

CITY OF TREASURE ISLAND, FLORIDA
LOCAL GOVERNMENT

CODE ENFORCEMENT BOARD MINUTES

CEB MEETING DATE – July 28, 2011

1. Call To Order:

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

2. Roll Call:

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

3. Pledge. (Led by Chair Harris)

4. Approval of minutes.

It was moved by Ms. Reiter and seconded by Mr. Weinreich to approve the minutes of May 26, 2011 as printed. The motion carried upon voice vote.

Mr. Harris thanked Linda Ashley for her time on the board. She served for several years and has resigned.

5. Old Business:

CEB 2011-11, 275 104th Ave, vacant lot. Request from staff to void the Board's order of May 26, 2011.

Mr. Powell stated that this case was presented to the board in May. They were found to be non-compliant and a fine was issued. He stated that several things have come up since that date that makes him uncomfortable with assessing a heavy fine or taking further enforcement action.

Ms. Kiefer asked for a copy of the board's order. Mr. Harris asked if they were in compliance today. Mr. Powell stated that they were out of compliance for 62 days. The bank went in and cleaned up the lots before they took title to them.

Ms. Kiefer stated that the first thing they need to decide is whether this board has jurisdiction. She read a brief history of the case. She asked when the property was brought into compliance. Mr. Powell stated that it was 62 days. Ms. Kiefer asked who has title to the property today. Mr. Powell stated that it is Cornerstone Bank. At the time of the hearing Treasure Bay Investors still had title. Ms. Kiefer confirmed that we were basing ownership on the county's tax records. She

then asked what date the bank took ownership. She read an excerpt from the history and stated that she wasn't convinced that the bank has title yet. The sale is supposed to be held on August 8th. The LLC still owns the property, but it has been dissolved. The bank has brought the property into compliance. She verified that a lien has not been recorded on the property, and stated that she isn't sure that a lien can be recorded once the property changes ownership. The fine that was assessed is against a company that no longer exists. She questions how the lien could be enforced. Mr. Powell stated that he has recently found that there are two separately deeded lots, but the bank only has a mortgage on one of them. The bank cleared both lots. Both lots are still owned by the LLC. Ms. Kiefer asked if the violation occurred on both lots. Mr. Powell answered in the affirmative. Ms. Kiefer asked if the property address was correct. Mr. Powell stated that the address was the one that has the building. He was not aware at the time that it was, in fact, two lots. Ms. Kiefer stated that she needs to research to see who has the authority to forgive fines. It may need to come before the City Commission.

Mr. Ellis asked if there was recourse against the LLC. Ms. Kiefer stated that it would be up to the City Commission to decide if they want to pay someone to do that. What they have is an outstanding fine, and she believes that it is up to the City Commission to void it.

Mr. Weinreich asked if the lien was recorded, would it be the senior lien. Ms. Kiefer stated that it would not be.

Ms. Reiter clarified that the bank was only taking one of the two lots, and that there could be an issue in the future. Mr. Powell answered in the affirmative, and stated that it was in compliance now, but it could come up again.

Mr. Powell stated that it is a complicated case and he is uncomfortable with pursuing this further.

Mr. Weinreich asked if the LLC was dissolved or inactive. Mr. Powell stated that it was dissolved.

Ms. Kiefer read an excerpt from the city code of ordinances. It allows for this if requested within 60 days. She stated that it is a board decision, but she personally feels that the circumstances warrant it. We could have named the bank, but we did not do so. We have an ordinance on the books that allows us to do that. She feels that it would be appropriate. Their goal is to get compliance. If it happens again she would not show any lenience. Mr. Powell stated that Ms. Kiefer's point was very good. He did not notice the bank.

It was moved by Mr. Weinreich and seconded by Mr. Ellis to void the fine due to the complexity. The motion carried upon voice vote.

6. New Business:

7. Swearing of witnesses.

All witnesses were sworn in by Ms. Kiefer.

8. Case Hearings:

CEB 2011-03, RJM Communities, 345 Capri Blvd. Section 68-495, Return Hearing.

