

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD MINUTES
CEB MEETING DATE – July 23, 2009

1. Call To Order:

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

Mr. Harris read the rules and regulations of the Code Enforcement Board.

2. Roll Call:

Richard Harris (Chair)	Present
John Watters	Present
Linda Ashley	Present
Frederick Kelsey	Present
Dominique Reiter	Present
Charles Weinreich	Present
Stephen Gingrich (Alternate)	Absent

3. Pledge.

The Pledge of Allegiance was led by Chairman Richard Harris.

4. Approval of minutes.

It was moved by Mr. Weinreich and seconded by Ms. Ashley to approve the minutes of June 25th as printed. The motion was passed by unanimous voice vote.

5. Old business.

CEB Case #2009-35, 11460 4th St E. Brought into compliance on July 6, 2009. Out of compliance for 26 days. Total fine \$260.00.

Mr. Schwartz gave an update on the case. They were fined \$10 a day. They had been out of compliance for 14 days at that point. The property is now in compliance after 26 days. A bill was sent to the attorney and the owner, which has not paid yet. Mr. Schwartz asked if the City Attorney will write their attorney a letter. If not, he will file a lien. Ms. Kiefer will write them letter

Ms. Reiter asked if the home still vacant. Mr. Schwartz answered in the affirmative. Ms. Reiter asked if they will still be looking at the lots to see if they are taken care of. Mr. Schwartz said yes, and if it happens again it is a return hearing with much higher consequences.

6. New business.

Mr. Harris welcomed Mr. Kelsey to the board, and explained that Mike Daughtry has resigned due to health reasons, and Mr. Lorenz will be going to the Planning and Zoning Board.

Mr. Frederick Kelsey was sworn in by the City Attorney Maura Kiefer.

7. Swearing in of witnesses.

There were no witnesses in the audience. The staff was sworn in by Attorney Kiefer. It was moved by Ms. Reiter and seconded by Mr. Weinreich to hear the cases in absentia. The motion carried by voice vote.

8. Case hearings:

CEB Case #2009-32-A, 135 117th Ave. Dzevdat Resulovsky. Return Hearing.

Mr. Harris asked if they should hear cases A, B, and C at the same time. Ms. Kiefer stated that they are separate violations and should be heard separately. Ms. Ashley asked if she should vote as she was the person to complain. Ms. Kiefer stated that she should not. Ms. Reiter asked if Mr. Kelsey should vote because he is new and wasn't present for the prior hearing. There is a quorum. Ms. Kiefer explained that if he was not here for part of a hearing, unless he has reviewed the file then he could participate today but should not vote. Mr. Kelsey stated that he has not reviewed the file. Ms. Kiefer stated that he should not vote.

Mr. Schwartz presented the City's case. It is a return hearing. He gave a brief update on the history of the case and the actions taken. The property was re-inspected on July 22nd and it is still in non-compliance. There are vagrants coming in daily and the police have been notified. Mr. Schwartz called the realtor who told him that it is going into a short sale. They are doing something to keep it up, but it is still in non compliance.

He then showed pictures of the property. He showed a picture of a break out in the boards. They accidentally boarded a transient person inside and the person broke out instead of in.

It was moved by Ms. Reiter and seconded by Mr. Weinreich to accept the City's documents into evidence. The motion carried upon voice vote.

Mr. Harris stated that on June 25th they found this property in violation and assessed a \$75 administrative fee. They were given until June 30 to come into compliance and they have tried somewhat but they are still out of compliance. He asked if people were still showering with reclaimed water. Mr. Schwartz stated that the power and water are shut off, but it seems like the transients are one step ahead. Mr. Harris stated that he'd rather see the owners paying money to fix up the property rather than the city, but it will be an ongoing situation. Ms. Reiter suggested they hire their own guards. She is also concerned that there are people going into the property and there aren't operable smoke detectors. Mr. Harris asked if people were still living in this unit. Mr. Schwartz stated that they have no electricity, so the only way the smoke detectors would work would be by battery, and if it is boarded up nobody would hear it.

Harris stated that they are making an effort and asked as of right now, what do they need to do. Mr. Schwartz explained that it is simple maintenance; keeping up the grounds to make it look somewhat pleasant, including dealing with the trash and debris. Someone will have to come by daily or a security guard hired. Harris asked if the building is secure. Ms. Kitts stated that by the next Friday the whole building will be boarded up and they will have security come by twice a week, and the grass will be cut once a week, according to the bank. Harris recommends that they see if they do what they say will do by July 31, or assess a daily fine, which might get their attention. He wouldn't recommend anything extremely high because they have taken some steps to correct it.

