



**Village of El Portal  
Code Enforcement Committee Meeting**

**Date: 3/3/20**

**Meeting Start: 7:20 PM**

**Meeting End: 8:54 PM**

**Meeting Length: 1:34:46**

**Vice Mayor Nickerson:** Good evening, everyone. I'm going to be calling to order the Code Enforcement Committee Meeting for Tuesday, March 3rd. The time is 7:20. We have already done the moment of silent meditation and the Pledge of Allegiance in the previous committee meeting. Madam Clerk, if I could have roll call.

**Village Clerk Jacobi:** Roll call. Chairperson Urbom.

**Councilman Urbom:** Present.

**Village Clerk Jacobi:** Vice-chair Nickerson.

**Vice Mayor Nickerson:** Here.

**Village Clerk Jacobi:** Member Roman.

**Councilwoman Roman:** Here.

**Village Clerk Jacobi:** Also present for the record, Code Enforcement [unintelligible 00:00:32] Yenise Jacobi, Village Clerk; Christia Alou, Village Manager; Interim Village Attorney, Powell.

**Vice Mayor Nickerson:** Very good. With the agenda, I would like to just formerly add our Code Enforcement officer report. I'd like to move item G1 which is tracking report to item G2 and add item G1 which would be Officer King's report. Any objections to doing that or we have approval of the agenda as with the amended items?

**Councilman Urbom:** I move to approve, Mr. Chair.

**Vice Mayor Nickerson:** A second?

**Councilwoman Roman:** I'll second.

**Vice Mayor Nickerson:** Very good. Any objections between-- No, we are all in favor of it. All right. Those in favor say aye.

**Members:** Aye.

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**Vice Mayor Nickerson:** Thank you very much. Any nays? Hearing none, the agenda passes with the addition of Mr. King's report. All right. Minutes, has anyone had a chance to review the minutes? I feel like the software has been working better. There's things in there, but it does seem to be dramatically improved over it was before, but for this particular committee, I didn't review the minutes for this one. For the Public Safety idea, but I didn't get a chance for this committee, but I will second if--

**Councilman Urbom:** I reviewed.

**Councilwoman Roman:** Are you okay with it?

**Councilman Urbom:** I'm good with it.

**Vice Mayor Nickerson:** I'll move to approve the minutes. Very good, would there be a second?

**Councilwoman Roman:** Second.

**Vice Mayor Nickerson:** All right. All in favor say aye.

**Members:** Aye.

**Vice Mayor Nickerson:** Any nays? Hearing none, the minutes pass. Very good. We'll move on to Good and Welfare. If anyone would like to come up and speak at the Code Enforcement Meeting, please state your name and address for the record.

**Jay Robero:** Hi. Jay Robero, 225 North East 86th Street. I have some documentation I want to pass out to each of you.

**Councilwoman Roman:** Could you have [unintelligible 00:03:03]

**Jay:** Yes, please. I'd like to bring this item up to the agenda. Please don't take my conversation as if I'm being demeaning anybody or insulting anybody as I got that information back on a previous email which I will discuss on another Good and Welfare.

This item here, I've been cited for supposedly having an open ticket, open permit on my property. I am the least of the residents here who is always on top of every permit. I've always monitored permits for the community. If you could see the email that was initiated when I

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asked the mayor back then because I had miscommunication from prior code enforcement, prior office administration, the email clearly says I don't need to open a permit.

If your staff opened it, your staff is going to close it. I don't need to be sanctioned or get a citation for a permit that I did not open. This is an item I want to address.

Now, secondly, are you pulling this because I am now speaking about a whole bunch of other work issues, code enforcement issues? Is this kind of a retaliation to me?

**Councilman Urbom:** I'll allow Officer King to address that in a moment, but first I would like to say that as he's come on board, what he initially discovered was that we had incredibly incomplete records from prior code enforcement officers. I would say that as he's been on board, one of the very first things that he began doing was going through an extensive backlog of many, many, many open permits citations that hadn't been resolved, full-spectrum in terms of code enforcement. I will allow Mr. King to address that.

However, before he does, I just want to say that it would not be surprising in his efforts which have been great and diligent that issues like this would arise specifically from things left undone from our previous code enforcement Officer Carlos, which if you knew Carlos, may not also be a surprise to you. I will just say that in my dealings with Officer King that he has been nothing but professional from my perspective. I would not think that retaliation would be in his playbook.

I do feel that it is most likely from his diligent effort of bringing us up-to-date for example, now that he's got proper equipment specifically camera that can also take video high-definition, et cetera he found many instances where previous code enforcement officers, not just Carlos, but going back ways had not been properly documenting all manner of different things associated with code enforcement violations and things like this.

I would just say that it would most likely be from that effort to get us up-to-date with a chaotic, at best, backlog of files. That would include digitizing many files to expedite the process of dealing with all manner of citations because a lot of these things were just stuffed into folders, poor organization. I'll start there, and if Mr. King would like to address the same issue, then certainly--

**Mr. King:** In reference to your property specifically, in our system, again I'm not privy to whatever email you were sent. In our system, you were shown the expired paint permit. There's

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also a letter attached that's attached to your case file that was supposedly sent to your address explaining that you need to update the permit. That was never responded to and I have no record of it being responded to.

Even my narrative, I said, please either have the permit finalized or canceled or closed. Didn't say that you did anything wrong if it's not pertaining to you closing it. That's no different than anybody else in this village. They have that option.

There's people who pull permits or apply for a permit then cancel it. If that's what you did, then that's fine, but it's still showing open on our end. That's the only thing I'd go off. It's either open, expired, suspended, or finalized. Yours is showing expired. That's a violation. Again, if an inspection is required, please renew permit or schedule an inspection or cancel and close. It takes two minutes.

**Jay:** Definitely.

**Mr. King:** If needs an inspection, you open it up, I personally come do the paint inspections and it's done.

**Jay:** Definitely.

**Mr. King:** As far as me targeting you, you yourself brought up Sherwood Forest as having a lot of violations. You live in that neighborhood. I've conducted a cold sweep in that neighborhood which is how I found the expired permit on your property and pretty much every single home, if not every single home in Sherwood Forest has been cited personally by me, some cases twice.

Again, it says clearly here what-- It's not personal, but if you request me to do that, I'm going do it and if you fall under that, then, you know.

**Jay:** To respond to you. It could take two minutes, five minutes for me to make a phone call and say this is a canceled item, but to respond to you if you could read the email from the mayor to the manager, then to me, it said that for the paint, all I need to do is pay \$25. I came, I paid for the \$25, it doesn't specify permit was required. That's why I don't have the yellow copy. I always pick up a yellow copy when I get a permit. I didn't get a yellow copy when I got this house painted. The pictures that are going around, the house is painted in the color that is specified on the printout that you got from the computer.

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**Mr. King:** I don't know who why they didn't explain to you how it worked. When you pull a paint permit, you pay the fee, so I don't know who was here at the time--

**Jay:** Carlos.

**Mr. King:** You pull a paint permit, once the house is painted, you call for inspection. Me as code enforcement officer, I go out there and inspect it. If it's not inspected, by the time that permit expires, it's now a violation.

**Jay:** Well, to your surprise, I did speak with Carlos when he drove by the house because when I did come to make the payment, he specified that I better paint the same way that I am putting the samples on or else he will have me repaint the house.

After the house was painted and he drove by, I told him look at it. He was fine with it, so if he then do his job, which basically, to me reading this email says, "No permit is required." If he didn't do what he needed to do, which I know for record he didn't do a lot of other stuff--

**Mr. King:** Stereo paint--

**Jay:** I have the time right now to come and battle this and I had the time this morning to print up all my documentation, but this is an issue that's internally here, so don't come after me.

**Mr. King:** Well, again you raised the issue of Sherwood Forest as of collective, as a whole?

**Jay:** Not only of Sherwood Forest, I was a resident on 87th Street.

**Mr. King:** Which, again, every single one of those properties, but again, you are part of Sherwood Forest. You are a resident.

**Jay:** Correct.

**Mr. King:** When I do a sweep of Sherwood Forest, a code enforcement sweep, your property falls under there, you're not exempt. Again, the issue I have is whether it was Carlos the previous, it does show an expiry, all you have to do was co-update, that's it.

**Vice Mayor Nickerson:** Let me just jump in here for a second, Mr. Chair, if I may. Thank you, Mr. King for coming into the code enforcement as an officer and updating all of our stuff. Thank You JR for being here and bringing us this documentation.

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It's difficult. What I'm seeing, and the reason why I want to jump in is that because you guys can go back and forth all night because nobody was wrong, so it's like a waste of time for you two to go back and forth to each other because it's not your fault and it's not your fault.

