

**ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
April 21, 2009**

The City of Bradenton Code Enforcement Board met in regular session on April 21, 2009 at 2:30 P.M. in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida.

ATTENDANCE

Code Enforcement Board Members (shaded area indicates excused absence):

Chairperson Jeff Ragan	Vice Chairperson Robert Grant	Gerald Fisher	Richard Coury	Al Youmans
Glyn Oldham	Larry Denyes			

Planning & Community Development	Code Enforcement	Fire	Police	Other
Ruth Seewer, Review Mgr.	Volker Reiss, Compliance Manager Cheryl Landers, Barbara Hogan, Mark Runnals F.A.C.E. Certified Code Officers			Attorney Bill Lisch

PRELIMINARIES

- 1) Meeting called to order by Chairperson Ragan at 2:35 p.m.
- 2) Member Coury made the motion to accept the minutes from March 17, 2009 as presented by staff. Seconded by Member Fisher. Motion carried 7-0.

- 3) The following persons were sworn in by Laura Anderson: Volker Reiss, Cheryl Landers, Barbara Hogan, Ruth Seewer and Scott Clark.

UNFINISHED BUSINESS:

None at this time.

HEARINGS:

**09-020 Wells Fargo Bank, N.A. as Trustee for
ABFC Asset-Backed Certificates, Series 2006-OPT
1/Corporation Services, R.A.
Address: 918 17th Street West/DP#4381700006/Ward 3
Violation: Chapter 18, Section 18-31 from the City Code of
Ordinances.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on January 28, 2009. At that time staff found a room addition built without permits. The Letter of Violation was received by the property owner on February 2, 2009. A re-inspection was done on March 11, 2009 and a permit had not been issued for the room addition. The Notice of Hearing was received by the property owner on March 16, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 30 days for code compliance with a fine of \$75.00 per day until full compliance is reached.

Actions

Member Coury made the motion to find case #09-020 in violation of Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Fisher. Motion carried 7-0.

Member Coury made the motion on case #09-020, giving the property owner 30 days for code compliance with a fine of \$200.00 per day until full compliance is reached. Motion seconded by Member Fisher. Member Coury amended the motion to \$150.00 per day until full compliance is reached. Member Fisher seconded the amended motion. Amended motion carried 7-0.

**09-021 Peter Reed
Address: 1339 13th Street West/DP#4429100003/Ward 3
Violation: Sections 304.6, 307.1, 302.4 and Section 1, subsection A,
parts 2 & 3 from Ordinance #2821.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on October 15, 2008. At that time staff found the exterior of the structure contains chipped and peeling paint, rotted siding, yard overgrown, trash and debris on the property and no water connection. The Letter of Violation was sent to the property owner and was returned unclaimed, which was then posted on the property and City Hall on January 28, 2009 and sent via first class mail. A re-inspection was done on March 4, 2009 and the water connection has been restored, with all other violations remaining. The Notice of Hearing was received by the property owner on March 17, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 30 days for code compliance with a fine of \$100.00 per day until full compliance is reached.

Actions

Member Coury made the motion to find case #09-021 in violation of Sections 304.6, 307.1, 302.4 and Section 1, subsection A, parts 2 & 3 from Ordinance #2821. Seconded by Member Grant. Motion carried 7-0.

Member Coury made the motion on case #09-021, giving the property owner 30 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Grant. Motion carried 7-0.

09-023 Bradenton Lodging, LLC/Corporation Services, R.A.
Address: 5501 Cortez Rd West/DP#5165840109/Ward 2
Violation: Section 301.3 from Ordinance #2821.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated the property was inspected on January 15, 2009. At that time staff found abandoned items on the vacant lot. The Letter of Violation was sent to the property owner and was received by them on February 9, 2009. Officer Hogan stated that she has spoken to the property owner concerning the violation and they had removed some of the items. A re-inspection was done on February 24, 2009 and the abandoned items remained. The Notice of Hearing was received by the property owner on March 18, 2009. Officer Hogan explained the violation through the photographs displayed. Staff recommends 10 days for code compliance with a fine of \$75.00 per day until full compliance is reached.

Actions

Member Coury made the motion to find case #09-023 in violation of Section 301.3 from Ordinance #2821. Seconded by Member Youmans. Motion carried 6-1 with Member Grant in opposition.

Member Coury made the motion on case #09-023, giving the property owner 30 days for code compliance with a fine of \$50.00 per day until full compliance is reached. Seconded by Member Youmans. Motion carried 6-1 with Member Grant in opposition.