Ms. Reiter clarified that they were out of compliance until July 22nd. Mr. Schwartz answered in the affirmative and stated that it was boarded up and the window was knocked out within hours after it was boarded up. Ms. Reiter stated that wait and see doesn't work and she would like to make a motion that

states that they were out of compliance for 30 days they fine them \$25 per day from July 1-22nd. Mr. Harris commented that there would be three other situations, and it appears that they have been working on them. Ms. Reiter stated that she doesn't know how long it was a mess before it came before the board and that they need to be fair but strong.

Mr. Watters asked if it was unoccupied and boarded up. Ms. Kitts answered in the affirmative. Mr. Watters asked if there was a fence and commented that nobody should have to hire security if their property is boarded and vacant. They are doing everything they can to secure the property except putting up a fence to keep it unoccupied.

Mr. Weinreich stated that the real estate taxes are being paid by someone. They have a right to the use of our city police department. He asked if there is a good reason to handle these three properties separately, as they are the same violations and same owners. Ms. Kiefer asked if they were three different violations. Mr. Schwartz explained that they are three different properties and three different violations. Ms. Kiefer explained that it would be more difficult to file liens for them if they are handled as one case. Mr. Watters stated that they could be in violation on one but not another. Ms. Reiter commented that the severity could be different.

Mr. Harris asked for a second on the motion. There was no second.

Ms. Ashley stated that they have been out of compliance for months and months. She did not register an official complaint until after code and police were already there. She doesn't want to see them go longer than they already are. Windows were exposed, people were climbing in and out the windows, there isn't an attempt to make it look nice, it is a horrible eyesore. The few times they were there they do a few things. It's not safe, it's a fire hazard, and an eye sore and she is against giving them any kind of a break.

Mr. Weinreich asked Ms. Reiter to reinstate her motion. Ms. Reiter stated that due to the severity and the fact that it is entrance to the Isle of Capri, she asked for a fine of \$25 per day for 22 days. The motion was seconded by Mr. Weinreich.

Ms. Kitts asked if the fine will continue until it is in compliance. Ms. Reiter stated that she thought that it was in compliance. Ms. Kitts stated that it is not. Ms. Ashley stated that it is not in compliance.

Ms. Kiefer swore in Ms. Ashley at this point.

Mr. Harris asked for clarification as to whether the building is secure. Ms. Kitts stated that it was secured the day that she called the bank, but they are still not in compliance.

Ms. Reiter made an amendment to the motion assessing a \$25 fine until they come into compliance. The amended motion was seconded by Mr. Weinreich. Upon roll call the vote was unanimous.

CEB Case #2009-32-B, 11605 1st St E. Dzevdat Resulovsky. Return Hearing.

Mr. Schwartz presented the case and stated that it is a return hearing. He gave an update on the action that was taken thus far. Photographs were shown documenting the non-compliance.

It was moved by Mr. Weinreich and seconded by Ms. Reiter to accept the City's documents into evidence. The motion carries upon voice vote.

Mr. Harris stated that it appears that it is the same situation. The building is secure, with lots of problems with maintenance. Ms. Reiter asked if it is occupied. Ms. Kitts stated that it is completely unoccupied. The windows are not boarded or broken. Ms. Kitts explained that all new locks have been installed. Ms. Reiter asked if there were glass windows at ground level that could be broken out. Ms.

Kitts answered in the affirmative. Mr. Harris stated that it might not stay unbroken for long, but it is still secure at this time.

Mr. Watters asked if the bank was in control. Mr. Schwartz explained that it is a short sale, they are working with the bank, and they supposedly have a buyer.

Ms. Reiter moved to find them not in compliance since July 1, and fine \$25 per day until they come into compliance. The motion was seconded by Mr. Watters. The motion carried upon voice vote.

CEB Case #2009-32-C, 134 116th Ave. Dzevdat Resulovsky. Return Hearing.

Mr. Schwartz presented the City's case. He explained that this is a return hearing. He gave a brief update on the action that has been taken thus far. Most of the trash and debris are gone. The tenants have water and electricity that they have taken care of on their own. There are still no smoke detectors or working fire extinguishers. Pictures were presented.

Mr. Schwartz explained that the owner is technically still the owner, but they have walked away. It is up to the bank. They are making an attempt, but have not brought the property into compliance.

