CITY OF CALLAWAY
CODE ENFORCEMENT BOARD
MEETING MINUTES
SEPTEMBER 22, 2016 – 6:00 P.M.

The Callaway Code Enforcement Board met in regular session with, Tony Mullinax, Chairman, Pat Martina, Vice-Chair, and Board Members Lorna Banks, Jean Champoux, David Griggs, and Steve Paros, and Carmelo Roman-Quinones. Also present were Bill Frye, Zoning & Code Enforcement Officer, Bonnie Poole, Code Enforcement Officer, and Janice L. Peters, City Clerk.

The meeting was called to order by Chairman Mullinax, followed by an invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES

August 25, 2016

Motion:

Motion was made by Vice-Chairman Martina and seconded by Board Member Paros for approval of the minutes of July 28, 2016. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS

All participants who wished to speak at the meeting were sworn in by City Clerk Peters.

HEARING OF CASES

City of Callaway vs Oak Grove Park, LLC **Case # CE 16-208-24307**
Ref: 208 Hwy. 22 A **Parcel I.D.** #24307-000-000

Bill Frye, CEO, identified the case and informed the Board of the violations in conflict with Ordinance No. 950, which were accumulation of materials and debris, Section 1(g-1 and g-13), unfit or unsafe dwelling or structures, Section 1(g-3), high grass/weeds Section 1(g-4) and untended growth of weeds, underbrush or other dead or living plant life, Section 1(g-2), and inoperative/unregistered vehicles, Section 1(g-12) and 1(g-13) & LDR Section 15.760.12.

He indicated that on August 16, 2016, a Notice of Violation (NOV) was sent via certified mail to the business and owner Joe Sikes. On September 7, 2016, after some improvement, a Notice to Appear (NTA) was sent via certified mail. The green cards of each were returned signed. He reviewed before and after photos of the property, indicating the owners had responded well to correct the violations.

He recommended the Board set a reasonable time of 30 days to have 100% of the violations on the property corrected. If the respondent fails to bring the property into compliance within 30 days from the effective date of the order, Respondent shall be fined an initial fine of $250, with a daily fine of $25 to be imposed after the 31st day.

CEO Frye advised the owner of the mobile home park is noticed then it is up to them to notice the residents of the park and make sure the violations are corrected.

Attorney Mark Dreyer, representing the owner, explained the statutes regarding mobile home parks with more than 10 mobile homes applies in this case. It allows 7 days for improvements to be made once the owner of the mobile home is noticed.

Board Member Champoux asked if the unsafe structures are still on the property. CEO Frye advised they have all been removed.

Chairman Mullinax asked if the owner will take steps to make sure this property doesn't become in violation again. Attorney Dreyer advised yes.

Board Member Griggs asked about the eviction process, which the Attorney Dreyer explained. He believed the remaining violations can be corrected within the 30 days.

Motion:

Motion was made by Board Member Champoux, and seconded by Board Member Roman-Quinones to accept the 30-day recommendation. Motion carried unanimously.

City of Callaway vs Linton **Case # CE 16-6714-06867**
Ref: 6714 Letohatchee Street **Parcel I.D. #** 06867-020-000

Bill Frye, CEO, identified the case and informed the Board of the violations in conflict with Ordinance No. 950, which were accumulation of materials and debris, Section 1(g-1), high grass/weeds Section 1(g-4) and untended growth of weeds, underbrush or other dead or living plant life, Section 1(g-2), and inoperative/unregistered vehicles, Section 1(g-12) and 1(g-13) & LDR Section 15.760.12.

He indicated that on June 13, 2016, a NOV was sent via certified mail allowing 7 days to correct the listed violations. On June 16, 2016, the green card was returned signed by Mr. Linton. As of September 7, 2016, after some improvement, a NTA was sent via certified mail. The green card was returned signed on September 14, 2016. Pictures of the violations were reviewed.

He recommended the Board set a reasonable time of 10 days to have the violations corrected. If the respondent fails to bring the property into compliance within 10 days from the effective date of the order, Respondent shall be fined an initial fine of $250, with a daily fine of $25 to be imposed after the 11th day.

Mr. Linton was sworn by City Clerk Peters. Chairman Mullinax asked if the boat is on his property or the row. Code Enforcement Officer Frye advised part of the dispute is whether that is his property or not but confirmed that the boat is not registered. He advised other issues are forthcoming and reviewed pictures that were taken on September 7th, but indicated the property changes daily. Mr. Linton advised he can correct the violations within the 10-day period.

