

**CODE ENFORCEMENT BOARD
MEETING MINUTES
Wednesday, August 21, 2024**

MINUTES ARE NOT VERBATIM

A meeting of the Okaloosa County Code Enforcement Board was held Wednesday, August 21, 2024, at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner’s Chambers, Shalimar, Florida. Vice Chairman Mark Siner, Dana Cawthon, Parrish Hollingsworth, Marte Lancaster, Caralee Gibson (arrived at 4:23pm) were in attendance. Mike Banks and Tammy Summers were unable to attend the meeting.

Growth Management staff in attendance: Elliot Kampert, Growth Management Director; Lisa Payton, Code Enforcement Supervisor; Lynne Oler, Code Enforcement Administrative Assistant; Code Enforcement Officers, Ron Cliff, Sean Donaldson and Chris Moody. Kirsten Mood, Okaloosa County Attorney’s Office, was also in attendance.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Ms. Lynne Oler conducted roll call.

3. SWEARING IN OF ALL SPEAKERS

Ex Parte Query: *Ms. Kirsten Mood, asked if any member of the Board had any ex-parte communications to disclose on the record, including any site visits or any communication with any Respondents. There were none.*

Ms. Kirsten Mood swore in all who wished to speak at the meeting.

4. APPROVAL OF MINUTES – July 17, 2024 Meeting

Motion to approve the minutes of the July 17, 2024 meeting, made by Marte Landcaster, second by Dana Cawthon, motion passed unanimously.

5. ANNOUNCEMENTS:

There was none.

6. PUBLIC COMMENTS:

There was none.

7. OLD BUSINESS:

A. Disposition of Previous Cases:

**CEB CASE #24-553787
Location of Violation:**

**Justino Chacon
126 Boyce Drive, Shalimar**

Ms. Payton stated that Mr. Chacon met with Building Official Purl Adams, as requested by the Board, and he has obtained permits and done everything that we asked him to do.

CEB CASE #24-551804

Jeanne K. Hutto

Location of Violation:

323 Northampton Circle, FWB

Ms. Payton announced that this property is not in compliance and that Code Enforcement will be filing the Order, including the Findings of Facts/Conclusion of Law.

CEB CASE #24-553517

Mary C. Daniel & Robert Pacheco

Location of Violation:

37 12th Street, #127, Shalimar

Ms. Payton said that this property is not in compliance, so we will file the Order, including the Findings of Facts/Conclusions of Law for noncompliance.

CEB CASE #24-544976

James D. Jackson & Anita Barnett

Location of Violation:

6405 Lake Ella Rd., Crestview

Ms. Payton said that this was the case where they had 4 RVs, and they have gotten a Temporary Use Permit. They have a year to get the Development Order completed.

CEB CASE #24-553463

Little Haven Coffee Shop, LLC

Location of Violation:

895 James Lee Blvd., W, Crestview

Ms. Payton announced that this case was given until October 16, 2024. Ms. Payton stated that the only thing she heard on this case was that they had called the commissioner, complaining about our administrative fees. The Code Enforcement Board and Ms. Payton told them they would work with them on the fees, but no other information has been provided and nothing else has been changed.

CEB CASE #24-553462

Tina Walder

Location of Violation:

4605 Eagle Way, Crestview

Ms. Payton announced that this property is not in compliance and that Code Enforcement will be filing the Order, including the Findings of Facts/Conclusion of Law.

8. NEW BUSINESS:

A. A. CEB CASE #24-551375

Kristi J. & Amber C. Creech

Location of Violation:

5161 Hwy 4, Baker

Chapter 6, Buildings and Construction, Article VI. Building Code, Sec. 6-133. Amendments to, Section 104.5 Unsafe buildings or systems, Sec. 6.134 (b) Building permits and fees; Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-136. Public nuisances described; and Chapter 21, Traffic and Motor Vehicles, Article IV. Abandoned and Nuisance vehicles, Sec.21-65, Nuisance vehicles defined, and Appendix E, Land Development Code, Chapter 2, Zoning Regulations, Sec. 2.03.04 Permitted uses, Sec. 2.21.05 Limitations and restrictions

Code Enforcement Officer Ron Cliff, stated that this property remains in violation of Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-136. Public nuisances described; and the Land Development Code Chapter 2, Zoning Regulations, Sec. 2.21.05. He stated his original complaint was on February 14, 2024 and stated trash, illegal RVs, and nuisance

vehicles on the property. Staff's recommendations are to sign the Order, including the Findings of Facts/Conclusions of Law, pay administrative fees, and allow until September 17, 2024 to bring the property into compliance, and if it is not brought into compliance by the dead line a \$250 per day fine and any new administrative costs that may have accrued.

