



EST. 1971

WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

AGENDA ITEM
NUMBER 5

April 2, 2024

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ROSS E. SCHULMAN
Licensed in FL and NY

F. SCOTT PAUZAR, III

Everglades Adventure Center, LLC
P.O. Box 870387
Stone Mountain, GA 30087

Everglades Adventure Center, LLC
c/o Glenda Hancock
P.O. Box 68
Chokoloskee, FL 34138

Re: Code Enforcement Case No. 23-08

Dear Property Owner:

We represent the City of Everglades City (the "City") and are in receipt of your email dated March 16, 2024. Please note that the 2020 Florida Building Code (the "Code") requires code enforcement notices to be sent to the address listed by the Collier County Property Appraiser. Attached hereto please find the printout for the property located at 102 Collier Ave., Everglades City, Naples, FL 34139. Please note the City has, at all times, sent notices to the proper address. If this is not the mailing address for the Property or a post office box you have access to, as a courtesy, we suggest you update the information with the Collier County Property Appraiser. The City will continue to send notices to the address listed with the Collier County Property Appraiser.

In addition, the Order of the Code Enforcement Board required the property owner to provide Terry Smallwood with a copy of the demolition permit on or before December 15, 2023 at 5:00 PM. Mr. Smallwood was not provided proof of the demolition permit until January 31, 2024, further no one from Everglades Adventure Center attended the fines hearing to clarify any information. The Board was correct in its determination to fine Everglades Adventure Center for its failure to comply with its Order. That being said, according to your email and the information provided, the demolition permit was actually applied for prior to the Board's deadline and it was your failure to timely provide the information to the City that was not in compliance with the Order.

Because the City and the Code Enforcement Board want to promote compliance with the Code, the City is willing to put this matter on the next agenda for the Code Enforcement Board to review. You are free to ask the Board to change or modify its decision based on the fact that the demolition permit was timely applied for. The City will not make this argument for you. Should you wish to ask the Board for reconsideration, the onus is on you to take the appropriate measures, attend the hearing and to provide the correct information.

REPLY TO:

3200 TAMAMI TRAIL N.
SUITE 200
NAPLES, FL 34103
239-649-6555
239-649-7342 FAX

606 BALD EAGLE DRIVE
SUITE 500
P.O. BOX ONE
MARCO ISLAND, FL 34146
239-394-5161
239-642-6402 FAX

WWW.WPL-LEGAL.COM

In addition, the City does not have any obligation to review permit files or to inquire as to why you or your property manager are meeting with Collier County. The duty is on you, the property owner, to make sure you comply with the Board's Order. Should you fail in the future to comply with any order of the Board, I cannot guarantee nor should you assume, that you will have another opportunity to ask the Board for reconsideration.

Please contact Dottie Joiner and let her know whether she should add an agenda item for this request. If she does not hear from you, she will not include you on the next agenda.

Sincerely,

A handwritten signature in cursive script that reads "Lenore T. Brakefield". The signature is written in black ink and is positioned above the typed name.

Lenore T. Brakefield, Esq.

LTB/lg
Enclosure(s)

**CITY OF EVERGLADES CITY
NOTICE OF HEARING AND AGENDA
Everglades City Code Enforcement Board
Chairman: Geoff Swets**

**Members: Cecil Barker, Tim Moshier, Donald Kim, Steven Lenz
City Attorney: Zach Lombardo City Clerk: Dottie Joiner**

THE CITY OF EVERGLADES CITY WILL HOLD A CODE ENFORCEMENT HEARING ON TUESDAY, NOVEMBER 21, 2023 AT 7:00 PM CONDUCTED HYBRID WITH A QUORUM OF BOARD MEMBERS PRESENT IN COUNCIL CHAMBERS AT CITY HALL EVERGLADES CITY, FLORIDA, AND OTHERS PRESENT BY VIDEO CONFERENCE.

1. **CALL TO ORDER**
Chairman Swets called the meeting to order at 6:00 pm.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
Chairman Swet led the Pledge of Allegiance.
Bill Odrey gave the Invocation.
3. **ROLL CALL**
Donald Kim, Tim Moshier, Geoff Swets, Steven Lenz, City Attorney Lenore Brakefield (by zoom), City Clerk Dottie Joiner, Assistant Karen Cochran.
4. **APPROVAL, ADDITIONS, OR DELETIONS TO AGENDA**
*Board Member Moshier made a motion to accept the agenda as is.
Board Member Kim second.
Discussion-None.
All in favor.*
5. **CONSIDERATION OF CODE ENFORCEMENT VIOLATION/Imposition of fines**
 - a. **Case No: 23-08**
Owner: Everglades Adventure Center LLC
Violations: 2020 Florida Building Code
Property Address: 102 Collier Avenue, Everglades City, Florida 34139
City Attorney Lenore Brakefield swore in Terry Smallwood & Bill Odrey.
Terry Smallwood-See attached report.
City Attorney Lenore Brakefield-Before we go any further the agenda was posted for 7:00 pm and the Notice was for 6:00 pm-any objection.
No objection from the board or the audience.
City Attorney Lenore Brakefield swore in Fred Clum.
Lengthy discussion followed.

