

PAGE 1 OF 1

**CITY OF WILLISTON  
CODE ENFORCEMENT BOARD  
AGENDA**



**DATE:** October 26, 2020  
**TIME:** 6:00 PM  
**PLACE:** City Council Chambers

**CODE ENFORCEMENT COMMITTEE MEMBERS**

Sharon Brannan, Chair  
Lisa Clark  
Colette Roth  
Marc Pompeo  
David Ragland  
Paul Missall  
Pam Myhree

*Staff*  
Jackie Gorman, City Manager  
Laura Jones, Secretary  
Nicki Bouse, Secretary  
Frederick Koberlein, City Attorney  
Wayne Carson, Code Enforcement Officer

- 1) CALL TO ORDER
- 2) PLEDGE
- 3) ROLL CALL
- 4) GENERAL WELCOME NOTICE BY CHAIRMAN
- 5) APPROVAL OF AGENDA
- 6) APPROVAL OF MINUTES – *AUGUST 24, 2020*
- 7) REMARKS OF STAFF OR ATTORNEY
- 8) REMARKS OF CHAIRMAN
- 9) CITY STAFF SWORN BY SECRETARY
- 10) CASES READ FOR CLOSURE BY SECRETARY
  - a) CV20-05 – CVS (Retention Pond Clean-Up) Closed 8.11.2020
  - b) CV20-07 – Walgreens (Dumpster in Parking Space) Closed 10.19.2020

## 11)NON-COMPLIANCE CASES

### A. CV 20-04

- a. Property Owner: Duenas
- b. Property Address: 332 NW Main St.
- c. Courtesy Visit: September 9, 2020
- d. Original Violation Notice from City: October 6, 2020
- e. Deadline for Compliance: November 6, 2020
- f. Notice of Hearing Posted: NA
- g. Date Notice Received by Owner: October 8, 2020
- h. Signed by: NA (COVID-19)
- i. Original Hearing Date: NA

### B. CV 20-06

- a. Property Owner: CXS Transportation
- b. Property Address: 715 E. Noble Ave.
- c. Courtesy Visit: September 8, 2020
- d. Original Violation Notice from City: October 9, 2020
- e. Deadline for Compliance: November 9, 2020
- f. Notice of Hearing Posted: NA
- g. Date Notice Received by Owner: October 13, 2020
- h. Signed by: NA (COVID-19)
- i. Original Hearing Date: NA

### C. CV 20-08

- a. Property Owner: Barrett, Suzanne/ Robinson, Christine
- b. Property Address: 330 SE 6<sup>th</sup> St.
- c. Courtesy Visit: September 18, 2020
- d. Original Violation Notice from City: September 21, 2020
- e. Deadline for Compliance: October 21, 2020
- f. Notice of Hearing Posted: NA
- g. Date Notice Received by Owner: September 21, 2020
- h. Signed by: NA (COVID-19)
- i. Original Hearing Date: NA

### D. CV 20-09

- a. Property Owner: Gaffney
- b. Property Address: 415 SE 3<sup>rd</sup> Ave.
- c. Courtesy Visit: September 18, 2020
- d. Original Violation Notice from City: September 21, 2020
- e. Deadline for Compliance: October 21, 2020
- f. Notice of Hearing Posted: NA
- g. Date Notice Received by Owner: September 22, 2020
- h. Signed by: NA (COVID-19)
- i. Original Hearing Date: NA

E. CV 20-10

- a. Property Owner: Waymar, Inc,
- b. Property Address: 811 E. Noble Ave.
- c. Courtesy Visit: October 8, 2020
- d. Original Violation Notice from City: October 9, 2020
- e. Deadline for Compliance: November 9, 2020
- f. Notice of Hearing Posted: NA
- g. Date Notice Received by Owner: October 13, 2020
- h. Signed by: NA (COVID-19)
- i. Original Hearing Date: NA

12) REDUCTION HEARINGS - NONE

13) NEW BUSINESS

A. HARDEE'S

- a. Buffer
- b. Retention Area

14) OLD BUSINESS

A. Lien Updates

- a. CV14-53 Richardson
- b. CV18-13 (Falisi/ Chico)

