

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
MINUTES
CEB MEETING DATE – JULY 31, 2008

1. Call To Order:

The meeting was called to order at 3:11 p.m. by Chairman Richard Harris.

2. Roll Call:

Richard Harris (Chair)	Present
Jim Lorenz	Present
John Watters	Present
Dominique Reiter	Absent
Michael Daughtry	Absent
Charles Weinreich	Present
Alternate: Stephen Gingrich	Present

3. Pledge.

The Pledge of Allegiance was led by Chairman Richard Harris.

4. Approval of minutes of the May board meeting.

It was moved by Mr. Weinreich and seconded by Lorenz to approve the minutes of the May meeting as printed. Upon voice vote the vote to approve was unanimous.

5. Old business.

None

6. New business.

7. Swearing in of witnesses.

All witnesses were sworn in by Attorney Maura Kiefer.

8. Case hearings:

CEB Case # 2008-26, Sidney Brodie, 11120 6th St E. Section 18-37: Unhealthful Accumulations Declared Nuisance. Overgrown grass and weeds on vacant lot. REPEAT OFFENSE. (CK).

The City's case was presented by Carol Kitts, Code Inspector for the City of Treasure Island. The property was last checked on July 17, 2008. It was first inspected on May 11, 2008. Notices were sent by regular mail, certified mail, and by posting on the property. The certified notice was returned signed. The violation was initiated via inspection and anonymous complaints. City staff does not feel that they

should have to remind the owner on a weekly basis to cut the grass. The property came into compliance on July 17, 2008. Since this is a repeat violation Ms. Kitts recommends allowing them zero days to bring the property into compliance. Ms. Kitts showed photographs of the property before it came into compliance. A new contractor has presented plans to build on the property, and has been doing more than asked on the property. He is there at least once a week.

It was moved, seconded and unanimously voted to allow the City's records into evidence.

A representative for the owner was present to state that he would be keeping the property in good repair and hoped to maintain a good working relationship with the city.

Mr. Harris stated that this was a repeat violation from a year ago. They were out of compliance for 66 days. Mr. Weinreich stated that since it is their responsibility to encourage compliance, and since they are now in compliance and making an effort to stay that way he recommends that the fine be deferred unless they are in non-compliance on a future date. Mr. Watters agreed. Mr. Harris stated that they needed to assess the \$75 administrative fee in the motion. He stated that it is great that the contractor showed up. He is glad they are in compliance and hopes it will continue. He would recommend a little more to cover the administrative costs of the city.

Ms. Kiefer stated that they needed to adjudicate them in order to assess a fine, and they should consult City staff for their recommendation. Ms. Kitts recommended \$250 plus the administrative fee of \$75. Mr. Harris stated that he did not want to be punitive, but they spent a lot of time on the case. He recommends adjudicating them in violation, and assessing the \$75 administrative fee, and the \$250 fine.

Mr. Weinreich stated that he agrees with that, and suggested that if it comes back again they should take this into consideration. Mr. Weinreich made a motion to adjudicate them in noncompliance as of the City's deadline of July 17, 2008, and assess them the \$75 administrative fee and the \$250 fine. The motion was seconded by Mr. Lorenz. Upon voice vote the vote was unanimous.

CEB Case # 2008-28, Playa Uno, LLC. 290-292 107th Ave. Section 18-37: Unhealthful Accumulations Declared Nuisance. Overgrown grass/weeds on vacant lot. REPEAT OFFENSE. (CK).

The City's case was presented by Carol Kitts, Code Inspector. This was based on routine inspection and anonymous complaint. When the owner was called they reported that they were unaware that their vendor had quit. The property is now in compliance as of July 23, 2008. The City recommends a low fine for this property. Ms. Kitts presented photographs and asked that all information be entered into evidence. She read a statement from the owner.

It was moved and seconded to accept the City's documents into evidence. Upon voice vote the vote to accept was approved. Mr. Watters asked for clarification on the date that the last inspection was done. It was moved by Mr. Lorenz and seconded by Mr. Weinreich to go forward with the case in the absence of the owner. Upon voice vote the vote to approve the motion was unanimous.

