

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

The City of Bradenton Code Enforcement Board met in regular session on September 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				

<b>Planning &amp; Community Development</b>	<b>Code Enforcement</b>	<b>Fire</b>	<b>Police</b>	<b>Other</b>
Roger Sanders, Interim Bldg Official	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 2:37 p.m.
- 2) Member Coury made the motion to accept the minutes from August 18, 2009 as presented by staff. Seconded by Member Fisher. Motion carried 5-0.
- 3) The following persons were sworn in by Laura Anderson: Volker Reiss, Cheryl Landers, Mark Runnals, Barbara Hogan, Victor Perez, Scott VanNess, Gabriel Reid, and Roger Sanders.

## **UNFINISHED BUSINESS:**

**09-045      Vascam Realty Group**  
**Address:    114 10<sup>th</sup> Avenue East/DP#4509200004/Ward 3**  
**Violation:   Sections 304.15, 304.2, 304.13, 605.1, 603.1, 308.1, 302.4,**  
**302.7, 602.2, 305.1, 504.1, 504.3, 304.9, 702.3, 302.3,**  
**704.2, 304.13.2, 108.1.4, 304.7, 305.3, Section 1,**  
**subsection B, part 3, Section 1, subsection A, parts 2 &**  
**3 from Ordinance #2906 and Chapter 18, Section 18-31**  
**from the City Code of Ordinances.**

Volker Reiss, Compliance Manager apprised the Board on the case, stating that the case was scheduled last month, Mr. VanNess requested the case be continued, and the case was opened and continued.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property is a multi-family residence which was inspected on April 6, 2009. At that time staff found the following violations. The common hallway doors do not fit properly, the door frames are in disrepair, the interior doors are substandard, the exterior of the structure contains dirt, mold, mildew, chipped and peeling paint, broken windows, windows with Plexiglas, missing and torn screens, cracked window sills, lintel over the window is bulging, hot water heater is not enclosed, improperly wired hot water heater, missing lights in common areas, light fixtures not covered, abandoned items on property, property overgrown at fence line, the storage building does not meet setback requirements, storing buildings in disrepair, no heat supply, sagging drywall ceilings, interior walls in disrepair, interior termite damage, improperly installed bathroom sink in ladies room, kitchen cabinets in disrepair, improper vented sewer stack and drain in ladies room, rotted and damaged overhang, sagging rear overhang, doors have padlocks, cracked and missing driveway, inoperable smoke detectors, substandard electrical wiring, missing protective casings on electrical wires, improperly installed a/c unit, windows not operable, altered structure, boarded windows, wood siding on front of structure is rotted and has termite damage, rotted fascia boards, exterior door installed without permit, unfinished floors and wall coverings. The Notice of Violation was received by the property owner on April 24, 2009. A re-inspection was done on June 23, 2009 and the following violations were corrected; the exterior of the structure had been painted, the storage sheds removed, and the smoke detectors are operable. The Notice of Hearing was received by the property owner on July 22, 2009. Officer Runnals explained the violations through the photographs displayed. Staff recommends 60 days for code compliance with a fine of \$250.00 per day until full compliance is reached.

Mr. Scott VanNess who represents Vascam Realty Group approached the board; he stated he recently purchased the property and his intentions were to correct

the violations. Mr. VanNess added that his personal situation has changed and his plans are to correct all the violations, but asked the board give him more time for compliance. Mr. VanNess agreed that the work is needed and will work with the city whenever possible.

Member Coury asked what work has been done since the purchase of the property year ago. Mr. VanNess explained some of the work which has been started and has requested bids from contractors.

After much further discussion with Mr. Van Ness, staff, and the code board members a motion was made on the case.

### **Actions**

Member Denyes made the motion to find case #09-045 in violation of Sections 304.15, 304.13, 605.1, 603.1, 307.1, 302.4, 602.2, 305.1, 504.1, 504.3, 304.9, 702.3, 302.3, 304.13.2, 108.1.4, 304.7, 305.3, Section 1, subsection B, part 3, Section 1, subsection A, parts 2 & 3 from Ordinance #2906 and Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Coury. Motion carried 5-0.

Member Denyes made the motion on case #09-045, giving the property owner 90 days for code compliance with a fine of \$200.00 per day until full compliance is reached. Seconded by Member Coury. Motion carried 5-0.

### **HEARINGS:**

**09-050      Watermark Capital Group, LLC**  
**Address:    1405 11<sup>th</sup> Street West/DP#4423210006/Ward 3**  
**Violation:   Sections 304.13, 305.3, 304.4, 305.4, 504.1, 605.1, 301.3,**  
**704.1, 305.6, 309.1 from Ordinance #2906 and Section 1,**  
**subsection A, parts 2 & 3 from Ordinance #2821.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the vacant single family structure was inspected on June 23, 2009. At that time staff found the following violations. The exterior wood is rotted, chipped and peeling paint, rotted and damaged window frames, door and door frames are rotted, damaged interior ceilings, leaking roof, bathroom walls in disrepair, damaged cabinets, rotted rim joists, termite damage, rotted and damaged floors, improper washing machine drain, toilet is not affixed to the floor, plumbing fixtures in disrepair, damaged shower enclosure, missing interior light fixtures, exposed electrical wiring, outlet and switch covers missing, improperly installed a/c units, unsecure structure, missing smoke detectors, interior doors missing hardware, termite and cockroach infestation. The Notice of Violation was hand delivered to the property owner on June 24, 2009 and the property was posted unfit for human habitation by code enforcement and the acting building

official; Robert Truitt. A re-inspection was done on August 10, 2009 and all violations remained. The Notice of Hearing was hand delivered to the property owner on September 2, 2009. Officer Landers explained the violations through the photographs displayed. Staff recommends 90 days for code compliance with a fine of \$250.00 per day until full compliance is reached. Officer Landers added that staff requires the property to be in compliance with the 2007 building codes, or consider demolition.