You're correct because if El Portal hires somebody, if that person doesn't do things the right way, then that's on El Portal. That's not the resident's fault, that was our hire. Our hire gave the wrong information.

**Jay:** That's why I took it to the Mayor and I took it to the Manager.

**Vice Mayor Nickerson:** It says right here, "No permit needed to paint the house, however there is a \$25 administration fee." Now, that's the wrong information, apparently, that that person gave that was working for El Portal. You're coming on, though, and you're correcting everything you're doing the right way, so you can't be faulted either because you're doing everything the right way, the way it's supposed to be and you're saying, "Well, no, there should be a paint permit that should be pulled." That's the correct way of doing things.

What I want to ask is for the Mr. Chair, for the committee as a whole, even like the Manager, is there any way-- This is difficult because we don't want to open up where all the mistakes that our people have made in the past that they can come back and then be undone to where we're not doing things the correct way in the present if that makes sense. We don't want that.

We want to continue to do correct things in the present, but at the same time I don't think that a resident that did things correctly from his knowledge based on the information that we gave him as a village should be penalized at this point because he in the present is not doing things correctly based on the past information that we gave him that wasn't correct. If there's some way to work around that so that he's not penalized for--

**Councilman Urbom:** I have one question for Mr. King just quickly. The infraction notice that the resident is speaking about today in terms of his question, is this retaliation for what exactly? Sorry.

**Jay:** An email you've been copied on regarding other code enforcement issues, and I understand sanctions--

**Councilman Urbom:** For being active in bringing--

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**Jay:** I'm being active.

**Councilman Urbom:** Retaliation for you being active in bringing things to our attention?

**Jay:** Correct.

**Councilman Urbom:** Mr. King, the official title of this as it appears here in a copy says courtesy, civil infraction notice. Is there a monetary fine attached?

**Village Manager Alou:** No.

**Mr. King:** No.

**Jay:** Not at all.

**Councilman Urbom:** Okay. In terms of penalty here--

**Mr. King:** There is no penalty.

**Councilman Urbom:** Again, is it reasonable then to believe that now understanding that he did not realize that there was a permit open, we're saying that there was, the debate becomes should there have ever been a permit at all because of what the activity was, painting a house? The paint is done, the work is finished. It's up to code in terms of the appropriate color, so now that we are all on the same page here, Mr. King, what is the next step from your end?

**Mr. King:** Again, the \$25 administration fee, there's no administration fee. It's a paint permit fee, so I don't know why it was classified as such and why he was told he doesn't need a permit, but they charged him money anyway. It doesn't really--

**Councilman Urbom:** This is helpful that we're having this discussion so that we would be able to clarify this. If I could just let the Manager--

**Councilwoman Roman:** I don't know if this is going to help or not.

**Councilman Urbom:** Okay, I will get to the management.

**Councilwoman Roman:** I do have some recollection and I just double checked with the clerk. Well, you need to double check, but at some point recently, I think it was last year or somewhat,

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we said we were not going to require a permit for painting. I don't know if that has something to do with why this was still open or--

**Jay:** Right. That was discussed over a year and a half ago, well, two or three months before I painted the house and that's why when I came and I specifically do come and check. Not only do I check mini code, I came and I asked and I two wrong answers from Carlos and whoever was in the front desk.

**Councilwoman Roman:** It has something to do with the state of Florida.

**Jay:** Then I took it up to the manager, and this is an email between the manager and the mayor.

**Mr. King:** They opened a permit.

**Councilman Urbom:** I have one follow-up for Mr. King which I believe you just answered which is, you came across this because as you're cleaning up the backlog, you came across an open permit and went to see if the permit had in fact been completed or what was the state of the work that the permit was pulled for and this is how we arrived at this situation?

**Mr. King:** They opened a permit August 2018. It expired in my records which I failed to attach, they sent the follow-up later asking him to--

**Councilman Urbom:** From the time then that the permit was open with or without resident's knowledge, the committee and then the council have effectively changed the requirement for this particular activity, painting a house, so that, additionally, is why we've arrived at this state of either disagreement, miscommunication what-have-you. I think the manager certainly would--

**Village Manager Alou:** Please, thank you. I just have to say I do remember having the conversation with Carlos. I remember sending an email clearly. I did sit with Carlos and he told me this information to pass along regarding the paint.

I do recall there not being a permit but some administration fee for doing that. I understand this is a courtesy notice, and through Mr. King's sweep, he wasn't going by persons, he's going by what he sees in his files and what's open. I think something that we can do is have Mr. King go look at your paint, certify that--

**Jay:** There is the pictures.

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**Village Manager Alou:** Okay. Then he can file off on and we can move on.

**Jay:** There's the picture, so if this Sherwood Forest sweep was done in person instead of just electronically checking, he would have seen that the house is painted in blue.

**Mr. King:** Again, the issue was the permit. You still have to close the permit. I understand what you're saying, but if you open a permit, you have to close the permit.

**Vice Mayor Nickerson:** Mr. Chair.

**Village Manager Alou:** I don't think we need to go much further now. We'll work on closing this out and it's a courtesy notice. We will certainly fix this administratively and determine whether it's going to be an administrative fee or a permit. I need to sit with Mr. King because there was a time when we discussed not having paint permits, but for some reason he has a paint permit in there.

**Councilwoman Roman:** That was prior to Mr. King?

**Village Manager Alou:** Prior to Mr. King. Let us work on that internally and we'll certainly fix the issue related to this courtesy notice that was provided to you.

**Councilman Urbom:** I just have one point for the record and that is that I believe he had said he had in fact paid the \$25 fee.

**Jay:** Yes.

**Councilman Urbom:** I just want to be on the record that coming down to a \$25 fee, he has in fact already paid it.

**City Attorney Powell:** Mr Chair, just as an aside.

**Councilman Urbom:** Yes, Mr. attorney

**City Attorney Powell:** To the extent that you do have an open permit and it's not administratively closed by the village, it wouldn't come with the property for future title purposes. You should take steps or the village should take steps to close out the open permit because if you had to refire or sell, at some point it'll come back in a search that it's open once they do the lien search.

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**Jay:** Understood. I have that.

**Councilman Urbom:** Councilperson Nickerson.

**Vice Mayor Nickerson:** I was going to just say thank you Madam Manager because my first thing I was going to say is you guys, we should just work to close the permit and get past this and simply do that. The second thing I was going to say, though, is and you started to answer my second question with you saying that as far as like from here out, is it going to be a painting permit or is it just going to be a \$25 administration fee? You said that you guys were going to talk to each other and handle it within the administration.

As we stand right at this moment, if somebody walks in tomorrow morning, what are we going to tell them? Even if we're like in an interim phase, is the painting permit the way that we're doing things right now or is it the \$25 administration fee? If somebody could walk in the office tomorrow morning at 9:00 AM, what are we telling them? That's what I want to say so the residents can see it right now.

**Mr. King:** If they come in tomorrow and there's nothing in writing given to a permit [unintelligible 00:22:04] whoever, there's going to be a paint permit, \$25.

**Vice Mayor Nickerson:** There we go. Paint permit, my brother and sisters, [unintelligible 00:22:09].

**Mr. King:** If there's one that needs to be changed, then that's just [unintelligible 00:22:15] I don't have anything in writing saying otherwise if I don't.

**Councilman Urbom:** To that degree, I do have one question for our Councilperson Roman. You said something about with the state of Florida. Would you clarify what that--?

**Councilwoman Roman:** It was broad. Going from what I can remember, and don't quote me, but there was something that was happening in the legislative agenda in regards to paint permits. During that time, it's when we decided, and we discussed it.

**Councilman Urbom:** Would that have been previous fiscal year?

**Councilwoman Roman:** That would have been either '19 or '18. I have no idea. During that time, it was said that we were not going to have paint permits. As far as I'm concerned, because

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when I was the code enforcement chair, we also do not have an updated or anything to do with colors.

**Vice Mayor Nickerson:** No, we don't.

**Councilwoman Roman:** There's no color chart, there's no anything, and we were just getting rid of that fee or that permit.

**Councilman Urbom:** Please, Mr. Attorney.

**City Attorney Powell:** If I may please. There's a couple of steps here. The permanent requirement is codified. To the extent that the village determines that at some point it wants to change what's codified, there'd have to be an ordinance amending that provision, but that certainly does not stop the village council from saying, because there may be activity at the legislative level when this was being discussed, that there'd be a moratorium until there was a finalization of whatever's passing through the House and Senate before we decided to implement anything further in terms of fees collected for anyone seeking a permit.