B. Approved Foreclosures Updates

- a. CV15-16 Zamora
- b. CV16-13 Flourndy
- c. CV17-23 Days

15) ADJOURN

**-NEXT MEETING –  
NOVEMBER 23, 2020**

**NOTICE:**

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, THEY WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.**

**CITY OF WILLISTON**  
**BOARD OF ADJUSTMENT MINUTES**  
**AUGUST 24, 2020**

**BOARD OF ADJUSTMENT**

⋮

	<i>Staff</i>
Sharon Brannan, Chair	Jackie Gorman, Community Development Grants Mgr.
Marc Pompeo, Vice Chair	Laura Jones, Secretary of the Board
Colette Roth	Nicole Bouse, Secretary of the Board
Paul Missall	Wayne Carson, Code Enforcement Officer
Pam Myhree	Frederick Koberlein, City Attorney
David Ragland	
Vacant	

**CALL TO ORDER - 6:00 PM**

**PLEDGE**

**ROLL CALL - All Present**

**GENERAL WELCOME NOTICE BY CHAIRWOMAN SHARON BRANNAN**

**SECRETARY – BOARD MEMBER TERM UPDATE**

Ms. Laura Jones announced that the City Council approved the new terms and to take note that they are now staggered and will now end at different dates. Requested all members check the contact information for edits and updates.

Ms. Sharon Brannan, Chair, mentioned there is a vacant position and she has a candidate but he does not live in the City limits. Mr. Marc Pompeo, Vice Chair, asked if he pays City taxes. He does not as he resides in the County. The only option is if he is annexed in.

**APPROVAL OF AGENDA**

Ms. Brannan asked for a clarification on the difference between Code Board and Board of Adjustments. Ms. Gorman explained the difference and why there are two separated agendas. Mr. Pompeo moved to accept the Agenda for the Board of Adjustment as written. Mr. Missall seconded the motion. The motion passed 6-0.

**APPROVAL OF MINUTES - JULY 27, 2020**

Mr. Missal moved to accept the July 27, 2020 minutes for the Board of Adjustments as written. Ms. Myhree seconded the motion. The motion passed 6-0.

**REMARKS OF STAFF OR ATTORNEY – NO COMMENT**

### **REMARKS OF CHAIRMAN**

Ms. Brannan is glad to be back in session and noted that the meetings for the boards would be on the same night back to back.

### **SWEAR IN – BOARD SECRETARY**

Ms. Jones swore in Mr. Roth and Ms. Jackie Gorman, City Planner.

### **VARIANCE**

Variance Application No. VAR 2020-1 presented by Ms. Gorman.

Variance Application No. VAR 2020-1; Paul Roth - 100 SW 9th Street - an application by the City of Williston requesting a Variance to Article VI, Residential Single-Family District, Section 60-217 Minimum Yard Requirements reducing the required front yard setback from 35' to 22.2' for property described as follows:

Lot 7, Block B, CAMELLIA PLANTATION, PHASE 2, according to the plat thereof recorded in Plat Book 10, Page 25, Public Records of Levy County, Florida.

No comments from Board. Ms. Brannan understands that this variance will not create any issues with the neighborhood. Ms. Gorman stated for the record that Ms. Colette Roth will be filling out a Form 8B to waive her vote as she is married to the applicant.

Mr. Pomeo moved to accept Resolution 2020-36 as written. Ms. Myhree seconded the motion. The motion passed 5-0.

**OLD BUSINESS** - None

**ADJOURNMENT** - 6:20PM

**NEXT MEETING – MONDAY, SEPTEMBER 28, 2020 AT 6:00PM**

### **NOTICE:**

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LAURA JONES, SECRETARY

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SHARON BRANNAN, CHAIR

**CITY OF WILLISTON**  
**CODE ENFORCEMENT MINUTES**  
**AUGUST 24, 2020**

**CODE ENFORCEMENT BOARD**

⋮

	<i>Staff</i>
Sharon Brannan, Chair	Jackie Gorman, Community Development Grants Mgr.
Marc Pompeo, Vice Chair	Laura Jones, Secretary of the Board
Colette Roth	Nicole Bouse, Secretary of the Board
Paul Missall	Wayne Carson, Code Enforcement Officer
Pam Myhree	Frederick Koberlein, City Attorney
David Ragland Vacant	

**CALL TO ORDER - 6:20 PM**

**PLEDGE**

**ROLL CALL - All Present**

**GENERAL WELCOME NOTICE BY CHAIRWOMAN SHARON BRANNAN**

**APPROVAL OF AGENDA**

Ms. Gorman asked to include letter from Homestead Tiny Homes, LLC. Mr. Missall moved to accept the Agenda for the Code Enforcement with the addition. Ms. Myhree seconded the motion. The motion passed 6-0.

