

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
Minutes
CEB MEETING DATE – October 25, 2007, 3:00 p.m.

1. Call To Order:

The meeting was called to order at 3:00 p.m. by the Chairman, Richard Harris. Mr. Harris read a statement explaining the procedure that would be followed for hearings at this meeting.

2. Roll Call:

Richard Harris	Present
John Hehn, Jr.	Present
Michael Daughtry	Absent
Dominique Reiter	Present
Jim Lorenz	Present
Thomas Walkowiak	Present
Charles Weinreich	Present
Alternate: John Watters	Absent
Alternate: Buddy Castiglia	Absent

3. Pledge:

The Pledge of Allegiance was let by Richard Harris.

4. Approval of Minutes of Previous Meeting:

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

5. Old business.

CEB Case #2007-03. Doug Forbes, 13 Treasure Lane. Fine paid on 10/11/07.

CEB Case #2007-20, Harlan Zusman, 11240 4th St. E. In compliance with Code sections 18-37 and 68-495

CEB Case #2007-17, Sidney/Geraldine Brodie, 11120 6th St. E. Began repair of sea wall on 10/15/07 in compliance with the order of the board.

Neal Schwartz, Building Official, reported that these three properties are now in compliance.

6. New business.

None

7. Swearing in of witnesses.

Mr. Knettel and city staff were sworn in by the City Attorney.

Mr. Weinreich was sworn in as a regular member by the City Attorney.

8. Case hearings:

CEB CASE #2007-19: Jason Thomas, 11200 4th St E. Section 18-37 Unhealthful accumulations, Section 68-495, Minimum property maintenance standards. Lot overgrown with tall grass and weeds – Second offense.

Carol Kitts, Code Enforcement Officer, presented the City's case on this property. The City has done work to bring the property into compliance.

Mr. Harris stated that at the last meeting they were found in violation and assessed an administrative fee. They were in compliance as of that date due to the city's efforts to do the work. At this point they are in compliance again due to the city's efforts.

It was moved by Ms. Reiter and seconded by Mr. Lorenz to continue with this case in the absence of the property owner. Upon roll call, the vote to approve the motion was unanimous.

Mr. Harris stated that it appears that this property has been abandoned by the owner, and the City is taking care of it. City Attorney Maura Kiefer reviewed the procedures that should be followed. She stated that according to the codes, this board needs to send this to the City Commission to continue to make repairs on the property. Mr. Schwartz asked if we could put a lien on the property now since it was a second offense. Ms. Kiefer answered in the affirmative. Ms. Reiter asked for clarification on what the City Commission was being notified of. Ms. Kiefer explained that it was what was necessary to maintain the property. Ms. Kiefer explained that they cannot be adjudicated for being in non-compliance if the City continues to cut the grass. A fine cannot be assessed until they do not meet the Code Enforcement Board's deadline.

Mr. Schwartz discussed the two procedures that have been followed in the past, and pointed out that they were in violation on the board's deadline. The City has since performed the work. Ms. Kiefer stated that they can be adjudicated and fined for the length of time they were in non-compliance.

Mr. Lorenz asked what they could do with this now. Ms. Kiefer stated that they could assess a fine for the days that they were in non-compliance. They could be fined from October 5th through October 8th. Mr. Lorenz asked if the property comes out of compliance, can they assess a fine going forward. Ms. Kiefer stated that they could not. It would be from the date of the violation until it is in compliance. If the City cuts the grass that brings them into compliance. Mr. Schwartz stated that if they charged \$500 a day that would not cover the City's expenses, and asked if they could lien for the remainder of the City's costs, and in 90 days foreclose if necessary. Ms. Kiefer stated that they could lien for the fine today. Mr. Schwartz stated that it would probably be about 10 days before they were in non-compliance again.

Mr. Hehn read a portion of the code, and asked if the city's costs could be recouped. Ms. Kiefer stated that they could fine \$500 per day, and lien for the two days and administrated fee previously assessed. They could then foreclose after 90 days. Ms. Reiter asked if the Commissioners could order a lien filed for the cost of repairs. Ms. Keifer stated that they could, and that the codes need to be revised. She will meet with the City Manager to address this issue.

Mr. Lorenz clarified that they could assess a fine for two days, and recommend that this goes to the City Commissioner for further action. Ms. Kiefer answered in the affirmative. Mr. Hehn asked if that would apply to every day that they come out of compliance in the future. Ms. Kiefer answered in the affirmative, but stated that it would have to come back to this Board first. Mr. Harris stated that if the

city didn't do anything it would be from whenever they came out of compliance until it was corrected by the owner. He called for a motion to find them in violation for two days and not send this to the city commission at this time. Mr. Lorenz stated that the city feels that they should cut the grass to appease the neighbors. He suggested that they go for the fine and refer it to the Commission due to the situation with the neighbors. Mr. Harris commented that they have learned over the past few months that a \$500 per day fine gets people's attention.