This is the first time I'm hearing of this. I took a look at what Councilwoman Roman was referring to and was able to glean what the issue was in the legislature there was basically an issue of transparency. What the legislature was looking at was a number of different jurisdictions at the local level have their own fees, and contractors, homeowners and the like were not aware of what the different fees were. The legislation that was passed requires that at the local level there must be assessability by the public as to what the applicable fees are. They have to be posted at minimum on the website so that they're assessable to the residents.

That's what you were referring to, but at the end of the day, if there was some resolution passed that said that there was no permanent fee being collected because of the council wanting to impose a moratorium on the collection at the time, that's not forever, moratoriums only had a short period of time. To the extent that the code needs to be amended to reflect that new policy, I don't have any issues bringing something back that would do that, if I'm instructed to do that by this committee so that there's no confusion on anybody's part.

Especially staff because what this sounds to me like, is that you had different people at different stages of the work that was being done here and the resident, unfortunately, was given mixed signals and now we have a new code enforcement officer responding to requests for enhanced code enforcement and was not aware of what may have been discussed in the past.

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**Councilman Urbom:** Then for further clarification, we are all in agreement that whether a permit be required or not, \$25 is the fee, what is in terms of disagreement here is whether or not it is officially termed a painting permit or simply a fee for painting a house. Is that in a nutshell?

**City Attorney Powell:** Well, it's both. You don't just collect a fee from the resident without it being tied to a regulatory taxable reason. The \$25 would be just, there'd be no purpose for it because we don't have a paint wheel here, there's no color scheme. The only reason why--

**Jay:** There was.

**Councilman Urbom:** If you--

**City Attorney Powell:** At this point there is no that I'm aware of any color wheel that would--  
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**Councilman Urbom:** Sure, the broad term of earth tones. [unintelligible 00:26:49] a colorful for place.

**City Attorney Powell:** So, if you can't [unintelligible 00:26:52] the other, you can't collect the \$25 unless there's permit application fee associated with it.

**Councilman Urbom:** I would like to ask if he could step to the microphone. My two questions, maybe a question statement, we'll find out at the end of this sitting. One, do you feel that you have an answer as to why this occurred and what the steps are to resolve this matter?

**Jay:** I don't need an answer. I was just bringing this up to the committee. Another part that I did not mention is when this citation or whatever was written, why would you check off the section one, the first box section 100.1.1 Florida building code alert, repair, move, remove, or demolish when it's only a basic paint work order?

**Councilman Urbom:** In the pictures that you passed through, there was the titles.

**Jay:** Two separate issues on the email. If you read the email, there were three items requested from the Mayor and the Manager to respond. My issue on that email is regarding the paint.

**Councilman Urbom:** Very good.

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**Jay:** Yes, the tiles, the picture of the roof tile was part of the email where he says, "I could fix the roof, as long as it's not more than \$2,500 permit was not required."

**Councilman Urbom:** Very good. Go ahead. If you'd like to, it's fine, go ahead, Mr. King.

**Mr. King:** The question is why was it tagged as a regular bill [unintelligible 00:28:41] not a paint permit?

**Jay:** Correct.

**Mr. King:** Okay, the stereo paint, which I use as code is for people who have discolored walls, the allergy, want to have black walls. That's what I use that for because this is specifically in reference to a permit. That's why I clicked that. There was no other issue with your property outside of an expired permit. Nothing. You can close it and it's done. Again, I understand, but it was simply a, "Hey, I took care of this. We can close it."

**Councilman Urbom:** Then I'll close with just a comment. My first comment would be genuinely, thank you. I worked in restaurants for a lot of years and I managed restaurants for many years. As a restaurant manager for example, I'll just tell you that if you don't get complaints, you're missing a lot of your business. You're not understanding a great deal of your business.

Without people bringing issues to your attention you never have a chance of understanding fully where your opportunities for improvement are and things like that. I would hope that no matter how you leave here this evening, that we have not discouraged you from continuing to be active. I really am genuine when I say thank you because I really do wish that more residents were more active. It gets noisy. It gets loud. It gets messy. It gets complicated, but that's really how things get done.

The other comment I would have is that hopefully, out of this, any residents watching this later on a video or through word of mouth, would realize that, one, we do realize that in the past, we had inadequate activity from our end in terms of code enforcement and that I would hope that this would be an example that we really do have somebody who is crossing T's, dotting I's and taking a very serious look at our code enforcement situation. This is not glamorous or sexy or things like that, but it is an important part of maintaining good neighbors and good order in a village. I would just say that genuinely, I hold no animosity whatsoever for active residents.

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As loud and chaotic as it would be, I really do wish we had a lot more active residents. I truly thank you.

**Courtney Kirk:** Courtney Kirk 265, northeast 87th. Clearly, this issue here is miscommunication. I think we need to look at how we handle these sorts of things. This should never have come this far. The gentleman here is doing his job saying this is not right. JR should have been able to say, "Here's the information I was provided," and then the village should have said, "Jeez, we gave you crappy information. It's on us. Don't worry resident. You did what you were told to do. It's on us." He would drive by. He would look and say, "It's blue. It's gold, whatever it is, and it should be done with." We shouldn't have spent the last 15 or 20 minutes going back and forth on this. This will happen more, especially if the gentleman is looking through and ensuring that people have done the right thing, which many have not either through lack of knowledge, or trying to skirt the rules. He's going to find some really good stuff. I'm hoping. I really am.

**Mr. King:** I have a ton of stuff.

**Courtney:** I would request that the Village Manager and Code think about how they want to have the process of taking the old, let's say, incomplete information or misleading information that may have been out there and having residents come and say, "Hey, here's my backup." Not somebody who just says, "Well, I wasn't told I needed a permit and I redid my kitchen. I'm fine," but somebody who's done the right thing and has information. That's a request there.

The second thing in and I've been asking for this for two years, I'm going to beg again. Put the notifications on the website. Say, 265, northeast 87th was cited for this, this, this and this. That way, residents like me who don't see our code enforcement officer knows the guy's out there. He's busting his butt. He's doing his job, because I'll tell you from my perspective, and it's an uninformed perspective, I'm telling you that now, I see the same trash that's been there for three months. It's in Bagsters. Those will never ever be picked up.

**Mr. King:** They're gone last week.

**Jay:** They were gone this Monday.

**Courtney:** I was going to say--

**Mr. King:** I personally contacted the waste management [unintelligible 00:33:37]

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**Courtney:** Thank you.

**Mr. King:** Because the resident was under the impression that if you leave it out there waste management will pick it up. That was a Bagster program, you have to call and that was the miscommunication. I personally contact the waste management and they picked. That trash is gone. The vehicles are gone.

**Courtney:** Again, I'm just saying it because I don't see the information and that's why I'm begging and I've been begging to see the information. I can sit there and say to myself and to other neighbors who say, "Code enforcement doesn't do anything. Really? He gave 17 citations last week. You don't think he's doing anything? Too bad." That's my beg, plea again.

**Village Manager Alou:** If I may speak to that, yes you begged and plead with me about publishing that information. I discussed it because I did take that to heart. I did discuss that with members of the council and it was determined to just not do that. I guess out of privacy or just to encourage people to do the right thing.

Sadly, sometimes your neighbors do not comply and do not do what they're supposed to do. We keep citing and that's what we have to keep doing. I know you might want to talk, but I want to also go back to the other piece about you. Oh, gosh, the first thing, you asked for two things.

**Courtney:** The first thing was a process for addressing when we have old bad information that is provided.

**Village Manager Alou:** Mr. King has made some code update suggestions that you're going to hear about, I guess if we ever get to that item. We are working on those things and we're of the same mind. We're all on the same team with this.

**Courtney:** Just for reference, if you're not going to publish it, I will be making weekly public records requests for every single one of them and then I will be publishing. It's a waste of my money. It's a waste of my time and it's something the village should be doing.

**Councilman Urbom:** On that point, I will say that General Council meetings in the Manager's report, it is a blurb at the end of the General Council meeting, but at every General Council meeting, the manager does make a declaration of how many citations there have been, how many properties have been brought up to code, things like that.

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The danger - I will say danger - in publishing, just as the citations occur and publishing those falls into the category of public shaming, for example. Because there are properties that are cited repeatedly, somebody will make the argument that the village is trying to shame them.

**Courtney:** Facts aren't shaming, Mr. Chairman. Facts are facts.

**Councilman Urbom:** I'm not telling you which side of that coin I'm on in terms of where my opinion lies as playing devil's advocate. I'm just telling what the flip side of that coin is. The flip side of that coin is somebody taking very real issue with airing some dirty laundry.

