advised the Board members that he brought up the subject of the increased fine amount so that in the future, if the Board sees that there is a need, the Board will have the knowledge that there is an option open to them to pursue this issue with the Board of County Commissioners.

Mr. Mantzaris also discussed how the Code Board imposes liens on properties. He referred to a case in south Florida where the issue of a lien imposed on a piece of property was challenged. Seminole County Code Enforcement Board allows the Respondent to come back to the Board for a subsequent hearing when a lien is going to

be imposed. The Respondent has the opportunity to 'plead' his/her case and make a request of the Board to not lien their property. Seminole County has chosen to give the Respondent another chance to address the Board so that we comply with the case law in south Florida that dealt with an improper lien. Another issue that needs to be understood is that when a Respondent comes back to the Board to 'plead' their case, or any other time after the original Order has been entered, they do not get and should not get the opportunity to 'rehear' or 'reargue' their case. They get that chance the first time their case comes before the Board. They get the opportunity to challenge the code violation or the allegation. You must be very careful to not allow the Respondent to get back into the evidence of the case when they come back to the Board. This is very important, as facts can change and appellate times change based on these discussions.

Melanie Chase asked Mr. Mantzaris to clarify exactly what issue the Board should be considering when Respondent comes back before the Board. Would it only be the issue of whether or not to impose a lien?

Mr. Mantzaris advised that there are only two issues that should be considered: whether to place a lien and whether the property was brought into compliance subsequent to the original Order. The Respondent can be allowed to advise the Board that they have brought the property into compliance; if it was done after the original Order. The Board would need to limit the discussion to the scope of that one issue.

Debbi Leigh advised the Board that there may be cases that will come before them that are not attached to any piece of property. There have been cases in the past where a lien has been attached to personal property. We have liened business holdings/merchandise. There haven't been many; they are few and far between.

Mr. Mantzaris advised that the Statute provides that when you create a lien, you create the lien on any real or personal property which is owned by the Respondent in Seminole County. There will be times when a Respondent owns various pieces of property and they think the lien only gets attached to the property on which the violation occurred; but that lien attaches to any real or personal property that they own. There could be times when the County will want to proceed with imposing a lien against the Respondent, even when the Respondent has sold the property where the violation existed.

Melanie Chase asked if the Board designates which property it would be attached to.

Mr. Mantzaris advised that the Board does not designate. The lien is applied to any real or personal property owned by the Respondent.

Mrs. Chase asked if it was recorded in each property's name.

Mr. Mantzaris advised that it is recorded in the Respondent's name so that if or when a title search is done, it will show up under the Respondent's name. When it is recorded, it is in favor of Seminole County. So, if the Respondent wants to do anything with the lien, the Respondent would have to go before the Board of County Commissioners and ask the Commissioners to hear it.

Debbi Leigh advised that there have been discussions, inquiries, asking that some of that responsibility fall back on this Board, up to a certain lien amount, like \$100,000.00. Staff has asked if this Board could have the authority to reduce or rescind rather than the Respondent having to go before the County Commissioners. This has been suggested to the County in the past. This maybe something this Board would want to consider again.

Mr. Mantzaris advised that this request was sent to the County Attorney's office a while ago. This procedure is done in a lot of ways throughout Florida. A lot of municipalities or counties are going to a system where the governing body delegates that authority back to the Code Enforcement Board under the theory that the Code Enforcement Board is most familiar with the case. From the local Government's perspective and his experience, it makes it a less political issue for them. We might want to check with the County Attorney's office to see what the status is of this request.

Debbi Leigh asked Mr. Mantzaris to discuss with the Board Members the issue of them not being able to induce code enforcement proceedings.

Mr. Mantzaris advised of an Attorney General Opinion, that, as citizens of Seminole County, being on this Board does not take away your rights as a citizen. It does however, put certain restrictions on what you can do. You have the right to report a code violation to the Sheriff's Office as any other citizen but, per the Attorney General Opinion, as a Code Enforcement Member, you may do no more than that. In other words, you can report it, but you cannot call the Code Officer and ask what is going on with the case or ask when it will be coming before the Board.

Mr. Fahey brought up the issue that the Board members should not try to go by the addresses listed on the Agenda prior to the hearing. That each of them should see the exact same evidence presented by Staff at the same time.

Mr. Mantzaris explained that, being a quasi-judicial Board, you must make a decision on the evidence that is presented to you at the time of the public hearing. The Respondent also receives notification of the public hearing and if they attend will see the evidence at the same time that the Board does. You cannot take evidence 'outside' of the hearing. For example, if someone calls a Board Member and tells them that they are coming before the Board and would like to discuss or show the Board Member evidence prior to the hearing; the Board Member must decline and ask that person to present it to the Board at the time of the hearing. If any Board Member has any problem along those lines, please give Mr. Mantzaris a call. Mr. Mantzaris explained that what Mr. Fahey is talking about is like a 'site visit' which is usually done in trials. Board Members cannot ride by a violation address for the purposes of looking at the violation personally. Mr. Mantzaris explained that as citizens of Seminole County, there is a good chance that they could be driving by any of the addresses that would be coming before the Board. The issue is that you not make a special point to seek out these addresses for purposes of viewing the violations prior to it coming before the Board. Doing that would give you

inappropriate information and if it was challenged in Circuit Court, the case could be invalidated.

