

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
February 17, 2009

The City of Bradenton Code Enforcement Board met in regular session on February 17, 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

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

PRELIMINARIES

- 1) Meeting called to order by Chairperson Ragan at 2:38 p.m.
- 2) Member Grant made the motion to accept the minutes from January 20, 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, Barbara Hogan, Robert Schermer, Darin Cushing, Mark Runnals, Ruth Seewer, Elizabeth Jones, Sabrina Crain and Frank Cumming.

HEARINGS:

09-003 Elizabeth A. Jones
Address: 1014 14th Street East/DP#4535100004/Ward 5
Violation: Chapter 18, Section 18-31 from the City Code of Ordinances.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property was inspected on April 22, 2008. At that time staff found that a re-roof had been done without permits. The Letter of Violation was received by the property owner on October 31, 2008. A re-inspection was done on November 12, 2008 and permits had not been issued. The Notice of Hearing was sent to the property owner and returned unclaimed. The Notice of Hearing was posted on the property and City Hall on January 22, 2009 and sent via first class mail. The violation was explained through the photographs displayed. Staff recommends 10 days for code compliance with a fine of \$75.00 per day until full compliance is reached.

Ms. Elizabeth Jones approached the Board; she stated that she will obtain the permit and finish the job.

Actions

Member Grant made the motion to find case #09-003 in violation of Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Fisher. Motion carried 5-0.

Member Grant made the motion on case #09-003, 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.

09-006 Sabrina Crain
Address: 526 4th Avenue East/DP#3160800003/Ward 4
Violation: Section 202.B.2 from Ordinance #2627.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on May 5, 2008 and found the structure is being used as a business without obtaining the proper documents. A Letter of Violation was sent to the

property owner and received by them on May 7, 2008. A re-inspection was done on December 18, 2008 and the violation remained. The Notice of Hearing was sent to the property owner and received by them on January 16, 2009. Officer Runnals explained the violation through the photographs displayed which revealed the large number of vehicles parked on the property indicating the vehicles had been driven over the curb onto the property. Staff recommends 90 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Member Grant asked how the property is zoned. Officer Runnals stated that the property is zoned C1A.

Ruth Seewer, Development Review Manager explained the required documents and changes needed for a business to be conducted from the residence. Ms. Seewer added that Ms. Crain had presented an application for review and was instructed that the application was not complete and required more information and as to date staff has not received any additional paper work.

Ms. Sabrina Crain approached the Board; she stated that she is unclear about the information needed. The property was purchased for the purpose of running her business. Ms. Crain stated that her financial situation needs to be considered.

Volker Reiss, Compliance Manager stated that many new businesses chose to hire professionals to comprise the plans needed for the planning and fire departments requirements.

Actions

Member Grant made the motion on case #09-006 in violation of Section 202.B.2 from Ordinance #2627. Seconded by Member Coury. Motion carried 5-0.

Member Grant made the motion on case #09-006, 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 Coury. Motion carried 5-0.

09-008 Ersula Baptiste
Address: 2018 7th Avenue East/DP#1297800003/Ward 5
Violation: Sections 602.2 and 504.1 from Ordinance #2821.

Volker Reiss, Compliance Manager stated that the property owner was not duly serviced.

09-010 **Deutsche Bank National Trust Co.**
Trustee for Long Beach Mortgage Loan Trust 2006-7
Address: **710 24th Street East/DP#1334700000/Ward 5**
Violation: **Sections 304.15, 604.3, 304.13, 307.1, 302.4, 304.6, 602.2,**
304.2 and Section 1, subsection B, part 3 from
Ordinance #2821.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property was inspected on October 30, 2008. At that time staff found the following violations; the rear door is rotted and not fitted to the frame, there are exposed electrical wires, missing and boarded windows, no heating system in the structure, trash and debris, the yard overgrown, the exterior has chipped and peeling paint and the siding is rotted. The Letter of Violation was received by the property owner on November 6, 2008. A re-inspection was done on December 15, 2008 and the violations remained. The Notice of Hearing was received by the property owner on January 20, 2009. Officer Runnals explained the violations through the photographs displayed, stating that the exterior door has been repaired, the windows have been replaced, and the property has been mowed. Staff recommends 30 days for code compliance with a fine of \$200.00 per day until full compliance is reached.

