

**ABBREVIATED MINUTES**  
**CODE ENFORCEMENT BOARD**  
**April 20, 2010**

The City of Bradenton Code Enforcement Board met in regular session on April 20, 2010 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 Mgr.	Volker Reiss, Compliance Manager Victor Perez, Cheryl Landers Barb Hogan Mark Runnals, F.A.C.E. Certified Code Officers			Attorney William Lisch

**PRELIMINARIES**

- 1) Meeting called to order by Chairman Grant at 2:36 p.m.
- 2) Member Coury made the motion to accept the minutes from March 16, 2010 as presented by staff. Seconded by Member Oldham carried 5-0.
- 3) The following persons were sworn in by Laura Anderson: Pam Johnson, Angela Houston, Steve Herda, Robbie Thornton, Volker Reiss, Cheryl Landers, Barbara Hogan, Mark Runnals and Ruth Seewer.

## **UNFINISHED BUSINESS:**

None at this time.

## **HEARINGS:**

**10-014      First Bank**  
**Address:    1301 6<sup>th</sup> Avenue West/DP#3312200003/Ward 3**  
**Violation:   Section 2.2.1.1 (a), (c) and (d) from Ordinance #2913.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on March 9, 2010. At that time staff found that eight (8) trees have been topped. The Notice of Violation and the Notice of Hearing was received by the property owner on March 18, 2010. Officer Landers explained the violations through the photographs displayed and provided the board members with some background information relevant to the case. Volker Reiss, Compliance Manager read from Florida State Statute 162 which states that if a violation is irreparable or irreversible, staff may immediately request a hearing. Staff recommends finding the violation to be irreparable or irreversible and to impose a fine of \$2,000.00. The amount of the fine requested by staff falls in the guidelines of the same.

Mr. Steve Herda, the property manager for the property approached the Board; he stated that a landscaper was hired to perform the trimming of the trees. Mr. Herda presented photographs of the mentioned trees. He went on to say that the trees the company had trimmed previously have grown back beautifully using the photographs as his proof. Mr. Robbie Thornton, a representative from the landscaping company stated that he felt the trimming of the dead branches was necessary for the shaping of the trees.

Ruth Seewer, Development Review Manager quoted the definitions of shrubs and trees from the Land Use Regulations.

## **Actions**

Member Coury made the motion to find case #10-014 in violation of Section 2.2.3.1 (a), (c) and (d) from Ordinance #2913 and that the violation is irreversible in nature. Seconded by Member Youmans. Motion carried 5-0.

Member Coury made the motion on case #10-014, imposing a fine of \$1,250.00. Seconded by Member Oldham. Motion carried 4-1 with Chairman Grant in opposition.

**10-015      BTS Properties 2, LLC / Rick Seyer, Registered Agent**  
**Address:    410 20<sup>th</sup> Street East/DP#1237600059/Ward 4**  
**Violation:   Schedule 301.D.5 from Ordinance #2627.**

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on January 28, 2010. At that time staff found the existing landscaping does not conform to the site plan. The Notice of Violation was received by the property owner on February 3, 2010. A re-inspection was done on March 8, 2010 and the violation remained as to missing landscape. The Notice of Hearing was received by the property owner on March 19, 2010. 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.

Ms. Pam Johnson, the property manager approached the Board; she stated she has been in communication with city staff concerning the landscaping. Ms. Johnson does have a proposal from a landscaper to plant the shrubs by the end of next week, but is requesting 4-5 months to plant the trees as stating in the original site plan.

Volker Reiss, Compliance Manager stated that staff does not object to Ms. Johnson's request. He stated that the property owner had complied with staff's earlier request to address the damaged fence by removing it.

### **Actions**

Member Youmans made the motion to find case #10-015 in violation of Section 301.D.5 from Ordinance #2627. Seconded by Member Cury. Motion carried 5-0.

Member Youmans made the motion on case #10-015, giving the property owner 30 days to plant shrubs and 180 days for the required trees, according to the original site plan, with a fine of \$100.00 per day until full compliance is reached. Seconded by Cury. Motion carried 5-0.

**10-016            Angela Tensley Houston**  
**Address:        1116 2<sup>nd</sup> Street East/DP#4629300007/Ward 5**  
**Violation:       Sections 304.7, 304.13 and 704.1 from Ordinance #2906 and**  
**Section 1, subsection A, parts 2 & 3 from Ordinance #2821.**

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on November 2, 2009. At that time staff found the following violations; the roof leaking and in disrepair, rotted roof decking and fascia, exterior chipped and peeling paint, rotted siding, damage from termites, rotted window sills, rotted trim, abandoned items stored on property, missing smoke detectors, leaking kitchen faucet, plumbing fixtures in disrepair, and the property is overgrown. The Notice of Violation was received by the property owner on November 6, 2009. A re-inspection was done on March 15, 2010 and the following violations remained; the roof leaking and in disrepair,

rotted roof decking and fascia, exterior chipped and peeling paint, rotted siding, damage from termites, rotted window sills and trim. The Notice of Hearing was received by the property owner on March 19, 2010. Officer Runnals explained the violations through the photographs displayed, and stated that he has been working with the property owner and she has completed much of the work. Staff recommends 60 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Ms. Angela Houston approached the Board; she stated that the property was left to her when her aunt passed. Ms. Houston went on to say that she has tried multiple times to obtain a loan to make the necessary repairs, but has been denied by the lending institutions. Ms. Houston explained some the problems she has encountered with the tenants and the financial problems she is faced with.

### **Actions**

Member Hayo made the motion to find case #10-016 in violation of Sections 304.7, 304.13 and 704.1 from Ordinance #2906 and Section 1, subsection A, parts 2 & 3 from Ordinance #2821. Seconded by Member Coury. Motion carried 5-0.

Member Hayo made the motion on case #10-016, giving the property owner 240 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 4-1 with Chairman Grant in opposition. Chairman Grant amended the motion to 180 days for code compliance with a fine of \$75.00 per day until full compliance is reached. Seconded by Member Coury. Motion carried 5-0.

### **OTHER BUSINESS:**

**09-044      Eric E. Julien**  
**Address:    2514 3<sup>rd</sup> Avenue West/DP#34043000004956500005**

Case removed from agenda, property is under new ownership.

**09-055      Ryan Newberry**  
**Address:    1108 2<sup>nd</sup> Street West/DP#42983000007**

Volker Reiss, Compliance Manager stated that staff requests the Board impose the fine as presented. Mr. Reiss explained the history on the case and included that the property owner requested an extension of time via letter which was heard at the February 2010 meeting, the extension was denied.

Chairman Grant clarified no action is required by the Board and the fine will be recorded.

**STAFF/BOARD COMMENTS:**

Volker Reiss, Compliance Manger stated that he and Officer Mark Runnals attended F.A.C.E. Level 4 training class; Mr. Reiss added that the annual conference will be held in June.

**ADJOURMENT:**

Meeting adjourned at 3:53 p.m.

Next scheduled meeting –May 18, 2010.

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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.