



~ Draft Minutes ~

## City of Fort Walton Beach Regular Meeting of the Code Enforcement Board

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Wednesday, March 8, 2017

4:00 PM

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

4:00 PM Meeting was called to order on March 8, 2017 at Council Chamber, 107 Miracle Strip Parkway SW, Fort Walton Beach, FL.

Attendee Name	Title	Status	Arrived
Glenda Glover		Present	
Valerie Moreland		Absent	
Willie Harmon		Present	
Tracy Acree		Absent	
Bill Robinson		Present	
Michael Keith Bridwell		Present	
J.T. Edwards		Absent	
Janet Wilson		Absent	

Board Member Janet Wilson was an excused absence. Board Member Valerie Moreland and alternates J.T. Edwards and Rhonda Stewart were unexcused absences.

### SWEARING IN OF PERSONS TO TESTIFY

Monica Cacace of the City Attorney's Office gave the Oath to those who planned to testify.

### APPROVAL OF AGENDA

Burt Rhodes, Code Inspector, advised that Items 7.1 and 7.3 have complied and Item 7.4 has been rescheduled.

The vote on the motion to approve the agenda as amended carried unanimously.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Robinson
<b>SECONDER:</b>	Willie Harmon
<b>AYES:</b>	Glenda Glover, Willie Harmon, Bill Robinson, Michael Keith Bridwell

## APPROVAL OF MINUTES OF PREVIOUS MEETING

The vote on the motion to approve the minutes of February 8, 2017 carried unanimously.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Bill Robinson
<b>SECONDER:</b>	Willie Harmon
<b>AYES:</b>	Glenda Glover, Willie Harmon, Bill Robinson, Michael Keith Bridwell

## PUBLIC HEARINGS--Case 17-264—26 Industrial Street SW

Burt Rhodes, Code Inspector, advised that on December 12, 2016, the property located at 26 Industrial Street SW owned by Fort Walton Concrete Company was found in violation of Depositing on Streets: Sec. 10.90.02, Prohibited Depositing of Sand and Loose Debris on City Streets, and Inappropriate Discharge Detection Sec. 10.511.03, Prohibited Dumping of Sand and Debris on City Street and into Storm Water Drain System.

Mr. Rhodes presented the case history and advised that as of today, March 8, 2017, the property remains in violation.

As there was no objection from the respondent, Exhibits A through H were entered into the record and the Board viewed exhibits of the violations including photographs.

Staff is requesting acceptance of the Findings of Fact, Conclusions of Law and issuance of Order I, including the \$325.00 administrative fee and 30 days for compliance of the violation(s) which would make the compliance deadline on April 7, 2017.

John Thompson, office manager for Fort Walton Concrete, representing the company, advised that steps are being taken to remedy the violation. Drivers are being trained on the correct loading of trucks and they are using a rental sweeper and sweeping once a month and are in the process of purchasing equipment. Mr. Thompson stated it is difficult to say whether 30 days is sufficient time for correction of the violation. If the equipment is delivered in the next week or two, they believe 30 days will be sufficient.

The vote on the motion to accept the Findings of Fact, Conclusions of Law and issuance of Order I, including the \$325.00 administrative fee and 30 days for compliance of the violation(s) which would make the compliance deadline on April 7, 2017, carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Willie Harmon
<b>SECONDER:</b>	Bill Robinson
<b>AYES:</b>	Glenda Glover, Willie Harmon, Bill Robinson, Michael Keith Bridwell

## Case 16-629—638 Anchors Street NW

Mr. Rhodes advised that on March 3, 2016, the property located at 638 Anchors Street NW owned by Paradise Property Developers LLC, was found in violation of Depositing on Streets: Sec. 10.90.02, Prohibited Depositing of Sand and Loose Debris on City Streets, and Inappropriate Discharge Detection Sec. 10.511.03, Prohibited Dumping of Sand and Debris on City Street and Into Storm Water Drain System.

Mr. Rhodes presented the case history and advised the case was brought before the Board on January 11, 2017, and as of today, March 8, 2017, the property remains in violation.

As there was no objection from the respondent, Exhibits I, J, and K were entered into the record and the Board viewed exhibits of the violations including photographs.

Staff is requesting acceptance of the Findings of Fact, Conclusions of Law and issuance of Order II, including the \$325.00 administrative fee and a fine amount of \$100.00 per day starting on January 31, 2017, the date previously set by the Board.

David Rutherford, representing Paradise Properties, advised that they met with the City last year and presented pictures of the retention pond on the adjacent property. In their opinion, the pond is responsible for the runoff onto the Paradise Properties driveway and the adjacent property owners should be responsible for any repairs to the Paradise property. Mr. Rutherford presented these same photographs to the Board and stated it is the opinion of Paradise Properties that the pond is not up to code and needs to be repaired, which should also be the responsibility of the adjacent property owner.

Mr. Rhodes advised the City met with the adjacent property owner last year and it is the City's findings that the retention pond is up to standards, and that there are no guarantees of any pond retaining water when there is a vast amount of rainfall.

Mr. Rutherford stated that Paradise Properties is asking that the Board decline the fine amount of \$100.00 per day beginning on January 31, 2017 and the \$325.00 administrative fee, as requested by Staff, since the City was notified a year ago of the problem, and that a check be accepted for a permit to repair the driveway. He stated that they are seeking bids from three contractors to pave the driveway, and they are asking 30 days to clean up their property and six months to have the driveway paved.

Mr. Rhodes advised the City is fine with an altered Order II, with the fines to begin in six months if not in compliance, but that the administrative fee of \$325.00 remain. Mr. Rhodes stated he has spoken with the adjacent property owner and they are planning to do work on the pond as well as placing a berm to help retain water.

The vote on the motion to accept the Findings of Fact, Conclusions of Law made by Staff and order the respondents to correct the violation within 30 days and to waive the administrative fee of \$325.00 unless the violation is not completed; and to give the respondent six (6) months to repair the driveway on their property, and if not corrected, to begin the fine in the amount of \$100.00 per day beginning at that time, carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Willie Harmon
<b>SECONDER:</b>	Bill Robinson
<b>AYES:</b>	Glenda Glover, Willie Harmon, Bill Robinson, Michael Keith Bridwell

## CASES IN COMPLIANCE BEFORE HEARING

The following cases complied before today's hearing: Case 17-367, Permit required and Case 17-151, Business Tax Receipt case. Case 17-75 has been rescheduled.

**UNFINISHED BUSINESS**

None.

**ADDITIONAL BUSINESS**

None.

**ADJOURNMENT: 4:45 pm**