I would maybe defer to perhaps advice from the attorney on this.

**Courtney:** It's public information.

**Councilman Urbom:** Understood, but it is people's dirty laundry. If you're looking at Officer King's podium there, that is a stack of papers. Understand that even how we came to this lengthy discussion involving JR's issue is from his diligence which is a departure from previous code enforcement officers' diligence-

**Courtney:** Which I commend.

**Councilman Urbom:** I might ask the attorney a direct question on that in terms of what the possibility of that would be.

**City Attorney Powell:** If I may, Mr. Chair, there's absolutely nothing wrong with what he's requesting. The village can simply create a link on its website, code enforcement activity and just simply list as public record. It's no different than going to the Miami-Dade County Clerk's website and punching somebody's name to see whether or not they have a criminal record.

As a village, if that's what you all want to recommend, doing like a lot of other villages who would actually post the property with some type of file on the door.

**Jay:** With picture.

**City Attorney Powell:** Or the like. I don't see any issue with that or would that even rise to the level of bring about any criticism or shaming or anything like that.

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**Councilman Urbom:** I'll say that as the chair of this committee, I will consider that. I do want to take the opportunity again to say that every code enforcement committee meeting, Officer King presents report and every single general council meeting in the Manager's report is a declaration of how many properties have been brought up to code and how many citations have been issued that month.

We don't item that in the general council meeting. The Manager does not itemize which infraction, which property, just a simple number of how many properties have been brought up to code and how many citations have issued.

**Courtney:** I appreciate that, Mr. Chairman. However, without the underlying information, when I walk by and see the additional three trash bags thrown outside, I don't know if he's already done that, or whether I should be taking my fifth picture and saying, "Okay. I'm really going to send it to him this time."

**Councilman Urbom:** I get you. I understood.

**Courtney:** Thank you.

**Councilman Urbom:** I will take it into consideration.

**Jay:** I agree with Courtney about publishing that information. We used to have a billboard inside the office with the [unintelligible 00:39:32] of the picture and the issue of the citation. We're modern, get it on the website. The more that we see the dysfunction or deplorable properties that we have, we're not a bad community. The value of our home and for those that do make the investment is depleting from the deplorable properties.

I will have my request for public records submitted on two properties that I've been asking for.

My final question to you is, how many citations do you have to give before bringing that individual to your board meeting? The more that you constantly follow up, and I'm not saying you need to be out there 24/7, Mr. King, but the more that you follow up and reading them unicode is within 10 days, you keep on citing the individual. Within four of those citations, you bring them in, or four months, you bring them in, you may get resolution. You may get revenue collected. We don't want this to continue as what the trailer park happened. Over \$1.5 million in revenue that should have been collected, and it was negotiated to \$500,000. Okay. That issue went on for 10 years.

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**Councilman Urbom:** As the last calendar year ended, we did revisit our hearing process protocols, and recommitted to that. As the chair and coming in new, I wasn't aware that we had a hearing process at all. It turned out we did, we weren't using it. We have, as the last calendar year ended, reinvigorated that process, essentially, reactivated that process. I don't know if Mr. King would like to add anything or the manager.

**Mr. King:** The resident doesn't come before them for any type of hearing. The process is a warning, whether verbal or on the door. They can request an extension if they choose. If they choose, and I can grant that, then they get what is called an OCI, and that's when fines can accrue.

After that, if they don't comply, it's a special magistrate. It's not the code board who did take us to hearing. Okay. That's how it goes. That's per Florida statute 162, that's what the state tells me to do. That's how it works. However, there are special circumstances. Not everybody has money falling out of their pockets. They may need extra time to fix their property. Again, my job is not to punish. My job is to get compliance. Period. I'm not dragging people out of their homes. I'm not beating them over the head. That's not my job. My job is to send the notice, you're in violation. Sometimes they contact me, sometimes they don't. My compliance rate right right now is about 80%.

**Jay:** Okay. Better than Carlos.

**Mr. King:** For perspective, as far as my activity, in six months, I've cited over 200 properties. In six months.

**Jay:** Out of 800.

**Mr. King:** The previous 12 months, the total was 113. In half the time--

**Jay:** We know why. Manager and I have spoken about it. We know why.

**Village Manager Alou:** Absolutely.

**Mr. King:** 113 in 12 months. I've done double the citations in half the time. That's not including my other ancillary duties I have around here. I'm very aware of what properties are dilapidated, and there's not that many. There's a few, but it's more maintenance and cosmetic properties around here. That's a good thing, because you have a nice village.

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Again, I'm firm but I'm fair. I'm not going to beat you over the head to cut your grass. You're either going to cut it or you're not. If you don't, I'm going to take you to hearing. Most people comply. Some people I have to give a little nudge to. Again, my job is not to punish. I'm not out here for that. I'm just getting you into compliance, and I'll work with you to do that. Even you with your permit, the woman with the roof, somebody with a vehicle they haven't [unintelligible 00:43:44]-- it doesn't matter. As long as you are working towards compliance. That's my job.

**Jay:** Okay. Thank you.

**Village Manager Alou:** I also wanted to speak about, sometimes people who have citations come in and ask for an extension, and I just got an extension today.

**Mr. King:** Do you want me to-- Do you want it?

**Village Manager Alou:** I have a copy of it. Yes. A particular address that was complained about for dirty roof has now requested an extension of 60 days, because she would like to completely remove and replace the roof. We were pretty much headed towards hearing on this roof. Unfortunately, at this last minute, now we're being presented with this extension request form, but it's something to consider.

**Councilman Urbom:** [unintelligible 00:44:39] I would like to give him an opportunity to speak first, if he could.

**Luis Pirela:** Luis Pirela, 103 89th street. [laughs]

**Councilman Urbom:** I do the same thing sometimes.

**Luis:** I just wanted to say something about the code. Because I keep hearing a lot about anything being up to code, or we don't have a code, as far as code enforcement, and stuff like that. As far as colors and painting the houses. I redid my house five years ago, and I remember when I came here to pull out the permit for everything, there was color palette to follow. They gave me actually the color book to choose the color based on what they had. There were some colors that were crossed, that you could not paint houses around here in those colors. Same thing with the roof.

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They said there was a special time where people didn't have the money to replace the roofs, and that's why they went from tile roof to shingle. That was written back in the '70s, saying that at any given point that you needed to replace the roof again, then you needed to bring it back to the original state. I've seen a lot of investors coming here flipping houses, and not actually being enforced those rules. As a matter of fact, I've witnessed a few houses that they have actually broken the whole sidewalk. There's a few sidewalks that have been broken by people that actually came here, investors, flipped the house, somehow they broke the tiles with the containers, the sidewalks, and they just stayed like that.

There's a lot of little things that it could have been handled better by the village, or by code enforcement, or by whoever's in charge of that. As far as inspecting the work that's been done in the house. Like I said, the color is a big thing because you don't want all the sudden people painting the house in all these bright or weird colors. My concern about it is, actually, you said it, the beauty of our village, the architectural, and keeping the town as it's been for many, many years.

Color, I think it should be a permit. Whether you're going to collect 25 or nothing, but it should be inspected and say, "Yes. That's the right color." The same thing, we should go back to the roof tile thing, and just not let it ride like that. Because there's codes, and all of a sudden, I'm hearing, "There's no code for this. We're not have codes to enforce the fencing." This or that, and stuff like that. Like I said, I was told there was a code for paint, and I was given a color palette to choose within the same range of colors.

**Councilman Urbom:** That's very helpful. Some of what you're talking about will overlap with planning and zoning as well, but I'm going to speak to one, with Plusurbia, our urban planner. Because, for example, in the works right now is an architectural guide for new construction. It's not completed yet, but we're in the final stages of having an architectural guide presented to us. It's something we will be able to vote on and approve and within that, roof material will be addressed.

**Councilwoman Roman:** Paint color too.

**Councilman Urbom:** Paint color is part of it, yes. Hopefully, you'll be happy to know that an updated version of all of that is in the very final stages, and will be presented to us.

**Luis:** Again, things that happens to Carlos shouldn't be happening if we have the right person there. Because fortunately, when I came to do everything five years ago, Carolina was there,

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and she was great. She would give you every information you needed. She would give you the right steps to follow and everything. It's very important to have a clerk or a front desk person that really knows how to handle stuff.

**Councilman Urbom:** We agree, and we feel strongly that between Officer King and Marianne in the billing department, that we are there again. We do feel strongly that we have got the right personnel once again, and certainly, every step is in the right direction.