Mr. Fahey also brought up the issue that this Board is not here to deal with Homeowner Association problems. We are here for the purpose of maintaining Seminole County codes and ordinances.

Mr. Mantzaris advised that usually this Board hears cases on properties that are located in areas that do not have a Homeowner's Association. Most HOA's take care of the violation without it ever having to come before the Code Board.

Debbi Leigh asked the Board for their input regarding the PowerPoint presentations that are now being used by Staff. Is there anything they would like to see changed, any suggestions on how to make it better?

Melanie Chase stated that she thought Staff did a wonderful job and that the presentations were very easy to see and understand.

Regarding this subject, Mr. Mantzaris advised that, as Board Members, you are the trier of fact. The people that come before you are asking for a decision. That means they have to give you everything that they think you will need to make a decision. That's their obligation. I believe that as trier of fact, it's your obligation to say, no, you have not given me everything I need and this is what I need. If you think that there is something missing from the presentations, you need to point that out to the Staff.

Mr. Jay Ammon stated that it would be helpful for him to see a site plan or maybe an aerial shot. It is difficult to understand depth perception from a simple photograph.

Debbi Leigh advised that Staff will take into consideration this suggestion and try to include in the presentations information such as where the pictures were taken, how they were taken, what did the neighbors see, etc.

Mr. Ammon also suggested that with an aerial shot, the Board would see a lot more of what Staff wants them to see. This could be used along with the site plan. It is very difficult to get an exact view with just the ground level shot.

Mr. Bill Fahey asked if the Code Officers all have the same type of cameras.

Debbi Leigh advised that each Code Officer has a digital camera.

Mr. Fahey also asked if the Code Officers have a telescopic lens for their cameras.

Debbi Leigh advised that they do not. She further advised that they can not go beyond certain measures to bring evidence to this Board. They cannot go through extraordinary measures to collect evidence against the code violator. It is what they see, what pictures they can take under normal circumstances. They can not climb on top of their trucks and look over fences and take pictures. That is not permissible in Court.

Donna Wisniewski, Code Officer, advised the Board that with her height, she is not able to obtain certain photos such as looking over fences; but there is a Code Officer who is over 6 feet and if she is riding with her and if she can stand flat-footed and see over the fence, then that is acceptable because she is not using any extra-ordinary means in which to view the violation.

Dan Mantzaris advised that the general rule on that is 'plain view'. For example, if a neighbor allows the Officers to come into their second story room and view a violation, then that is considered in plain view because the neighbor can see the violation in plain view.

Debbi Leigh advised that as long as the Officers have a legal right to be at a location; if they have been invited to be there, then they can take photographs.

Debbi Leigh further advised the Board that when the Officers bring a case before the Board, it is usually the last resort. 9 times out of 10, the Officers have given the Respondent ample time to come into compliance. Our normal procedure is two weeks to come into compliance. Then there is a second notice and sometimes a third notice. We have a filing deadline date that is 6 weeks prior to the hearing. That's an additional 6 weeks before it comes to the Board. Sometimes the Respondent knows about the violation as much as 3 months before the case comes to the Board. They have been directed by their Supervisors to make every attempt to make personal contact with the violator before they bring the case to the Board. Now that they are with the Sheriff's Office, they have more means to try and find a Respondent than they had in the past. They also have the support of the other Officers so that if something needs to be done after hours, they can get that done. They do a lot of work prior to bringing a case to the Board. Again, when they do, it is the last resort.

Mr. Bill Fahey brought up the issue of times when the Code Officers will bring a case to the Board without much notice. Cases like an unsecured pool or any place that puts people in danger.

Debbi advised the Board that they can immediately bring anything before the Board that is an eminent danger. We do not have to give the violator a reasonable time to correct the violation if it is an eminent danger to the public. Sometimes, if it is an unsecured pool, you will see it added on to the Agenda within two days of the hearing so it can be brought before the Board.

Mr. Bill Fahey noticed a member of the Animal Control Division Staff in the audience and asked why the Code Enforcement Board never handled Animal Control complaints.

Mr. Mantzaris advised Mr. Fahey and the Board that Animal Control complaints fall under a different provision of the Statute. He stated that the only ones the Board will hear will be ones best described as zoning related. For example, you would hear a case of too many animals or someone running a kennel at a location where zoning prohibits it.