The city's case was presented by Code Enforcement Officer Del Powell. This is a construction site. The case was presented to the board at the April 28th meeting. The owner was ordered to come into compliance by May 18th. At that time there was a dispute over the ownership of the property. The property was brought into compliance on June 10th, after being out of compliance for 23 days. The property has been awarded to Dr. Goldberg, who had to agree to take responsibility for the property. Staff is requesting that RJM Communities be adjudicated in violation, but no fine be assessed. Mr. Powell entered the board's order of April 28th, 2011, and

an e-mail from Mr. Kriseman, who is the attorney in the case. It was moved by Ms. Reiter and seconded by Mr. Weinreich to enter the documents as evidence. The motion carried upon voice vote.

Mr. Harris stated that if they assess a fine RJM Communities will not pay it.

Dr. Goldberg gave the history of this property. He lent money in October, 2005 to purchase this property. The owner agreed to pay all expenses. Within a year Dr. Goldberg had to pay the property taxes and utility bills. The owner walked away from it, and also stopped paying the rehab costs. Dr. Goldberg stated that he had to take that over, at a cost of about \$125,000. Last year the owner came back asking to form a partnership. He then asked for one of the units. Since that time the owner has not been on the property. Dr. Goldberg stated that after that he was not allowed on the property. He refused to enter into any other agreements, and refused to become a partner. He retained an attorney. Since that time the former owner has not been on the property. He has secured the property and put up a fence. As of a couple of weeks ago he now owns the property. He understands that there were liens against RJM. It was a horrible situation.

Mr. Harris thanked Dr. Goldberg for clearing up the situation. He appreciates that they brought the property into compliance. He asked if they will complete construction. Mr. Goldberg stated that they have already gone through the Building Department and they are in the permitting process now.

Mr. Harris recommended that they adjudicate RJM Communities in violation and assess no fine. It was moved by Ms. Reiter and seconded by Mr. Weinreich to do so. The motion carried upon voice vote.

CEB 2011-18, Mara Kyle / Gregory Kyle, 11455 1st St E. Sections 18-37 & 68-495, overgrown grass/weeds, trash and debris, broken windows.

The city's case was presented by Code Enforcement Officer Del Powell. Mr. Powell gave a brief update of the enforcement activities to date. He then presented several photographs of the property. He has had no contact with the owner. The last inspection was on July 26th, when he found that the property was still in non-compliance. Staff feels that ten days is sufficient to bring the property into compliance. He gave a list of the documents that he asked be entered into evidence.

It was moved by Ms. Reiter and seconded by Ms. Weinreich to accept the exhibits into evidence. The motion carried upon voice vote.

Mr. Powell explained that there are three units, one of which is occupied by a woman and her daughter. She attempted to clear up some of the grass and weeds. He doesn't believe that the owner will bring the property into compliance.

Ms. Reiter asked if there was a mortgage. Mr. Powell answered in the affirmative. She stated that we should notify the bank.

Mr. Ellis stated that they will not bring the property into compliance unless we force them to.

Mr. Harris suggested that we adjudicate them as non-compliant and give them two weeks to bring the property into compliance. Mr. Ellis stated that he feels that one week is sufficient. Mr. Harris stated that the next meeting is August 25th. That will give Mr. Powell plenty of time to give sufficient notice. Ms. Reiter suggested that they give them until August 8th. Mr. Powell stated that he needed ten days prior to the August 25th meeting in order to get out property notification.

It was moved by Ms. Reiter and seconded by Mr. Ellis to adjudicate them as non-compliant and give them until August 8, 2011 to bring the property into compliance. The motion carried upon voice vote.

Mr. Harris stated that the next meeting will be held on August 25th.

Ms. Reiter stated that they were originally a seven member board, which required a quorum of four members. There have been two resignations, leaving five members on the board. She asked if the quorum is still four, or would it now be three. Ms. Kiefer stated that she is not finding it in her code book, so she will get back to them regarding the quorum size. If there is no ordinance they could pass a rule changing the number for a quorum. She will research this before the next meeting.

Mr. Harris thanked the members in attendance for their service.

9. Adjournment.

The meeting was adjourned at 3:45 p.m.