

**CITY OF TREASURE ISLAND, FLORIDA**  
LOCAL GOVERNMENT  
**CODE ENFORCEMENT BOARD**  
**MINUTES**  
**CEB MEETING DATE – APRIL 24, 2008**

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**1. Call To Order:**

The meeting was called to order at 3:05 p.m. by Chairman Richard Harris.

**2. Roll Call:**

<b>Richard Harris (Chair)</b>	Present
<b>Jim Lorenz</b>	Present
<b>Michael Daughtry</b>	Absent
<b>Dominique Reiter</b>	Present
<b>Ignatius Castiglia</b>	Present
<b>Charles Weinreich</b>	Present
<b>John Watters</b>	Present
<b>Bill Bennington (Alternate)</b>	Absent
<b>Stephen Gingrich (Alternate)</b>	Absent

**3. Pledge.**

The Pledge of Allegiance was let by Chairman Richard Harris.

Mr. Harris notified the board that Mr. Daughtry was having some medical issues and would be taking a leave of absence until he is well enough to resume his duties on the board.

**4. Approval of Minutes of Previous Meeting:**

There were no minutes available for approval. It was moved by Mr. Weinreich and seconded by Ms. Reiter to continue the approval of minutes until the next meeting. The motion carries by unanimous voice vote.

**5. Old business:**

**CEB CASE # 2007-06, 290-292 107<sup>TH</sup> Ave. Paid fine of \$2,100.00.**

Mr. Schwartz gave an update on this case. The property is in compliance, the fine has been paid, and the case is now closed.

**6. New business:**

**7. Swearing in of witnesses:**

All witnesses were sworn in by the City Attorney.

**8. Case hearings:**

**CEB CASE #2008-05, 535 115<sup>th</sup> Ave. Lisa Reddick, Sections 18-37 & 68-495. Overgrown with high grass and weeds.**

Code Enforcement Officer, Del Powell, presented the City's case. The property is still in non-compliance as of today. All notices have been sent, but certified receipts note that the mail was unclaimed. The City recommends a low fine of \$25-\$50 per day, and 10 days to bring the property into compliance. Mr. Powell submitted the documentation into evidence. It was moved by Ms. Reiter and seconded by Mr. Weinreich to accept the city's documentation into evidence. The motion carried by unanimous voice vote. The property owner was not present. It was moved by Mr. Lorenz and seconded by Mr. Castiglia to continue to hear the case in her absence. The motion carried by unanimous voice vote.

Ms. Reiter asked Mr. Powell when his recommended ten days would start. He stated that it would be up to the board to set a compliance date. He also asked that the board request the City to mow the lot. Pictures of the property were passed around for the board members to view. Mr. Watters stated that it should not be the homeowner's responsibility to pick up newspapers that they didn't ask to be delivered. Mr. Harris commented that the worst violation appears to be overgrowth. Mr. Castiglia asked who would be responsible for the fines if they are unpaid, since the property is going into foreclosure and the owner has walked away from the property. If a lien is put on the property it would come out of the proceeds of the sale.

Mr. Harris commented that this has been ongoing for about three months. It is not a severe violation, but based on the City staff's testimony and what we have seen for evidence, they are clearly in violation. Mr. Lorenz suggested that they give the city the order to cut the grass and give them until next Friday to comply.

It was moved by Mr. Lorenz to find them in violation, assess the \$75 administration fee, and require them to come into compliance by next Friday, May 2<sup>nd</sup>. The motion was seconded by Mr. Castiglia. The motion carried by unanimous voice vote.

**CEB CASE # 2008-12, 11 Treasure Lane, Mr & Mrs Williamson, Section 18-37. Overgrown grass and dirty pool.**

This case is continued at the request of the City.

**CEB CASE # 2007-32, 125 126<sup>th</sup> Ave. Floyd E. Roberts, Sections 18-37 and 68-495. Overgrown lot not in compliance with xeriscaping standards.**

**Presentation by Dale Armstrong, Coordinator, Pinellas County Extension, Florida Yards and Gardens.**

Mr. Powell introduced Pam Brown and Dale Armstrong, who will give a presentation as part of the City's evidence.

Mr. Armstrong gave a presentation on the Florida Yards & Neighborhoods program. They concentrate on water conservation and storm water run off. They assist citizens with their landscaping needs based on site conditions. They use a checklist to determine if it is a "Florida Friendly" yard. Mr. Armstrong read the City's code regarding Xeriscape standards.

