

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
October 20, 2009

The City of Bradenton Code Enforcement Board met in regular session on October 20, 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):

Chairman Robert Grant	Vice- Chairman Richard Coury	Gerald Fisher	Al Youmans	Glyn Oldham
Larry Denyes				

Planning & Community Development	Code Enforcement	Fire	Police	Other
	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 Chairman Grant at 2:34 p.m.
- 2) Member Oldham made the motion to accept the minutes from September 15, 2009 as presented by staff. Seconded by Member Fisher. Motion carried 6-0.
- 3) The following persons were sworn in by Laura Anderson: Volker Reiss, Cheryl Landers, Mark Runnals, Barbara Hogan, Maryann Boehm, Alphonso White, Robert Welch and Ralph Delay.

UNFINISHED BUSINESS:

None at this time.

HEARINGS:

09-055 Ryan Newberry
Address: 1108 2nd Street West/DP#4298300007/Ward 5
Violation: Sections 108.1.1, 304.2, 304.4, 304.7, 304.15, 304.10, 304.13, 605.1, 309.1, 308.1 and 302.7 from Ordinance #2906.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on April 22, 2009 it is a vacant structure. At that time staff found the exterior contains chipped and peeling paint, loose siding, the foundation in disrepair, sagging and torque roof, substandard exterior doors, wooden threshold rotted, termite damage, substandard back stairs, broken windows, substandard window and door frames, exterior light fixtures in disrepair, abandoned items stored on the property, wood and chain link fence in disrepair. The Notice of Violation was received by the property on May 26, 2009. A re-inspection was done on August 25, 2009 and all violations remained. Officer Landers stated that she has spoken to the property owner on several occasions, but nothing has been repaired on the property. The Notice of Hearing was received by the property owner on September 2, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

After further discussion by staff and the board members a motion was made in the case.

Actions

Member Coury made the motion to find case #09-055 in violation of Sections 108.1.1, 304.2, 304.4, 304.7, 304.15, 304.10, 304.13, 605.1, 309.1, 308.1 and 302.7 from Ordinance #2906. Seconded by Member Oldham. Motion carried 6-0.

Member Coury made the motion on case #09-055, giving the property owner 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 6-0.

09-056 Sean Fenton
Address: 931 16th Street West/DP#4380100000/Ward 3
Violation: Sections 304.3 and 504.1 Ordinance #2906 and Section 1, subsection B, part 3 from Ordinance #2821.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on March 26, 2009. At that time staff found the structure does not display a visible address, boarded windows and the plumbing in disrepair. The Notice of Violation was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on July 22, 2009 and sent via first class mail. Officer Landers stated that Mr. Fenton has been in Iraq for over a year and has been in contact with staff. A re-inspection was done on August 25, 2009 and an address has been placed on the property but the boarded windows and plumbing remain in violation. The Notice of Hearing was posted on the property and City Hall on September 15, 2009 and sent via first class mail. Officer Landers explained the violations through the photographs displayed. Staff recommends 90 days for code compliance with a fine of \$100.00 per day until full compliance is reached.

Actions

Member Coury made the motion on case #09-056 in violation of Sections 504.1 from Ordinance #2906 and Section 1, subsection B, part 3 from Ordinance #2821. Seconded by Member Fisher. Motion carried 6-0.

Member Coury made the motion on case #09-056, giving the property owner 90 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Fisher. Motion carried 6-0.