**REMARKS OF STAFF OR ATTORNEY – None**

**REMARKS OF CHAIRMAN - None**

**SWEAR IN – Board Secretary**

**CASES READ FOR CLOSURE BY SECRETARY - None**

**NON-COMPLIANCE HEARINGS – None**

**NEW BUSINESS – Status on Pending Cases**

Discussion on current open cases and format of them on the agenda and at Board meetings. The Board determined they would like to see pending cases only after a case has moved to the point of sending a non-compliance letter to the property owner. Ms. Gorman explained the new system of documenting in ADG (a software tracking program) that will be populated after the new fiscal year begins. Ms. Brannan likes seeing this information but is the Board supposed to see the cases before the cases have moved on? Ms. Gorman will only put the cases on the Agenda from

now on that need to be discussed. Ms. Koberlein said it may be unsafe to have too much information incase you begin to have a prejudice against and address that you have seen over and over. Ms. Jones gave a brief overview of the violations on the pending cases noted on the agenda.

#### **REDUCTION HEARINGS - None**

#### **OLD BUSINESS – Request to Move Forward with Foreclosures**

Mr. Pompeo asked what the Board is supposed to be voting on in regard to the foreclosures. Mr. Koberlein told the board that the Board has to vote to move ahead with foreclosures then the City Council will decide if there are funds to file the foreclosures. Mr. Matthew Crandell was in the audience to ask for a delay on foreclosing on 1050 NE 6<sup>th</sup> Blvd. as he is in the process of purchasing the property. Mr. Pompeo asked if they could vote on the foreclosure as a group because voting no makes no sense since they have already voted to begin the lien process. Mr. Koberlein said he does not know why this is the process but perhaps an individual would vote not to foreclose due to the amount of work needed on the property. Ms. Brannan and Mr. Koberlein agreed you can vote in bulk but in this case, there are audience members asking for more time. Ms. Brannan asked Mr. Crandall if he wanted to add anything to the letter he presented to the Board. Mr. Crandall gave an overview of his plans with the property and he understands this vote does not reduce the lien but just gives him time to work on the purchase. Ms. Debra Jones, Councilwomen, asked if the foreclosure may be a good selling point for Mr. Crandall. Mr. Crandall said he is past that process in the negotiations and it wouldn't help him. Ms. Jones said they have promised the City for years they would fix up the property and they haven't.

Mr. Pomeo suggested they refrain from voting on 1050 NE 6<sup>th</sup> Blvd.

Ms. Myhree made a motion to proceed with foreclose on CV15-16 Zamaora. Mr. Pompeo seconded the motion. The motion passed 6-0.

Mr. Missall made a motion to proceed with foreclose on CV16-13 Flourndy. Mr. Pompeo seconded the motion. The motion passed 6-0.

Mr. Ragland made a motion to proceed with foreclose on CV17-23 Days. Mr. Pompeo seconded the motion. The motion passed 6-0.

Ms. Gorman explained that Carol Chico purchased 415 SE 4<sup>th</sup> Drive a few weeks after a hearing before the Board that the Falisi's did not attend. Mr. Chico did not do a title search and did not know there was a lien until Ms. Gorman was assigned the Code Enforcement Board. Mr. Mark Pimentel spoke to the power of attorney so they could speak on the behalf of Carrol Chico the property owner. Mr. Pimentel brought up Florida Statute 162.09. They resurveyed the property. They applied twice for the permit for the mobile home they want to put up. The first time it got lost. Mr. Carson drove through many times and it is not still in violation, "it was cleaned up over two years ago." Ms. Brannan asked Mr. Pimentel to read the Florida Statute 162.09 again. Ms. Brannan and Mr. Koberlein discussed that this fine does not apply to this violation. Mr. Pimentel