Mr. Harris asked how often you inspect a yard. Mr. Armstrong stated that they inspect yards upon request. They do not design. They will do one courtesy visit, spending between one and three hours assisting them. Later they have a second visit to go over the checklist.

Mr. Harris asked if he had had a chance to look at the property involved in this case. Mr. Armstrong answered in the affirmative. He said they looked at it last week, and inspected it again today on the way here. There have been photos taken of the property. Ms. Reiter asked what his opinion was of the landscaping. Mr. Armstrong stated that it is his opinion that as the landscape exists today, they will not recognize it due to the maintenance aspect. He is using plants that they would suggest, but they look for a defined landscape that is mulched and weed free. Sometimes plants have to be rejuvenated, refreshed, or replaced. Until things change there his program will not recognize the property. Mr. Lorenz clarified that the property was lacking maintenance and upkeep. Mr. Armstrong answered that the plants that are intended to be part of the landscape are overwhelmed by weeds and some invasive plants.

Photos were shown of the property. Mr. Roberts was asked to get rid of building materials along the side of his property. He has complied with that. He has cut some of the weeds, but not all. The flowers show lack of care. Mr. Roberts referred them to section 72:39 of the city code.

Mr. Harris asked Mr. Armstrong if it was his opinion that this property met the standards in Section 72-47 of the City's code. Mr. Armstrong stated that as it currently exists, the plants that are being used are plants that would typically be used, but that the condition of the property precludes it from meeting the standards.

Mr. Schwartz stated that when he spoke with Mr. Armstrong, he asked them to enlighten the Code Board on Xeriscape landscaping. They were not being asked to be a referee.

Mr. Powell explained that the section of the code, 72:39, that Mr. Roberts was referring to, relates to parking lots only.

Mr. Powell asked to enter his documentation into evidence. It was moved by Mr. Lorenz and seconded by Mr. Weinreich to accept the documentation and testimony into evidence. The motion carried by unanimous voice vote.

Mr. Roberts was present to present his case. He stated that he has gotten a fence permit to extend the fence. The building materials have been cleaned up. Mr. Harris clarified that the only thing we are discussing today is the overgrown grass and weeds. Mr. Roberts stated that he did e-mail code 72-39. This is how new construction would address an open hour. Beach Sunflowers do not have a height requirement or maintenance requirements. He asked how

he should be maintaining them. He asked that Mr. Armstrong give him instructions on how to properly maintain them. Mr. Armstrong stated that he is not going to debate the issue. The beach sunflower needs to be pruned and the dead areas cut back. Mr. Roberts stated that he has been maintaining the sunflowers. Mr. Armstrong stated that the problem is not with the beach sunflowers, but with the overgrowth around them.

Mr. Schwartz stated that he asked Mr. Armstrong to come today to educate the board. Mr. Harris stated that they did not want him to be referee. They want Mr. Roberts to come into compliance. Mr. Armstrong stated that they did not want to debate. Their first visit with Mr. Roberts was 4 years ago. He was given information on how to maintain the yard. They met with him again in January, and explained again. He has spent several hours on the phone with him explaining what he needed to do to meet the specifications. Mr. Roberts wants them to change their specifications to meet his landscaping, and they are not going to do that, nor are they going to spend more time explaining it. Mr. Roberts stated that he wants to see in writing from the City exactly what they want him to do. He will do whatever he is asked. He has not seen written detail on how to bring his yard into compliance. He wants to properly maintain the flowers. He is working to do what is suggested, but is doing it without written instruction.

Mr. Watters read from the code regarding ground covers, and asked if he planted them in such a way to present a finished appearance. Mr. Roberts stated that he did. Mr. Harris stated that they didn't want to discuss what occurred years ago. We want to discuss the present, and get him to come into compliance. Mr. Roberts asked to submit an exhibit into evidence. Mr. Lorenz stated that we have two issues in front of us. The building materials issue has been resolved. The other is the overgrown yard. It is not this board's duty to come up with a plan for him. Mr. Roberts stated that there are no overgrown weeds in his yard. Mr. Lorenz stated that we make a determination based on the evidence presented. If Mr. Roberts disagrees, that is an issue between City staff and Mr. Roberts. Mr. Harris stated that he agrees with the City. Mr. Roberts stated that he is not finished with presenting his case. Mr. Lorenz asked what additional evidence he had to present. Mr. Roberts stated that it was the xeriscape standards. He has communicated with the agency, and he believes that it shows that he is trying to come into compliance. His yard is drought tolerant. They didn't argue with him on the checkboxes. They have spoken to the city, and since the city doesn't feel that the appearance is appropriate, they are telling him that until he complies with the city he can not comply with them.