Debbi Leigh gave the Board a little history regarding the formation of Code Enforcement. She advised that when she started working with the County over 27 years ago, she was a Zoning Violations Inspector for the Planning Department. The other Code Officers were also Zoning Violations Inspectors as well as one of them was considered a Site Inspector who worked for Development Review. The County put them together as a Code Enforcement Team and brought in someone from the Building Department and CDBG to create the team. Code Enforcement is the responsibility of each and every department and division in Seminole County. There is no Code Enforcement Department. In 1992, the County Commissioners adopted a resolution that designated certain positions in most divisions and departments in the County to be Code Enforcement Officers and be responsible for enforcing the codes that those divisions are responsible for; such as Animal Control, Development Review, Building, Solid Waste and Environmental Services. They all have their own codes that they enforce and they have people in their departments that are designated as Code Enforcement Officers to enforce those codes.

The Zoning Violations Inspectors were transferred over to the Sheriff's Office in 2002 as a pilot program. In October of 2003, they were permanently transferred to the Sheriff's Office and redesignated as Code Enforcement Officers. They primarily enforce the same codes that they did when they worked for Planning; those being the nuisance code, which is Chapter 95 and is attached to your Chapter 162 packet. They also enforce some of the Land Development Code; the illegal businesses, housing of animals and sign regulations.

Mr. Fahey stated that he is always asked by people about buildings without permits. People who are building something like a mother-in-law room.

Debbi Leigh advised that unpermitted construction is enforced by the Building Department.

Mr. Fahey asked if the Building Department has people who are out doing that.

Debbi Leigh advised that the Building Department has 38 Inspectors who are responsible for doing unpermitted construction complaints.

Debbi Leigh asked the Board if they had any other questions or concerns regarding what the Code Officers do or what they are responsible for. Debbi advised that she is the Senior Code Enforcement Officer for the Sheriff's Office and has been directed to review all of the work that comes to Connie to be placed on the Agenda and the presentations. That is why she would like to know if there is anything that she can take back with her to the Sheriff's Office that we can look at doing. Adding the extra pictures or at least saying where the pictures were taken from or what angle they were taken from is a very good idea.

Mr. Stewart Fritz shared with the Board the one thing Jean Metts always said, "Our job is to bring these people into compliance".

Debbi Leigh stated that compliance is our goal, that is what we are all about and the cases that are brought before you are the ones that aren't in compliance.

Mr. Fahey asked if the other cities have their own Code Enforcement Boards.

Debbi Leigh advised Mr. Fahey and the other Board Members that the other cities have their own Boards and if they don't have Boards, they have a Special Master that hears their cases.

Mr. Fahey asked if the Seminole County Code Enforcement Board only hears cases that are in unincorporated Seminole County.

Debbi Leigh and Dan Mantzaris both answered yes.

Debbi Leigh further advised that the Code Enforcement Officers are designated to certain districts in the County. The Sheriff's Office has 6 districts and each Code Officer is located at what they call "Seminole Neighborhood Policing Offices". Each Officer works in a different office and each has their own Chain of Command. Each has their own Sergeant and Lieutenant and sometimes they do not see each other until the monthly meetings.

Mr. Fahey asked Debbi Leigh if the "Citizens on Patrol" personnel help with Code Enforcement such as picking up snipe signs, etc. He asked if they look for things, as in violations, and pass it onto the Officers.

Debbi Leigh advised that yes, they do help with picking up signs, computer work and are very happy to help, as it is something new to them. She stated that there is only one Code Enforcement Officer for each Sheriff's district.

Melanie Chase asked about the procedures when there is a conflict of interest for something that comes before the Board.

Dan Mantzaris advised that Chapter 112, which is the Professional Ethics for Public Officers, states that unless you have a conflict as defined in the Statute, you have to vote on every item. For example, if your neighbor who has lived across the street from you for 20 years has a code violation and you didn't have anything to do with it and didn't call in the violation complaint, comes before the Board, you have to vote on that matter unless you have a financial interest related to them or to the matter. Dan further advised that if a Board member believes they have a special interest, then they have to abstain from voting. If any Member has any questions, please give Dan a call. If any Member knows they have a conflict prior to the hearing, as soon as the Chair announces the case, it is that Member's obligation let the Chair know as soon as the case is called, that they do have a conflict and will not be participating in that matter.

Mr. Bill Fahey asked if the same would apply to someone like a brother or family member.

Mr. Mantzaris advised that unless a Member has a financial interest, they would have to participate. The law also states that the Board Member does not have to disclose what the relationship is or what the conflict is. Dan also advised that a Conflict of Interest form must be filled out and given to the Clerk. The law does not prohibit you from speaking on the matter; you just can't vote on it. Dan would advise that Members not speak on the matter. He can't tell a Member not to, but he would suggest that they don't.

Mr. Bill Fahey mentioned that about two years ago, there was a Police Officer at each meeting and asked why this isn't continuing.

Debbi Leigh advised that it is up to the discretion of the person who is presenting each case. If the Code Officer feels there could be a problem, they will make sure that an officer is present.

