

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
AGENDA
CEB HEARING DATE – May 24, 2007, 2:00 p.m.

MINUTES

1. Call To Order:

The meeting was called to order at 2:00 p.m. by Deputy Building Official, Neal Schwartz.

2. Roll Call:

Richard Harris	Present	John Hehn, Jr.	Present
Jim Lorenz	Absent	Michael Daughtry	Present
Dominique Reiter	Present	Kevin Johnson	Present
Thomas Walkowiak	Present		

Alternate: John Watters Absent

3. Swearing in of new members:

City Attorney Maura Kiefer administered the oath of office to new members, Thomas Walkowiak and Kevin Johnson.

4. Choose a Chairman and Vice Chairman:

Mr. Schwartz asked Ms. Kiefer to go over the rules regarding the Chairman and Vice Chairman. She explained that they would be elected by the board for a term of one year.

It was moved by Mr. Daughtry and seconded by Ms. Reiter to appoint Richard Harris as Chairman of the board. Upon roll call, the vote to appoint was unanimous.

It was moved by Ms. Reiter and seconded by Mr. Walkowiak to appoint John Hehn as Vice Chairman of the board. Upon roll call, the vote to appoint was unanimous.

5. Pledge of Allegiance

The Pledge of Allegiance was led by Mr. Harris.

6. Approval of Minutes of Previous Meeting:

It was moved by Ms. Reiter and seconded by Mr. Hehn to approve the minutes as amended. Upon roll call the vote to approve was unanimous.

7. Case Hearings: In reference to Sec. 18-37. Unhealthful accumulations declared public nuisance

8. Swearing in of witnesses:

All witnesses were sworn in by Ms. Kiefer.

5/24/07

Case #: 2007-02B Forbes, 13 Treasure Lane - 2nd offense. \$100 per day fine. In compliance 5/22/07

Ms. Kitts stated that the property is in compliance for debris as of May 22, 2007. She showed pictures of the property as it looked as of May 16, 2007, and stated that it is in total compliance now. It was in non-compliance for 49 days. The fine was \$100 per day, for a total of \$4,900.

Jay Bezanson was present to represent the owner. He stated that he thought that at the last meeting the lot was in compliance but the pool was not. If he had known the lot was in noncompliance they would have finished it sooner. It is now completely finished, and he will be checking on it at least once a week to ensure that it stays in compliance. Dr. Forbes has requested that since it was so expensive to bring the lot into compliance, and because there was miscommunication, that the fine be either dropped or reduced.

Mr. Harris stated that the property is now in compliance. Fines have been reduced in the past.

Ms. Kiefer read a section of the codes regarding fines and asked the board to consider that in their deliberations.

Mr. Daughtry asked when they received the first notice of violation. Ms. Kitts stated that it was in July of 2006. Mr. Hehn asked about the dealings with Dr. Forbes' representative. Ms. Kitts stated that they had a good working relationship, and he is new to working for Dr. Forbes. He has been very cooperative.

Mr. Harris asked for an estimate of how many hours of city staff time has been spent on this case since July of 2006. Ms. Kitts was unsure. Mr. Hehn asked if Dr. Forbes owned the property in July of 2006. Ms. Kitts answered in the affirmative. Mr. Daughtry asked how the notices had been sent. Ms. Kitts explained that it took about three months to find the correct address for him. Mr. Bezanson explained that there were a lot of problems with the prior property manager. Since he took over he has tried very hard to work with the city. It was overwhelming at first.

Mr. Harris stated that they could have gone as high as \$250 per day. This is the fourth time that this case has come before this board. Mr. Bezanson stated that he was not here when this started. The previous property manager did not do what he was supposed to. He can only move forward.

Mr. Hehn asked if the fines were reduced if it would have any affect on a second offense. Ms. Kiefer stated that it would not as they had already been adjudicated. The fines could be doubled.

Mr. Harris closed the public hearing at 2:25.