**Luis:** Perfect. Thank you.

**Councilman Urbom:** Thank you.

**Vice Mayor Nickerson:** Mr. Chair, one quick second, if I may. It's really, really quickly. What he brought up really needs to be in the back of our minds because it's something that really needs to be answered. Back when Mayor Black was here and Mayor Cubillos was on the council, myself and others, there was a big thing that came up, which was if somebody's getting their roof done over, we said if you had tile, you have to go back and do tile. Then we said there were some roofs that had been with shingles since the 70s' or 80s' or something.

What we said was, if you had shingles, if you were getting your roof done over, you have to go to tile. We wanted to keep a certain standard. Then what started to happen was, it was some elderly individuals that started to come in, they didn't have the money to go from shingles to tile. Then we started to get caught up in this thing, they're elderly, they're on a fixed income, they have to do their roof over because the roof is leaking but we want to have a standard of tile roofs.

We're telling everybody else that even if you always had shingles, you now have to replace with tile once you get your roof done over, but then these elderly individuals couldn't afford it. We were like, "Then if we do it for that elderly individual, what if somebody who's not necessarily elderly but they're in a financial rut and they had shingles--" That was the problem and that's what we really need to tackle. We're going to need to have one answer for that, that we're going to have to stick to.

**Speaker 2:** Exactly because then the other excuse was that house wasn't structurally able to support that roof, which is not true because my house was one of them. When I redid my house, I had a structural engineer come into the house and it was perfect. I went with another type of roof, it's equal roofs, recycled and stuff like that but it doesn't add weight to the house but that

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was the case. A lot of people was getting away with structural problems and not being able to support that but it wasn't the case in many cases.

**Councilman Urbom:** Very good. Thank you. Is there anyone else for getting welfare? All right, before we do move to the first agenda item. Between us sitting here in the committee, would we like to address the request for extension on this one item that the managers are ready to present to us?

**Village Manager Alou:** I was just alerting you all that you don't have to vote, but if you want to weigh in on that.

**Councilman Urbom:** I'm in the loop I don't know if--

**Vice Mayor Nickerson:** I have all faith in you, Mr. Chair and madam manager and and and the code enforcement officer, you guys do your thing.

**Councilman Urbom:** All right, very good. Then, I believe we're moving on to agenda item G. No, I'm sorry, forgive me, Mr King we're still awaiting your report.

**Officer King:** We kind of covered most of it.

**Councilman Urbom:** Whatever we might not have covered.

**Officer King:** We covered the statistics. I'm going to give them to you again. Previously, my first four months, was mostly backlog, catching up on backlog cosmetic stuff. Now we started moving to more contractor violations; the roofing, not pulling permits, pulling permits, not getting inspections. Now I just want to get into that because we have so many people doing renovations in the village now not all contractors are working on the same level to that.

I've been getting a lot of complaints about weekend work, when contractors come on the weekend where they don't have permits, where they don't have insurance. They know we're not really staffed on the weekend, so I've been stepping up my weekend enforcement.

**Councilman Urbom:** Then, how do you organize your priorities? What are the categories of violations that you prioritize?

**Officer King:** The only category that's higher than another is life and safety. That's pool barrier fence, condition of the pool, unsanitary homes, dilapidated property. Those are probably the

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priority. If it's an unsafe structure, that's not something I really deal, that's more the inspectors that come in from Cap. I don't really deal with interior inspections unless I'm invited in, but I do mostly exterior of course.

We're talking about stuff that really stands out, abandoned autos, derelict vehicles. Again, unfortunately, I have to follow behind the contractors because there are a lot of them that have expired permits, where they're actually pulling the permits. They complete the work, and it was never inspected. They didn't pay their full fee. They did the work without actually getting the permit completed, so that's another thing now backlog because there's so many of them. As far as priority, again, abandoned autos, derelict vehicles.

We have a few dilapidated properties they're all been discussed before. Some are already in the liens so there's no point in citing them over and over again because their already on the liens for the same issue. Statistics, one statistics is probably exterior maintenance, again, cosmetic stuff, trash and debris, trash containers. We're starting to get a lot of trash violations where people are putting their bulk garbage out a month or two before.

The issue of what we have sitting in the driveway. In this case, it was misunderstanding. The guy thought he was just supposed to throw it out there, they pick it up. I told him he had to call, which he did they came and picked it up.

Most cases, it's people throwing garbage out in the front, in which they sign for, they have to store away until it's time or call for special pick up. Trash containers being left out. The hedges are a big issue, people are not trimming their hedges properly. Again, permits. My number two violation as far as the past two months has been work without permits, work with expired permits, work with suspended permits.

As far as statistics, that's the general. The other stuff is minor, recreational vehicles, people parking a boat or trailer in the driveway. I tell them move it, they move it. Real estate signs, alarm calls where people have expired alarm permits but the alarm is still active.

**Councilman Urbom:** If someone comes in and get alarm permit, do we have those available stickers for the window?

**Officer King:** Miriam gives them a sticker so they can put on the windows.

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**Councilman Urbom:** At one time in the past, within the last two years we ran out, we didn't have any.

**Officer King:** As far as I know she has those. As far as I know. It could be out of turn but I know she has those. The rest is minor stuff, not the consistent, so again, cosmetic stuff, exterior facade, where the dark color starts going up the walls. It's turning green and black but your house is white or your roof is red, but it's black, a lot of that. Dealing with that type of stuff.

Again, the number one issue probably for the past month has been contractor violations and getting people to update their permits, whatever the status is or even get one. Had a garage conversion where they're doing an entire rehab renovation, they've not put a single solitary permit, so I did a stop-work order on that. That house is 100 northeast 88 if I'm not mistaken. I had to put a stop-work order on that because they had not a single permit, doing a complete rehab.

I check on it every day because every now and then I see people coming into the house. Other than that the biggest issues was been spoken about already. It's the updating of the orders. As far as enforcement totals, it's been pretty steady.

**Councilman Urbom:** Sounds like it.

**Officer King:** It's pretty steady. Again like I've just described to you what the categories are.

**Councilman Urbom:** Councilwoman Roman do you have a question?

**Councilwoman Roman:** I just have a quick question. I think it's important to say it into the recording. What is the proper amount of time when someone can put out their bulk trash?

**Officer King:** It should be the day prior to pick up.

**Roman:** That's the [crosstalk] the day prior to pick up.

**Officer King:** Just like normal garbage.

**Councilman Urbom:** I made a note regarding our communication to residence regarding that. I think what happens sometimes is residence they talk, "Hey, I think it's coming up next month." Then it just begins where "Okay I want to start clearing out my backyard when I have a chance one day. I'm going to start clearing out the front yard when I have a chance one day."

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**Officer King:** I'm not going to yank somebody for putting it out two days prior.

**Councilman Urbom:** I would say an additional risk to people putting things out so far ahead in advance is because then you get the trucks moving to the neighborhood. That brings extra risk into the neighborhood as far as people looking for an opportunity [crosstalk].

**Officer King:** They put it out, three to four weeks ahead of time.

**Councilwoman Roman:** For bulk, it doesn't seem right to me, I think it's important that we look at that.

**Councilman Urbom:** I'll put that as an agenda item for the next committee meeting.

**Councilwoman Roman:** I think a week is plenty.

**Councilman Urbom:** Right, I wouldn't go much further than a week, yes.

**Councilwoman Roman:** Not much further than that but then we need to make it clear and then enforce, which you have been.

**Officer King:** Yes, we have people who have already put the trash out [crosstalk] till March 24th.

**Councilwoman Roman:** I think 95% of the village thinks is a week before which is why I asked that question. Definitely, something that needs to go on the agenda and something we need to look at and it needs to go on a newsletter and needs to be announced et cetera. On the newsletters when we do post bulk it does say a day before because I checked that yesterday, but we definitely should look at that.

**Village Manager Alou:** May I add to that councilperson Roman, that during a hurricane or inclement weather please do not put any bulk out, that is projectile and dangerous. Do not put those things out but a lot of residents sadly think that's the time to start doing extra trimming or throwing out mattresses or whatever. Don't put those things out on the curb.

**Officer King:** Which was a very big issue during the last storm. Everybody throwing their bulk trash out as the hurricane is barreling in. Nothing I can really do because the storm was there and the bulk trash is here and they're not going to move it.

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**Councilwoman Roman:** While we're at it, because there's still Christmas trees around, if you could just schedule whatever the day is and we could start announcing early when the Christmas tree pickup will be.

