

**CITY OF TREASURE ISLAND, FLORIDA**  
LOCAL GOVERNMENT  
**CODE ENFORCEMENT BOARD**  
**MINUTES**  
**CEB MEETING DATE – MARCH 27, 2008**

**1. Call To Order:**

The meeting was called to order at 3:03 p.m. by Chairman Richard Harris.

**2. Roll Call:**

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

**3. Pledge:**

The Pledge of Allegiance was led by Chairman Richard Harris.

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

It was moved and seconded to approve the minutes as printed. Upon roll call the vote to approve was unanimous.

**5. Old business.**

**CEB CASE # 2008-02, Randy Hansen/Baybreeze Assoc of TI, Inc. 10109 Gulf Blvd. Section 68-51, Building permits. Administrative fee of \$75.00 assessed by this board on February 28, 2008 was paid.**

Mr. Schwartz reported that the fine is paid and the case is closed.

**6. New business.**

None

**7. Swearing in of witnesses.**

The witnesses were sworn in by the City Attorney, Ms. Kiefer Kiefer.

**8. Case hearings:**

**CEB CASE # 2007-06, Playa UNO, LLC. 290-292 107<sup>th</sup> Ave. Section 18-37: Overgrown weeds and other debris. Return Hearing.**

Code Enforcement Officer Del Powell presented the City's case. The property was inspected and a repeat violation was found. It was presented to the board on February 28, 2008. They were given a fine of \$100 a day beginning on February 18, 2008 until it came into compliance. The property was inspected and found to be in compliance on March 11, 2008, for a total of 21 days and a fine of \$2,100. Mr. Patel is requesting a reduction in or elimination of the fine.

Ned Roberts appeared representing the property owner. Mr. Roberts apologized for the inconsistencies in the maintenance of the property. They have now contracted with a company that will maintain the property twice a month. He respectfully asked that they waive the accumulated fines.

Mr. Schwartz asked to submit the evidence into the record as evidence. It was moved and seconded to accept the submittals into evidence. The motion carried on a show of hands vote.

Richard Harris commented that there have been times when the property was pretty a rough. He asked if rather than waiving the fine if it could be put aside for a probationary period. Ms. Kiefer stated that the fee has been assessed, and it could be reduced. She recommends that they take it under advisement and have the applicant come back in 90 days and reconsider it at that time.

Ms. Reiter stated that they already gave him a reduction. They started at \$250 per day and reduced it to \$100 per day. Mr. Lorenz asked what the circumstances were that they couldn't maintain it initially. Mr. Roberts said it was the changing of the development, and different people were in charge. They moved and changed their address, and changed the scope of the project.

Richard Harris asked what the current plan is for the property and what the status is. Mr. Roberts said they are in an ongoing process to develop a hotel, and moving forward with agreements. Mr. Harris asked if there is a building permit or site plan. Mr. Schwartz said that the site plan has been approved.

Mr. Lorenz asked Mr. Schwartz if they had verbal or written contact. Mr. Schwartz answered in the affirmative. Contact was made and the owner asked to have the fines reduced. At that time the City was already through the procedures and we had to continue with the hearing. Mr. Lorenz asked if they attempt contact prior to the hearings. Mr. Schwartz answered in the affirmative. He stated that they are not suggesting an amount for the fine, but requested that they have their costs covered. Mr. Lorenz asked if it was a repeat offense. Mr. Schwartz answered in the affirmative.

Mr. Castiglia stated that he supports Ms. Reiter's position on the issue and that Mr. Roberts' excuses aren't valid.

Mr. Harris suggested that the Code Enforcement Board wait for 90 days. If the property hasn't been maintained they can assess the fine then. If it is in good shape maybe they could reduce the fine then. Mr. Castiglia said that if this was a first offense he'd agree, but it is a repeat offense.

It was moved by Ms. Reiter and seconded by Mr. Castiglia to keep the fine of \$2,100 in place and assess the property owner. Mr. Harris stated that the intent of this board is to get people into compliance and keep people in compliance.

Mr. Roberts suggested holding a probationary period and assured the board that the property would be kept in compliance.

Upon roll call the motion carries on a 4-2 vote. The voting results were as follows: Mr. Harris – no, Mr. Lorenz – yes, Ms. Reiter – yes, Mr. Castiglia – yes, Mr. Weinreich – yes, Mr. Watters – no.

**CEB CASE #2007-32, Floyd E. Roberts, 125 126<sup>th</sup> Ave. Section 18-37 and 68-495: Overgrown grass/weeds, accumulation of old building material. Return Hearing.**

Code Enforcement Officer Del Powell presented the City's case. This case was initially presented to the board in January, 2008. A return hearing was held in February, 2008. The owner was required to present a landscaping plan and come into compliance in March, 2008. The last inspection was on March 24, 2008. The old wood has been removed, but the weeds have not been trimmed. In order to come into compliance the weeds will need to be cut and a landscaping plan provided to the City. The City recommends a low fine of \$25 - \$75 per day. Mr. Powell requested that the City's documents be entered into evidence. It was moved and seconded to accept the materials into evidence. Ms. Reiter asked to see the pictures.

There was a brief discussion regarding Mr. Bennington's status on the board. He was appointed as a full member at the last Commission meeting.

Ms. Reiter asked that the date of the pictures be written on the pictures.