Mr. Harris stated that he estimated that there was a minimum of 44 hours of staff time on this case. We should not be a revenue generating board, but this case should not have come before this board four times. He asked the board members if they had feelings about whether they should reduce the fine.

Mr. Walkowiak stated that he felt the fine was fair as they had a year to clean up the property, and it could have been \$250 per day. Ms. Reiter stated that she felt it was fair for the same reasons. Mr. Johnson stated that \$4,900 is economical for this situation.

It was moved by Mr. Daughtry and seconded by Mr. Johnson to let the \$4,900 fine stand. Mr. Daughtry stated that according to the pictures, it was a nasty looking situation, and it went on for a long period of time. When you own property from out of state you can't assume that it will take care of itself. Mr. Bezanson has gotten things done in response to the actions of this board. The owner did not stay in touch with the city. He stated that he agreed with Mr. Hehn on not being a revenue generating board, but this dragged on for nearly a year, and was a health and safety issue as well as an eyesore. Mr. Harris stated that you hear about pool safety issues all the time, and this was a serious safety issue. He stated that he appreciates the situation the Mr. Bezanson is in, but it was a serious issue.

Upon roll call, the vote to approve the fine in the amount of \$4,900 was: Mr. Daughtry, yes, Mr. Harris, yes, Mr. Hehn, no, Ms. Reiter, yes, Mr. Johnson, yes, Mr. Walkowiak, yes. The motion carries on a 5-1 vote.

Mr. Schwartz asked if there was a time limit for payment, and what the process was if it remained unpaid. Ms. Kiefer stated that there could be a lien placed on the property if they did not pay the fine.

The second case, the pool, was then heard. Ms. Kitts show pictures of the pool in non-compliance. The pool came back into compliance on May 17, 2007. This is a second offense on the pool.

The public hearing was opened at 2:35 p.m.

Mr. Bezanson explained that the pool pump had been vandalized, so they had it repaired, and had a pool company come out and clean it.

Mr. Daughtry asked if there was an agreement in place with a pool company to come in every week. Mr. Bezanson answered in the affirmative. Mr. Daughtry asked what would be happening with this property. Mr. Bezanson stated that he believed that they would be building a house. Ms. Reiter asked if the fence was now in place. Mr. Bezanson stated that they have a permitted fence in place. A gate will be installed in the next couple of days so that the pool company can have access to the pool.

Mr. Daughtry clarified Mr. Bezanson's relationship with the property. He is the project manager for the property. He has a signed agreement with Dr. Forbes to check on the property at least weekly. Ms. Kitts stated that she had several letters from Dr. Forbes giving Mr. Bezanson permission to act in his place on this property.

Mr. Harris closed the public hearing at 2:38.

Mr. Harris stated that the property is in compliance, and they have made a real effort to comply. He suggested that they close this case.

Mr. Walkowiak made a motion to find them in compliance and assess no fine. It was seconded by Mr. Hehn. Upon roll call, the vote to approve was unanimous.

10. Old Business:

Ms. Reiter asked for clarification on the length of her term. The City Clerk will get that information to her.

11. New Business:

Mr. Harris requested that when the meetings were going to be short that the meetings be held at 3:00 p.m. in order to allow the members that work out of town to get here. If there are a large number of cases they could always start earlier.

Mr. Walkowiak asked if they would receive a phone call if the time changed. Mr. Hehn agreed that 3:00 pm would be good. Ms. Reiter made a motion that the time be changed to 3:00 p.m. on the 4th Thursday of each month. The motion was seconded by Mr. Hehn. Upon roll call the vote to approve was unanimous.

Mr. Schwartz asked the members of the board to please call in if they would be unable to attend so that people could be notified if there was not a quorum present. Ms. Reiter volunteered to take charge of communicating with members regarding their attendance. She will call each member before the meetings.

12. Miscellaneous:

None

13. Adjournment:

The meeting was adjourned by Mr. Harris at 2:48 p.m.