Chairman Geoff Swets made a motion that an application for demo/roof permit has to be submitted to the county and provide proof with receipt to Terry Smallwood. If this does not happen by December 15 then fines will accrue at \$150.00 per day.

Board Member Lenz second.

Discussion-None.

All in favor.

Bill Odrey-I object to this.

6. APPROVAL OF MINUTES DATED 9-19-23

Board Member Kim moved to approve the minutes dated 9-19-23.

Board Member Moshier second.

Discussion-None.

All in favor.

7. REPORT FROM CODE ENFORCEMENT

a. Case No: 23-03

Owner: Nathan Everett Terry

Violations: Ordinance #2000-05 Article II

Property Address: 202 Allen Avenue, Everglades City, Florida 34139

Terry Smallwood-See attached report.

8. ADJOURNMENT

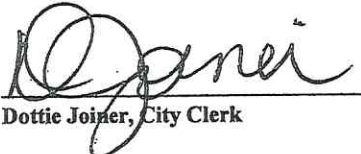
Board Member Moshier made a motion to adjourn the meeting.

Board Member Kim second.

Discussion-None.

All in favor.

ATTEST:



Dottie Joiner, City Clerk


Geoff Swets, Chairman


Tim Moshier, Board Member

Cecil Barker, Board Member


Donald Kim, Board Member


Steven Lenz, Board Member

**CITY OF EVERGLADES CITY
THROUGH ITS CODE ENFORCEMENT BOARD
CITY OF EVERGLADES CITY, FLORIDA
LEGAL NOTICE OF ASSESSMENT OF LIEN**

NAME: Everglades Adventure Center LLC

DATE: February 20, 2024

FOLIO#: 83840160004 and 83840200003

CASE NUMBER: 23-08

LEGAL DESCRIPTION: EVERGLADES CITY CLUB RESTAURANT & MARINA (CONDO) UNIT 4 and
EVERGLADES CITY CLUB RESTAURANT & MARINA (CONDO) UNIT 5

You, as the owner of the property above-described, as recorded in the records maintained by the office of the Property Appraiser, are hereby advised that the Code Enforcement Board of the City of Everglades City, did on November 21, 2023 order the imposition of fines due to the failure to timely abate a certain nuisance existing on the above property prohibited by the 2020 Florida Building Code; Chapter 15 Roof assemblies 1503, 1503.7,1507.3; Chapter 16 Structural Design. Sections 1604.4, 1604.8.3,1607,1609; Chapter 23Wood Sections2303,2304; FBC 2020 Section 1604. NFPA 1,10.14.1 Section 1.15; NFPA 1,10.2.1; NFPA 1,10.1.4; NFPA1,10.12.1; NFPA 1,1.7.5, and served a notice of violation upon you.

The nuisance is: Violation of 2020 Florida Building Code; Chapter 15 Roof assemblies 1503, 1503.7,1507.3; Chapter 16 Structural Design. Sections 1604.4, 1604.8.3,1607,1609; Chapter 23Wood Sections2303,2304; FBC 2020 Section 1604. NFPA 1,10.14.1 Section 1.15; NFPA 1,10.2.1; NFPA 1,10.1.4; NFPA1,10.12.1; NFPA 1,1.7.5

You failed to abate such nuisance. The Code Enforcement Board has assessed fines in the amount of \$6,900.00. The assessment shall become due and payable no later than twenty (20) days from the date of this Legal Notice of Assessment. Checks or money orders should be made payable to the City of Everglades City.

Such fines/cost, by determination order of the Code Enforcement Board of the City of Everglades City, Florida, will become a lien on your property within twenty (20) days of recording. You may request a hearing before the Code Enforcement Board to show cause, if any, why the expenses, fines, and charges imposed by the City of Everglades City are excessive or unwarranted or why they should not constitute a lien on your property. Said request for hearing shall be made to the Code Enforcement Clerk of the City of Everglades City, 102 Copeland Ave, Everglades City, Florida 34139, in writing within ten (10) days from the date of this notice.

FAILURE TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE WILL RESULT IN A LIEN AGAINST ALL OF YOUR PROPERTY IN THE CITY OF EVERGLADES CITY.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this NOTICE has been sent by U.S. Mail to:
Everglades Adventure Center LLC PO BOX 870387 Stone Mountain, GA 30087

This 20th day of February, 2024.