Mr. Harris stated that it appears that they are going to build something there. Mr. Schwartz stated that they have a site plan approval. Mr. Lorenz asked what they were assessed for a fine the last time. They were assessed a fine of \$2,100 in March. A brief discussion of the past history of this case ensued. Staff recommends a fine of \$250 plus the \$75 administration fee.

Mr. Weinreich stated that monetary encouragement seems to work. They are in compliance now, but numerous calls and contact did not work until now. This property is at Treasure Island's front door. He would like to see something slightly higher. Mr. Schwartz asked the board to take into consideration the

fact that they were going to be paying significant permit fees and has new contractors that are working on the property now. Mr. Watters stated that he felt they had a reasonable excuse.

Mr. Weinreich made a motion to adjudicate them in violation, assess a fine of \$250, administrative fee of \$75, and find them in compliance as of today. The motion was seconded by Mr. Watters. Upon voice vote the vote to approve the motion was unanimous.

CEB Case#2008-29, Doug Forbes, 13 Treasure Ln. Section 18-37: Stagnant water and debris in pool on vacant lot. REPEAT OFFENSE. (CK).

Ms. Kitts presented the City's case. The property has been out of compliance for 80 days to date. The property was last inspected on July 21, 2008, and she drove by today, finding it in the same condition. The notices were sent by regular mail, certified mail, and by posting on the property. The certified mail was returned unsigned. The violation was initiated by routine inspection and anonymous complaints. The city staff has been making reminder calls every two weeks and doesn't feel that it is their responsibility. The first inspection was on June 10, 2008, and the property is still in noncompliance. To come into compliance debris must be removed, grass and weeds cut, and the pool cleaned. Pinellas County has sprayed the pool for mosquitoes as an abandoned property. She presented photographs of the property. She requested that she be allowed to enter the city's documentation into evidence.

Mr. Weinreich stated that everyone has a reason why they didn't do something. We need to make sure that we don't make paying the fine less than the cost of maintaining the property. Mr. Watters asked about the gate on the property. Ms. Kitts stated that it meets city requirements.

Mr. Lorenz moved that they accept the documentation and testimony into evidence. It was seconded by Mr. Weinreich. Upon voice vote the motion was approved unanimously. It was moved by Mr. Lorenz and seconded by Mr. Watters to go forward with the case in the absence of the owner. Upon voice vote the vote to approve was unanimous.

Mr. Harris stated that the fine on this property was around \$5,000 in the past. They are still in violation. He recommends that a daily fine be assessed since they are still not in compliance. Ms. Kitts stated that they have been out of compliance for 80 days, so it is difficult to recommend a figure. Mr. Schwartz recommends \$10 per day. We are trying to get the properties in compliance. The City is not going out to take care of these properties anymore. This is going to be a running fine until they take care of this. If this comes back again maybe it could be assessed higher the next time. Mr. Harris clarified that the City is no longer maintaining these abandoned properties. He asked if it was health hazard, would the City go back in. Mr. Schwartz stated that the policy at this time was to not maintain. They can place a lien on the property after the bank takes the property. Our lien would get wiped out if we placed it before the bank took over. Ms. Kiefer explained that the banks are telling the cities that a new law was passed in the past two weeks that there is a process in the foreclosure process that wipes out these liens. Sometimes bankruptcy is involved. She advised Mr. Schwartz to wait until the bank consummates the foreclosure and cite them as the recorded title owner. Mr. Weinreich asked for clarification as to whether the lien follows the property. Ms. Kiefer has not done the research on this yet. Ms. Kitts stated that this property is not in foreclosure. It is just neglected.

Mr. Lorenz stated that our only leverage is monetary. We have been down this road with this owner. It is becoming a health issue. The only way we can get these people's attention is monetarily. We have levied a significant fine in the past. Mr. Schwartz stated that the out of state owner is relying on people here in Florida to take care of the property. He made a recommendation, and they don't have to follow it. The code board is independent.

