

**ABBREVIATED MINUTES**  
**CODE ENFORCEMENT BOARD**  
**December 15, 2009**

The City of Bradenton Code Enforcement Board met in regular session on December 15, 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	Fred Hayo			

<b>Planning &amp; Community Development</b>	<b>Code Enforcement</b>	<b>Fire</b>	<b>Police</b>	<b>Other</b>
Ruth Seewer, Development Review Manager	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 2:31 p.m.
- 2) Member Coury made the motion to accept the minutes from November 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, Mark Runnals, Barbara Hogan, Chris Zametz, Eric Schrock, Brenda Murray, Nicholas Bautista and Hasia Zuber.

## **UNFINISHED BUSINESS:**

None at this time.

## **HEARINGS:**

**09-067 Charlie Brown / Carol Brown**  
**Address: 205 12<sup>th</sup> Avenue West/DP#4302600004/Ward 3**  
**Violation: Section 1, subsection G, part 2 from Ordinance #2821.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on May 12, 2009. At that time staff found the property contained various abandoned items stored on the property. The Notice of Violation was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on October 6, 2009 and sent via first class mail. A re-inspection was done on October 7, 2009 and all violations remained. The Notice of Hearing was posted on the property and City Hall on November 9, 2009 and sent via first class mail. Officer Landers explained the violations 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 Oldham made the motion to find case #09-067 in violation of Section 1, subsection G, part 2 from Ordinance #2821. Seconded by Member Coury. Motion carried 7-0.

Member Oldham made the motion on case #09-067, giving the property owner 10 days for code compliance with a fine of \$75.00 per day until full compliance is reached. Seconded by Member Coury. Motion carried 7-0.

**09-068 Gail R. Kallesen**  
**Address: 720 22<sup>nd</sup> Avenue West/DP#4513300006/Ward 3**  
**Violation: Sections 304.15, 304.2, 304.7, 304.13, 605.1, 308.1, 309.1, 305.3, 704.1 from Ordinance #2906 and Chapter 18, Section 18-31 from the City Code of Ordinances.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property, which is a partially occupied duplex, was inspected on July 14, 2009. At that time staff found the front door of unit B in disrepair, the back door is substandard, the exterior of the structure contains cracked stucco, exterior mold and mildew, rotted exterior siding, soffit and fascia is rotted, broken windows, electrical wires in disrepair, improperly installed a/c units, abandoned items stored on property, overgrown, shed in back in disrepair,

chain link fence in disrepair, cockroach infestation, missing smoke detectors, holes in interior walls, substandard interior walls, bathroom and kitchen cabinets in disrepair, carpet, floors and walls contain mold and mildew, exterior door and window framed without proper permits, and a wall separator was built without permits. The Notice of Violation was sent to the property owner and was returned unclaimed, which was then posted on the property and City Hall on August 19, 2009 and sent via regular class mail. A re-inspection was done on October 27, 2009 and all violations remained. The Notice of Hearing was received by the property owner on November 14, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 60 days for code compliance with a fine of \$200.00 per day until full compliance is reached.

### **Actions**

Member Coury made the motion on case #09-068 in violation of Sections 304.15, 304.2, 304.7, 304.13, 605.1, 308.1, 302.4, 302.7, 309.1, 305.3 and 704.1 from Ordinance #2906 and Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Oldham. Motion carried 7-0.

Member Coury made the motion on case #09-061, 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 Oldham. Motion carried 7-0.

**09-069            Janet Salazar / Nicholas Bautista**  
**Address:        609 21<sup>st</sup> Avenue West/DP#4514000109/Ward 3**  
**Violation:      Section 308.1 from Ordinance #2906 and Chapter 38, Section**  
**38-81 from the City Code of Ordinances and Schedule 501.A**  
**from Ordinance #2627.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on August 6, 2009. At that time the property contained various abandoned items, inoperable vehicles and trailers, and landscaping materials stored on the property. The Notice of Violation was received by the property owner on August 11, 2009 and Mr. Bautista had contacted staff about the violations. A re-inspection was done on October 29, 2009 and at that time the violations remained. The Notice of Hearing was received by the property owner on November 14, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 30 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Mr. Nicholas Bautista approached the board; he stated that the photographs are correct and he does not have many options for storage. Mr. Bautista added that the materials are used in his lawn care business.

