

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
Minutes
CEB MEETING DATE – January 24, 2008, 3:00 p.m.

1. Call To Order:

The meeting was called to order by Chairman Harris at 3:04 p.m.

2. Roll Call:

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

3. Pledge

The Pledge of Allegiance was led by Chairman Harris.

Mr. Castiglia was sworn in by City Attorney Kiefer.

Mr. Harris asked for a volunteer to serve as Vice-Chair. Mr. Daughtry nominated Mr. Weinreich, and was seconded by Ms. Reiter. Upon roll call the vote to appoint Mr. Weinreich was unanimous.

4. Approval of Minutes of Previous Meeting:

It was agreed to defer approval of the minutes until the next meeting as the final minutes were not included in the agenda packets. The correct minutes were distributed to the board.

5. Old business.

CEB Case #2007-19. Jason Thomas, 11200 4th St E. Property taken over by bank. The lot has been in compliance since October.

CEB Case #2007-12. Phillip Parker, 10106 Yacht Club Dr. Gazebo structure has been removed and homeowner has pulled a permit to build an alternate structure.

CEB Case #2005-02. Matthew Schwarz, 12305 3rd St E. Section 68-221, No use shall be allowed in any land use district unless such use is specifically delineated as a permitted use, special exception use, or accessory use in the

district regulations for such district. Staff recommendation to the Code Enforcement Board to instruct the City Attorney to begin foreclosure proceedings on this property

Ms. Kiefer stated that you cannot foreclose on homesteaded property. The status is unclear on that. The Board can take a vote and make its recommendation.

All staff members and witnesses were sworn in by Ms. Kiefer.

Mr. Ethan Loeb spoke on behalf of Matthew Schwarz. Mr. Loeb stated that he had appeared before the City Commission in November regarding the amount of the fines. It was concluded at that time that the Commission was going to wait until the appeal currently in court was concluded before making a decision regarding the fine. Mr. Loeb stated that the case will probably be concluded in the fall. He feels that it would be unfair to direct the City Attorney to foreclose on the lien when the City Commission has voted to wait to decide whether to reduce the lien. He requested that the board not ask for foreclosure and to align itself with the City Commission and wait until the court proceedings are complete.

Mr. Harris stated that they can still recommend foreclosure, but suggest that it be when the City Commission makes its decision.

Ms. Reiter asked if the fine was still accruing interest. Ms. Kiefer answered in the affirmative.

Mr. Lorenz asked Mr. Schwartz if there were additional code violations on the property. Ms. Kiefer stated that they cannot discuss that at this time as it was not on the agenda.

Mr. Harris asked for a motion to request that the City Attorney foreclose based on the City Commission's future decision.

Mr. Schwartz stated that according to City Ordinance, all they were doing was authorizing the City Attorney to make the decision. Ms. Kiefer stated that the motion was appropriate.

The motion was made by Mr. Daughtry and seconded by (). Upon roll call the vote to approve was 5-1 with Mr. Lorenz being the dissenting vote.

6. New business.

None

7. Swearing in of witnesses.

All witnesses were sworn in at the beginning of the meeting.

8. Case hearings:

CEB Case # 2007-17, Sidney/Geraldine Brodie, 11120 6th St. E. Return hearing, Section 69-71: Docks, davits, boat lifts and boats. - Failed to comply with an order of the Code Enforcement Board. Did not obtain a permit for repair of seawall by 11/19/07 as ordered by the Board.

The City's case was presented by Del Powell, Code Enforcement Officer. Mr. Powell stated that the dock has been removed, and that staff is recommending that no fine be issued.

Mr. Harris clarified that they are in compliance as of today.

It was moved and seconded to accept the City's evidence into the record. Upon roll call the vote was unanimous, with Mr. Castiglia abstaining.

Ms. Reiter had questions about the city staff's recommendation for no fine. Mr. Harris stated that they would be discussing that. He commented that their main function was to ensure compliance. He agrees with the idea of no fine as it is sometimes difficult to get contractors lined up. He suggested that they find them in compliance and close the case. Ms. Reiter asked if there was a deadline for them to replace the dock. Mr. Harris stated that they are not required to replace it.

Mr. Lorenz asked if the property was in compliance. Mr. Schwartz explained that they are currently in compliance. They have open permits. If the permit expires then they could be cited for debris. The owner has been in communication with the city and has stated that they will complete the project within the permit period.