Mr. Harris stated that in the past we had a contractor appear and promise to take care of the property. Ms. Kitts stated that when she stopped calling him once a week he stopped taking care of the property. Mr. Harris stated that it is Mr. Forbes's responsibility to take care of the property. He would recommend that they find him in noncompliance, and fine him \$20 to \$25 per day. Mr. Watters stated that he felt it

should be \$100. This is a health hazard. Mr. Lorenz stated that this is a significant, serious problem that is more than just keeping the lawn. This could be a serious health problem. If something were to happen in a health issue, or a child were to drown, could someone come back to the city and ask what they did about it. He could see an attorney coming forward saying the city was negligent. Mr. Harris stated that the first time around we made them secure it with a fence and a gate. We can't be out there all the time. \$100 a day is \$8,000. That is significant. Let's make a motion. How much do we want to fine him to get his attention?

Mr. Gingrich stated that he is not responding to the City, and hasn't picked up his mail.

Mr. Lorenz made a motion to adjudicate him in violation as a repeat offender, assess the \$75 administrative fee, and a fine of \$100 per day from the time the violation started until he comes into compliance. The motion was seconded by Mr. Watters. Upon voice vote the motion was unanimously approved.

CEB Case#2008-12, Franklin & Natalie Williamson, 11 Treasure Ln. Section 18-37: Unhealthful Accumulations Declared Nuisance. SFR, overgrown weeds/grass, stagnant water in pool. REPEAT OFFENSE. (CK).

Ms. Kitts presented the City's case. This property is in foreclosure. The certified card was signed and returned by Wells Fargo. The case is based on routine inspection and numerous anonymous complaints. The property was first inspected on June 11, 2008 and is still in non-compliance as of today. The notice of hearing was sent by regular mail, certified mail, and by posting the property. There has been no cooperation by the respondent. The last inspection was today. To come into compliance it is necessary to clear debris, cut grass and weeds, and clean the pool. She is not making a recommendation based on the property being in foreclosure. She would like to present the documentation and photographs into evidence. The county has sprayed for mosquitoes as a health hazard.

Ms. Kiefer wants to ensure that they name both the individual and the bank as respondents. They can assess a fine and record a lien.

It was moved by Mr. Weinreich and seconded by Mr. Watters to accept the documentation and testimony into evidence. The motion passed unanimously upon voice vote. It was moved by Mr. Lorenz and seconded by Mr. Weinreich to move forward with the case in the absence of the owner. The motion passed unanimously upon voice vote.

Mr. Harris stated that this is an example of a property that the city would have taken care of in the past. Mr. Schwartz stated that if we continued we would be taking care of several properties a month without collecting any money. Mr. Harris recommended that they be assessed \$100 per day fine plus the \$75 administrative fee.

Mr. Lorenz made a motion to adjudicate them in violation, assess the \$75 administrative fee, and \$100 per day from the date of the violation until they come into compliance. The motion was seconded by Mr. Weinreich. Upon voice vote the motion carried unanimously.

CEB Case#2008-16, Ronald K. Schroeder, 650 115th Ave. Section 18-37: Unhealthful Accumulations Declared Nuisance, and. Section 68-495: Minimum Property Maintenance Standards. SFR, overgrown grass and weeds, trash. (CK).

Ms. Kitts presented the City's case. The property is a vacant house that is going into foreclosure. The property was first inspected on May 1, 2008. The notice for noncompliance was sent on July 2, 2008. It was sent by regular mail, certified mail, and the property was posted. All certified mail has been returned unsigned and unaccepted. The violation was initiated by routine inspection and anonymous complaints. There has been no respondent cooperation and contact. The last inspection was today

and the property is still in noncompliance. The property needs to have the yard maintained, debris cleared, and grass and weeds cut to come into compliance. The city recommends an administrative fee of \$75 as this is a first violation. She presented photographs of the property. She asked to enter the city's documents and photographs into evidence.

It was moved by Mr. Weinreich and seconded by Mr. Lorenz to accept the testimony and documentation into evidence. The motion carries upon unanimous voice vote. It was moved by Mr. Lorenz and seconded by Mr. Weinreich to move forward with the case in the absence of the owner. The motion carries by unanimous voice vote.

