

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
MINUTES
CEB MEETING DATE – FEBRUARY 28, 2008

1. Call To Order:

The meeting was called to order at 3:00 p.m. by Chairman Richard Harris

2. Roll Call:

Richard Harris (Chair)	Present
Jim Lorenz	Present
Michael Daughtry	Present
Dominique Reiter	Present
Thomas Walkowiak	Resigned
Ignatius Castiglia	Present
Charles Weinreich	Present
John Watters (Alternate)	Present
Bill Bennington (Alternate)	Present

Mr. Harris reported that a letter of resignation had been received from Mr. Walkowiak.

3. Approval of minutes of the October, 2007 and January, 2008 board meetings.

It was moved by Mr. Lorenz and seconded by Mr. Weinreich to approve the minutes of the October, 2007 and January, 2008 as printed. Upon a voice vote, the vote to approve was unanimous.

4. Old business:

CEB Case #2007-19, Jason Thomas, 11200 4th St E. The City has been paid the \$75.00 administrative fee ordered by this board on 09/27/07 and the \$1,000.00 fine ordered by this board on 10/25/07. In addition, the City has been paid \$1,142.50 for the four invoices from Public Works for lawn maintenance at this address and all back utility fees.

Mr. Schwartz stated that this property is now in compliance.

5. New business:

None

6. Swearing in of witnesses:

All witnesses were sworn in by City Attorney Maura Kiefer.

7. Case hearings:

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.

Del Powell, Code Enforcement Officer, presented the City's case and asked that the documentation be entered into evidence. The weeds need to be trimmed and the pile of lumber removed to bring the property into compliance. The City recommends that 15 days be given to them to come into compliance.

It was moved by Ms. Reiter and seconded by Mr. Lorenz to accept the documentation into evidence. The motion passed by unanimous voice vote.

Mr. Roberts spoke regarding the case. He stated that he hoped to be able to address the concerns that the City has. He received a notice, but it was not a courtesy notice as he has received in the past. He discussed the work that he has done on his yard.

Mr. Harris stated that they appreciate what he has done, and wants him to work with City staff to correct the violation.

Mr. Roberts presented a letter from a neighbor regarding his yard into evidence.

Mr. Harris thanked Mr. Roberts for his presentation and asked if anyone had questions for him.

Mr. Lorenz asked when the first notice was received. Mr. Roberts stated that the first notice arrived around Thanksgiving, and the second notice arrived on December 28th. Mr. Lorenz asked if he had attempted to speak with City staff. Mr. Roberts stated that he has left messages but has not spoken with anyone. He stated that it was understood several years ago by former City staff that he is xeriscaping his yard.

Mr. Harris stated that the board wants him to work with City staff to bring the property into compliance. Mr. Harris asked about the height restrictions on xeriscaped property. Mr. Powell stated that each of the notices has a telephone number for questions and nobody has heard from him. Mr. Schwartz stated that new restrictions have been passed, but since Mr. Roberts has not contacted them they were not able to inform him. He spoke with Mrs. Roberts the day after the last hearing, but has not heard from anyone since. Mr. Schwartz read from the City ordinance that states the height restriction of 6 inches for grass, and stated that there is still dead grass, weeds, and debris on the property. The property owner has received numerous notices and has not responded.

Mr. Castiglia asked when the property was inspected last. Ms. Kitts stated that the photographs were taken yesterday, and they drove by the property again today. He asked for a description of the violation. Mr. Powell gave a description of what was shown in each photograph. Ms. Reiter asked if they moved the wood to the back of the property would they be in compliance. Mr. Roberts stated that it was in the back of the property. Ms. Reiter stated that since the City stated that nobody is a xeriscape expert, she would suggest that Mr. Roberts be allowed to make an appointment with staff to discuss what would bring the property into compliance. Mr. Daughtry asked about several of the items that had been removed.

