

**CODE ENFORCEMENT BOARD  
MEETING MINUTES  
Thursday, February 15, 2018**

**MINUTES ARE NOT VERBATIM**

A meeting of the Okaloosa County Code Enforcement Board was held Thursday, February 15, 2018 at 4:00 p.m. at the Okaloosa County Administration Building, 1250 Eglin Parkway, first floor Commissioner's Chambers, Shalimar, Florida. Board members in attendance were Chairman Spence King, Vice-Chairman Mike Banks, Fay Seketa, Caralee Gibson, Cathy Alley and Skip Miller. Dennis Chavez was not present.

Growth Management staff in attendance were Elliot Kampert, Director; Lisa Payton, Code Enforcement Supervisor; Greg Stewart, County Attorney; Carlos Jones, Code Enforcement Officer, and Teresa Mullins, Administrative Assistant.

**1. ROLL CALL**

Ms. Teresa Mullins conducted roll call.

**2. SWEARING IN OF ALL SPEAKERS**

Ms. Mullins swore in all who wished to address the Board.

**3. APPROVAL OF MINUTES – September 21, 2017 Meeting**

Motion to approve the minutes as written made by Skip Miller, second by Mike Banks, approved unanimously.

**4. ANNOUNCEMENTS**

There were no special announcements.

**5. OLD BUSINESS**

**A. CEB CASE #17-409414**

**PNC Mortgage**

**Location of Violation:**

**1708/1710 25th Street, NV**

**■ Administrative Fees Paid**

Ms. Lisa Payton informed the Board that this was an update for the Board regarding a case heard in July, 2017 and on which the Board placed a lien of \$250.00 per day. Ms. Payton stated that in October, 2017, the new owners of the property came to the office to ask about the administrative fees and the lien. Ms. Payton further stated that the new owners were told that the Board would be more favorable if asked for relief from the Board sooner as opposed to later. Ms. Payton noted that staff received a check for the administrative fees in December 2017.

Mr. Mike Banks asked if the lien was in place when the new owners purchased the property.

Ms. Payton stated that the new owners were aware of the lien, which is why they came in to pay the administrative fees and discuss the lien.

Ms. Cathy Alley asked if the new owners were aware of the lien at the time they purchased the house.

Ms. Payton stated that the new owners were aware as the questions were asked prior to the purchase of the property. Ms. Payton noted that the lien is in place, growing daily and, will continue to do so until the property is brought into compliance. Ms. Payton stated that staff checked prior to this meeting and none of the necessary permits have been purchased as yet.

Ms. Caralee Gibson asked if staff had sent a reminder to the new owners, and if not perhaps doing so, and including the current amount of the lien, would give them impetus to take care of the issue. Ms. Gibson noted that she didn't want the new owners to think that staff acceptance of their payment of the administrative costs would remove their responsibility for the lien as well.

Ms. Payton agreed that sending such a letter might be helpful, but noted that staff was very clear in establishing the difference between the administrative fees and the lien. Ms. Payton informed the Board that no action was required of the Board on this issue as it is only and update.

A brief discussion ensued.

**B. CEB CASE #17-408617**  
**Location of Violation:**

**Robert & Savitri Vaverchak**  
**530 E. Timberlake Circle, ME**

Ms. Payton stated that this is a case that the Board heard in September, 2017 wherein a motion was made to give the owners 30 days to bring the property into compliance, and if that was not done to enact a fine of \$250.00 per day retroactive back to the date of the September 2017 meeting. Ms. Payton stated that she had with her the Board's Order awaiting the Chairman's signature.

A brief discussion ensued.

## **6. NEW BUSINESS**

**A. CEB CASE #17-422539**  
**Location of Violation:**

**Next Home/James Higham**  
**36 Meigs Dr., Shalimar**

**Code of Ordinances, as amended, Chapter 11, Health and Sanitation, Article III Nuisances, Division 3 Litter, Section 11-134 (e) and Section 11-136 (1)-(3), and Appendix E, Land Development Code, Chapter 6, Construction Standards, Section 6.02.01, 11(c)(d).**

Ms. Payton stated that this property is currently under the ownership of Next Home; however at the time of the initial complaint, the property was owned by Mr. James Higham. Ms. Payton further stated that Code staff have dealt with multiple issues at that address over the years; however, those issues did not deal with health and sanitation. Ms. Payton stated that staff received a complaint on July 27, 2017 from Waste Management regarding construction debris being placed in the right-of-way for regular household refuse pick-up. Ms. Payton