09-057 John C. Manson, as Trustee
Address: 812 26th Street East/DP#1351420359/Ward 5
Violation: Sections 304.2, 304.13, 605.1, 308.1, 302.7, 304.1, 304.3, 604.3
and 305.3 from Ordinance #2906 and Section 1, subsection B,
part 3 from Ordinance #2821 and Chapter 18, Section 18-31
from the City Code of Ordinances.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on June 8, 2009. At that time staff found the exterior of the structure contains chipped and peeling paint, mold and mildew, broken and/or missing windows, exterior light fixtures missing protective globes, trash and debris on the property, fence in disrepair, exterior rotted siding, areas of missing stucco, no visible address on structure, boarded windows, interior demolition work done without permits, substandard electrical system, and damaged interior walls and floors. The Notice of Violation was received by the property owner on June 26, 2009. A re-inspection was done on August 27, 2009; the address has been placed on the structure, but all other violations remained. The Notice of Hearing was received by the property owner on September 16, 2009. Officer Runnals explained the violations through the photographs displayed. Staff recommends 10 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Officer Runnals read

into evidence a letter from Mr. Manson which entailed some history of the property. Mr. Manson added that he is not physically able to attend and would appreciate any suggestions from the Code Board Members and City staff.

Chairman Grant stated he has to abstain from voting; at which time Vice-Chairman Coury temporarily chaired the meeting for this case.

Actions

Member Oldham made the motion on case #09-057 in violation of Sections 304.2, 304.13, 605.1, 308.1, 302.7, 304.1, 604.3 and 305.3 from Ordinance #2906 and Section 1, subsection B, part 3 from Ordinance #2821, and Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Fisher. Motion carried 5-0 with Chairman Grant abstaining.

Member Oldham made the motion on case #09-057, giving the property owner 60 days for code compliance with a fine of \$200.00 per day until full compliance is reached. Seconded by Member Fisher. Motion carried 5-0 with Chairman Grant abstaining.

Member Fisher left the meeting at 4:30 p.m.

09-058 ABC Investments Inc./Ali Asad, R.A.
Address: 2810 25th Street West/DP#4349300006/Ward 3
Violation: Sections 304.14, 302.7, 605.1, 305.3, 304.13, 704.1 from
Ordinance #2906 and Schedule 502.B.7, 301.D.1 and 301.D.5
from Ordinance #2627.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated that the property was inspected on March 5, 2009. At that time staff found missing and torn screens, overhang extensions have loose and missing shingles, corroded gutters, lintel on staircase is cracked, cracked stucco, wood and chain link fences in disrepair, dumpster not enclosed, substandard parking lot, no handicap parking spaces, substandard landscaping, overgrown property, damaged kitchen cabinets, substandard interior ceilings, substandard interior floors, substandard electrical, no bathroom ventilation, holes in the walls, interior mold found, broken windows, substandard exterior doors, substandard plumbing, inoperable smoke detectors, exterior light fixture missing a cover and exterior stained walls. The Notice of Violation was received by the property owner on March 25, 2009. A re-inspection was done on September 10, 2009 and all violations remained. The Notice of Hearing was received by the property owner on September 16, 2009. Officer Hogan explained the violations through the photographs displayed. Staff inspected the property on October 12, 2009, but was not able to do an interior inspection. Staff recommends 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Attorney Maryann Boehm approached the Board as a representative of the property owner for cases 09-058 and 09-059. Ms. Boehm stated that the property was purchased in poor condition; the new owner has been working to improve the properties. Ms. Boehm submitted into evidence; a spread sheet of the individual apartments of the two buildings which indicated the violations and needed repairs.

Ms. Boehm on behalf of her client requested 6 months to bring the individual apartments into code compliance. Ms. Boehm added that the property owner is diligently working on the property.

Member Coury asked when the property was purchased, Ms. Boehm stated the property was purchased in 2004, but the property owner was cited in March of 2009. Ms. Boehm stated that the apartment complex is a constant work in progress to keep the property maintained.

Actions

Member Coury made the motion to find case #09-058 in violation of Sections 304.14, 302.7, 605.1, 305.3, 304.13 and 704.1 from Ordinance #2906 and Schedule 502.B.7, 301.D.1 and 301.D.5 from Ordinance #2627. Seconded by Member Oldham. Motion carried 6-0.

Member Coury made the motion on case #09-058, giving the property owner 90 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 6-0.

