

A Ride-A-Round Code Enforcement Workshop meeting of the City Commission was held on April 22, 2008 at 6:00 p.m. in the Police Athletic League van. The meeting was called to order by Mayor Lee A. Wheeler, III.

COMMISSIONERS PRESENT: Jack Van Sickle; Terrye Y. Howell; Jean K. Scott; Kathy Manry; Lee A. Wheeler, III.; Mayor.

COMMISSIONERS ABSENT: None.

CITY REPRESENTATIVES PRESENT: Anthony G. Otte, City Manager; Clara VanBlargan, City Clerk.

OTHER MEMBERS PRESENT: Commissioner-Elect John Paul Rogers

Code Enforcement Supervisor Bill Gindlesperger conducted the City Commission Code Enforcement Ride-a-Round Workshop meeting. Locations toured by the City Commission included the following:

- 333 Briggs Avenue
- 306 E. Polk Avenue
- 532 North Scenic Highway
- 518 4th Street
- 425 F Street
- 225 B Street
- 595 First Street North
- 236 W. Stuart Avenue
- 643 High Street

Mr. Gindlesperger explained that it has taken about three years to clean up the property at 333 Briggs Avenue because of the constant change of ownership. Presently, the property is owned by the Veteran's Administration (VA) and he is hoping they will take care of the problem. Mr. Otte has approved the expenditure of necessary cleanup funds if the problem is not taken care of. Inmates will be used and Florida Refuse has agreed to donate dumpsters. Mr. Gindlesperger said it was his understanding that the VA will evict the tenant within the next two months. The VA has foreclosed on the property, thereby wiping out the extensive code enforcement liens, as the legal system allows.

Mr. Gindlesperger said that since he returned to the City as Code Enforcement Officer in March 2005, 75 demolition permits have been issued in the City. Of those, 44 were due to code enforcement issues.

Commissioner Manry asked about the status of the building across from the Lake Wales hospital that was slated for demolition. Mr. Gindlesperger explained that demolition had been stopped at midpoint because asbestos was found. Because the contractor hired to do the demolition did not have an asbestos license, a licensed asbestos inspector was hired to remove it. The building is scheduled to be torn down within the next two weeks.

Commissioner Manry said that a month ago, when the demolition had started, she had called Jerry Torrance about the possibility of there being asbestos present and had been told there was none. She remembered commenting to Mr. Torrance that she found that unbelievable.

Mr. Gindlesperger explained the two types of asbestos abatement procedures: (1) Remove it; (2) Keep the structure wet during demolition to keep the dust down. Commissioner Manry asked what type of asbestos abatement was used on the building in front of the Lake Wales hospital. Mr. Gindlesperger said that the last report he received was that it had been watered down.

Mr. Gindlesperger explained that at 306 E. Polk Avenue, a green two-story house had been severely damaged and had to be torn down. The property is in the process of being foreclosed on, which will wipe out all code enforcement liens, though we will be reimbursed the \$3,800 spent for demolition.

Mr. Gindlesperger said that Code Enforcement receives about 200 to 250 complaints a month, some of which are easily resolved and some that could take months to resolve.

Mr. Otte reported that the contractor for the apartment building in front of the Presbyterian Church on Scenic Highway abandoned the project. He asked for suggestions and Mayor Wheeler suggested foreclosing on the property and donating it to Polk Community College for dormitory space. Mr. Otte said the property would need to be inspected for code violations and Mr. Gindlesperger said no code violations existed. Commissioner Howell asked if the contractor could be charged with abandonment. City Clerk Clara VanBlargan asked if anyone knew for sure the contractor had actually abandoned the property and would not be coming back. Mr. Gindlesperger said he did not know for sure. Mr. Otte said the contractor had not done anything to the apartment building in months.