## **Actions**

Member Denyes made the motion on case #09-069 in violation of Section 308.1 from Ordinance #2906 and Chapter 38, Section 38-81 from the City Code of Ordinances and Schedule 501A from Ordinance #2627. Seconded by Member Youmans. Motion carried 7-0.

Member Denyes made the motion on case #09-069, giving the property owner 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Member Oldham made a motion to amend the time to 60 days for code compliance. Seconded by Member Youmans. Motion carried 7-0.

**09-071            Patricia Cretella**  
**Address:        217 6<sup>th</sup> Street East/DP#3155810058/Ward 5**  
**Violation:       Sections 304.2 and 302.7 from Ordinance #2906.**

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property was inspected on September 22, 2009. At that time staff found the exterior walls contained chipped and peeling paint, the fence in disrepair and the property overgrown. The Notice of Violation was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on September 28, 2009 and sent via first class mail. A re-inspection was done on November 4, 2009 and all violations remained. The Notice of Hearing was received by the property owner on November 16, 2009. The property was inspected on December 7, 2009 and the property had been mowed. Officer Runnals 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.

Mr. Chris Zametz approached the Board; he stated that he has power of attorney for his mother who is the property owner. Mr. Zametz displayed photographs of the neighboring property.

Chairman Grant requested the Mr. Zametz respond to staffs' account of the alleged violations to the referenced case. Mr. Zametz said he has new plans that have been drawn to rehabilitate the property.

After some discussion staff recommended 60 days for code compliance with Mr. Zametz in agreement.

## **Actions**

Member Coury made the motion on case #09-071 in violation of Sections 304.2 and 302.7 from Ordinance #2906. Seconded by Member Fisher. Motion carried 7-0.

Member Coury made the motion on case #09-071, giving the property owner 60 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Fisher. Motion carried 7-0.

**09-072 Brenda Murray**  
**Address: 4125 31<sup>st</sup> Avenue West/DP#5079717509**  
**Violation: Sections 304.2, 302.7 and 304.6 from Ordinance #2906.**

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated the property was inspected on July 27, 2009. At that time staff found the exterior walls contained chipped and peeling paint, the trim on the front corner of the structure is rotted, the chain link fence is in disrepair, and the property is overgrown. The Notice of Violation was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on September 30, 2009 and sent via first class mail. A re-inspection was done on November 2, 2009 and all violations remained. The Notice of Hearing was received by the property owner on November 19, 2009. Officer Hogan explained the violations through the photographs displayed stating that the exterior chipped and peeling is the only remaining violation. Staff recommends 30 days for code compliance with a fine of \$75.00 per day until full compliance is reached.

Ms. Brenda Murray approached the Board; she requested for 90 days for code compliance stating she needs time to purchase the paint and get the work done herself.

### **Actions**

Member Fisher made the motion on case #09-072 in violation of Section 304.6 from Ordinance #2906. Seconded by Member Oldham. Motion carried 7-0.

Member Fisher made the motion on case #09-072, giving the property owner 90 days for code compliance with a fine of \$75.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 7-0.

### **OTHER BUSINESS:**

**07-024 Federal National Mortgage Association**  
**c/o Chase Home Finance LLC**  
**Address: 2006 12<sup>th</sup> Street West/DP#4473700005**

Volker Reiss, Compliance Manager stated that the property owner requested a reduction or elimination of the fine. Mr. Reiss stated the property is in code compliance and summarized the case history with the lien in the amount of \$69,750.00.

Mr. Eric Schrock, a listing agent for the property approached the Board; he stated he was not made aware of the situation until just recently. Since that time the property is under contract, but may not close until this issue has been resolved. Mr. Schrock added that the fines are more than the property is worth.

**Actions**

Member Denyes made the motion on case #09-024, reducing the lien amount to \$3,000.00 if paid within 45 days. Seconded by Member Coury. Motion carried 4-3 with Chairman Grant, and Members Fisher and Oldham in opposition.

**STAFF/BOARD COMMENTS:**

**ADJOURNMENT:**

Meeting adjourned at 3:56 p.m.

Next scheduled meeting –January 19, 2009.

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**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.