

## **CITY OF TREASURE ISLAND CODE ENFORCEMENT BOARD MINUTES FOR JUNE 28, 2007**

The meeting was called to order at 2:00 p.m. by Chairman Richard Harris.

It was moved by Dominique Reiter and seconded by John Hehn to approve the minutes as printed. Upon roll call, the vote to approve was unanimous.

Staff was sworn in by Attorney Maura Kiefer.

Case 2007-03A – Unhealthful Accumulations at 10800 Gulf Boulevard was presented. Code Enforcement Officer Carol Kitts presented information as to what notices were sent. Attorney Kiefer verified that the proper notices were sent and that the City could proceed.

Deputy Building Official Neal Schwartz read the violation and the applicable code. Carol Kitts explained that this was the second time they had cited the property, and they had also given them verbal notice to clean up the debris. She has had no response, so she cited them on June 12<sup>th</sup> for a second offense. The City has taken over the rear part of the property and has been cleaning it up. Mr. Schwartz explained the status of the Progress Energy power source that is located on the property. It provides power to some of the stores across the street. They are working on getting it moved to the side of the property. Ms. Kitts stated that the property is still in non-compliance.

Mr. Harris asked when the new appearance codes went into affect. Ms. Kitts stated that they went into effect in March, but they have not cited anyone on them yet, as they are giving people time to learn what the new code states and to comply. Mr. Schwartz stated that they are giving people about 60 days, and after that they will start citing people.

Mr. Harris asked for clarification as to whether this was a first or second offense. Mr. Schwartz explained the status. Ms. Reiter asked if there had been citizen complaints on this property. Ms. Kitts answered in the affirmative. Mr. Hehn asked if they had submitted plans for the parking lot. Mr. Schwartz stated that they have not submitted anything. Mr. Harris stated that they had For Sale signs up. Mr. Harris asked about the city owned side walk to the west of the property. Mr. Schwartz explained that there is more than a sidewalk there. The city and the property owner had an agreement that they could use the City owned property in the past. He has been given direction to take over the city owned portion again. Mr. Schwartz was asked if the parking on the weekend was legal. Mr. Schwartz stated that it was not, and signage had been placed up, which has resulted in the parking being discontinued.

Ms. Kiefer stated that she was wondering about the time frames of the citations and notices. Ms. Kitts explained what they had done between the first citation and now. Mr. Schwartz explained that they had had conversations with the owner, and had given the owner another 30 days. They did not comply. Ms. Kiefer stated that it would have to have been adjudicated by the board in the past in order for this to be a second violation. Mr. Powell explained that they had been adjudicated prior to this. Mr. Schwartz stated that the compliance date was January 25, 2007. In April they were still in non-compliance. Mr. Schwartz read an excerpt from the minutes. Ms. Kiefer explained that someone can't be adjudicated unless they are in non-compliance as of the Board's deadline. Ms. Kiefer asked what the order stated. She explained the chronology of the events to this point, and stated that a fine can not be issued unless they missed the board's deadline. She recommended that another notice of violation be issued and this be carried over until the next meeting. She explained that the fine should be removed. She recommends that this be put off until next month and have the City re-issue the notices. Ms. Reiter stated that this property was removed from the May meeting agenda and didn't know why. Mr. Schwartz gave some additional comments and provided Ms. Kiefer with a copy of the May meeting minutes. Ms. Kiefer recommended carrying this property forward to the next meeting as the signature card was not returned. Mr. Harris suggested that they give them a little more time in order to get this straightened out. Ms. Kitts suggested 10 days. Ms. Kiefer suggested two weeks. Mr. Schwartz reminded them that next week was the 4<sup>th</sup> of July holiday, and suggested that they take that into account. The board discussed the amount of time that they should be given to comply. It was moved and seconded to give them until July 20<sup>th</sup> to comply. Upon roll call the vote to approve the motion was unanimous.

There being no further cases, the public hearing was closed. Mr. Harris asked about the house that had a fire recently. Ms. Kiefer explained that new cases could not come up under new business. She explained that new business was more for housekeeping type items. A discussion regarding a case must be noticed on the agenda.

Ms. Kiefer raised a question about the case that was just adjudicated. She stated that they needed to find them in non-compliance and state that in the motion, so suggested that they withdraw the previous motion and redo it. She suggested that they discuss it again, and make the appropriate motion. The board verified with Ms. Kitts that the pictures were accurate and that the property is still in non-compliance. Mr. Daughtry asked about the Florida Power station that is located on the property. Mr. Schwartz explained the procedure, and that Progress Energy has the funds in place to move it. Mr. Harris stated that he felt based on the findings of fact and evidence presented that they are in violation, and asked for a motion. It was moved and seconded to find them in non-compliance, and giving them a deadline to comply. Upon roll call the vote to approve was unanimous.

Mr. Lorenz asked about proper notice. Ms. Kiefer explained what would be considered proper notice. Mr. Schwartz assured the board that they would do everything that they could to ensure proper notice was given. Mr. Lorenz asked if the city had the correct address. Mr. Schwartz answered in the affirmative. Ms. Reiter asked about Simdag, who was the original purchaser of the property. The name of the company has now been changed. Mr. Lorenz asked if the notice of violation was correct, since the company name had changed. Ms. Kiefer stated that she felt that it was. Ms. Kiefer suggested that when a company tells you to mail it to a certain person, mail out two notices – one to where the company asks you to send to, and one to the name and address on the tax rolls. Ms. Kiefer stated that it only becomes an issue if they don't show up.

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Gary Odgen was present at the meeting and requested to speak. He discussed the procedure for filing a complaint, and requested that there be something available electronically. He had called several times and was told that he had to fill out a form. Mr. Schwartz stated that there is a form on the web and it can be e-mailed in. He also stated that they can accept a complaint via telephone or fax.

Mr. Schwartz got a list of members who needed a code book. The code is also available on Muni-Code's website. Mr. Lorenz asked if it could be provided on CD. Ms. Kiefer stated that there is a licensing issue, and that we may not be able to issue the code on CD. Mr. Daughtry stated that there should be a way to make this more streamlined and cut down on the paper and expense. Mr. Daughtry stated that they received the code being violated with the notice of violation, and wondered why they couldn't do that for each case. Ms. Reiter stated that she agreed with Mr. Daughtry, and suggested that a set of books be made available in the office for anyone that wants to review it. It was agreed to have one complete set of books for the board available in the office.

There being no further business, the meeting was adjourned.