09-024 **Federal National Mortgage Association**
 c/o Chase Home Finance LLC,
 CT Corporation System, R.A.
Address: 2006 12th Street West/DP#4473700005/Ward 3
Violation: Sections 304.15, 304.2, 605.1, 307.1, 302.4, 301.3, 304.7,
304.13, 302.7, 504.1, 305.3, 704.1 and 304.13.2 from
Ordinance #2821.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on February 11, 2009. At that time staff found substandard exterior doors, screen doors in disrepair, exterior chipped and peeling paint, rotted siding, exterior mold and mildew, exterior light fixtures in disrepair, abandoned items on the property, yard overgrown, water supply disconnected, unsecured structure, rear gutters contain vegetation, boarded and broken windows, non-conforming fence, bathroom fixtures in disrepair, unsanitary interior, missing smoke detectors and windows in disrepair. A Letter of Violation was received by the property owner on February 20, 2009. A re-inspection was done on March 24, 2009 and all the violations remained except the property has been mowed. The Notice of Hearing was received by the property owner on March 27, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 30 days for code compliance with a fine of \$250.00 per day until full compliance is reached.

Actions

Member Grant made the motion on case #09-024 in violation of Sections 304.15, 304.2, 605.1, 307.1, 301.3, 304.7, 304.13, 302.7, 504.1, 305.3, 704.1 and 304.13.2 from Ordinance #2821. Seconded by Member Fisher. Motion carried 7-0.

Member Grant made the motion on case #09-024, giving the property owner 10 days for Section 301.3 from Ordinance #2821 to secure the building with a fine of \$250.00 per day until full compliance is reached, and 60 days for all other sections with a fine of \$250.00. Seconded by Member Fisher. Motion carried 7-0.

VI. OTHER BUSINESS:

07-044 Lagoinvest Florida Partnership
Address: 1401 Village Green Pkwy

07-066 Lagoinvest Florida Partnership
Address: 1401 Village Green Pkwy

Volker Reiss, Compliance Manager stated that the two Lagoinvest Florida Partnership cases could be heard together. Chairman Ragan stated for the record that case #07-044 and case #07-066 would be presented together. Mr. Reiss stated that the lien amount for case #07-044 is \$3,935.50, and case #07-066 is \$26,135.50. Mr. Reiss further explained the specifics of the cases and stated that the property is in code compliance.

Member Oldham asked to recuse himself from these cases, because he sits on the Village Green Home Owners Association Board.

Mr. Scott Clark, a representative for the corporation approached the Board. Mr. Clark had supplied staff and the Board with documents detailing the events.

Mr. Clark stated that he wanted to demolish the structure, the time frame for permits and following the procedures of FPL took much longer than anticipated. Mr. Clark went on to say that at no point did they ignore the city or the residents of Village Green and would like a reduction of fines.

Mr. Clark called Mr. David Brittain from the Home Owners Association as his witness, who was sworn in.

Mr. Brittain approached the Board, he stated that he is the vice-president of the Village Green Home Owners Association, serving under the president, Mr. Glyn Oldham and is the government liaison. Mr. Brittain stated that he was out of the country often which may have caused some of these problems. Mr. Brittain went on to say that he and Mr. Clark meet monthly on the property to review its condition.

Actions

Member Grant made the motion to reduce the fine on case#07-044 from \$3,935.50 to \$393.50. Seconded by Member Fisher. Motion carried 5-1 with Chairman Ragan in opposition and Mr. Oldham abstained from voting.

Member Grant made the motion to reduce the fine of case#07-066 from \$26,135.50 to \$2,613.50. Seconded by Member Denyes. Motion carried 5-1 with Chairman Ragan in opposition and Mr. Oldham abstained from voting.

VII. STAFF/BOARD COMMENTS

Volker Reiss, Compliance Manager welcomed Mr. Larry Denyes as a new Code Enforcement Board Member.

Mr. Reiss announced Chairman Ragan's voluntary retirement as a Code Enforcement Board Member, and concluded with many thankful and appreciative words to Chairman Ragan, and many kind words were offered from all code board members. Vice-Chairman Grant spoke very highly of Chairman Ragan's character.

VII. ADJOURMENT:

Meeting adjourned at 4:17 p.m.

Next scheduled meeting –May 19, 2009.

**Jeff Ragan, Chairperson
Code Enforcement Board**

Note: This is not a verbatim record. A recorded disc is available upon request for a \$10.00 service charge.