

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
 June 16, 2009

The City of Bradenton Code Enforcement Board met in regular session on June 16, 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, Victor Perez, F.A.C.E. Certified Code Officers			Attorney Bill Lisch Attorney

PRELIMINARIES

- 1) Meeting called to order by Chairman Grant at 2:30 p.m.
- 2) Member Coury made the motion to accept the minutes from May 19, 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, Ron Jefferson, Ralph Delay, Chip Waterman, Josefina Mondragon and Daniel Perez.

UNFINISHED BUSINESS:

None at this time.

HEARINGS:

09-025 Wares Creek Development LLC
Address: 1901 Manatee Avenue West/DP#3412600052/Ward 3
Violation: Chapter 18, Section 18-31 from the City Code of Ordinances.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on March 3, 2009. At that time staff found the windows and exterior doors installed without permits. Staff notified the property owner by telephone of the violation on March 3, 2009. The Notice of Violation and the Notice of Hearing was sent to the property owner and returned unclaimed, which was then hand delivered to the property owner on May 19, 2009. A re-inspection was done on May 16, 2009 and a permit had not been issued for the windows and doors. Officer Landers explained the violations through the photographs displayed and stated she had spoken to the property owner on various occasions. 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 to find case #09-025 in violation of Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Fisher. Motion carried 5-0.

Member Coury made the motion on case #09-026, 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 Oldham. Motion carried 5-0.

09-026 Wares Creek Development LLC
Address: 516 19th Street West/DP#3415800006/Ward 3
Violation: Chapter 18, Section 18-31 from the City Code of Ordinances.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on March 3,

2009. At that time staff found the windows and exterior doors installed without permits. Staff notified the property owner by telephone of the violation on March 3, 2009. The Letter of Violation and the Notice of Hearing was sent to the property owner and returned unclaimed, which was then hand delivered to the property owner on May 19, 2009. A re-inspection was done on May 16, 2009 and a permit had not been issued for the windows and doors. Officer Landers explained the violations through the photographs displayed and stated she had spoken to the property owner on various occasions. 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 to find case #09-026 in violation of Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Youmans. Motion carried 5-0.

Member Coury made the motion on case #09-026, 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 Youmans. Motion carried 5-0.

09-033 Ralph Curtis Delay
Linda Ann Taylor
Address: 204 30th Street West/DP#3502500006/Ward 2
Violation: Section 304.6, 304.2 and 304.7 from Ordinance #2821.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated that the property was inspected on September 15, 2008. At that time staff found rotted exterior walls, chipped and peeling paint, the foundation deteriorating, the metal roof in disrepair and stagnant water under the structure. A Letter of Violation was received by one of the property owners on September 24, 2008, the co-owner was returned unclaimed, which was then posted on the property and City Hall on March 3, 2009 and sent via first class mail. A re-inspection was done on May 12, 2009 and the following violations remained; rotted exterior walls, chipped and peeling paint, and the metal roof in disrepair. The Notice of Hearing was received by one of the property owners on May 20, 2009, the co-owner was returned unclaimed, which was then posted on the property and City Hall on May 13, 2009 and sent via first class mail. Officer Hogan 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. Ralph Delay approached the Board; he explained the work he has done and his plans for completion. Mr. Delay stated he painted the house

in 2008, and has done some touch-up and will paint any new materials added to the structure. Mr. Delay stated he has more work and is working under an issued permit. Mr. Delay stated he would need more than 30 days for compliance.

Actions

Member Coury made the motion on case #09-033 in violation of Sections 304.6, 304.2 and 304.7 from Ordinance #2821. Seconded by Member Fisher. Motion carried 5-0.

Member Coury made the motion on case #09-033, 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 Fisher. Motion carried 5-0.

09-034 Mathew Todd Johnson
Address: 1909 1st Avenue East/DP#1228100002/Ward 5
Violation: Section 302.7 from Ordinance #2821.

Volker Reiss, Compliance Manager stated that the property is in code compliance.

09-035 Daniel Camargo Perez
Address: 2805 9th Avenue East/DP#1165100007/Ward 5
Violation: Sections 304.15, 304.2, 304.9, 602.2, 504.1, 305.3, 604.3, 302.7 and Section 1, subsection B, part 3 from Ordinance #2821.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on February 19, 2009. At that time we found the exterior doors do not fit properly and missing hardware, broken and boarded windows, the exterior walls have exposed wood and chipped and peeling paint, abandoned items on property, a derelict vehicle stored on property, shed in back in disrepair, an aluminum extension on the side is in disrepair and not properly anchored, the yard is overgrown, no heating facilities, no plumbing fixtures, interior floors are bare cement, substandard electrical system, and no visible address on structure. The Letter of Violation was received by the property owner on March 20, 2009. A re-inspection was done on April 23, 2009 and found the vehicle has been removed; the boarded windows are in compliance and abandoned items removed. The Notice of Hearing was received by the property owner on May 14, 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.