**Village Manager Alou:** Yes.

**Councilwoman Roman:** Thank you.

**Councilman Urbom:** All right, any other questions for asking? All right. Thank you very much.

**Officer King:** Thank you.

**Councilman Urbom:** Feel free to stick around if you'd like we're going to get to the tracking report. Yes, the recommendations. We'll get there quickly so we can move through that. All right, very good. Moving on to agenda item G2 now, the tracking report, I will get this cleaned up for the next committee meeting because I see already item number two I remember we were going to move to planning and zoning. It doesn't need to be in code enforcement.

Item number one I'll remove at this point because it sounds like in terms of citation priority, Officer King has things well in hand. I'd be feel good to cross that off the list since we're on the right track with that. Code enforcement workshop. Personally, I'd be aiming for end of summer, something like that. Headed into the end of the fiscal year. Give us some time to plan here for it. Hopefully, for example, with the architecture guides coming into place, conference and plan discussions coming into view, then we would have some real kind of meat and potatoes possibly to discuss it at code enforcement workshop by say very near the end of the fiscal year.

Community outreach. Questions, comments, concerns or complaints from the committee regarding the tracking of community outreach? I think that we discussed this at the last meeting, so very closely ties into code enforcement workshop. Do we need them as two separate tracking items? Okay, I'll get that cleaned up and roll that into code enforcement workshop for the next one.

Hazards again, as I stated at the last committee meeting, I want to remain on the tracking report just so that every single time we meet we just have that in mind. Again, remembering back to the fire that took place on the property off of Northeast Second Avenue last year and then as

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we're going to discuss here again, the recommendations from Officer King regarding pool hazard specifically.

I'd like to leave that on just so it's a refresher every time we see it, every time we meet. That brings us to the recommendations from Officer King regarding court updates. I'm going to pull that up here. I'll read it quickly and we'll go on one thing at a time here, but I'll try not to be so quick that it's counterproductive. All right, to begin with, overhanging extensions, so all canopies, marquees, signs, metal awnings, fire escape, standpipes, exhaust ducts and similar overhanging extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

When required all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment. Similarly, stairways, decks, porches, and balconies. Similarly, chimneys and towers. Similarly, handrails and guards, windows and doorframes. Officer King if you would just expound on what it is that we're after.

**Officer King:** Again this is the cosmetic. We have somebody whose awnings were hanging off. We do have exterior maintenance code, just very vague. I'm trying to tighten it up a little bit, sort of specific.

**Councilman Urbom:** A lot of work that was very vague, yes.

**Officer King:** Again, on our standard maintenance code, I can cite literally all of that stuff. Again, it doesn't actually pertain to any of that. It literary doesn't mention any of the stuff that's in there. It would be more detailed.

**Councilman Urbom:** By updating the code to this specificity, for the benefit of the record and residents are watching the meeting afterwards, I know it sounds obvious, but if you would just tell us what the benefit to--

**Officer King:** What I'm looking for when I see your property, that the windows should be in a workable condition, no cracks, not shattered, that the handrails, the guardrails up the steps aren't leaning off, that your awnings aren't hanging off and there's one rod holding it up, that it's not rusted up, that it's actually painted to match.

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**Councilman Urbom:** Because of the vagueness of our code currently, it would potentially allow for situations and conditions that would either cause a hazard to life or property.

**Officer King:** As far as there's no different than a fence in disrepair. It's a hazard. Same will go to the awnings, the guard rails and stuff like that.

**Councilman Urbom:** Questions or discussion among the committee on that? Okay, moving on to the next item. You've identified short term rentals. You say, I'm just going to read just for the benefit of record because not everybody has this in front of them, so I'll I'll just say, "Since the last code update there has been an increase in short term rental properties. Mainly companies like Airbnb have come into existence which under our current code is not regulated by any ordinance. Most municipalities are either completely banning these from operating or they're requiring the homeowner to register as a business like any other property that provides lodging. We do have a bed and breakfast ordinance but that doesn't cover home rentals."

**Officer King:** I'm also aware again of the state trying to step in on Airbnb rentals. I know they might reach out an issue with that because of their fine amount. The state stepped in and said we're going to cover all Airbnb, I don't know the status of that. That might trump what I'm saying there, but as far as right now, I get a lot of questions on is Airbnb allowed or not, and we don't have anything that says it's not. There's nothing I can really tell them.

**Councilman Urbom:** Currently, we don't really have any control more or less over any of that activity. We're essentially losing out on opportunity for revenue for the village as well as control of a situation that could potentially be a danger to life or property.

**Officer King:** And keep track of who's actually doing it within the village. I do get complaints but there's nothing.

**Luis Parella:** Yes, Luis Parella, 10389. As Airbnb concerns is like-- I'm sorry, I'll just be very quick. For my understanding, you need to have a tax ID to run as a business because you're actually running a business and is a lucrative business. You're getting actually income out of it. I don't know if it has to be registered, it should be registered.

**Officer King:** We have a short term rental but it just doesn't cover single-family homes being rented out. It covers bed and breakfast which sometimes some people consider Airbnb a bed and breakfast, hotels, motels.

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**Luis Parella:** No but Airbnb is a website and it's an app. It's registered as an Airbnb, and as an Airbnb you need a tax.

**Officer King:** Right, but the people who operate on Airbnb are independent. That's the homeowner and they're the ones who should be [crosstalk].

**Councilman Urbom:** Just for clarity what we're going through right now are recommendations specifically from Officer King based on what he's been experiencing out in the field and as we take this into consideration to create specific code, which would eventually go to full Council for a vote to update our code. With the first item, it was that we need more specificity on certain types of exterior fastenings and things like this.

Now, within this, Airbnb is addressed, but the same time other types of short term leases, rentals, et cetera.

**Luis Parella:** Yes, we have to be careful with that because we are actually losing the essence of being a neighborhood. We're family-oriented.

**Councilman Urbom:** Right, there's liability issues as well. Yes, certainly.

**Luis Parella:** As concerned as we all are about school and traffic and stuff like that, Airbnb brings a lot traffic as well. A lot of people in and out, yes.

**Councilman Urbom:** Tonight is essentially our first step towards doing something like codifying and making changes to our code to address those specifically. It will take a little bit of time in terms of requiring a couple more committee meetings and then before it would go to the full council. Councilperson Roman.

**Councilwoman Roman:** I just want to remind of what our meetings, we need to hold the questions until we open it up again to good and welfare.

**Councilman Urbom:** Now temporary structures, a clarification of what constitutes temporary structure is needed. The code exist, but there is no definition of what actually is considered a temporary structure. This is separate from the first item in terms of fixtures, pawn.

**Officer King:** We have a temporary structure.

**Councilman Urbom:** Similarly the code is vague but needs clarity.

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**Officer King:** We have an ordinance but it doesn't define what is considered by the village of El Portal.

**Councilman Urbom:** Again, even though this sounds obvious, what would be the benefit to the village of creating that specificity?

**Officer King:** Moving storage trailer like the pots, dumpsters.

**Councilman Urbom:** No, what I'm saying is, even though it sounds obvious, I'm saying what would be the benefit to the village of becoming more specific in the code regarding this?

**Officer King:** Again to notify contractors, homeowners, what is actually allowed because we get huge tents.

**Councilman Urbom:** Mitigate disagreements, mitigate miscommunication.

**Officer King:** This is what you're allowed to have because again, when it comes to our definition, there really isn't one. Now I have to explain to them why they have to get a permit for it, even though the ordinance doesn't explain it. I have to personally say, "Well listen, you need a dumpster there. It's considered a temporary structure. You should be getting a permit for it." but the ordinance does not say that.

**Councilman Urbom:** Questions, comments regarding this item?

**Officer King:** Let's just again, mitigate misunderstandings.

**Councilman Urbom:** Absolutely. All right. Then the final item I believe is fumigation tent. Essentially you've said that we have a code that requires a fumigation tent permit. "I suggest having the ordinance require a tent permit a little." Now we're moving from specificity to something a little more general. "For any occasion and based on the price and the size of the tent in addition, pest control has a separate state regulation that doesn't require them to get local permits.

However, we have been making them get tent permits under a fumigation tent code. If we just make a general tent ordinance and list it under temporary structures that require a permit for any reason, it might lessen the resistance we get from pest control companies that keep trying to fight the permit." As it stands right now, you're saying that the pest control companies feel they have a foot to stand on to say they don't owe us any fees.

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**Officer King:** Correct.

**Councilman Urbom:** We're trying to say that in fact, they do.

**Officer King:** Because the state has them exempt for certain [crosstalk].

**Councilman Urbom:** This would help eliminate back and forth. Go ahead Councilperson Roman.

**Councilwoman Roman:** My only thing with that is that if the state has them, they're not used to checking if they need a permit or not.

