

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT
CODE ENFORCEMENT BOARD
MINUTES
MAY 26, 2011

1. Call To Order:

Called to order by Vice Chair Charles Weinreich at 3:03. Mr. Weinreich read the introduction for the Code Enforcement Board.

2. Roll Call:

Richard Harris (Chair)	Absent
Charles Weinreich	Present
Frederick Kelsey	Present
Linda Ashley	Present
James R. Ellis	Present
Dominique Reiter	Present

3. Pledge.

The Pledge of Allegiance was led by Vice-Chair Charles Weinreich

4. Approval of minutes.

It was moved by Ms. Reiter and seconded by Mr. Kelsey to accept the minutes of April 2011 minutes as printed. Upon voice vote the vote to approve was unanimously.

5. Old Business:

No old business.

6. New Business:

Code Enforcement Officer Del Powell stated there were two items under new business. Mr. Powell said Jeff Jensen, Public Information Officer stated he is getting calls from citizens who say they are unable to hear the board. Please be sure to speak into the microphone.

Both Mr. Powell and Building Official, Neal Schwartz will not be available on June 23, 2011. There will not be a meeting on that date and the next meeting will be on July 28, 2011. City Attorney Maura Kiefer asked for a consensus to move the meeting. All members were in favor.

7. Swearing of witnesses.

There were no witnesses in the audience. City Attorney Maura Kiefer swore in Del Powell, Code Officer.

8. Case Hearings:

275 104th Ave, Treasure Island, FL 33706

Mr. Powell made his presentation to the board. The property was inspected on April 25, 2011 and found to be noncompliant due to overgrown grass and weeds. The property was previously adjudicated by the board to be in violations of sections 18-37 and 68-45 as a first time offender on September 23, 2010 (Case No. 2010-38). A Repeat Offense Notice of Violation was posted and mailed to the registered agent. A Repeat Office Notice Hearing was also mailed for today's date. Certified mail receipt was returned. The code sections violated are

18-37, unhealthful accumulations and 68-45, minimum property maintenance standards. To come into compliance it is necessary to cut and trim the grass and weeds on their lot and the adjacent city right-of-way. The respondent has not contacted the city. The last inspection was the morning of May 26, 2011. The property is noncompliant.

Mr. Powell shared the pictures with the board. The city recommends a repeat offender fine of \$250/day and requests that it starts on April 25, 2011. Mr. Weinreich asked if the property was covered by a chain link fence and Mr. Powell answered in the affirmative. Mr. Weinreich also asked if there was a pool. Mr. Powell said there was not a pool. There is a dock there, but it doesn't have any electric or plumbing. The debris that was present was picked up by a neighbor.

Mr. Kelsey asked if the property was in foreclosure or if a bank has taken ownership. Mr. Powell said he has not received any notification of that. An LLC in Seminole owns it. The city has gotten results from them in the past.

Mr. Ellis asked about the "For Sale" sign that was in the picture evidence. Mr. Powell said those signs were for another property, not the one in question. Mr. Ellis said it has been for sale but not currently now, and Mr. Powell answered in the affirmative.

Ms. Reiter asked if the property was in compliance from September 23, 2010 to April 25, 2011. Mr. Powell said they were out of compliance for a number of days but did come into compliance and the next time he noticed they were not in compliance was on April 25, 2011.

Mr. Powell submitted the evidence. It was moved to accept the evidence by Ms. Ashley and seconded by Mr. Ellis. Upon voice vote the vote to approve was unanimously.

Ms. Reiter said she first thought the fine of \$250/day may be a bit high, but realized the owners are local people and the city is not dealing with a bank. She agrees with the staff's recommendation.

The motion was made to accept the staff's recommendation of \$250/day starting on April 25, 2011 by Ms. Reiter and seconded by Ms. Ashley. Upon voice vote the vote to approve was unanimously.

Mr. Ellis asked if the amount was to start on the date the city sent the notice or on the date the owner's received the notice. Ms. Kiefer said out of fairness the fine should start on the date they received the notice, which is April 27, 2011.

Ms. Reiter amended her motion so to start the fine on April 27, 2011. It was seconded by Mr. Ellis. Upon voice vote the vote to approve was unanimously.

Mr. Ellis pointed out that the local owner is Treasure Bay Investors, LLC. On the state records it shows as an inactive LLC. Mr. Powell said it was registered as inactive, but they did sign for the certified return receipt. Mr. Ellis said they may be ignoring the state registration requirement as an LLC. Mr. Powell said he is not sure what the situation is. Mr. Powell asked Ms. Kiefer if it affects the case if they are listed as inactive. Ms. Kiefer asked who owns the property. Mr. Powell said it was still listed to Treasure Bay Investors, LLC. Ms. Kiefer asked if checked to see if any proceedings were initiated by a bank. Mr. Powell said there was nothing on record in the courthouse. Ms. Kiefer suggested he research to see who owns the mortgage on the property and also notice them and conduct a proceeding against them as well. Under the code the city can also notice anyone who has equitable interest in the property. Mr. Powell said he has not been able to ascertain anyone else. Ms. Kiefer said he has to go to the register of deeds and do a title search. Mr. Powell said he will find out and send the notice to the mortgagee as well.

9. Adjournment.

The motion to adjourn the meeting at 3:17 p.m. was made by Ms. Reiter and seconded by Ms. Ashley. Upon voice vote the vote to approve was unanimously.