It was moved by Ms. Reiter and seconded by Mr. Walkowiak to find them in repeat violation as of October 5th, and that they be fined \$500 per day until they came into compliance on October 8th, and then refer this case to the City Commission in reference to keeping up the property maintenance. Upon roll call the vote to approve the motion was unanimous.

It was agreed by unanimous consent to accept the city's documentation into evidence.

CEB Case # 2007-17, Sidney/Geraldine Brodie, 11120 6th St. E. Return hearing – failed to comply with an order of the Code Enforcement Board. Sea Wall permit Dated: 10/15/07. Code Board date: 10/05/2007 (10 day delay) Code Board start work date: 10/15/2007. Work started 10/15/2007

Ms. Kitts, Code Enforcement Officer, presented the City's case. At the last hearing they were given an order to secure a permit by October 5th. They secured the permit and started work on October 15th. Nothing has been done since October 15th.

It was agreed by unanimous consent to accept the city's documentation into evidence.

Mr. Knettel was present to represent Mr. Brodie. On October 2nd they realized that they had to find a different contractor to perform the work. The new contractor was unable to obtain a permit until October 15th. He reported that the new contractor has excavated several holes at the site, and they are ready to finish the work. They do not have water at the site, and will have that taken care of by tomorrow, October 26th. There are new requirements at the Clerk's office requiring two signatures. They have now obtained those signatures, and the notice of commencement is on file.

Mr. Harris stated that at the last meeting they were given two weeks to complete the work. They will not meet the deadline at this point. Mr. Knettel stated that he would not have that information until later tonight. He can send a letter with that information tomorrow. Mr. Schwartz explained that they found information today regarding the first contractor that showed that they would not have been able to complete the work. The second contractor ran into a problem with water. Until he gets water on the property he will be unable to complete the work. The only reason the staff brought this to your attention was that they executive order gave them a deadline of the 5th. Mr. Harris stated that their goal is compliance. They are happy to see some progress. He asked if the sea wall would be completed, and the dock repairs started by November 5th. Mr. Knettel stated that he was hopeful of that. Mr. Harris stated that he didn't feel they should be found in further violation at this time. He asked them to work with staff, and continue the progress. Mr. Lorenz stated that in view of the problems that they had with the contractor he would like to move their compliance date to November 12th. Mr. Schwartz explained that the Florida Building Code takes precedence over the board's action in this case. There are statutes that would govern the deadlines for the repair of the sea wall.

Mr. Harris asked Mr. Schwartz if he was satisfied with the progress of this project. Mr. Schwartz stated that he had hoped they would be further along, but they had some legitimate reasons for it being behind. Because of that he is satisfied with the progress at this time. Mr. Harris suggested that they continue the case for 30 days. Ms. Kiefer suggested that they state in the order that they were in compliance as of the 15th, but not in compliance between the 5th and the 15th. She suggested giving them another date in which to comply. There are two projects here to be done. If they defer we will still issue an order saying that. There was further discussion regarding start dates.

It was moved by Ms. Reiter and seconded by Mr. Walkowiak to find the respondent in violation of the board's order to obtain a permit by October 5th, to find them in compliance on starting work by October 15th, impose a new deadline to obtain a permit for the dock to November 19, 2007, and assess no fine. Upon roll call the vote to approve the motion was unanimous.

Mr. Weinreich asked if they could assess a fine for the ten days of non-compliance, and then consider a reduction of the fine. Ms. Kiefer stated that they could have, but they have already voted on it. Mr. Harris stated that they want to see progress. It is not going as quickly as they had hoped. They will keep an eye out for the next 30 days.

Mr. Schwartz asked if the Board would be having a meeting in December. If they do, the only date available is December 27th. It was agreed by consensus to cancel the December meeting.

Mr. Harris stated that he would be out of town on the date of the November meeting, and Mr. Hehn would be running the meeting.

Mr. Lorenz asked if anything had been done to amend the rules regarding Article 10, Section 1 in regards to the \$75 administrative fee. Ms. Kiefer stated that the rules and regulations only govern their conduct at meetings. The code would have to be changed to address this item. She suggested that they change the rules and recommend to the City Commission to amend the codes. Ms. Kiefer stated that they could change it by motion. Mr. Schwartz suggested that they allow staff to review it before they change the rules.

It was moved by Mr. Lorenz and seconded by Mr. Weinreich to delete Article 10, Section 1, sub-paragraph O from the rules of procedure. Upon roll call the vote to approve the motion was unanimous.

Mr. Lorenz asked about a board member voting on a case that they had not heard evidence on. This is addressed in Article 10, Section 1, sub-section H. Upon review of the rule, Ms. Kiefer suggested that they leave it as is. Mr. Lorenz stated that he felt that the absent board member should be allowed to participate if they reviewed the tape or video of the meeting that they missed. Mr. Harris stated that it could be a benefit due to the turnover on the board. It was moved by Mr. Lorenz and seconded by Mr. Hehn to add the recommended language to Article 10, Section 1, sub-section H.

9. Adjournment.

There being no further business, the meeting was adjourned by Mr. Harris at 4:15 p.m.