Mr. Harris stated that as a first violation we can not assess a fine, but we can administer the \$75 fee and give them a deadline to comply. Ms. Kitts has been working on this for 89 days already. He recommends giving them 5 days to comply. Mr. Watters asked when we would know about the foreclosure status. Ms. Kiefer stated that she would research it and report back to them next month. Mr. Weinreich stated that the lien follows the property no the owner, and they shouldn't wait for a foreclosure to levy fines. Mr. Harris suggested that they give them 5 days to comply, and bring them back in August if necessary. Mr. Gingrich asked a question about assessing fines and whether they are retroactive to the city's deadline. Ms. Kiefer explained the process and that they can not set the fine today.

Mr. Lorenz made a motion to adjudicate them in violation, assess the \$75 administrative fee, and give them five business days to come into compliance. The motion was seconded by Mr. Weinreich. The motion carries upon unanimous voice vote.

CEB Case #2008-18, Theodore and Jennifer Ferris, 12005 4th St. E. Section 18-37: Unhealthful Accumulations Declared Nuisance, and Section 68-495: Minimum Property Maintenance Standards. SFR, overgrown grass/weeds and stagnant water in pool. (DEP).

Mr. Powell presented the City's case. The property was first inspected on April 22, 2008. The property was reinspected on May 30, 2008, and a notice of violation sent by certified and regular mail. The certified notice was returned unclaimed. The violation was initiated based on routine inspection and citizen complaint. There has been no contact with the owner. The last inspection was yesterday, July 30th. It is still in non-compliance. To come into compliance it is necessary to cut the grass and weeds, remove dead branches and palm fronds, and clean the pool. Mr. Powell presented photographs of the property.

It was moved by Mr. Lorenz and seconded by Mr. Gingrich to accept the city's testimony and documents into evidence. The motion carries upon unanimous voice vote.

Mr. Harris asked if there was any history on this house. Mr. Powell stated that the neighbors have informed him that the house was abandoned when the couple divorced.

It was moved by Mr. Lorenz to adjudicate them in violation, assess the \$75 administrative fee, and give them 5 days to come into compliance. It was seconded by Mr. Watters. The motion carried by unanimous voice vote.

CEB Case #2008-27, Michael & Jacquelyn Hines, 12055 4th St E. Section 18-37: Unhealthful Accumulations Declared Nuisance, and, Section 68-495: Minimum Property maintenance Standards. SFR. Overgrown grass/weeds, dead branches and palm fronds, green pool with debris.

Mr. Powell presented the City's case. The property was inspected on July 1, 2008, and a courtesy notice sent to the owner with a compliance date of July 10, 2008. A notice of hearing with a compliance date of July 20, 2008 was sent on July 10th. The violation was found by citizen complaint. Mr. Powell

read an e-mail from the owner. The owner stated that they are doing their best to keep up with the maintenance. There is a crack in the pool that they are having investigated. They asked for an additional ten days and stated that they have the house under contract with a cash buyer. They should have results in approximately ten days. He stated that they see no evidence that they have picked up the debris or cut the grass. They have spoken with Mr. Hines who promises to clean it up, but nothing has been done.

It was moved by Lorenz and seconded by Weinreich to accept the city's testimony and documentation into evidence. The motion carries upon unanimous voice vote.

Joe Roberts was present to discuss this case. His property is adjacent to this property. This property is overrun with rats and snakes, and rats have been getting into his house from this property. He thanked the board for what they are doing with these cases. He then presented a chronological list of complaints that he has made since last year. He has now learned that the city will not respond to this by cleaning it up. Mr. Powell has been very informative, cooperative, and helpful. He feels that the time frame of violations is too lenient. This property is not homesteaded.

It was moved by Mr. Lorenz to adjudicate them in violation, assess the \$75 administrative fee, and give them ten business days to come into compliance. The motion was seconded by Mr. Weinreich. The motion carries by unanimous voice vote.