Mr. Mantzaris commented that Tom Hagood is very good at anticipating when a Police Officer might be needed and has made the necessary arrangements to have an Officer present during those meetings.

Debbi Leigh advised the Board that Seminole County was the first jurisdiction in the State of Florida to have all of their members certified through all three levels of certification with the Florida Association of Code Enforcement. (F.A.C.E.) This is an accomplishment that the Code Officers are very proud of. The Florida Association of Code Enforcement was formed to promote Code Enforcement education and training. Debbi and Donna Wisniewski have served on the Board of Directors for that organization for several years. Donna is the past President and Debbi is now serving as Secretary and has served as Treasurer in the past. The organization has workshops and training classes that are available to anyone who is a member of F.A.C.E. They also have workshops for Code Enforcement Board Members which are put on by the retired City of Orlando Attorney Bob Hamilton. Mr. Hamilton is also the Legal Counsel for the Florida Association of Code Enforcement. When the next workshop is scheduled, Debbi would be happy to pass that information onto the Board Members. Mr. Hamilton puts on a wonderful seminar. The annual conference of F.A.C.E. is scheduled for the third week of June in Sanibel Island and they will be holding a Code Enforcement Board workshop. Debbi would be happy to get that information to the Board Members. Some of the Code Officers are also members of A.A.C.E.; the American Association of Code Enforcement and their annual conference is in Orlando this year in October. Donna is the co-chair of the host committee that will be putting that conference on this year. Dorothy Hird and Debbi are also on that committee. Debbi can also get the information on the A.A.C.E. conference for the Board Members as well.

Jerry Robertson, Code Officer, asked Dan to discuss the issue of credible evidence. Jerry has issues with whether to bring certain evidence before the Board because of slander or third hand information.

Dan Mantzaris advised that there is a “fundamental fairness theory” that the Code Board should implement when hearing cases. By that, Dan believes that fundamental fairness relates to the evidence that is being presented. Dan stated that they should get the most valuable, accurate evidence they can and if they have a concern about it, they shouldn’t bring it before the Board. If it is evidence that the Code Officer thinks might be of interest to the Board, the Officer should advise the Board of their concerns about the accuracy of the evidence and let the Board decide whether they want to hear it. Use the ‘reasonable man’ theory. For example, if you have a neighbor who is saying that they saw this or that, tell the neighbor when the case will be heard by the Board and if that neighbor wants to appear and testify to what they saw, they can appear before the Board. If the Code Officer is not comfortable repeating or relaying what the neighbor is saying, have the neighbor attend the Code meeting.

Dan stated, especially for the new Board Members, most of the cases that are presented will be Respondents who know they are in violation and need more time to take care of it. They sometimes testify that they didn’t know what they are doing is a violation. Rarely will a Respondent testify that the Code Officer is wrong and they are not in violation. Most of the cases where the Respondent did not know what they are doing will be the violation concerning commercial vehicles in a residential area. They think that a commercial vehicle refers to a large truck or 18 wheeler; when it can actually be a work vehicle that they drive back and forth from home to work as part of their job. They will come before the Board and say they didn’t know they couldn’t keep their vehicle there.

Dan complimented the Board on working with the Respondents to allow them to participate in the decision and the remedy. For example, the Board will ask the Respondent how long they think they will need to come into compliance and that is exactly what the Board should do.

Mr. Jay Ammon stated that the issue of junk vehicles is a subjective one and would like to better understand what defines a junk vehicle.

Debbi Leigh advised that the code reads that a vehicle must be operable for the roadway, if it is properly licensed. It has to be in operable condition for the road to constitute that it is not a violation, but it does not have to have a tag on it. The burden of proof falls on the County with the cases that are brought before the Board. The Code Enforcement Officer must prove to the Board that the vehicle does not run. The Respondent usually admits to the Officer what is wrong with the vehicle when the Officer talks with the Respondent. Even a vehicle with a flat tire is inoperable for the road.

Dan Mantzaris asked Debbi if the County has a provision related to the vehicle being licensed and tagged.

Debbi advised that in Chapter 120, the vehicle has to be operable for the public roadway if it was properly licensed.

Dan asked if Staff interprets that to mean if the vehicle has a tag on it, it is not a junk vehicle.

Debbi advised that it says "a vehicle which is dismantled, wrecked, junk and/or non-operating, when used in this context, the term non-operating means any vehicle, which, with proper licensing, could not mechanically or legally be operated on the public road right of way".

Dan asked then, if a brand new vehicle, which everyone knows operates, but does not have a tag on it; would that be a junk vehicle?

Debbi advised that it is not.

Dan stated that this is a subject that maybe the County might want to review in their code. Jurisdictions throughout the State are going to the assumption that a vehicle is inoperable if it does not have a license or tag on it. That makes it a lot easier for Code Enforcement Boards.