further stated that staff visited the sight and found Mr. Higham removing cabinets and paneling from an old trailer and placing them in the right-of-way for pick-up. Ms. Payton stated that staff found that Mr. Higham was not occupying the property at that time as there had been a fire at the main structure. Ms. Payton further stated that staff also found an unregistered boat on a trailer with flat tires on the property, and an additional travel trailer in the driveway. Ms. Payton stated that a correction notice was issued, and left posted to the door, stating that the construction debris must be removed from the right-of-way and a special pick-up arranged with Waste Management. Ms. Payton further stated that the correction notice also directed Mr. Higham to contact staff in order to discuss the other issues found at the site. Ms. Payton stated that staff revisited the site on August 11, 2017 and found 2 people working at repairing the tires on the boat trailer in order to remove it from the site at Mr. Higham's request. Ms. Payton further stated that the men refused to provide Mr. Higham's contact information, but they did say they would relay the information about the violations on the property to Mr. Higham. Ms. Payton stated that on subsequent visits to the site staff found that the travel trailer shell, boat and several other discarded items had been removed from the site, and that clearing provided staff with the ability to see other issues, such as discarded furniture, the dirty green pool, and a garage filled with construction materials. Ms. Payton stated that on September 5, 2017, having received no reply from Mr. Higham, staff researched the property and found lis pending, filed March 2016, a voluntary dismissal of the lis pending dated September 2016, another lis pending filed in January of 2017, but no indication of a dismissal or foreclosure proceeding at that time. Ms. Payton stated that a certified notice of violation, allowing 7 days to contact staff with a plan of action or 30 days to bring the property into compliance was sent, return receipt, to Mr. Higham; however, the notice was deemed undeliverable by the U.S. Postal Service with the last delivery attempt made on September 20, 2017. Ms. Payton further stated that an additional attempt to mail the notice by regular general delivery mail was made on October 4, 2017 and that notice was not returned. Ms. Payton noted that due to personal reasons, staff were not able to revisit the case until December; whereupon the property was posted and scheduled for this Code Enforcement Board hearing, as there was not enough time between the posting of the property and the January Code Enforcement Board meeting. Ms. Payton stated that she received a Code Enforcement violation & lien search request for the subject property on January 21, and informed the lien search company of the code violations and the scheduling of the issue before this Board. Ms. Payton further stated that on January 22, 2018 she received a notice from Next Home stating that they had acquired the property and wanted to know what was needed to bring the property into compliance. Ms. Payton stated that she notified Next Home that if they could get the front and sides of property cleaned up by February 12, 2018, the property would be removed from this Board's agenda due to the good faith effort to bring the property into compliance made by Next Home. Ms. Payton further stated that on January 31, 2018 staff received a call from Mr. Connart of Next Home stating that Mr. Higham now claims to be living on the property and refused to allow Mr. Connart access on or to the property. Ms. Payton stated that Mr. Connart now has to go through the eviction process. Ms. Payton further stated that Mr. Connart was informed that this property would still have to go before the Code Enforcement Board; however, staff would ask to table this issue to allow time for the eviction process to take place and the cleanup of the property to commence. Ms. Payton stated that Mr. Connart is present to answer any questions the Board may have.

Ms. Alley asked if the property has been foreclosed.

Mr. Edward Connart of 267 Cobalt, Miramar Beach, FL, stated that Next Home represents Freddie Mac, who foreclosed on the property. Mr. Connart stated that they spoke with neighbors who told them that the property was unoccupied and had been unoccupied for years. Mr. Connart further stated that Mr. Higham called him, and he told Mr. Higham what the situation was. Mr. Connart stated that, during that phone conversation, Mr. Higham seemed to accept the fact that the property would need to be cleaned up and put on the market; however, the next day Mr. Higham called again, stated that he lived on the property, had an attorney and wanted money to vacate. Mr. Connart explained that banks will only make payment in cases where the property is in pristine condition, which is not the case with this property. Mr. Connart stated that the bank will have to start the eviction process which begins with a 30 day notice to vacate the premises as required by law. Mr. Connart noted that once the eviction takes place it generally only takes a couple of weeks to get the property cleaned up.

Ms. Gibson asked if the property has power and water on and available.

Ms. Payton stated that Mr. Higham wasn't living there; therefore, no water or power were necessary.

Mr. Connart noted that Mr. Higham claimed he was living there, but no one, including his neighbors have actually seen him living there. Mr. Connart stated that the situation there seemed unstable enough that he wasn't willing to go back to the property unless he had police protection. Mr. Connart further stated that he would greatly appreciate it if the Board would table this hearing at least until the eviction is complete. Mr. Connart noted that given the number of safety hazards on the site, it's a pity that they can't go on the site now, but they can't.

A brief discussion ensued.

Ms. Payton stated that staff is recommending that the Board table this issue for 60 days to allow time for the eviction to take place and the property to be cleaned up.

Motion that we give the bank 60 days to make some sort of improvement to the property and to return before this Board time certain April 19, 2018 to provide an update on their progress made by Cathy Alley; second by Mike Banks; approved unanimously.

A brief discussion ensued.

## **7. OTHER BUSINESS**

### **A. 2018 Elections**

**-Chair**

**-Vice Chair**

Nomination of Spence King and Mike Banks to continue to serve in their current offices made by Caralee Gibson; nomination seconded by Fay Seketa. Mr. King and Mr. Banks accepted the nomination and were elected unanimously.

**B. Approval of 2018 Meeting Schedule**

A brief discussion of the proximity of the December meeting date to Christmas ensued.

Motion to approve the 2018 meeting schedule made by Fay Seketa; second by Mike Banks; approved unanimously.

**8. ADJOURN**

There being no further business before the Board, Chairman King declared the meeting adjourned.

Prepared by:



Teresa A. Mullins  
Administrative Assistant II  
2.16.18