CEB Case#2008-20, Jerry Garriga, 11460 7th St E. Section 71-2: Parking and Use (Recreational Vehicles). Parks or stores two PWC's on trailer in side setback within 10 feet of side property line at SFR. (DEP).

Mr. Powell presented the City's case. The property was inspected on May 28, 2008 and a courtesy notice sent giving them until June 2, 2008. On June 19, 2008 they were sent a notice of violation giving them until July 2, 2008. They came into compliance on July 25, 2008. The certified notice was returned signed. Mr. Powell presented photographs of the property. He asked that the board adjudicate them in noncompliance and assess the administrative fee. He then asked that the board accept his documentation into evidence.

It was moved by Mr. Lorenz and seconded by Mr. Weinreich to accept the city's testimony and documentation into evidence, and to move forward with the case in the absence of the owner. Upon unanimous voice vote the motion carries.

Mr. Lorenz clarified that they are in compliance at this time. He made a motion to adjudicate them in noncompliance as of the city's deadline, find them in compliance now, and assess them the \$75 administrative fee. Mr. Powell explained that they were instructed by the City Commission to cite all violations of this nature in the RU-75 zone. This was the only person that did not comply. The ordinance has been in effect since 1985, and it is now being enforced. The property is now in compliance. Ms. Kiefer asked if they were in compliance because it was moved on the property, or whether it was because it was no longer on the property. Mr. Powell stated that it is no longer visible. It was seconded by Mr. Watters. Upon unanimous voice vote the motion carries.

The meeting was recessed at 4:47 The meeting reconvened at 4:48 p.m.

CEB Case #2007-32, Floyd Roberts, 125 126th Ave. Section 18-37: Unhealthful Accumulations Declared Nuisance, and, Section 68-495: Minimum Property Maintenance Standards. RETURN HEARING. Owner failed to comply with the Board's order of January 24, 2008 to bring the property into compliance by February 15, 2008. (DEP & NHS).

It was moved by Mr. Lorenz and seconded by Mr. Watters to proceed in the absence of the owner. The motion carries upon unanimous voice vote.

Mr. Powell presented the city's case. This case first came before the board in January. It came before the board most recently in May. They are currently in noncompliance for 90 days, and are still in noncompliance as of today. The inspection of the property was July 30, 2008. He was given a hearing notice for the June meeting, but the meeting was cancelled. He was sent a notice of hearing for this meeting which came back unclaimed. The property was also posted. Mr. Powell presented photographs of the property. Mr. Weinreich clarified that this case has been out there since last year. Mr. Lorenz commented that they have been very liberal with them. Mr. Harris commented that it appears that they are no longer responding to the city. We have seen Mr. Roberts in here several times before. At this point the only thing we can do is increase the fine, but it continues on at \$10 per day. \$300 per month is not an insignificant amount. He recommends that they let the fine continue.

Mr. Watters stated that there are separate codes established for RM15 and RU75. His property wouldn't even stand out if it were in another section of the city. It was clarified that he is in RM15. Mr. Schwartz reminded the board that he has been asked for a plan and a certification that his yard is in fact xeriscaped. If you take the xeriscaping concept out it is just a yard that has weeds and debris. Mr. Lorenz stated that they should look at it from a standpoint that it is not esthetically pleasing and has a lack of maintenance. He asked Ms. Kiefer if they can increase the fine at this point. Ms. Kiefer stated that they have already set a fine and doesn't know why it was brought back. Mr. Schwartz stated that it was to let the board know that they are still not in compliance, at the board's request. Ms. Kiefer stated that this was technically old business, and not a hearing. There would be no order issued today. Mr. Lorenz explained that they couldn't reopen this unless he comes into compliance and then goes back into noncompliance.

9. Adjournment.

Mr. Harris thanked the City of Treasure Island EMS and Fire Department staff for their efforts on June 21st. They had a difficult accident and they were very helpful.

Mr. Schwartz gave a reminder that the next meeting would be August 28th at 3:00 p.m. Mr. Weinreich and Mr. Lorenz explained that they are unable to attend. There are still openings on the board.

It was moved and seconded to adjourn the meeting at 5:10 p.m. The motion carried on unanimous voice vote.