Mr. Harris stated that he agreed with Ms. Reiter. He is not an expert in this type of landscaping. He wants to see him meet with City staff. Mr. Watters stated that he would rather see this property remain like this than see it sold and built on. Mr. Harris stated that he would like to see them be given a little more time to get rid of the debris and remove the dead grass. He asked for a motion from the board to extend the deadline from February 15th to March 15th.

It was moved by Mr. Weinreich and seconded by Ms. Reiter to extend the deadline for compliance to March 15th. Upon roll call the vote to approve was unanimous.

Mr. Roberts was told what information he should provide to the City before their meeting with him.

CEB Case # 2008-02, Randy Hansen/Baybreeze Assoc of TI, Inc. 10109 Gulf Blvd. Section: 68-51, BUILDING PERMITS: Installed or erected, or caused to be installed or erected, guard rails without first applying for and receiving a building permit for the guard rails. Failed to comply with city's deadline of February 13, 2008 to obtain permit.

Mr. Powell presented the City's case. He asked to present the documentation into evidence. He stated that the permit was pulled this morning, February 28th. The property is now in compliance. It was in non-compliance for a period of 18 days. The City recommends no fine as the property is now in compliance.

It was moved by Ms. Reiter and seconded by Mr. Lorenz to accept the documentation into evidence. The motion passed by a unanimous voice vote.

Mr. Harris stated that since the property is in compliance they should close the case. He suggested a motion to find them not in violation as of today's date. Ms. Kiefer explained that they could choose to withhold adjudication. Mr. Harris stated that from a safety standpoint it was good that the railings were put up and they are now in compliance.

Ms. Reiter moved that they be adjudicated for being in violation for 18 days, and assessed an administrative fee in the amount of \$75. The motion was seconded by Michael Daughtry. Upon roll call the motion passed unanimously.

CEB Case # 2007-06, Playa Uno,LLC. 290-292 107th Ave. Section 18-37: Overgrown grass/weeds. SECOND OFFENSE.

Ms. Kitts, Code Enforcement Officer, presented the City's case. She asked that the City's documentation be accepted into evidence. She stated that they inspected the property again today and it is still in non-compliance. In order to come into compliance they will need to

remove the debris and cut the grass. The City recommends a fine of \$250-\$500 per day due to having received no response to the courtesy calls.

It was moved by Mr. Castiglia and seconded by Ms. Reiter to accept the City's documentation into evidence. The motion carries by unanimous voice vote.

The owner was not present at this hearing. It was moved by Mr. Castiglia and seconded by Mr. Lorenz to continue with the hearing today in the absence of the property owner. The motion carries by unanimous voice vote.

Mr. Harris stated that they had done a good job of cleaning up the property in the past. Mr. Castiglia asked City staff how long it took for them to come into compliance in the past, and how many times they were asked to come into compliance. Ms. Kitts stated that it was numerous times. They cut the grass. It took a while for them to get the permits to remove the pilings. Right now people are dumping in there. Mr. Schwartz stated that people are trespassing and fishing off their property. Code Enforcement Officers were calling and reminding them on a regular basis to get the weeds cut. In the past they responded each time. This is the first time that they did not comply when a phone call was made.

Mr. Harris stated that we found them in violation a year ago. He sympathizes with them about the housing market, but not for them not doing the upkeep of the property. We can find them in violation and begin fining them.

Ms. Reiter asked if it was the same property owner as a year ago. Ms. Kitts answered in the affirmative. Mr. Castiglia suggested a \$250 fine from the 18th and give them a deadline to comply. If they fail to meet that deadline, then increase the fine to \$500 per day. Mr. Harris stated that he agreed with that. Mr. Lorenz asked if they would have to come in for another hearing next month in order to increase the fine. Ms. Kiefer stated that they would not have to do that due to it being a repeat violation. Mr. Schwartz stated that they were notified, even though they were not required to be given extra time to comply.