Mr. Gindlesperger explained that the commercial property at 532 N. Scenic Highway went before the Code Enforcement Board. At that time, it belonged to a man who was going through a divorce and ownership of the property eventually was conveyed to his ex-wife. We, the City, did not want to take the property away until we had the right to foreclose, which we now have. The case has been forwarded to the City Attorney for foreclosure, though the City needs to consider if the property is worth keeping or if it will create a tax debt for the City to pay. Mr. Otte said he thought it would be best to sell the property. Mr. Gindlesperger said that the property was valued at \$94,000 and we have about \$100,000 in code enforcement liens against it, which is growing at a rate of \$250 a day. Commissioner Manry said she thought it would be worth more than \$94,000 and suggested tearing down the building, cleaning up the property, and putting it up for sale. Mr. Gindlesperger said that the City could use the property as storage. Commissioner Howell said that Scenic Highway was not a good place for putting storage. Commissioner Manry said that the property seemed to have more value than to be used for storage. She said that she did not think the tax assessor appraised vacant lots as high as they should be. Mayor Wheeler said it probably was assessed in its rundown condition. Mr. Gindlesperger explained that many pre-hurricane assessments had been reassessed after the hurricanes when the buildings were destroyed. The property value is still the same, but the assessed value decreased because the buildings were no longer usable, though this could be a selling point as this property is probably worth more than \$94,000. Commissioner Manry said that she wondered if a demolition company would tear the building down free for what they could salvage. Mr. Gindlesperger said that the structure, with the exception of the girders, is made of wood and would go to the landfill. Commissioner Manry said that the structure looked to be made of block. Mr. Gindlesperger said that once block sits for a long time it could not be salvaged. Mr. Otte said that he believed it would be too labor-intensive to try to save the blocks.

Mr. Gindlesperger said that by State law, the City has a right to foreclose after 90 days of the placement of a code enforcement lien. However, if we do that, we give somebody the opportunity to buy it for next to nothing when it goes to public auction. If we allow that lien to continue to build to a value equal to or greater than the property is worth, and then foreclose, somebody interested in buying the property would have to pay back the lien. This would discourage them from buying the property but, would allow the City to submit a very moderate bid and take possession.

Mr. Otte said that, although he wanted these properties on the tax rolls, we needed to make sure the City has no need of the property. As an example he said that storage items were being moved from the CSX building yard and storage space at the water plant on Market Street is cramped so the City is in need of additional storage space. Mr. Otte said he agreed that Scenic Highway was not the place for storage but we did need to address the issue. He added that the City needed to move the City yard out of the historic area on Scenic.

Commissioner Manry noticed a structure with a pile of tires in front and asked if something could be done about it. Mr. Gindlesperger explained that tires and junk cars seem to appear day by day and are an

ongoing problem. We could cite the property for junk cars and haul them away, but a different car would appear in a few days.

Mr. Gindlesperger said that a two-story house on 518 4th Street had been demolished and suggested using it for trailhead parking.

Mr. Gindlesperger showed a piece of property containing three lots that the City took possession of due to foreclosure because the owner could not keep them mowed. Commissioner Manry asked if the lots were for sale. Mr. Otte said they were not but if he remembered correctly, at some point there was a plan to connect the property to the Hardman Complex. Mayor Wheeler said that he is sure that the State would not mind us doing something with it. Mr. Gindlesperger suggested taking possession of the property, even if we could do nothing but pave it, and put a bridge across it to the Hardman Complex. Once the building is operational, parking would be a freebee. Even if we did not pave it, it could be used for parking. Mr. Otte said that if we did decide to do that, it would be included in the City's long-range plan.

Mr. Gindlesperger told the Commissioners that if they receive a complaint that Code Enforcement was doing nothing about a piece of property, it probably is because there was nothing else we could do. There is no sense in placing two liens on the same property if the owners did not pay the first lien. So, he said if any of them get a complaint about a piece of property, he would be happy to provide the history and give them current status if they give him the location.

Commissioner Manry, seeing a car lot on Scenic Highway, recalled that when she first became a Commissioner, the owner came before the Planning & Zoning Board seeking approval of the car lot. He was given approval with the condition that he construct a sidewalk, which to date he has not done. She said that the owner had also told the Board that he would make it a high-class lot like Houston Motors. Mr. Otte said he would have someone from the Planning Department check on the issue.

Commissioner Manry commented about boarded up buildings. Mr. Gindlesperger said there are no code violations for boarded up buildings. But, if we cite a building that has not been boarded up and we tell the owner to install windows and he instead boards it up, we can tell him that it is not acceptable. If the windows are already boarded up and we have not taken any prior action, there is not much we can do.

Mr. Gindlesperger showed the Commissioners a migrant camp on "C" street and explained that the four small homes had been turned into houses for guest workers. But, before giving approval, they had to prove to us that they were going to have adequate kitchens, bathrooms, facilities for bathing, and sleeping quarters. There are 24 workers living in those houses, a maximum of six workers per house.

Mr. Gindlesperger showed a house on Harding Avenue that needs the roof repaired. He explained that the two men living in the house were elderly and had no means for getting it done. So, Code Enforcement worked with the Care Center who have agreed to repair the roof.