Vice Chairman Siner asked Elliot Kampert to expound on the Land Development Code. Mr. Kampert explained that the property is Mixed Use and that allows anything from Residential 1 to Commercial 3 and there is nothing that prohibits these RV's from being classified as residents in the Mixed-Use Zone. Mr. Kampert said they would need to be in compliance with the Health Department and have any permits required.

Ms. Kristi Creech, 5161 Hwy 4, Baker, approached the podium. She said she couldn't hear most of what was said and asked for clarification. Vice Chairman Siner explained to her what the Board has talked about so far. Mr. Siner asked Ms. Creech to speak with the Code Officer and he would explain everything she needs to do to come into compliance.

Ms. Mood added, for clarification, that the two violations that were properly noticed are, Public Nuisance and Chapter 2 of the Land Development Code, Sec. 2.21.05 about the number of guest houses. Some discussion took place as to whether Ms. Creech understood the violations.

Caralee Gibson made a motion to find the property at 5161 Hwy 4, Baker in violation of Okaloosa County Code of Ordinances Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-136. Public nuisances described; and the Land Development Code Chapter 2, Zoning Regulations, Sec. 2.21.05. The violations need to be brought into compliance by September 17, 2024, or a \$250 per day fine will be assessed. Administrative fees calculated by Staff will be immediately assessed. Dana Cawthon seconded the motion. Ms. Payton said that Ms. Creech had asked for a reduction in the administrative fees after the last meeting when this item was tabled, and she asked that it be made clear in the motion if the Board elects to reduce her administrative costs. Some discussion took place, and under the current Code, Ms. Creech can apply for a reduction of the administrative costs once the property is brought into compliance. Motion passed unanimously.

**B. CEB CASE #24-554636
Location of Violation:**

**Gerard Hughes
122 Merle Circle, FWB**

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-136. Public nuisances described and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65 Nuisance vehicles defined.

Code Enforcement Officer Chris Moody read the above violations and said his original inspection was on May 5, 2024. He added that Notice of Violation was sent through certified mail. Mr. Moody said that Staff's recommendation is for the respondent to pay the administrative fees and to find the property in violation, and if it is not brought into compliance by the date the Board gives, then a \$250 per day fine will be assessed. He stated that Mr. Hughes is here to speak to the Board.

Mr. Gerard Hughes, 122 Merle Circle, Fort Walton Beach, approached the podium. He said someone came to destroy his home and he said that was 20 years ago. He stated that he has been living in a FEMA trailer that was set up in the back yard for all this time. He said that he has many health issues from living in this trailer. Mr. Hughes said he doesn't understand why it's described as dangerous. He said he has all the doors and windows locked and he lives in the back yard. He said he has cameras on his property. He said he hauled off the kitchen and walls and anything that

was dangerous, that he could deal with. He said this past winter was the worst and he had been in bed sick the entire winter. He had his house pressure washed, because of mold, but that chipped off paint and made it look worse. He said he is hoping to get it painted. He mentioned his old truck is in the front yard and he apologized because he should have backed it into the driveway. He said his son lives 7 states away, and it's hard for him to help. Mr. Hughes gave a history of what happened. Vice Chairman Siner said the truck doesn't have a tag and Mr. Hughes replied that he was afraid it would be stolen in his neighborhood. Mr. Siner explained that Mr. Hughes could cover it with a car cover, not a tarp, or get a tag. Mr. Siner then stated that the issue with the house is that it is uninhabitable.

Mr. Matewell, of Mary Lou Lane, Gulf Breeze, approached the podium and stated he and Mr. Hughes go to Church together. He said this damage to his home occurred during Hurricane Ivan. A contractor approached him and said he could do the work for him. He said they tore off the roof of the house and never put the roof back on. He said he has been to the house and it is nothing but a block structure, and everything in the house was ruined. Mr. Matewell said Mr. Hughes is unemployed and has all sorts of medical issues, but this is his home and he tries to secure it the best he can.

Marte Lancaster made motion to enter the Order finding Respondent of the property at 122 Merle Circle, Fort Walton Beach in violation of Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-136. Public nuisances described and Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance Vehicles, Sec. 21.65 Nuisance vehicles defined, assessing administrative fees due by the compliance date as recommended by Staff, and give Respondent until September 17, 2024 to come into compliance, and if not a fine of \$250 per day. Second by Parrish Hollingsworth. Mr. Cawthon asked if the roof is removed and the walls remain standing if it could still be considered derelict. Mr. Siner asked if a structure has walls and doors and windows and a roof, is it considered in compliance. And Mr. Siner said that Mr. Hughes only needs a roof and a few windows to come into compliance. Mr. Siner added that the vehicle could be covered or put the tag on it. Vice-Chairman Siner said his concern is the timeline, he doesn't know if he can get a roof put on in a month. Marte Lancaster amended her motion to give Mr. Hughes until November 19, 2024, which is about 90 days, to come into compliance or a \$250 per day fine, will be assessed, in addition to administrative fees due by the Compliance Date. Mr. Hollingsworth amended his second. Mr. Hughes approached the podium said that he is very sick and needs more time, but Ms. Lancaster said she feels she has to stay with the 90 days. Vice-Chairman Siner called for the vote. The motion passed unanimously.