Actions

Member Coury made the motion to find case #09-010 in violation of Sections 604.3, 307.1, 304.6, 602.2, 304.2 and Section 1, subsection B, part 3 from Ordinance #2821. Seconded by Member Grant. Motion carried 5-0.

Member Coury made the motion on case #09-010, giving the property 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.

09-011 **SunTrust Mortgage, Inc.**
Address: **1007 4th Street East/DP#4609800109/Ward 5**
Violation: **Sections 304.15, 304.13, 604.3, 307.1, 302.4, 301.3, 305.3,**
704.1 and 304.3 from Ordinance #2821.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on October 30, 2008. At that time staff found the following violations; the door frame is in disrepair and the doors are missing hardware, broken windows, missing screens, exposed electrical wires, trash and debris on the property, overgrown, the structure is vacant and not secure, the interior walls are damaged, missing smoke detectors, and no address on the building. The Letter of Violation was received by the property owner

on November 5, 2008. A re-inspection was done on December 15, 2008 and the structure has been secured and properly addressed, all other violations remain. The Notice of Hearing was received by the property owner on January 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.

There was some discussion on the length of time that the structure has been vacant with testimony from Code Enforcement Officer Barbara Hogan.

Actions

Member Grant made the motion to find case #09-011 in violation of Sections 304.15, 304.13, 604.3, 307.1, 302.4, 305.3 and 704.1 from Ordinance #2821. Seconded by Member Youmans. Motion carried 5-0.

Member Grant made the motion on case #09-011, 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 Youmans. Motion carried 5-0.

09-012 Christian D. Robins
Alan Wilson Siver
Address: 303 29th Street West/DP#3460700002/Ward 2
Violation: Sections 304.2, 304.7, 302.4 and 307.1 from Ordinance
#2821.

Volker Reiss, Compliance Manager entered photographs into evidence. Officer Reiss stated that the property was inspected on September 24, 2008. At that time we found the following violations; the exterior of the structure has chipped and peeling paint, rotted wood frame doors, roof and fascia in disrepair, the roof is covered with a tarp, weeds growing onto the roof, yard overgrown, and there are abandoned items on the property. The Letter of Violation sent to the property owner was returned unclaimed. The Letter of Violation was posted on the property and City Hall on September 25, 2008 and sent via first class mail. A re-inspection was done on October 25, 2008 and all the violations remained. The Notice of Hearing was posted on the property and City Hall on January 15, 2009 and sent via first class mail. Officer Reiss 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.

Actions

Member Fisher made the motion on case #09-012 in violation of Sections 304.2, 304.7, 302.4 and 307.1 from Ordinance #2821. Seconded by Member Grant. Motion carried 5-0.

Member Fisher made the motion on case #09-012, giving the property owner 30 days for code compliance with a fine of \$150.00 per day until full compliance is reached. Seconded by Member Coury. Motion carried 5-0.

VI. OTHER BUSINESS:

06-075 DOT One, LLC/Francis Cumming, R. A.
Address: 1007 18th Street West

Volker Reiss, Compliance Manager stated that the property owner has been issued an affidavit of compliance dated December 8, 2008, and the property owner would like the lien in the amount of \$134,000.00 removed or reduced.

Attorney Bob Schermer who is representing the city approached the board; he stated that a foreclosure judgment has been issued November 24, 2008 for \$134,000.00. The foreclosure sale is scheduled for Monday February 23, 2009 and the settlement between Mr. Cumming and the city is \$7,000.00, the amount has to be paid within 30 days.

Mr. Reiss explained some of the details involved in the case and concluded that the property is in code compliance.

Attorney Andrew Mooney, the representative for the Mr. Cumming the property owner approached the Board; he stated that has been some discussion with Councilman Roff and the possible purchase of adjoining property. Mr. Mooney agreed that Mr. Cumming's intentions are to pay \$7,000.00 within 30 days to satisfy the lien.

Actions

Member Coury made the motion on case #06-075 to reduce the lien to \$7,000.00 if paid within 30 days. Seconded by Member Fisher. Motion carried 4-1 with Chairman Ragan in opposition.

VII. STAFF/BOARD COMMENTS

VII. ADJOURNMENT:

Meeting adjourned at 4:00 p.m.

Next scheduled meeting –March 17, 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.