Mr. Gindlesperger toured vacant lots where 21 houses and 3 commercial buildings had been recently demolished using CDBG Hurricane Response Grant funds.

Mr. Gindlesperger toured the lot on 425 F Street containing an abandoned apartment complex that will be turned over for development after foreclosure on the property. Mr. Otte suggested tearing down the building because there was no parking. Mr. Gindlesperger said that this was turning into a 10-year code enforcement project because of the constant change in ownership. The current owner put a new roof on it, put in all new windows, and then quit. He said that though the apartment complex looks better now than it did two or three years ago, if you allow a building to have broken windows, soon kids get the idea that it is okay to throw rocks at other windows in the neighborhood. Commissioner Manry noted nails sticking up and said it was an accident waiting to happen and should be fixed. Mr. Otte said that he would take care of that.

Commissioner Howell asked how we could demolish this apartment complex and not demolish other abandoned buildings. Mr. Otte explained that other vacant buildings have no code violations. It is like the

apartment building by the Presbyterian Church, the outside is painted, it has windows, the roof does not leak etc. He said that he suggested tearing down the apartment complex on 425 F Street because he does not see where anybody would be able to finish it and if they did, there would not be any parking. He said the City is ready to foreclose on the property, knock the building down, and then sell the property to get our money back. The person who owns it said he was going to put parking on another lot, but he did not know where that would be. Mr. Otte said that the apartment complex has been in various stages of repair for the last seven years he has been with the City.

Mr. Gindlesperger showed another vacated structure and said that the owner is in the process of pulling permits to make it habitable. Commissioner Howell asked how long the owner had to finish it. Mr. Gindlesperger said that there are no code enforcement violations on the building because the owner boarded up the windows. Mr. Otte asked if the Commission at its next meeting approved an ordinance disallowing the boarding of windows, would a code enforcement violation cover existing boarded up buildings. Mr. Gindlesperger said yes. Commissioner Manry said that we would have to allow time for some type of temporary fix. Mr. Otte said that we could include in the ordinance a timetable of how long the windows could be boarded. We would have to do whatever is reasonable and not let the structure sit for ten years before being repaired.

Commissioner Manry said that the Green and Gold Foundation had been talking about the reconstruction of homes here. Mayor Wheeler said that Habitat of Humanity would do more for us. Ms. VanBlargan agreed and said that Habitat of Humanity constructs homes quickly and does not let the lots sit.

Mr. Gindlesperger explained that the first step of every case that Code Enforcement processes is to issue a "Notice of Violation." Once notified that they received the violation, a period-of-time is allowed for them to make the correction. If they do not make the correction, they have to come before the Code Enforcement Board for a first hearing. The Board will then order the property owner to take action within 30 days, whether it be to clean the property up or tear it down. Then, if no action was taken, the owner has to come before the Board for a second hearing, at which time the Board can impose liens and fines in the amount of \$250 a day. Mr. Gindlesperger said that in the past, the City had been challenged for its selective fines, giving a \$20 fine for one and a \$100 fine to another, so now it is a set amount so no one would complain.

Commissioner Scott asked if notices were posted before Code Enforcement meetings so people could drive around and look at the properties. Mr. Gindlesperger explained that a week before each Code Enforcement meeting he prepares an agenda that is posted at City Hall. A packet is prepared, which limits the specifics of each case. We are not allowed to give specifics of what the code violations entail. If he can't convince the Board that these violations exist, the case is not won. All that is in the packet is a memorandum telling the location of the property, the date of the "Notice of Violation," how long we give them to correct it, the respondent's action, and the Code Enforcement staff recommendation. Each Board member is provided with a copy of the packet, a copy is given to the City Manager to read, and he in turn forwards the packet to the City Clerk to file in the record.

Commissioner Manry asked if pictures were used. Mr. Gindlesperger answered yes so that there is photographic evidence and testimony. That way if the case is appealed, the judge will only hear what is in that file and he will not hear any new evidence. If the evidence is not in the file, then it does not exist. We have the satisfaction of being the only City in this county that has ever had a case go before the Board of Appeals twice, which was the case of the old Ridge Fertilizer factory where we won both appeals.

Mr. Gindlesperger showed the Commission a vacant lot at 225 B Street where a house had been demolished. He said that when the previous Code Enforcement officer wrote the violation notice, he only cited the property for a substandard structure. Because of that, there are no grounds for foreclosure on that property because the property had not been cited for trash and debris. We have to couple that foreclosure with the violation that was imposed on the property.