Mr. Castiglia asked to be sworn in as a witness. Ms. Kiefer stated concern with that. Mr. Weinreich asked if Mr. Castiglia could recuse himself from the committee and present evidence. Mr. Castiglia recused himself from the case as an adjacent neighbor. Mr. Castiglia was sworn in as a witness by Ms. Kiefer. Mr. Castiglia stated that there are still wooden forms on the sea wall. Mr. Harris stated that it is still an open permit, and they have not asked for a final on the permit at this time. Mr. Schwartz stated that they have not called for a final, and they have not done an inspection. At the time of the inspection they will deny the final if all work is not complete.

Ms. Reiter asked what specific thing they were not in compliance on. Mr. Schwartz stated that they did not obtain a permit by the board's deadline. Once they pulled the permit they were in compliance. Mr. Harris stated that the main direction of this board is to obtain compliance. They are in compliance, the city recommends no fine.

Mr. Lorenz asked what the reason was that they did not pull the permit by the deadline. Mr. Schwartz stated that when they started getting bids they had difficulty getting them. The home owner was doing the due diligence, but was not getting the responses that he needed.

Mr. Weinreich asked if they were jumping the gun by making a decision on this today. Mr. Schwartz stated that today's case has nothing to do with what is going on there now. It is an open permit. Mr. Harris clarified that the only issue before the board today was that he did not get his permit by the board's deadline. Ms. Reiter asked for clarification on the permit deadlines. Mr. Harris stated that he felt the board was in error giving a deadline for a dock permit as a dock is not required.

It was moved by Mr. Weinreich and seconded by Mr. Lorenz to find them in compliance, assess no fine and close the case. Upon roll call the vote to approve was 3-2 with Mr. Daughtry and Ms. Reiter being the dissenting votes. Mr. Castiglia abstained.

CEB Case #2007-32, Floyd E. Roberts, 125 126th Ave. Section 18-37, overgrown grass and weeds, Section 68-495, Accumulation of building materials and trash on property.

The City's case was presented by Del Powell. The property is not in compliance. It would be necessary to trim the weeds and remove building materials to come into compliance. Mr. Powell requested that the board accept his photographs and documentation into evidence.

It was moved by Ms. Reiter and seconded by Mr. Lorenz to accept the evidence as presented. The motion was approved by voice vote.

Mr. Harris stated that there is nobody present to represent the owner. It was moved by Mr. Lorenz, and seconded by Ms. Reiter to continue to hear the case without the owner present. The motion was approved by voice vote.

Mr. Harris stated that based on the evidence it appears that they are in violation of the city code. He requested a motion to find them in violation, assess the \$75 administration fee and set a time for compliance. He suggested 30 days. Mr. Lorenz stated that he would like to see compliance by the end of the week. Mr. Schwartz stated that this has been going on for a while. The owner has cut some of the weeds and removed a lot of debris. They have not ignored it totally. Mr. Harris asked what City staff would consider a reasonable time frame. Mr. Powell stated that they recommended 15 days, and a low fine of \$25 per day if they do not comply. Mr. Castiglia stated that he is looking for a shorter time frame. Mr. Harris stated that there is time involved with the notice process and we should give them a reasonable amount of time. He recommends that they go with the City recommendation. It was moved by Ms. Reiter and seconded by Mr. Lorenz to find them in non-compliance, assess the \$75 administration fee, and order them to comply by February 15th. There was discussion of the process to fine them if they do not comply. Upon roll call the vote to approve was unanimous.

Mr. Harris welcomed Mr. Castiglia to the board and thanked Mr. Weinreich for volunteering to become the Vice-Chair.

Ms. Kiefer gave some direction to the board regarding what might be considered a conflict, and instructed them to bring that up at the beginning of the meeting. Ex parte communications should be disclosed.

Mr. Lorenz asked if the board can have an executive session to discuss pending legal matters. Ms. Kiefer stated that she is not aware of that being allowed for any board other than the Commission. She will respond to questions as much as possible. She gave a brief status update on the Schwarz case. She told the board that they can always contact her directly.

Mr. Castiglia asked who a member should call if they are unable to attend a meeting. Ms. Reiter explained that she and Mr. Lorenz call everyone and asked that they return the calls.

Mr. Weinreich asked if there is any latitude given for giving an informational statement without having to recuse yourself in the event that you have information. Ms. Kiefer explained that they are to remain impartial.

The next meeting will be held on February 28th at 3:00 p.m.

9. Adjournment.

There being no further business, the meeting was adjourned at 4:17 p.m.