Debbi advised that when this code was done in the 70's, the thought was that if a family had a relative who went overseas for 2 years and left their car at the family home and the family was keeping it until the relative returned, the family would not have the expense of paying for insurance and tags on a vehicle that was not being used for 2 years. Debbi also advised that there is a provision by which someone can keep a vehicle on their property if it is not operable; it must be kept in an enclosed garage or an attached carport.

Dan stated that from a Code Enforcement standpoint, the County might want to look into this code.

Mr. Larry Lawver advised that he is comfortable with the evidence that the Staff is presenting to the Board.

Mr. Matt West, Planning Manager, discussed some concerns that the Board of County Commissioners have regarding Code Enforcement cases that are being brought to them for reduction of liens. There seems to be about 1 or 2 per month and it is usually when citizens are trying to sell their home, buy property or a bank has foreclosed on a property that they have discovered, through a title search, that the property has a Code Enforcement lien on it. The Board is trying to come up with policies on how to address those requests for reduction of liens. They have asked us to look at what the County's administrative costs are, including the Sheriff's costs for processing a case, because the current Commissioners think we are leaving costs out; that the costs are more than we are estimating. Also, they would like to see some type of formula to use in deciding how much to reduce a lien or even when to waive a lien. Regarding recording a lien, the Commissioners would like to see us notify the mortgage holder on the property or any other lien holder on the property, as well as the property owner. We have had banks coming before the Board because they have foreclosed on a property that had a lien imposed on it and the bank brings the property into compliance and are requesting that

the lien be waived because the former owner was the 'bad guy'. Hopefully by notifying the mortgage holder prior to the foreclosure, it might influence the Respondent to bring the property into compliance before it gets to foreclosure.

Dan Mantzaris repeated the fact that this might be the time to approach the Board of County Commissioners with the suggestion that the Code Enforcement Board take over some of the responsibility of hearing the requests for lien reductions. They need to know that they have a Board in place that is familiar with the cases.

Dan explained that he is not comfortable with 'formulas' for reducing liens. The lien is a result of a fine and the fine is set on certain circumstances; the gravity of the violation, what the violator did, if there were previous violations. The decision should be on a case by case basis. Using a formula to set the imposition of costs would be a good thing.

Matt West stated that, as Jean Metts said, "the job is compliance", the BCC is looking at the fact that people are coming back and asking for forgiveness and they would like to include some type of deterrence along with the costs. The people think that they can be out of compliance for years and then come in and have the lien reduced to administrative costs. The BCC would like to get the word out that if a Respondent does that, it will not be reduced to just administrative costs; it will be a lot more and hopefully this will deter any repeat violators or any other violators.

Mr. Larry Lawver stated that using a formula for the decisions the BCC makes seems okay but that it wouldn't work for the cases that the Code Board hears.

Dan Mantzaris stated that he was correct; the decisions made by the Code Board should be addressed on a case by case basis.

Mr. Lawver stated that he is very pleased with the decisions that the Code Enforcement Board makes.

Mr. Jay Ammon made a suggestion that Staff add to their PowerPoint presentations, colored arrows to point out exactly what Staff wants the Board to see. If there are several violations in one picture, have different color arrows to each violation.

Debbi stated that Mr. Ammon's suggestion was a very good one and Staff will implement that.

There being no further business, Mr. Ammon adjourned the Work Session at 1:20 pm.

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Connie R. DeVasto  
Clerk to the Code Enforcement Board

**CODE ENFORCEMENT BOARD  
SEMINOLE COUNTY, FLORIDA**

**MINUTES**

**February 24, 2005 - 1:30 pm  
Seminole County Services Building – Room 1028  
1101 East First St, Sanford FL**

**I      Call to Order**

The scheduled meeting of the Seminole County Code Enforcement Board was called to order at 1:40 pm in the Seminole County Services Building, Room 1028, 1101 East First St, Sanford FL.

A few moments of silence was held followed by the Pledge of Allegiance.

**II      Pledge of Allegiance**

**III     Roll Call**

Members Present: Tom Hagood, Chair  
Melanie Chase  
Jay Ammon  
Larry Lawver  
Bill Fahey  
Stewart Fritz  
Joann Lucarelli

Members Excused: None

Present & Sworn: Deborah Leigh, Senior Code Enforcement Officer, SCSO  
Dorothy Hird, Code Enforcement Officer, SCSO  
Pamela Taylor, Code Enforcement Officer, SCSO  
Joann Davids, Code Enforcement Officer, SCSO  
Jerry Robertson, Code Enforcement Officer, SCSO  
Donna Wisniewski, Code Enforcement Officer, SCSO  
Matthew West, Planning Manager  
Tom Helle, Building Official  
Joey Rodriguez, Building Inspector

Others Present: Daniel F. Mantzaris, Code Enforcement Board Attorney  
Connie R. DeVasto, Clerk to the Code Enforcement Board

**IV      Swearing in of Witnesses**

William McCormick, Attorney for Respondent, Viacom  
Outdoor, Inc., Case No 05-12-CEB

**V      Agenda Update & Approval**

The published agenda was revised to allow respondents and witnesses present at today's hearing to be heard first. The remaining cases would then be heard in the order originally published.

**MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON TO APPROVE  
THE REVISED AGENDA.**

**TOM HAGOOD – YES  
MELANIE CHASE – YES  
LARRY LAWVER – YES  
JO ANN LUCARELLI – YES**

**JAY AMMON – YES  
BILL FAHEY – YES  
STEWART FRITZ – YES**

**MOTION CARRIED 7 – 0.**

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The following case will not be heard today:

Anabelle & George W. Diaz, Case No 04-26-CEB,  
Continued at Staff Request

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Case No: 05-12-CEB  
Viacom Outdoor, Inc.  
Corporation Service, Registered Agent  
Planning Manager: Matthew West

**New Case**

Violation Charged: Seminole County Land Development Code, Section 30.1251 and  
Building Code, Sections 104.1.1 and 105.4.

Described as: 1) Non-conforming billboard due to zoning.  
2) Construction without the required permit and inspections.  
Location: Westbound lane of I-4, Longwood (Commission District 5)  
State I.D. # BM 103

William McCormick, Attorney for Respondent, advised the Board that he has an objection to Matt West presenting this case to the Board and also testifying as a witness in this matter. He believes that someone who is not a testifying witness should present this case.

So noted by the Board.

Matthew West, Planning Manager, testified on behalf of the County and advised the Board that, after consultation with the Code Board's Attorney, the County would request a continuation of this case to the next meeting. Mr. West stated that he wants to make sure the integrity of this case and its decisions are intact. There is a question concerning two of the Code Enforcement Board Members potentially serving on two quasi-judicial bodies; holding two offices at the same time. Mr. West is concerned that whether they abstain or vote, it could affect the outcome or legal proceedings after this. Therefore, Mr. West requests a continuance for one month so that the County Attorney's office can look at this issue and make sure we are not compromising the integrity of this due process.

Dan Mantzaris, Code Board Attorney, advised the Board that both Melanie Chase and Jo Ann Lucarelli sit on other Boards. Ms. Chase on the County's Board of Adjustment and Ms. Lucarelli on Lake Mary's Planning and Zoning Board. The County Attorney's Office needs to look at this issue and make sure that this is not an improper service issue.

Mr. McCormick advised the Board that the Respondent would not object to a continuance of this matter for one month.

After discussion of this case by the Board:

**MOTION BY JAY AMMON, SECONDED BY STEWART FRITZ TO CONTINUE THIS CASE TO THE MARCH 24, 2005 MEETING.**

**TOM HAGOOD – YES  
MELANIE CHASE – YES  
LARRY LAWVER – YES  
JO ANN LUCARELLI – YES**

**JAY AMMON – YES  
BILL FAHEY – YES  
STEWART FRITZ – YES**

**MOTION CARRIED 7 – 0.**

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Case No: 04-61-CEB  
Bill Heard Chevrolet Corp.  
CT Corporation System, Registered Agent  
Code Enforcement Officer: Deborah Leigh  
Complaint No: 2004CE000168

**This case was heard by the Board on September 23, 2004 and an Order was entered giving the Respondent a compliance date of January 7, 2005. An Affidavit of Non-Compliance was filed by the Code Officer on January 13, 2005. This property is not in compliance at this time.**

Recommendation: The Board issue an Order constituting a lien in the amount of **\$11,750.00**, 47 days of non-compliance from January 8, 2005 through and including February 24, 2005, at **\$250.00** per day be recorded in the public records and the fine shall continue to accrue at **\$250.00** per day for each day the violations are repeated past February 24, 2005.

Violation Charged: Seminole County Land Development Code, Section 30.466 as provided for in Section 1.4 Penalties, Final Site Plan Approval, and Section 30.1245, Prohibited Signs.

Described as: 1) Outdoor speaker sound amplification systems are prohibited according to the Final PCD Site Plan Developer's Commitment Agreement.  
2) Prohibited signage displayed.

Location: 125-127 Oregon Street, Sanford (Commission District 5)  
Tax Parcel ID # 29-19-30-300-0070-0000

Jennifer Eden, Attorney, testified on behalf of the Respondent, Bill Heard, and advised the Board that due to miscommunication between herself and County Staff regarding the fee amount for the amendment to the Development Order. Therefore, it has taken more time than originally anticipated to be scheduled to go before the Planning and Zoning Board for their amendment request. They are currently scheduled for March 2, 2005 with the Planning and Zoning Board.

Deborah Leigh, Senior Code Enforcement Officer, testified on behalf of the County and advised the Board that Staff would not oppose a continuation of this matter until after the Respondent appears before the Planning and Zoning Board.

The Board makes an inquiry as to whether Ms. Eden feels that if this case was continued until the March Code Board meeting, she would have the answer to the

amendment change request by then or would she need until the April Code Board meeting.