09-059 ABC Investments Inc./Ali Asad, R.A.
Address: 2809 26th Street West/DP#4958400006/Ward 3
Violation: Sections 304.14, 304.13, 305.6, 305.3, 504.1, 704.1 from
Ordinance #2906 and Schedule 502.B.7 and 301.D.5 from
Ordinance #2627.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated that the property was inspected on March 5, 2009. At that time staff found missing and torn screens, overhang extensions have loose and missing shingles, rotted fascia, concrete window sills are damaged, gap in outside walls, dumpster not enclosed, substandard parking lot, no handicapped parking spaces, overgrown property, unsanitary interior surfaces, front door missing hardware, inoperable windows, damaged kitchen cabinets, light fixtures in disrepair, shower tiles are cracked and missing, holes in bathroom walls, loose floor tiles, interior closet doors in disrepair, substandard bathroom sink and bathtub, smoke detector in disrepair, missing electrical switch cover, toilet loose from floor, toilet water runs continuously, broken windows, substandard landscaping, and bathroom faucets leak. The Notice of Violation was received by the property owner on March 25, 2009. A re-inspection was done on

September 10, 2009 and all violations remained. The Notice of Hearing was received by the property owner on September 16, 2009. Officer Hogan explained the violations through the photographs displayed. Staff inspected the property on October 12, 2009 and explained the violations remaining. Staff recommends 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Ms. Boehm approached the Board; she stated the dumpster is a concern and the owner will be addressing that issue and all the window screens will be replaced.

Actions

Member Coury made the motion to find case #09-059 in violation of Sections 304.14, 304.13, 305.6, 704.1 and 305.3 from Ordinance #2906 and Schedule 502.B.7 from Ordinance #2627. Seconded by Member Oldham. Motion carried 6-0.

Member Coury made the motion on case #09-059, giving the property owner 90 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 6-0.

OTHER BUSINESS:

09-044 Eric E. Julien
Address: 2009 6th Avenue West/DP#3404300000

Volker Reiss, Compliance Manager stated that the property owner submitted the required paper work for an extension of time for code compliance. Mr. Reiss gave a summary of the case to date.

Mr. Reiss read into evidence the request from Mr. Julien for an extension of time.

Actions

Member Coury made the motion to extend the property owner 30 days for code compliance. Seconded by Member Youmans. Motion carried 6-0.

09-039 Alphonso White
Address: 609 10th Avenue East/DP#4589100059

Volker Reiss, Compliance Manager stated that the property owner submitted the required paper work for an extension of time for code compliance. Mr. Reiss gave a summary of the case to date.

Mr. Alphonso White approached the board; he stated that he needs more time for code compliance, stating his work schedule and physical ailments have slowed him down. He stated he has removed the unregistered vehicle and will be getting help from a relative to clean the property.

Chairman Grant asked if staff is in opposition to an extension. Mr. Reiss stated that staff does not object to an extension at this time. After some further discussion a motion was made in the case.

Actions

Member Denyes made the motion to extend the property owner 60 days for code compliance. Seconded by Member Coury. Motion carried 6-0.

09-033 Ralph DeLay
Address: 204 30th Street West/DP#3502500006

Volker Reiss, Compliance Manager stated that the property owner submitted the required paper work for an extension of time for code compliance. Mr. Reiss gave a summary of the case to date.

Mr. Ralph DeLay approached the Board; he presented photographs into evidence and explained the photographs displayed. Mr. Delay feels the property is in code compliance.

Mr. Reiss explained that staff has not inspected the property, and an extension may not be necessary.

Actions

Member Denyes made the motion to extend the property owner 60 days for code compliance. Seconded by Member Fisher. Motion carried 6-0.

STAFF/BOARD COMMENTS:

Mr. Reiss informed the board that Cheryl and Barbara had attended class for Level 4 F.A.C.E Certification.

ADJOURNMENT:

Meeting adjourned at 4:40 p.m.

Next scheduled meeting –November 17, 2009.

Robert B. Grant Jr., Chairman
Code Enforcement Board

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