said professional etiquette should have been used to clear this up two years ago. Ms. Brannan explained this Board sets the fine and is done with the violation. Mr. Pimentel said Mr. Carson, according to our “by-laws” should have gone back two weeks after the lien was filed. Ms. Jones (Councilwomen) said he is out of order and Mr. Carson goes back after the violation is noted not after the final legal paperwork is filed. Mr. Pimentel said, “if the City wants to move ahead on the foreclose, the City Attorney will tell you...the judge will say the foreclose is null and void...he will take it to federal court”, so it will take 10 years. Ms. Brannan asked what he wants today. Mr. Pimentel went on to discuss how much money the City will be out. He asked that they do not move forward with foreclosure.

Mr. Pomeo suggested they do not proceed with the foreclosure on CV18-13 415 SE 4<sup>th</sup> Drive. Mr. Missall seconded the motion. The motion passed 6-0.

**ADJOURNMENT - 7:24PM**

**NEXT MEETING – MONDAY, SEPTEMBER 28, 2020 AT 6:00PM**

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LAURA JONES, SECRETARY

SHARON BRANNAN, CHAIR





## CODE ENFORCEMENT BOARD AGENDA MEMO

**Date:** October 26, 2020

**DEPARTMENT:** City Manager

**DESCRIPTION:**

Hardee's - 306 W Noble Avenue - Constructed 1993

- Section 60-381 Minimum Landscape Buffer against Residential Property

**Department Head:** Jackie Gorman

### **ITEM SUMMARY:**

At the beginning of 2020 we received a complaint that Hardee's did not have a buffer on the West side of the property. Typically, when there is commercial abutting a single-family residence, a buffer is required to prevent intrusion (noise, traffic, odor).

Section 60-381 of the City's code requires landscaped buffering for all permitted uses in the Commercial Intensive (CI) district that will not be less than 10' in width. However, the building was constructed in 1993 long before the code was in place. It is our understanding that a buffer existed at one time, but staff could not find plans.

The only changes to the property since it was constructed was the fence, interior remodel and signage. The fence (considered a site improvement) was placed on the property within the past 10 years and if extended further to the South of the property along with landscaping, this would solve the issues with the buffer.

If you will look at the attached photo you will see that there also is a severe drop off onto the neighbor's property. Kid's are jumping off the edge of the driveway onto the neighbor's property and, in addition, just recently a vehicle was backed up and throwing trash onto the adjacent property while cleaning out their vehicle. Extending the fence would prohibit intrusion as well as provide a safer parking lot.

I reached out to Hardee's who turned the case over to their attorney. I've attached all correspondence for your use. Bottom line, they do not feel the need to provide a buffer.

**RECOMMENDATION:**

Proceed with code enforcement action that would require the fence and landscaping be installed along the entire westernmost side of the property.

**ATTACHMENTS:**

**Photos**

**Correspondence from Terin Barbas Cremer, Esq.**



City of  
**WILLISTON**  
FLORIDA

50 NW Main St., PO Drawer 160, Williston, Florida 32696-0160  
Phone (352) 528-3060- Fax (352) 528-2877

February 7, 2020

Phase Three Station R LLC  
Mark Robinson, District Manager  
14220 Carlson Circle  
Tampa, FL 33626

COPY

RE: Hardee's – 306 W Noble Avenue, Williston FL 32696

Dear Mr. Robinson,

As discussed with Wayne Carson, Code Compliance Officer, on February 6, 2020, the City has received complaints from the adjacent property owner concerning the lack of safety precautions along the westernmost property line. There appears to be a severe drop off that poses as a concern for your customers falling onto the adjacent property as well as the intrusion of vehicle lights shining into the home of the adjacent residential property.

This letter is the third (3) request for action. This Department sent a letter August 1, 2019 to Arc Café USA 001, LLC, C/O Hardees 082073, 2325 Camelback Road, Suite 1000, Phoenix, AZ 85016 respectfully requesting assistance with correcting this site issue. Mr. Carson sent a letter within the past month only to find out that there is now a new owner. Since our request did not result in any action by Arc Café, we are requesting that your company, as the new owner, address this immediately to avoid any future code enforcement.