Ms. Eden advised the Board that the Respondent is also scheduled to appear before the Board of County Commissioners on April 12 and is not sure of the time frame as to when the Respondent will have a final answer.

Matt West, Planning Manager, advises the Board that his concern over the dual office holding does apply to this case as well.

Dan Mantzaris, Code Board Attorney, advised that Ms. Eden has stated that she does not have a problem with the structure of the Code Board members as they sit today.

Matt West advised that the Respondent will have a final answer on April 12, 2005 after they appear before the Board of County Commissioners. There is a 30 day appeal period after the April 12 decision, but the Respondent will have an answer on the 12<sup>th</sup> if an appeal is not filed.

Ms. Eden advised the Board that the amplification system has not been activated since August 12, 2004. She asked if this matter is continued until after the Board of County Commissioners hearing, would she be able to come before the Board and have the fine removed.

Dan Mantzaris asked Senior Code Officer Deborah Leigh is this property was in compliance at this time.

Officer Leigh advised that it was not.

Mr. Mantzaris advised Ms. Eden that the Board would be happy to entertain a request regarding the fine only after the property is in compliance.

Ms. Eden had a question regarding what exactly was not in compliance and the Board advised Ms. Eden to get with Officer Leigh and she will be happy to explain the Respondent's current status of non-compliance.

Officer Leigh made a request to withdraw this matter from the Agenda and bring this item back to the Board at a later date.

This case was withdrawn by Staff and no further discussion was had in this matter.

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**AT THIS TIME, THE CHAIRMAN ASKED TO ENTERTAIN A MOTION TO ACCEPT THE CONSENT AGENDA AS LISTED. MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER TO ACCEPT THE CONSENT AGENDA AS FOLLOWS:**

Case No 00-101-CEB  
Alan W. & Aileen S. Davis  
Code Enforcement Officer: Dorothy Hird  
Complaint No: 2000-03228

**This is a Repeat Violation. The original violation was heard by the Board on December 7, 2000 and an Order was entered. Compliance was obtained on the original violation on October 17, 2003. An Affidavit of Repeat Violation was filed on October 21, 2004. An Order of Repeat Violation was entered by the Board on December 2, 2004 giving the Respondent a compliance date of December 20, 2004 with a fine of \$250.00 per day if compliance was not obtained by that date. An Affidavit of Non-Compliance After Repeat was filed on December 21, 2004. The property is not in compliance at this time.**

Recommendation: The Board issue an Order constituting a lien on a Repeat Violation of the Order of Repeat Violation dated December 2, 2004 in the amount of **\$16,250.00** for 65 days of non-compliance at **\$250.00** per day from December 21, 2004 through and including February 24, 2005, be recorded in the public records and the fine shall continue to accrue at **\$250.00** per day for each day the violation is repeated past February 24, 2005.

Violation charged: Seminole County Code, Chapter 95, Section 95.4 as defined in Section 95.3(p).  
Described as: 1) Objectionable, unsightly or unsanitary matter, substance or material tending by its existence and/or accumulation to endanger or adversely affect the health, safety, lives and/or welfare of the citizens of the County.  
Location: 349 E Alpine Street, Altamonte Springs (Commission District 4)  
Tax Parcel ID # 11-21-29-503-0G00-0220.

#### **ORDER IMPOSING LIEN/FINE AFTER REPEAT VIOLATION**

The Respondents are the owners of record of the property (Tax Parcel ID # 11-21-29-503-0G00-0220) located at 349 E. Alpine Street, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOTS 22 + 23 BLK G WEST ALTAMONTE HEIGHTS SEC  
PB 10 PG 75

This case came on for public hearing before the Code Enforcement Board of Seminole County for repeat violation on December 2, 2004 after due notice to the Respondents. The Board, having heard testimony under oath and having received evidence, issued its Order of Repeat Violation.

Said Order found Respondents in repeat violation of the Seminole County Code, Chapter 95, as defined in Section 95.3(p).

Said Order stated that a fine in the amount of \$250.00 per day would be imposed if the Respondents did not take certain corrective action by December 20, 2004.

An Affidavit of Non-Compliance has been filed with the Board by the Code Officer, which Affidavit certifies under oath that the required action has not been obtained as of December 21, 2004.

Based on the testimony and evidence presented, the Respondents are in repeat violation of the Seminole County Code, as stated in the original Findings of Fact, Conclusions of Law and Order dated December 7, 2000 and the Order of Repeat Violation dated December 2, 2004.

Accordingly, it having been brought to the Board's attention that the Respondents have not complied with the Order of Repeat Violation dated December 2, 2004. Therefore, the Board orders that a lien in the amount of **\$16,250.00** for 65 days of non-compliance at \$250.00 per day from December 21, 2004 through and including February 24, 2005, be imposed against the property and the fine shall continue to accrue at **\$250.00** per day for each day the violation is repeated past February 24, 2005.