Code Enforcement Board
City of Everglades City



Print Name: Cecil Barker

USPS Tracking®

Tracking Number:

70171000000059653055

Copy

Add to Informed Delivery (<https://informeddelivery.usps.com>)

59653055
701710000000

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 4.40
Extra Services & Fees (check box, add fees as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.68
Total Postage and Fees	\$ 8.73
Sent To	Emeralds Adventure Co LLC
Street and Apt. No., or PO Box No.	PO Box 870387
City, State, ZIP+4®	Stone Mountain GA 30087

Postmark Here
FEB 27 2024
OCHOPPEE, GA 30414

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Latest Update

Your item arrived at our ATLANTA NORTH METRO DISTRIBUTION CENTER destination facility on April 9, 2024 at 10:02 am. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Processing at Destination

Arrived at USPS Regional Destination Facility

ATLANTA NORTH METRO DISTRIBUTION CENTER
April 9, 2024, 10:02 am

In Transit to Next Facility

March 16, 2024

Arrived at USPS Regional Destination Facility

ATLANTA GA DISTRIBUTION CENTER
March 12, 2024, 6:21 pm

Moved, Left no Address

STONE MOUNTAIN, GA 30087
February 27, 2024, 10:22 am

Arrived at USPS Regional Facility

ATLANTA NORTH METRO DISTRIBUTION CENTER
February 26, 2024, 8:04 am

Departed USPS Regional Facility

Feedback

FORT MYERS FL DISTRIBUTION CENTER
February 23, 2024, 8:19 am

Arrived at USPS Regional Origin Facility
FORT MYERS FL DISTRIBUTION CENTER
February 22, 2024, 9:14 pm

Departed Post Office
OCHOPEE, FL 34141
February 22, 2024, 4:00 pm

USPS in possession of item
OCHOPEE, FL 34141
February 22, 2024, 2:16 pm

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Collier County Property Appraiser Property Summary

Parcel No 83840200003

Site Address
*Disclaimer

Site City EVERGLADES CITY

Site Zone 34139
*Note

Name / Address **EVERGLADES ADVENTURE CNTR LLC**

PO BOX 870387

City **STONE MOUNTAIN**

State **GA**

Zip **30087**

Map No.	Strap No.	Section	Township	Range	Acres	<u>*Estimated</u>
8E14	733000 58E14	14	53	29	0	

Legal EVERGLADES CITY CLUB RESTAURANT & MARINA (CONDO) UNIT 5

Millage Area ① 15

Millage Rates ① *Calculations

Sub./Condo 733000 - EVERGLADES CITY CLUB RESTAURANT & MARINA A CONDOMINIUM

School	Other	Total
4.292	13.9854	18.2774

Use Code ① 407 - COMMERCIAL

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
04/06/15	<u>5138-3833</u>	\$ 445,000
01/12/15	<u>5114-3374</u>	\$ 0
11/25/14	<u>5097-3194</u>	\$ 266,000
11/07/03	<u>3439-1039</u>	\$ 650,000
09/27/93	<u>1868-1599</u>	\$ 0
08/01/93	<u>1860-973</u>	\$ 320,000
10/01/89	<u>1474-1920</u>	\$ 405,000
11/01/85	<u>1166-146</u>	\$ 550,000

2023 Certified Tax Roll

(Subject to Change)

Land Value	\$ 0
(+) Improved Value	\$ 35,749
(-) Market Value	\$ 35,749
(-) 10% Non-Homestead Cap	\$ 9,796
(-) Assessed Value	\$ 25,953
(-) School Taxable Value	\$ 35,749
(-) Taxable Value	\$ 25,953

If all Values shown above equal 0 this parcel was created after the Final Tax Roll

DECEMBER 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

JANUARY 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

Printable Calendars by CompanyPioneers.Com

46 Days x \$150. = \$6,900. -

Permit Application Status

PRRF20231250118

In order to view fees or schedule inspections, you need to be signed in.

Expand All | Collapse All

Note: You can collapse and expand individual sections by clicking the header of the section you wish to collapse/expand.

Summary

Application Number: PRRF20231250118
Application Type: Roof
Application Status: Issued
Property Owner's Full Name: EVERGLADES ADVENTURE CNTR LLC
Category of Work: Alteration/Remodel
Occupancy Code: Business
Description of Work: Tile Reroof. Remove existing roof to wood deck, replace rotten/damaged plywood, renail roof deck to meet county codes, dry in roof using peel and stick modified, install new roof tiles, repair damaged areas on flat roof using white granular modified.
102 Collier AVE, Everglades City
Application Date: 12/07/2023
Issued Date: 01/31/2024
Expiration Date: 07/29/2024
1-2 Family or Comm: Commercial