The Hardee's site is in a Commercial Intensive Zoning District. Section 60-381 states:

**Sec. 60-381. - Minimum landscaped buffering requirements.**

**The minimum landscaped buffering requirements for all permitted uses in the Commercial Intensive (CI) district (unless otherwise specified) shall be as follows: Where a use listed under this subsection is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten feet in width along the affected rear and/or side yards as the case may be.**

In addition, ADA requires that any surface that has a drop off needs to have curbs, walls, railings or projecting surfaces that prevent people from slipping off the edge. How this is constructed is up to your Architect/Engineer who is familiar with ADA compliance.

We will work with your Architect/Engineer in trying to make this safe for your customers as well as preventing intrusion into the neighborhood residents.

You are welcome to contact our Department for further assistance if needed. We appreciate your immediate attention to this matter since it has been a concern for quite some time.

Sincerely,



Jackie Gorman  
Director

Community Development & Grants

*The mission of the City of Williston is to offer an efficient affordable and safe place to live, work and play.*

*Mayor – Jerry Robinson / President – Nancy Winger  
Vice President – Marguerite Robinson  
Council members / Justin Head — Elihu Ross – Charles Goodman  
City Manager – Scott Lippmann*



# BARBAS CREMER

Employment and Business Law

P: 813-421-5442  
www.BarbasCremer.com

209 S. Packwood Ave.  
Tampa, FL 33606

June 9, 2020

Jackie Gorman  
City of Williston  
Director, Community Development & Grants  
50 NW Main St.  
Williston, Florida 32696

RE: Hardee's at 306 W. Noble Avenue, Williston FL 32696

Dear Ms. Gorman:

Per our phone calls and emails over the last several months, Phase Three Star, LLC is in receipt of your February 7, 2020 letter regarding the Hardee's at 306 W. Noble Avenue, Williston FL 32696 ("Hardee's"). As I mentioned in our phone call, your letter was the first time we were made aware of a possible issue. We are not affiliated with Arc Café USA 001 LLC nor are we aware of what was sent to that entity by the City of Williston ("City").

I appreciate your assistance in providing the records associated with the property and for connecting me with the City Clerk to obtain the original information on the ordinance you cited in your letter. From your letter, we understand that the City has concerns that Hardee's may be in violation of Section 60-381 requiring a landscape buffer adjacent to certain types of neighboring properties. Section 60-381 states that it is applicable when a use is "erected or expanded." The Levy County property appraiser indicates that the Hardees was erected in 1993. Subsequently, the Hardees has neither been erected nor expanded, making Section 60-381 inapplicable. Furthermore, your letter references a potential ADA issue but without any photographs or diagrams as explanation, we are unable to identify any ADA issues in our review. Hardee's had provided an accessible path to its facility as required by the ADA. Like the ordinance, the ADA only requires alterations to existing buildings to comply, and because alterations were not made that would affect the usability or access to the Hardee's there are no ADA violations. The Hardee's was built to Code and to comply with the ADA, and over its nearly thirty years of existence has continued to remain in compliance with all applicable City Codes and the ADA.

We appreciate you reaching out to us with your concerns as the safety and welfare of our customers is of utmost concern and we have enjoyed being an active and contributing business in the City and Levy County. To that end, due to the COVID-19 pandemic we have implemented social distancing policies and are limiting access to the Hardee's site per the United States Centers for Disease Control's Guidelines. I am sure you can appreciate that the presence of additional architects, engineers, and construction per your letter's recommendation could unnecessarily jeopardize the health and safety of City citizens and those involved when a Code compliance issue does not exist. As you know, the restaurant industry has been particularly hard hit, and we have done our best to keep Williston citizens employed and fed; expenditures of additional funds for an unnecessary buffer would impose unnecessary financial strains during these challenging economic times.

Nevertheless, we are committed to being good corporate citizens and will contact you when normal operations resume and the economy has recovered to discuss any ideas you may have for landscaping.

Sincerely,

Terin Cremer, Esq.  
Counsel for Phase Three Star, LLC dba Hardee's