This Order shall be recorded in the public records of Seminole County, Florida, and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

**DONE AND ORDERED** this 24<sup>th</sup> day of February, 2005, in Seminole County, Florida.

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Case No: 04-82-CEB  
Isaiah S. Bailey  
Code Enforcement Officer: Dorothy Hird  
Complaint No: 2004CE001091

**This case was heard by the Board on December 2, 2004 and an Order was entered giving the Respondent a compliance date of December 24, 2004. An Affidavit of Non-Compliance was filed by the Code Officer on December 29, 2004. This property is not in compliance at this time.**

Recommendation: The Board issue an Order constituting a lien in the amount of **\$4,575.00**, 61 days of non-compliance from December 25, 2004 through and including February 24, 2005, at **\$75.00** per day be recorded in the public records and the fine shall continue to accrue at **\$75.00** per day for each day the violations are repeated past February 24, 2005.

Violation Charged: Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(f)(g)(h).

Described as: 1) Unusable appliances on property.  
2) Accumulation of trash and debris.  
3) Uncultivated vegetation in excess of 24" in height, within 75' of a structure.

Location: 121 Plymouth Avenue, Altamonte Springs (Commission District 4)  
Tax Parcel ID # 07-21-30-505-0B00-0010

### **ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN**

The Respondent is the owner of record of the property (Tax Parcel # 07-21-30-505-0B00-0010) located at 121 Plymouth Avenue, Altamonte Springs, located in Seminole County and legally described as follows:

LEG LOT 1 BLK B HARMONY HOMES  
PB 13 PG 35

This case came on for public hearing before the Code Enforcement Board of Seminole County on the December 2, 2004 after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

Said Order found Respondent in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3(f)(g)(h).

Said Order stated that a fine in the amount of \$75.00 per day would be imposed if the Respondent did not take certain corrective action by December 24, 2004.

An Affidavit of Non-Compliance bearing the date of December 29, 2004, has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action has not been obtained.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated December 2, 2004, the Board orders that a fine of **\$4,575.00**, 61 days of non-compliance at \$75.00 per day, be imposed against the property and the fine shall continue to accrue at **\$75.00** per day for each day the violations continue past February 24, 2005.

**The Respondent must contact the Code Enforcement Officer to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Enforcement Officer inspects the property and establishes the date of compliance.**

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

**DONE AND ORDERED** this 24<sup>th</sup> day of February, 2005, in Seminole County, Florida.

**TOM HAGOOD – YES  
MELANIE CHASE – YES  
LARRY LAWVER – YES  
JO ANN LUCARELLI – YES**

**JAY AMMON – YES  
BILL FAHEY – YES  
STEWART FRITZ – YES**

**MOTION CARRIED 7 – 0.**

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## **VII Election of Chair and Vice Chair –**

The gavel was passed to the Clerk who opened the floor for nominations:

**MOTION BY BILL FAHEY, SECONDED BY LARRY LAWVER TO NOMINATE TOM HAGOOD AS CHAIRMAN OF THE CODE ENFORCEMENT BOARD.**

Having no additional nominations, the Clerk closed the floor for discussion. There being no further discussion, this vote passed unanimously.

The gavel was passed to Tom Hagood, Chair, who opened the floor for nominations for Vice Chair:

**MOTION BY BILL FAHEY TO NOMINATE JAY AMMON AS VICE CHAIR OF THE CODE ENFORCEMENT BOARD.**

Having no additional nominations, the Chair closed the floor for discussion. There being no further discussion, this vote passed unanimously.

**VIII Approval of the minutes from the meeting of January 27, 2005**

**MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON TO APPROVE THE MINUTES FROM THE MEETING OF JANUARY 27, 2005.**

<b>TOM HAGOOD – YES</b>	<b>JAY AMMON – YES</b>
<b>MELANIE CHASE – YES</b>	<b>BILL FAHEY – YES</b>
<b>LARRY LAWVER – YES</b>	<b>STEWART FRITZ – YES</b>
<b>JO ANN LUCARELLI – YES</b>	

**MOTION CARRIED 7 – 0.**

**IX Confirmation date of next meeting: March 24, 2005**

**X Old Business – None**

**XI New Business –**

**Dan Mantzaris discussed with the Board the issue of Melanie Chase and Jo Ann Lucarelli holding dual offices. He stated that Florida’s Constitution prohibits an individual from hold two offices in the State of Florida. It is called the “Dual Office Prohibition”. Quasi-judicial board service has been deemed an office in the State of Florida. This is not an issue that the Code Board has to decide; it is an issue for the County’s Attorney’s office to resolve because they are the ones who do the appointments. Dan will be getting with Melanie Chase and Jo Ann Lucarelli individually to discuss this issue.**

**XII Adjourn – 2:03 pm.**

**Respectfully submitted:**

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**Connie R. DeVasto**  
**Clerk to the Code Enforcement Board**

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**Tom Hagood**  
**Chair**