Mr. Leonard Kaul asked if could speak on Mr. Roberts behalf. He asked for clarification as to what two organizations were the certifying organizations that were mentioned in the City's presentation. Mr. Schwartz stated that it was Florida Yards and Neighborhoods program and Pinellas County Extension Service. Mr. Roberts is a small business owner and very busy. He is very sorry that the communication problem brought him here. Mr. Kaul said that within 90 days the lawn could come into compliance, and asked for another 90 days on the second part of the violation. Mr. Kaul asked for a progress meeting in 30 days.

Ms. Reiter asked what Mr. Kaul's relationship with Mr. Floyd is. Mr. Kaul stated that he is a close friend.

Mr. Watters asked about why Mr. Roberts doesn't want to cut the lawn. Mr. Kaul explained that there are plant species that are meant to flower and they will not be cut.

Mr. Harris said that at the last meeting the Board requested some kind of plan, but they never received it. He asked if there is a plan that has been completed. Mr. Kaul stated that a plan is subjective, but if the City is requesting a plan it could be presented. As far as the certification process they will do what is required. Mr. Harris would like the property to look like some sort of effort has been made with the property. There have been some problems with communication. It is a difficult case and we want to be understanding, but the neighbors need to be heard.

Ms. Reiter asked if it was a staff find or a citizen complaint. Mr. Powell stated that it was a citizen complaint.

Mr. Kaul stated he will find whatever guidelines are needed. Mr. Kaul is just asking for some time. They are going to start this weekend. He thought that the spirit of the board was to get people into compliance. It was not about fines it was about helping to find solutions. Mr. Harris stated that the philosophy of the Code Enforcement Board is to try and get this City in compliance. We could have levied a fine last month, but we gave him more time, and after 30 days not much has happened.

Mr. Lorenz stated that he was displeased with the emails and the tone of it. He's willing to give people some latitude, but the dialogue back and forth bothered him. Mr. Kaul defended Mr. Roberts' email.

Mr. Castiglia asked if Mr. Kaul will be working with Mr. Roberts. Mr. Kaul said yes. Mr. Castiglia asked if he feels confident that he will get certification. Mr. Kaul answered in the affirmative.

Mr. Harris commented that many people think that xeriscaping is maintenance free. It is not. From what he can see with this property it is a lack of maintenance, and he suggested to the board that

because Mr. Kaul is involved maybe some leeway can be put forth. He would like to see some progress.

Ms. Reiter stated this has been going on since November 2007, and maybe Mr. Roberts should have asked his friend for help sooner. She stated that she wouldn't mind giving them another 30 day extension if they were given a chronological documentation of what is going on. Mr. Kaul stated that that was why he requested a follow up meeting in 30 days. Ms. Reiter wants to see step by step what they are doing before the next meeting.

Mr. Harris agreed with Ms. Reiter, and his recommendation was that within 15 days they should see what has been done.

Mr. Roberts thanked Mr. Kaul for speaking on his behalf, and wanted to go on record that he has put a lot of effort in his yard. He is aware of the level of work that xeriscaping takes. He stated that after the last meeting ended he addressed all issues that were brought up.

Mr. Harris reiterated that he wants to see progress and asked for a motion for a 15 day report.

Mr. Kaul asked for clarification as to what they wanted to see, and asked for a completion date. Mr. Harris stated that he wanted to see progress in 15 days and completion in 30 days. He does not want to have City staff have to continue going out there.

Mr. Castiglia stated that they originally asked for 90 days, and suggested a compromise of 45 days.

Ms. Reiter made a motion to require a report by April 15<sup>th</sup> showing a chronological progress report and then at the next meeting they can make a decision as to how they feel the project is being handled.

Bill Bennington asked if the entire yard was going to be xeriscaped. Mr. Kaul stated that they will need to get certified, and will have to get recommendations. Mr. Bennington continued to ask questions. Mr. Kaul stated he couldn't answer on specific plants. They will do what they need to do to get certified.

Ms. Reiter asked for a second and vote on her motion. She read the motion again.

Mr. Harris would like an idea of what has been done and what they plan to do between now the 15<sup>th</sup> of April, and what they plan to do between the 15<sup>th</sup> of April and the next board meeting. Mr. Lorenz seconded the motion.

Mr. Schwartz asked to them to look at the order and understand that his staff will still have to do their due diligence.

Ms. Reiter stated that when he gets the certification, they have done something. By the next board meeting she wants to see what has been done since April the 15<sup>th</sup>, and then maybe there will be some word from the certification board.

Mr. Harris stated that there are not too many types of xeriscape plants. What the board would like to see is a plan and some sort of progress.

Ms. Kiefer asked for clarification on the motion. Did they find him in violation? Ms. Reiter stated yes. Ms. Kiefer asked if he is violation of the code. They need to make a finding of fact. Ms. Reiter stated that she has a hard time with that, because they don't really know about xeriscaping. Ms. Kiefer made a recommendation that they table the hearing and ask him to bring a plan forward. Ms. Reiter rescinded her motion. It was moved and seconded by continue this hearing to the next meeting.

Mr. Roberts and Mr. Kaul were asked if they were clear on what was required. They answered in the affirmative. Mr. Watters asked if anything is going to be cut down and if anything is going to be done. Mr. Castiglia asked if the rubbish will be removed. Mr. Kaul answered in the affirmative.

Upon roll call the motion carried unanimously.

There was a discussion about a new list of member. A new alternate needs to be assigned.

The next meeting will be held on April 24, 2008.

**9. Adjournment:**

The meeting was adjourned by Chairman Harris.