Mr. Schwartz stated that we started this a while ago. He is being cited for unhealthy accumulations, and minimum standards. This has turned to a xeriscape issue because he stated that he is in compliance because he uses xeriscape. This is not a xeriscape issue, it is an issue with overgrown weeds. We suggested that he go to the Florida Yards and Neighborhoods program and get a plan so that we can find him in compliance. The program will not certify him. He does not meet the code that we are citing him for, 18-37 – Unhealthy Accumulations.

Mr. Weinreich stated that they were not here to set the standards, but to ensure that he complies with the standards. Mr. Harris stated that it was not their intent to make Mr. Armstrong a referee, but they needed his expertise to understand. Ms. Reiter stated that she goes to Phoenix often, and doesn't feel that his landscaping is xeriscape landscaping. Ms. Reiter stated that she was ready to make a motion. Mr. Roberts stated that he is not finished. Mr. Harris informed Mr. Roberts that they will hear new evidence, and a plan for him to come

into compliance. Mr. Roberts stated that he was told that by this meeting that he had to show efforts to come into compliance. Ms. Kiefer stated that he was given a written order telling him that he had to come into compliance by today. Mr. Roberts said that it was not stated in the meeting. Ms. Kiefer explained that he needed to follow the written order, and if he had a problem with it he should have contacted the City. Mr. Roberts stated that the code that he was cited for is not a relevant code. He is not cited for xeriscape codes, which he meets. He asked if the only thing they are relying on is maintenance. If so, he needs guidance. He requested another 30 days to come into compliance. If he is not granted an extension he will mow the yard completely. Mr. Harris stated he is not going to recommend to the board that they extend this further.

Mr. Roberts asked Steve Nally to testify on his behalf. He is a neighbor. He is also a botanist. He stated that there are very few weeds, if any. Most of the plants are indigenous to the local area. There are two wild honey bee hives within 75 feet of the property, numerous birds, and new species of flowers. Beauty is skin deep. It doesn't look as good as a person's yard that manicures it, but this is a terrific yard, and he asked that they give it more consideration, or give him more time, and he will help him come up with an acceptable design. There are very few yards like this on Treasure Island. He asked how the inspectors know the difference between a weed and an indigenous plant. Plants go through cycles, and sometimes they turn brown before the seeds can mature. He thinks that Floyd is trying to attain something that is a little higher level than xeriscaping. He feels that the neighbors will all pitch in, because none of them want to see this yard go.

Mr. Harris asked that the slides be shown again. Mr. Roberts pointed out grasses that he said were not weeds. Mr. Harris stated that they appreciate that he wants to have a xeriscaped yard. He has not taken care of the maintenance of the yard. At this point we want to close the public hearing. It was moved by Mr. Lorenz and seconded by Ms. Reiter to close the public hearing. The motion carries by unanimous voice vote.

Mr. Watters stated that he didn't see Mr. Roberts' yard looking much different than the picture on the Florida Friendly Landscaping brochure. He could make it look like that by adding some mulch. Mr. Harris stated that it could look like that if properly maintained. It is not so much the vegetation types, but the way the property is being maintained. The yard has not met the requirements of 18-37. Ms. Reiter stated that she doesn't feel that his yard looks anything like that.

It was moved by Mr. Lorenz to find the violation relating to the building materials to be resolved and not in violation, and to find them in violation due to the weeds as of March 15<sup>th</sup>, 2008, and recommend that the fine be \$25 per day from March 15, 2008 until he comes into compliance. Mr. Harris stated that we continued this case until today. It is a private homeowner, and he came today. \$25 a day is a little bit strong. Progress is being made. Mr. Lorenz stated that he made a motion, and it can be seconded or dropped. Mr. Lorenz restated his motion to find him in compliance on the unlawful accumulation, 18-37, and in violation of 68-495 as of February 15, 2008. If he is not in compliance by May 2, 2008, the fine shall be \$10 per day. Said compliance will be demonstrated by the removal of weeds and overgrown grass, and the approval of the Code Enforcement staff. The motion was seconded by Mr. Castiglia. Upon roll call the motion carries with a 5-1 vote, with Mr. Watters being the dissenting vote.

**9. Adjournment:**

It was moved by Mr. Lorenz and seconded by Ms. Reiter to adjourn the meeting at 4:37. The motion carried by unanimous voice vote.