Mr. Daniel Perez approached the Board; he stated he has removed the boarded windows, removed the abandoned items, and mowed the yard. Mr. Perez went on to say that he has hired a contractor to make the repairs. Mr. Perez stated that he needs 60 days for code compliance.

Actions

Member Coury made the motion to find case #09-035 in violation of Sections 304.15, 304.2, 304.9, 602.2, 504.1, 305.1, 305.3, 604.3, 302.7 and Section 1, subsection B, part 3 from Ordinance #2821. Seconded by Member Fisher. Member Coury amended the motion to remove Section 305.1. Seconded by Member Fisher. Motion carried 5-0.

Member Coury made the motion on case #09-035, 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.

09-037 Ronald Jefferson
Lisa L. Jefferson
Address: 311 21st Avenue West/DP#4528700000/Ward 3
Violation: Sections 302.7, 304.7 and Section 1, subsection G, part 1
from Ordinance #2821.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated that the property was inspected on December 16, 2008. At that time staff found the fence in disrepair, pool cage screen in disrepair, rotted fascia and a dead tree on the property. A Letter of Violation was sent to the property owner and was returned unclaimed, which was then posted on the property and City Hall on January 8, 2009 and sent via regular mail. Officer Landers stated she had spoken to the property owner concerning the violations. A re-inspection was done on March 24, 2009, and found the fascia repaired and all other violations remained. The Notice of Hearing was posted on the property and City Hall on May 13, 2009, and sent via regular mail. Officer Landers 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. Jefferson approached the Board; he stated that he will have the repairs done within 30 days.

Chairman Grant clarified that a permit is required for removal of the tree should that be his course of action.

Actions

Member Fisher made the motion to find case #09-037 in violation of Sections 302.7 and Section 1, subsection G, part 1 from Ordinance #2821. Seconded by Member Oldham. Motion carried 5-0.

Member Fisher made the motion on case #09-037, giving the property owner 30 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 5-0.

VI. OTHER BUSINESS:

09-015 Paul Chapin
Address: 2925 7th Avenue West/DP#3534000159

Volker Reiss, Compliance Manager stated that staff is here to request the Board to impose the Order Imposing Penalty/Lien. The property owner was notified of the hearing for today.

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

09-010 Deutsche Bank National Trust Co.,
As Trustee for Long Beach Mortgage
Loan Trust 2006-7
Address: 710 24th Street East/DP#1334700000

Volker Reiss, Compliance Manager stated that staff is here to request the Board to impose the Order Imposing Penalty/Lien. The property owner was notified of the hearing for today.

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

08-038 Novastar Mortgage Inc.
Address: 1824 7th Avenue East/DP#1295400059

Volker Reiss, Compliance Manager stated that they are here for a reduction of elimination of the fine. Mr. Reiss gave a brief general review of the case. The lien amount is \$27,635.50; the property owner was issued an affidavit of compliance of May 14, 2009.

Mr. Waterman approached the Board; he stated that he does not know the history of the property, and had recently learned of the case. Since that time he has brought the property into compliance. Mr. Waterman asked the Board for some leniency in order to sell the property.

Mr. Reiss stated that staff is opposed to an elimination or reduction of the lien. After some further discussion the board was ready to motion on the case.

Actions

Member Coury made the motion to reduce the lien to \$7,500.00. Motion died for a lack of a second.

Member Youman made the motion to reduce the lien to \$4,000.00. Motion died for lack of a second.

Member Fisher made the motion to reduce the lien to \$13,000.00. Seconded by Member Oldham. Motion died for lack of a second.

Member Fisher amended the motion to \$10,000.00 if paid within 6 months. Seconded by Member Oldham. Motion carried 3-2 with Members Youmans and Coury in opposition.

VII. STAFF/BOARD COMMENTS

Chairman Grant noted that Member Larry Denyes absence is excused.

Volker Reiss, Compliance Manager informed the Board that the Planning Department has hired Brad Weigle as the new building official.

VII. ADJOURMENT:

Meeting adjourned at 4:07 p.m.

Next scheduled meeting –July 21, 2009.

Robert Grant, Chairman
Code Enforcement Board

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