It was moved by Mr. Castiglia and seconded by Ms. Reiter to find them in violation of a second offense, and fine them \$250 per day for every day in non-compliance up until March 10th. If they do not come into compliance by March 10th the fine will increase to \$500 per day. Mr. Harris stated that this is a hefty fine, and he wants to ensure that they have reviewed all aspects of this case. He asked for Mr. Castiglia to elaborate on his motion to include the three aspects. First, it is unsightly, but not a hazard. Second, they have not responded, and City staff have put in more effort than they have. Thirdly, this is a repeat violation. Ms. Kiefer stated that these things are not included in the motion, but that they need to discuss these issues. Mr. Castiglia stated that they need a push. Mr. Daughtry asked for clarification about the site plan approval. Mr. Schwartz stated that they have been approved, but have not acted on it. Ms. Reiter stated that she feels that the gravity of the offense is because of its location. Staff recommends this fine, and she agrees with Mr. Castiglia that they need a wake up call. Mr. Harris suggested that we find them in violation and have the fine start today rather than on the 18th. That would give them a little break. Mr. Castiglia stated that they have not returned the calls and we should not give them a break. Mr. Daughtry stated that he liked Mr. Harris' idea. Mr. Harris stated that they have a site plan and have made improvements. Mr. Castiglia stated that they have the option of reducing the fine later if they come into compliance. Mr. Harris asked for clarification of the code on reduction of fines. Ms. Kiefer stated that the Code Enforcement Board has the right to reduce a fine if the owner requests it within 60 days. They

can not do it on their own motion. Once the order is recorded you can not make a request for a reduction. It has been the City's policy to record right away, so they use jurisdiction.

Upon roll call, the vote to approve the motion failed on a 4-2 vote.

Mr. Lorenz made a motion to find them in violation and assess a fine of \$100 from February 18th until they come into compliance. It was seconded by Mr. Weinreich. The motion passes on a 5-1 vote.

Mr. Harris discussed the situation with the first case today, and how much leeway the board members have in looking at the properties. He asked for clarification on what would be considered ex parte communication. Ms. Kiefer stated that if they looked at the property, but didn't talk to anyone it would still be ex parte in a sense, as it was done on their own, and doing something additional to what is presented. It is frowned upon. If it is in the normal course of things it is different. Mr. Castiglia stated that his understanding from past cases was that members were expected to do that. Mr. Harris stated that they have had problems in the past with members going to inspect, and having issues with the owners.

Ms. Kitts asked if it would be advantageous to have a bus ride and have the whole board inspect some properties together. Ms. Reiter stated that the pictures in the first case were not helpful. Mr. Harris stated that he wouldn't mind driving members for an inspection. Ms. Kiefer stated that they can go on a group tour of any noticed case. The tour must be noticed, and they can not speak to each other during the tour. It must be silent. A brief discussion ensued. The general consensus was that they should rely upon City staff to continue as they have in the past.

Mr. Harris stated that he appreciated the form that showed the City's recommendations being included in their packet. It was very helpful. Ms. Kiefer stated that it is not evidence – it is staff's notes. It is all public record, so they can ask for it if they want it. Ms. Reiter stated that it is better to have it because it is a good summary. Mr. Harris stated that it is difficult to keep the dates straight, so it is helpful. Mr. Powell stated that it is incomplete as of the meeting date. It can only be complete through the date of the packets. He suggested that they be given a copy the day of the hearing. Mr. Schwartz stated that he knew what they were looking for and it would be included in their packets.

Mr. Schwartz clarified the fines for repeat violations.

Ms. Reiter asked if a motion made at the January meeting was followed through. It was regarding the Schwarz case. Ms. Kiefer stated that it was discussed at the City Commission meeting. They are waiting to see what happens with the appeal in the Circuit Court. The board gave her the authority to start foreclosure proceedings, contingent upon City Commission approval.

Mr. Schwartz stated that the next meeting would be held on March 27th.

8. Adjournment.

The meeting was adjourned at 4:42 p.m. by Chairman Richard Harris.