C. CEB CASE #24-554638

Racetrack LLC

Location of Violation:

104 Truxton Avenue, Fort Walton Beach

Okaloosa County Code of Ordinances, as amended, Chapter 6, Buildings and Construction, Article VI. Building Code, Sec. 6-133. Amendments to, Section 105.5 Expiration and extension; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance vehicles, Sec.21-65, and Appendix E, Land Development Code, Chapter 1A, Code Administration, Sec. 1A.02.02

Code Enforcement Officer Sean Donaldson read the above violation. He received this case on April 26, 2024. The property had landscape trailer and other debris on site, along with an inoperable vehicle that has no tires. The landscape trailer has no registration. The property had a demo permit that expired in 2018, but they have resolved that issue and they have reinstated their

permits. Mr. Donaldson said he spoke with Ms. Martinez in our Planning Department because the property is owned by Racetrack LLC, James Nabors and Bart Fleet, but they are just storing junk vehicles, dump trailers and trailers, tree debris and Ms. Martinez said they would need a Development Order for the commercial business. There has been a fence installed but that doesn't resolve the issue. On July 10th, Mr. Donaldson received another complaint about more tree debris and he called Mr. Nabors and told him the trash needed to be removed. He informed Mr. Nabors about needing a Development Order (DO) and was told they weren't going to get a DO, because he is letting the man use the land rent free and that's the last Mr. Donaldson heard from them.

Caralee Gibson made a motion to find 104 Truxton Ave, Fort Walton Beach in violation of Okaloosa County Code of Ordinances, as amended, Chapter 6, Buildings and Construction, Article VI. Building Code, Sec. 6-133. Amendments to, Section 105.5 Expiration and extension; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance vehicles, Sec.21-65, and Appendix E, Land Development Code, Chapter 1A, Code Administration, Sec. 1A.02.02, and that they have until September 17, 2024 to come into compliance or a fine of \$250 per day will begin. Administrative fees are due by the Compliance Date. Seconded by Marte Lancaster, motion passed unanimously.

D. CEB CASE #24-555423
Location of Violation:

Luke Crum & Brianna Andrews
52 Berwick Circle, Shalimar

Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-134 Litter storage; Sec. 11-136. Public nuisances described; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance vehicles, Sec.21-65, Sec. 21-65 Nuisance vehicles defined.

Code Enforcement Officer Sean Donaldson read the above violation. He received this complaint on May 23, 2024. The complainant stated the pool was green and that no one lives in the home. Mr. Donaldson did not see the pool, but he did see several other violations. He said there was a silver truck out front and that the tag expired in January of this year. There are several food delivery bags outside, and mail delivered. There is a bucket full of water and an old crib. Mr. Donaldson said he had left several notices, he has mailed the notices, and the Notice of Hearing, but they all come back. He said the neighbors don't have any idea where the people went. They moved in and hadn't even lived there a year and they disappeared over night. The house is vacant and there is nothing inside it. The mail keeps coming and it's just left there.

Caralee Gibson made a motion that we find 52 Berwick Circle, Shalimar in violation of Okaloosa County Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III. Nuisances, Division 3. Litter, Sec. 11-134 Litter storage; Sec. 11-136. Public nuisances described; Chapter 21, Traffic and Motor Vehicles, Article IV Abandoned and Nuisance vehicles, Sec.21-65, Sec. 21-65 Nuisance vehicles defined, that they owe the administrative fee and have until September 17, 2024 to come into compliance or a \$250 per day fine will begin on September 18, 2024. Marte Lancaster seconded the motion. Mr. Siner asked what would happen if this property does not come into compliance. Ms. Mood said at that point, we wait the statutory period of 3 months, while the fees continue to accrue, then the Board of County Commissioners can give the County Attorney direction to foreclose on the lien. Mr. Siner asked what kind of timeline are we looking at. Ms. Mood stated that recently, cases currently in foreclosure began prior to Ms. Mood's serving as counsel to the Code Enforcement Board, and the timeline is within the discretion of the

Board of County Commissioners. She added that the County recently amended the Code to remove a one-year waiting period to initiate nuisance abatement assessments . Motion passed unanimously.

9. OTHER BUSINESS:

There was none.

10. ADJOURN:

There being no further business before the Board, Vice-Chairman Siner declared the meeting adjourned at 5:30 pm.

Prepared by:

Lynne Oler
Code Enforcement Administrative Assistant