Vice-Chair Martina asked if the trailer is inside or outside the fence. Mr. Linton advised it is outside the fence but still on his property. All other violations have been corrected.

Motion:

Motion was made by Board Member Roman-Quinones and seconded by Board Member Banks, to accept the recommendation. Motion carried unanimously.

City of Callaway vs KDM Mufflers, Inc. **Case # CE 16-276-06091**
Ref: 276 N. Tyndall Parkway **Parcel I.D.** #06091-009-010

Bill Frye, CEO, identified the case and informed the Board of the violations in conflict with Ordinance No. 950, which were high grass/weeds Section 1(g-4) and untended growth of weeds, underbrush or other dead or living plant life, Section 1(g-2).

He indicated that on September 8, 2016, Per Section 162.06 (3) of Callaway Ordinance #928, a reasonable time to correct the violations listed below was not required because of previous violations, so a Notice to Appear was sent via certified mail. The property and City Hall was posted with a copy also. A copy of the Order from July 1, 2015 was provided to the Board.

He recommended the Board set a reasonable time of 10 days to have the violations corrected. If the respondent fails to bring the property into compliance within 10 days from the effective date of the order, Respondent shall be fined an initial fine of $250, with a daily fine of $25 to be imposed after the 11th day. Pictures of the violations were reviewed. It was noted that the building is vacant and for sale, and it is also in foreclosure.

Code Enforcement Officer Frye advised of previous violations. Board Member Roman-Quinones recommended giving 5 business days. Chairman Mullinax advised it is in foreclosure so it won't matter how many days you give them.

CEO Frye indicated previous violations had been brought into compliance so no fines were ever issued.

Motion:

Motion was made by Board Member Roman-Quinones, and seconded by Board Member Champoux, to set a reasonable time of 5 business days to have the violations ~~accepted~~ corrected. \Corrected 10/28/16 Motion carried unanimously.

City of Callaway vs Elkhatteeb **Case # CE 16-217-07119**
Ref: 217 Lannie Rowe Dr. **Parcel I.D.** # 07119-000-000

Code Enforcement Officer Frye advised this case had been brought into compliance and asked that it be removed.

City of Callaway vs Hines **Case # CE 15-200-07127**
Ref: 200 S. Kimbrel Avenue **Parcel I.D.** # 07127-611-000

Bonnie Poole, Code Enforcement Officer, advised the property is in compliance as of this afternoon. Pictures of the improvements were shown and she advised there is no need for Board action at this time. She advised they will keep working with her to get the fence in better condition.

City of Callaway vs Humphreys **Case # CE 16-1139-07298**
Ref: 1139 S. Comet Avenue **Parcel I.D.** # 07298-010-000

Bonnie Poole, CEO, identified the case and informed the Board of the violations in conflict with Ordinance No. 950, which were accumulation of materials and debris, Section 1(g-1) and 1(g-13), high grass and weeds, Section 1(g-4), and untended growth of weeds, underbrush or other dead or living plant life, Section 1(g-2).

She indicated that on August 15, 2016, a NOV was sent via certified mail, to the property owner and to the resident. On September 7, 2016, after no improvements and no return of the NOV, a NTA was sent via certified mail to the property owner and the resident. A copy of both were posted at the property and City Hall. Pictures of the violations were reviewed.

She recommended the Board set a reasonable time of 10 days to have the violations corrected. If the respondent fails to bring the property into compliance within 10 days from the effective date of the order, Respondent shall be fined an initial fine of $250, with a daily fine of $25 to be imposed after the 11th day.

Code Enforcement Officer Poole confirmed that both the owner and resident of the property had been noticed, but any fines would be the responsibility of the owner. She also confirmed they had been noticed before and the violation was corrected. Notices were returned unclaimed.

Motion:

Motion was made by Board Member Roman-Quinones for 5 days, motion died for lack of a second.

Chairman Mullinax asked if previous violations had been corrected without fines. Code Enforcement Officer Poole confirmed.

Motion was made by Board Member Griggs, and seconded by Board Member Roman-Quinones, to accept staff recommendation of 10 days to have the violations corrected. Motion carried unanimously.

ADJOURNMENT

Motion:

There being no further business, the meeting adjourned at 6:54 p.m.

Janice L. Peters, City Clerk

Board Chairman