Mr. Gindlesperger said that we want the building on 595 N. First Street and we are working with Mr. Galloway to get it. We are trying to determine if the building is one structure instead of two so we can

foreclose on the whole thing. If it is determined to be two structures, we will only be able to take half of it. After we get it, we will decide what to do with it. Mr. Otte said that when Pastor Thomas was here he was trying to get Goodwill to go in there. However, he was not successful.

Commissioner Howell asked about the dumpsters located on the east side of the Seminole Apartments. Mr. Otte explained that a member of the Housing Authority Board asked if we would put millings in there so that Florida Refuse could enter and service their dumpsters. Since then, he has heard a complaint from a resident saying that it was a hassle to walk back there to dispose of garbage. Commissioner Howell said that she received a complaint about the smell and the safety of the kids there. She asked if it was a code violation to have the dumpsters so close to the homes. Mr. Otte said not that he is aware of. Commissioner Manry said that it does not appear to have enough dumpsters for that area. Mr. Otte said that he thought there were other dumpsters on another street for the other properties. Mr. Otte said that he would inquire about a dumpster.

Mr. Gindlesperger drove by the old dry cleaner building on Dr. Martin Luther King, Jr. Blvd. and said that it took a long time to tear it down. Mayor Wheeler asked if there were any environmental issues found. Mr. Gindlesperger answered no. He explained that DEP came in and did a full study; they stuck 27 well sites, and found trace contamination in one place. He added that before foreclosing, the City wanted to make sure it was not inheriting property that would cost the citizens \$400,000 to clean up. The property is now pretty well along the way in the foreclosure process. He explained that in the days when the dry cleaner was operational, arsenic had been used in the dry cleaning process. At the end of the day, it was disposed of out the back door where it seeped into the ground. The City had worried that, because the property was located near a lake, the chemicals might have gotten into it. Therefore, we wanted to make sure that before the building was torn down, and before we went for foreclosure, the property was clean. Mr. Otte added that we got a grant to tear it down. Mr. Gindlesperger said that it only cost \$15,000 to tear it down. Commissioner Howell said that was because the contractor wanted all the scraps.

Mr. Gindlesperger said that the Commission acted in good faith and allowed the owner of 236 W. Stuart Avenue to get a building permit to repair the building so he would not have to tear the building down. The property was part of a grant for demolition. In the mean time, the funding ran out while the building permit was still in effect. Mr. Gindlesperger said that he now faced how to fund the demolition.

Ms. VanBlargan asked about the status of the vacant apartment building on Twin Lakes. Mr. Gindlesperger said that the owner pulled all the building permits, secured the building, and put a new roof on it. The building official said the owner had completed the scope of the work. Mr. Gindlesperger said that he cited the owner for high grass and weeds, which he cut. Now, the building has been sitting for months.

Mr. Gindlesperger commented that Code Enforcement has had a good success rate over the past few years, a good portion of which is due to the support of the Commission and Code Enforcement Board. He said that one good thing that the previous City Manager, Mr. Green, did was put Code Enforcement under the Police Department for it gives him a feeling of security.

Mr. Gindlesperger said that the property on 643 High Street contains a house and two vacant lots. An attorney in Bartow, who just foreclosed on the property, now owns the property. He has promised to do the right thing and clean it up. Mr. Gindlesperger said that if the attorney does not do something by June 1 or convince him that he will be doing something, the property will go before the Code Enforcement Board on June 9.

Mr. Otte asked Mr. Gindlesperger to go to Marietta Street to look at the new sidewalk just put in by Whispering Ridge. Mr. Otte said that Whispering Ridge is required to extend Grove Avenue from Minnesota Avenue to 11th Street.

Commissioner Manry said that the ride-a-round was extremely interesting but was nothing like she had thought it would be. Commissioner Howell agreed and said that she thought it would be a meeting where we would ride-a-round and find code violations. Mr. Otte said that we could do a Phase 2 and asked the

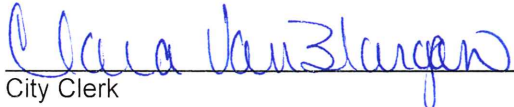
Commissioners to submit a list of different streets so he could put together an itinerary unless they would rather just ride around like this one. Commissioner Manry said that she would like to do it like this one. Mr. Otte asked the Commissioners if they would like to tour another area. Mayor Wheeler said that he had to get back to work. Mr. Gindlesperger commented that he could stand anywhere in this City, throw a stone, and hit a violation because we just cannot keep the City clean.

There being no further business, the meeting was adjourned.



Mayor/Commissioner

ATTEST:



City Clerk