**Officer King:** They usually don't.

**Councilwoman Roman:** Right, correct. Do you get what I'm saying? Most municipalities don't have them get permits.

**Officer King:** Correct.

**Councilwoman Roman:** That would be my only flag that I would race with that.

**Councilman Urbom:** What is the fee attached to this particular permit?

**Officer King:** For fumigation specifically?

**Councilman Urbom:** Yes.

**Officer King:** I think all tents are 100. If I'm not mistaken, I think all tents right now are 100.

**Councilman Urbom:** Then one of the questions I was going to have in terms of temporary structures requiring a permit, if someone's throwing a house party currently and they want to have a tent for protection from the elements, it's a \$100 fee?

**Officer King:** They have to pull a permit for a fumigation tent, a recreational tent. Doesn't make a difference.

**Councilman Urbom:** All right.

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**Officer King:** My code there would separate the two or at least scale it back because if you put a small tent or big tent you're paying the same fee.

**Councilman Urbom:** It sounds like with the first three items, we probably have fairly well agreement and certainly would be very beneficial to meaningfully pursue those three paths sooner rather than later. As far as this tent, it sounds like there may be discussion among the committee going forward about what action we might take on that. Does that sound about right? Mr. King, thank you sincerely for doing this.

[background conversation]

**Councilman Urbom:** No, go ahead. Oh, sorry, did I miss the address?

**Village Manager Alou:** Yes, I think there was a page left out.

**Councilman Urbom:** Okay and I'm going off the computer.

**Village Manager Alou:** I know. I apologize for that. This is the second page that was there.

**Councilman Urbom:** All right. This is the section titled Vacant structures and premises. Correct? If you remember right. Two items. Vacant instructions, premises. "All vacant structures and premises shall be maintained in a clean, safe, secure, and sanitary condition." This is going to derelict properties, "The exterior of all the construction shall be maintained in a manner of required of occupied structures."

What you're saying is as it stands currently in the code, there's no--

**Officer King:** I could cite on exterior maintenance and I have been just to define the detail. You're going to leave this home here because you're living in New York. It still must be maintained.

**Councilman Urbom:** As if someone's living there?

**Officer King:** If it's vacant because you do whatever, it still must be maintained as if it's occupied. I have some homes that are boarded up.

**Councilman Urbom:** This gives us a little more teeth?

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**Officer King:** Yes.

**Councilman Urbom:** All right. Any questions or discussion? Any of that? Accessory structures. "All accessory structures including detached garages, fences, walls, swimming pools, shall be maintained in a structurally sound condition and in good repair." Item one you have is clarity and swimming pools, item two is swimming pool barriers. "A swimming pool shall have a pool barrier that meets the requirements of the Florida building code pool barrier requirements in effect at the time of construction of the pool, or if constructed before such requirements went into effect, shall have a barrier that meets all of the following minimum requirements." We have nothing in our code.

**Officer King:** There's nothing in our code that says they can have black water, nothing says they can't. I cited anyway because it's a health hazard. However, I have no code to actually write them for, so I refer it to the Florida department of health at right now.

**Councilman Urbom:** In terms of pool barriers, what are we doing?

**Officer King:** I cite that for a life and safety issue because it doesn't matter if the pool is--

**Councilman Urbom:** Again, this will give us teeth to have specificity in it?

**Officer King:** Right. Even if you don't have water in the pool, you still must have a pool barrier fence.

**Councilman Urbom:** Okay. "The barrier must be at least four feet high on the outside. The barrier may not have any gaps openings where someone can get through. The barrier must be placed around the perimeter of the pool and must be separate from any other fence or wall or enclosure surrounding the yard unless the fence wall or other enclosure portion there is situated on the perimeter of the pool is being used as part of the barrier and meets the barrier requirements of this section.

The barrier must be placed efficiently away from the water's edge to prevent a young child or medically frail person who may have managed to penetrate the barrier from immediately falling into the water."

**Councilwoman Roman:** Is that the barrier that goes around the pool like immediately around the pool?

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**Officer King:** If you don't have a perimeter fence, like a privacy fence.

**Councilwoman Roman:** Oh, so it's only if they don't have the perimeter fence?

**Officer King:** Right. If you don't have a perimeter fence, you must have a fence directly around the pool.

**Councilwoman Roman:** Got it, but if they haven't fence clearly, no? Okay.

**Councilman Urbom:** As long as that fence would not be broken or damaged in a way that someone might be able to get through the fence and then find themselves, like a child, for example, squeeze in. The fence would have to be in good repair.

**Officer King:** All right. Even the [unintelligible 01:17:43] perimeter privacy fence, it still must be.

**Councilman Urbom:** Any other questions or discussion on that item? All right. Then street numbers. "One address sign shall be required for each principle building or use on-premises showing the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee or signboard. The full building address shall be posted on such marquee or sideboard. The address shall be posted in a color contrasting that of the marquee or signboard or building a minimum of four inches the size of the letters for residential and six inches for commercial structure and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses such as multiple occupant mercantile buildings, the address range shall posted as indicated above."

I imagine this is for expedition of emergency services. Is that correct?

**Officer King:** More fast public safety. If you're an ambulance or a police officer trying to find the address, you can't see it because it doesn't exist. That's an issue.

**Councilman Urbom:** I agree entirely. Any questions or discussion with the committee on that end?

**Councilwoman Roman:** I don't know how often this happens, but when I was looking at the home of the month, there was a couple of homes that a lot of the times I don't know who they belong to, so I'll look on the public records and it'll be a different address than what's posted. I

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have examples that I can forward.[crosstalk] Yes, I don't know how often that happens. I don't know if it's because it's two lots.

**Officer King:** Is it the appraisal site?

**Councilwoman Roman:** Yes.

**Officer King:** Sometimes that site is off. It is off. You click one property and that address won't come up, a different address will come up.

**Councilwoman Roman:** It was the same property, same residents that owned it, but it was a different address, like a different number.

**Officer King:** I just had the same issue on North Miami.

**Councilwoman Roman:** Northwest?

**Officer King:** North Miami. I clicked the property and it gives me a different property. Same homeowner, but it went to a different lot even though I'm clicking that, so I don't know.

**Councilwoman Roman:** Okay. I don't know, just thought I'd brought that up since we're talking about numbers.

**Councilman Urbom:** Maybe through this, if we get to that point then, that might help residents, even clear up some records as well.

**Councilwoman Roman:** Absolutely.

**Councilman Urbom:** Officer King, anything else regarding what you brought us? Again, I want to say, thank you. This is, clearly, a great deal of work that you did on your part. I believe it is really, incredibly helpful.

**Officer King:** It's just to make, not just my job easier, but for the citizens to clearly understand what I'm looking for when I'm out there, to help them with their problems.

**Councilman Urbom:** One thing we've certainly learned as we've been re-addressing the comprehensive plan is what residents spoke to tonight in terms of outdated code issues and things like that. This is fantastically helpful. Again, thank you.

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**Officer King:** Okay, thank you.

**Councilman Urbom:** All right.

**Village Manager Alou:** Thank you.

**Councilman Urbom:** Let's see. Back to the agenda. I think we're about ready to wrap this one up for the evening.

**Vice Mayor Nickerson:** Mr. Chairman?

**Councilman Urbom:** Yes, go ahead, please, Mr. Nickerson.

**Vice Mayor Nickerson:** We were talking about taking the community outreach line off the tracking report, possibly taking that off. I don't [crosstalk]. I was thinking, for example, Mr Kirk brought up the situation about he would want to see addresses on the website. That's like community outreach. There might be things in between the code enforcement workshops that we might just want to keep it on there because just might be different things that might come up that might be more community outreach.

**Councilman Urbom:** I'm okay with that. I'm thinking, also, in terms of a PSA associate with bulk pick-up, for example, could fall in that category as well.

**Vice Mayor Nickerson:** We just might want to keep it there.

**Councilman Urbom:** Okay. I'm good with that. Councilperson? Okay.

**Councilwoman Roman:** Yes. If you look at it, the workshop is actually community outreach. I don't know if you want to do it the other way around.

**Councilman Urbom:** Roll it the other way. I'll do that, okay.

**Councilwoman Roman:** Whereas community outreach and then, the code enforcement workshop follows after that.

**Councilman Urbom:** I'll do that. I'll roll that the other way so that the workshop falls under community outreach. Thank you very much, both of you. One last opportunity for good and welfare, if anybody would like to speak. Name and address, please.

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**Courtney Kirk:** Courtney Kirk, 265 Northeast 87th. Just a couple of comments. First, on the bulk, the one day I know is what's actually in the code. One of the things that's actually beneficial is if you're out a little bit early-- We're in the third day. If they don't have enough to pick up in the earlier days, they start doing the other days. It does clean up the village faster and get more stuff out, so just something to consider there.