Mr. Harris stated that it appears that the violation is no smoke detectors and asked what other violations there were. Ms. Kitts stated that it was the tall grass and debris such as the washing machine. Mr. Harris stated that it is basically the same problems as the other two. Ms. Kitts explained that no one doing maintenance except for one of the renters.

Ms. Reiter asked where the rent is going. Mr. Schwartz stated that they not sure. Ms. Reiter asked about the transient tax. Ms. Kitts explained that because it was an apartment they didn't have to pay it.

Ms. Reiter stated that because this is occupied she feels that this is much more severe. She is concerned about the fire safety because people are living there. She moved that they find them out of compliance since July 1st and fine them \$50 per day from July 1st until they come into compliance. The motion was seconded by Mr. Weinreich. The motion carries upon voice vote.

CEB Case #2009-33, 11135 3rd St E. Samet & Nebie Resulovsky. Section 69-71, Dilapidated dock and Section 69-51, Working without dock permits.

Ms. Kitts presented the City's case. She gave an update on what action has been taken. Notices have been sent by regular and certified mail. Certified mail was returned not accepted. She read an excerpt from the code stating that the violation was due to not getting permits. Her last contact with the owner was on July 20th. The property is still in non-compliance. In order to come into compliance he needs to secure a licensed dock contractor and the appropriate permits. Now he will have to get an "after the fact" permit and get rid of the debris from the old dock.

It was moved by Ms. Ashley and seconded by Mr. Weinreich to accept the City's documents into evidence. The motion carried upon voice vote.

Ms. Ashley asked the City Attorney what it means when the certified mail is returned unclaimed. Ms. Kiefer stated that it means that we make an effort for official notification and there is no prejudice to the respondent. Ms. Ashley asked if it mean that they're refusing. Ms. Kiefer explained that if no one signs for it, it says refused, or unclaimed. Mr. Watters explained that after 10 days it is sent back. Ms. Ashley asked what the legal implications are if it is returned. Ms. Kiefer stated that there are none because the attempt was made, and there are other ways to notify.

Ms. Reiter asked if the property is occupied. Ms. Kitts stated that it is vacant but the dock is being used. Mr. Schwartz explained that it is for sale but he hasn't walked away from it.

Mr. Harris suggested that they assess a \$75 administrative fee, give them a deadline, and require them to get the appropriate permits. He recommended giving them until August 27th. Ms. Reiter said she is close to doing that but said that she would like to give them until August 20th. Mr. Schwartz stated that if that is done it will not be brought back to the board until September.

Ms. Reiter made a motion to assess the \$75 administrative fee and require them to be in compliance by July 20th. The motion was seconded by Mr. Watters. The motion carried by voice vote.

CEB Case #2009-39, John's Pass Marina, Inc. 12795 Kingfish Dr. Section 18-37, Unhealthful Accumulations Declared Nuisance, and Section 69-71(b), Dilapidated docks.

Mr. Schwartz presented the City's case. He gave a brief update on the enforcement activity to date. The property was inspected and notices of violations were mailed by regular and certified mail. The dock has been corrected and is no longer in violation. They have fixed the docks and cleaned up some of the debris. They started cleaning it up seven days ago and they have asked for an additional fourteen days. The property is very large and is going through a major renovation as they have plans for the property. Mr. Schwartz then showed the pictures.

Upon voice vote the City's documents were moved into evidence.

Mr. Harris stated that the owner is trying to make an effort, and suggested that they adjudicate them, assess a \$75 administration fee, and give them until August 13th to comply. It was moved by Mr. Weinreich and seconded by Mr. Watters to proceed as suggested by Mr. Harris. The motion carried by voice vote.

Ms. Reiter stated that she would like to thank Jim Lorenz and Mike Daughtry for their time on the board.

Mr. Harris asked if there is any way to use an aerial photograph in the next presentation on the John's Pass property since it is so large. Ms. Kitts said that it is a great idea. Mr. Schwartz stated that he believes that it can be worked out.

Ms. Reiter stated that she has to start making some of her holiday plans. Mr. Harris stated that last year they did not have meetings in November or December, and suggested that she not cancel her plans. He was sure they could get a quorum. Ms. Reiter asked if they could vote now to not have meetings in those months. Ms. Kiefer stated that they could vote to do that now if they chose to.

It was moved by Ms. Reiter to not have meetings in the months of November and December. The motion was seconded by Mr. Watters. The motion carries by voice vote.

The next meeting is August 27th.

9. Adjournment.

It was moved by Mr. Weinreich and seconded by Mr. Watters to adjourn the meeting at 4:04 p.m. The motion carried by voice vote.