Mr. Roger Sanders acting building official for the city of Bradenton approached the board. Mr. Sanders recited if credentials for the record.

Mr. Sanders stated that he had been with code enforcement on an inspection, and what may not appear in the photographs was the condition of the foundation. Mr. Sanders stated that the engineer presented his plans for repairs to the city planning department.

Mr. Volker Reiss, Compliance Manager explained the process that would be taken by the city if the demolition was to be done through the city.

Mr. Gabriel Reid approached the Board; he stated that he had purchased the structure in the present condition. He has hired an engineer to draw plans for the structural and remodel repairs and a contractor will obtain permits. Mr. Reid stated that he has invested much for the plans and would not like to see the structure demolished. Mr. Reid asked for 180 days for code compliance.

### **Actions**

Member Fisher made the motion to find case #09-050 in violation of Sections 304.13, 305.3, 304.4, 305.4, 504.1, 605.1, 301.3, 704.1, 305.6, 309.1 from Ordinance #2906 and Section 1, subsection A, parts 2 & 3 from Ordinance #2821. Seconded by Member Oldham. Motion carried 5-0.

Member Fisher made the motion on case #09-050, giving the property owner 90 days for code compliance with a fine of \$250.00 per day until full compliance is reached. Seconded by Member Oldham. Motion failed. Member Coury amended the motion to 30 days to secure the structure and 180 for code compliance. Seconded by Member Oldham. Motion carried 4-1 with Member Fisher in opposition.

**09-052          Michael A. Cutrera II – Lisa A. Cutrera**  
**Address:        1114 31<sup>st</sup> Street West/DP#4158400004/Ward 2**  
**Violation:       Section 302.4 Ordinance #2906.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on June 23, 2009. At that time staff found the property overgrown. The Notice of Violation was received by

the property owner on July 7, 2009. A re-inspection was done on July 31, 2009 and the property remained overgrown. The Notice of Hearing was received by the property owner on August 20, 2009. 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 Coury made the motion on case #09-052 in violation of Section 302.4 from Ordinance #2906. Seconded by Member Fisher. Motion carried 5-0.

Member Coury made the motion on case #09-052, 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 Fisher. Motion carried 5-0.

**09-053            Mark Piers**  
**Address:        1009 10<sup>th</sup> Avenue West/DP#349300006/Ward 3**  
**Violation:       Section 308.1 from Ordinance #2906.**

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on June 24, 2009. At that time staff found abandoned items, including trailer and tents stored on the property. The Notice of Violation was received by the property owner on July 8, 2009. A re-inspection was done on August 12, 2009 and the abandoned items remained on the property. The Notice of Hearing was received by the property owner on August 24, 2009. Officer Landers 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.

### **Actions**

Member Denyes made the motion on case #09-053 in violation of Section 308.1 from #Ordinance 2906. Seconded by Member Coury. Motion carried 5-0.

Member Coury made the motion on case #09-053, giving the property owner 10 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Fisher. Motion carried 5-0.

Member Fisher amended the motion for 3 days to secure the property and 10 days for full code compliance. Motion failed for lack of a second. Motion carried 4-1 with Member Fisher in opposition.

**09-054            Marianne McLauchlan – Erin Hall McLauchlan**  
**Address:        711 23<sup>rd</sup> Street East/DP#1335400006/Ward 5**  
**Violation:       Sections 304.15, 304.2, 304.7, 304.13, 308.1, 302.4, 304.6,**  
**704.1, 305.3 and 302.3 from Ordinance #2906.**

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on May 13, 2009. At that time staff found the exterior doors substandard, exterior chipped and peeling paint, substandard roof, rotted soffit and fascia boards, missing and broken windows, trash and debris, overgrown yard, exterior rotted siding, rotted rim joists, termite damage, no smoke detectors, water damaged interior ceilings, and substandard stairways. The Notice of Violation was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on June 24, 2009 and sent via first class mail. A re-inspection was done on July 27, 2009 and all violations remained. The Notice of Hearing sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on August 20, 2009. Officer Runnals explained the violations through the photographs displayed. Staff recommends 30 days for code compliance with a fine of \$200.00 per day until full compliance is reached.

### **Actions**

Member Oldham made the motion to find case #09-054 in violation of Sections 304.15, 304.2, 304.7, 304.13, 308.1, 302.4, 304.6, 704.1, 305.3 and 302.3 from Ordinance #2906. Seconded by Member Fisher. Motion carried 5-0.

Member Oldham made the motion on case #09-054, giving the property owner 30 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.

### **OTHER BUSINESS:**

**09-019      Jaqueline Wright – Lawrence Wright**  
**Address:    813 12<sup>th</sup> Avenue West/DP#4342100169**

Volker Reiss, Compliance Manager stated that staff is here to request the Board to impose the Order Imposing Penalty/Fine; which was received by the property owner and explained the circumstances of the case and concluded the property remains in violation.

Chairman Grant noted that no action is required by the Board.

### **STAFF/BOARD COMMENTS:**

Abby Jenkins, Program Manager of ACS Inc. gave a presentation about the Board's role with red light camera enforcement.

### **ADJOURNMENT:**

Meeting adjourned at 5:00 p.m.

Next scheduled meeting –October 20, 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.