**Councilman Urbom:** It can be surprising for residents who believe that they have a certain amount of time. Then, all of a sudden, they're shocked because 12 to 24 hours got taken away.

**Courtney Kirk:** Right. I'm not saying two weeks or anything stupid like that. Just a couple of days makes a world of difference, both in them picking it up as well as putting it out. On the tent permit, if we're charging a permit fee to the folks who are doing the fumigation, that's just going to get passed onto the villagers. This, then, just becomes purely, as far as I'm concerned, a revenue generation, which, quite honestly, to Officer King's statement, he's not in the revenue generation business, he's in the compliance business.

Something to think about there. Finally, to some extent, asking Officer King but the committee and then council to support him, if he's trying to get compliance and he can only cite and a lien comes up. Then, the people are still doing nothing, is there anything we can put into code, into ordinance, that gives him an additional weapon?

"Okay, you're not cleaning up your yard and your thing is dilapidated. I've given you three citations. There's a lien on your property, still dangerous for kids to run by and play." Is there anything else we can do to get it into compliance? Even if the village has to pay and adds that to the lien plus interest. I'm trying to figure out for safety what we can do. There are a couple houses that I'm sure Officer King is aware of, that you walk by and its rusted stuff, roof falling down. It's dangerous.

**Councilman Urbom:** I believe as we get to that point, what happens is a hearing with a magistrate, essentially is triggered. Then, that resident either has the option to show up and defend themselves or present their case or not show up and then a judgement will be made in their absence. Beyond that, in terms of compulsion, I don't know that we do have any mechanism beyond making that judgement, creating the lien, generating that fine, I don't know if the manager or the attorney would be able to.

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**Courtney Kirk:** Can we have higher fines after third time or after the first month of non-compliance, after the hearing? Those sorts of things that make it so economically unviable for people not to comply. Especially, when some of these are investment houses.

**Code Officer King:** As councilperson said, once the lien is in effect, that's a daily fine. It could be up to \$500 per day. That fine runs into infinity until the property is either in compliance or sold.

**Councilman Urbom:** We do have one property in the village right now in such a situation. That is where, someone looking to flip the house, was surprised to learn that there was a lien on that property with fines generated just as he explained, that, essentially, totaled, I believe it was equal to or even almost more than what they paid for the house. They learned of that reality after they had closed the deal. Because they're not the ones who are in violation, are now in intense negotiations trying to reduce that which would have been owed to us. There is one property where we have an exact example of just that.

**Courtney Kirk:** Before I sit down, my final comment, since we, the village, have had to bear the brunt of that either ugliness or unsafeness or whatever. We should be extremely hesitant to negotiate down any of those fees. I'm sorry to the person who bought it unknowing and doing a poor job of research.

**Councilman Urbom:** That is our stance.

**Courtney Kirk:** We had to deal with walking by that junk forever. I'm sorry.

**Village Manager Alou:** Don't be sorry. I agree with you. I've used those exact words in those negotiations. I can tell you, Courtney, that we already cut four yards every other week. We are limited in our resources and personnel and funding. I don't really want to take on doing the work of maintaining people's yards. What we have to do is really enforce and institute the hearings.

**Courtney Kirk:** Thank you . My only point was, is there anything that we need to provide for him to be able to slam it a little harder?

**Councilman Urbom:** I was going to ask if the attorney might-- Would you--

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**City Attorney Powell:** If there's a property that's a health safety hazard and in disrepair, the inspector can report it to the code enforcement board. The board then can order the immediate remediation, rectify what the issue is. Then the cost of that approach can be added to the lien on the property. Obviously, once you have a lien on the property, it collects a daily fine at the statutory interest rate.

Then the village can always make the decision at some point if it chooses to enforce the lien, foreclose on the lien, just like any other encumbrance. There's a number of options that the village can have. A lot of cities don't do that for various reasons. Obviously, you take the property subject to whatever mortgage that might be on the property. If it's a property that the village sees is in its best interest of moving forward, they can do that.

**Councilman Urbom:** Again, sorry, state your name and address.

**Jay Ribeiro:** Hi, Jay Ribeiro, 225 Northeast 86th Street. In regards to the liens and forfeiting the actual balance, this is why we're asking if you publicize those properties with the deficiencies, one, we'll know that you're working on them, we don't have to be sending you emails asking what's going on. Two, we would know, as a buyer, that that property has a lien. Also, if you add on the lien amount that's accumulating to those properties, it would help the new property owner. That's one item.

The second item is when you issue permits.

I know this was something that was done when Carolina was here, when other people were here, with the exception of the previous people before you, Garcia and the other one. Whenever I got a permit, I was told, post it in the window. Post it wherever it's visible. It's not been done. That is why I'm sending those emails because I don't know what's going on. Since you don't have a website for me to look it up, that's where the miscommunication is happening. If your staff is not doing it, please communicate to them that they need to address with the person who's buying that permit to post it. Item number three, it's work that's being done after hours by contractors or private people. Especially a house here on 87th street, there's five or six cars that come in, trucks and whatever. They're parking over the sidewalk. I have to walk and so are other residents, have to walk out to the street. If you know 87th street, it's dark. Half of the lighting does not work.

**Councilman Urbom:** The other half blinds you so you can't see anything. [laughs]

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10001 NW 50<sup>th</sup> ST Suite # 202 Sunrise, FL 33351

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**Village of El Portal  
Code Enforcement Committee Meeting**

**Date: 3/3/20**

**Meeting Start: 7:20 PM**

**Meeting End: 8:54 PM**

**Meeting Length: 1:34:46**

**Jay Ribiero:** That is my issue as why I'm writing those emails, especially with the volume of traffic that's going on 87th. It is a danger to the community. Item number four, which is also addressed in my email, Airbnb. We need to act on that now because it is a profit-generating item for the homeowner. I'm not against for people being a business owner but the property that I have addressed to my email this weekend had a party under a roof deck. They were videotaping a music video. You don't know the property but you could see it directly behind my house. They built a second-story roof deck without a variance, without asking me if I was comfort with it.

**Officer King:** Do you recognize who did it?

**Jay Ribiero:** It's been rented almost every other day, but this weekend, there was a video going on, music video and who knows how sex-driven it was because I could see the individuals half-naked. I have plenty of trees in my backyard but I could see what goes on in that second story. It's an open sun deck me and it's an Airbnb.

**Village Manager Alou:** May I ask you something about that? Were you able to take photos of this activity?

**Jay Ribiero:** No.

**Village Manager Alou:** Okay, I'm asking.

**Jay Ribiero:** It's late at night. My camera is going hit a flash and they're going to see it.

**Village Manager Alou:** Okay, but I'm asking because we aren't there so we can't see it. We can't enforce by just your word, but that violates a number of things. We have a memorandum of understanding with the county's Filming and Tourism Board. They should register if they're filming something in El Portal, and they need to have a police officer, off duty cop, present as well. There are some things that if we don't know about it, that we can't enforce it.

Next time you see something, take a photo if you can, just document or just get something and then perhaps we can follow up if it's during off-hours.

**Jay Ribiero:** I can't go out there at night.

**Councilwoman Roman:** Do we know what address he's referring to?

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**Village Manager Alou:** Yes.

**Participant:** I have the address. I know what you're referring to. That's why I've brought up the Airbnb code up because I can go there knock on the door and say hello but after that--

**Jay Ribiero:** It's not the owner because I've spoken with the owner. The owner moved to the Bahamas. The person that rented it told him that it was for him and his elderly mother. The following day or the following month, in the following weeks, I've been seeing different people. I called the owner directly to his cell phone in the Bahamas. He claimed he didn't know. He claimed he was taking back the property in April of last year.

It doesn't happen. What happened this weekend, this is why I am here because my email specified it but didn't go to that extreme. That property needs to be looked at more closely. That's what I have.

**Village Manager Alou:** Thank you.

**Councilwoman Roman:** Thank you.

**Councilman Urbom:** Thank you. All right. Code enforcement. What a night. All right. This is all very good, very good. I believe I'm asking at this point if there would be a motion to adjourn?

**Councilwoman Roman:** Motion to adjourn.

**Vice Mayor Nickerson:** I'll second that motion to adjourn, Mr Chair.

**Councilman Urbom:** All right, very good. With that, the code enforcement meeting for March 3, 2020, will be adjourned at 8:54 PM.

**Vice Mayor Nickerson:** All right. Thank you.

**[01:34:46] [END OF AUDIO]**

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