

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
 July 21, 2009

The City of Bradenton Code Enforcement Board met in regular session on July 21, 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

PRELIMINARIES

- 1) Meeting called to order by Chairman Grant at 2:33 p.m.
- 2) Member Oldham made the motion to accept the minutes from June 16, 2009 as presented by staff. Seconded by Member Youmans. Motion carried 4-0.

- 3) The following persons were sworn in by Laura Anderson: Volker Reiss, Cheryl Landers, Mark Runnals, Barbara Hogan, John Wright, Alphonso White, Elisabeth H. Arguelles and Sabrina Crain.

UNFINISHED BUSINESS:

None at this time.

HEARINGS:

09-038 Marcus Cummings / Maurice McDuffie
Address: 810 17th Street East/DP#1307400000/Ward 5
Violation: Section 302.7 from Ordinance #2821.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property was inspected on January 27, 2009. At that time staff found the chain link fence in disrepair. The Notice of Violation was hand delivered to the property owner on April 21, 2009. A re-inspection was done on May 27, 2009 and the violation remained. The Notice of Hearing was hand delivered to the property owner on June 9, 2009. Officer Runnals explained the violations through the photographs displayed. Staff recommends 30 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 #09-038 in violation of Section 302.7 from Ordinance #2821. Seconded by Member Denyes. Motion carried 4-0.

Member Oldham made the motion on case #09-038, giving the property owner 30 days for code compliance with a fine of \$75.00 per day until full compliance is reached. Seconded by Member Youmans. Motion carried 4-0.

09-039 Alphonso I. White
Address: 609 10th Avenue East/DP#4589100059/Ward 5
Violation: Sections 304.2, 307.1, 302.7 from Ordinance #2821 and Chapter 38, Section 38-81 from the City Code of Ordinances.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated the property was inspected on April 8, 2009. At that time staff found exposed wood on the fascia boards, unregistered and inoperable vehicles, abandoned items stored on the property, trash cans remain in the front yard, and the wood fence is in

disrepair. The Notice of Violation was hand delivered to the property owner on April 6, 2009. A re-inspection was done on June 4, 2009 and staff found the trash cans removed from the front yard and all other violations remained. The Notice of Hearing was hand delivered to the property owner on June 9, 2009. 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. Alphonso White approached the Board; he stated that he has been working on the property, and will need more time for code compliance. Chairman Grant confirmed with Mr. White on the remaining violations that need to be brought into code compliance. After some discussion concerning the inoperable vehicles, the Board made their motion.

Actions

Member Youmans made the motion to find case #09-039 in violation of Sections 304.2, 307.1, 302.7 from Ordinance #2821 and Chapter 38, Section 38-81 from the City Code of Ordinances. Seconded by Member Oldham. Motion carried 4-0.

Member Youmans made the motion on case #09-039, 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 Denyes. Motion carried 4-0.

09-040 Elisabeth H. Arguelles
Address: 1207 3rd Avenue East/DP#3196600153/Ward 4
Violation: Section 302.7 from Ordinance #2821.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on May 4, 2009. At that time staff found the shed in disrepair. A Notice of Violation was received by the property owner on May 13, 2009. A re-inspection was done on September 26, 2009 and the shed remained in violation. The Notice of Hearing was received by the property owner on June 9, 2009. Officer Runnals explained the violation through the photographs displayed and stated that the property owner has been issued a permit for the repairs to the shed. Staff recommends 30 days for code compliance with a fine of \$75.00 per day until full compliance is reached.

Ms. Elisabeth Arguelles approached the Board; she stated that she has been issued a permit for the repairs, but would like additional time for compliance.

Actions

Member Denyes made the motion on case #09-040 in violation of Section 302.7 from Ordinance #2821. Seconded by Member Youmans. Motion carried 4-0.

Member Denyes made the motion on case #09-040, giving the property owner 60 days for code compliance with a fine of \$75.00 per day until full compliance is reached. Seconded by Member Youmans. Motion carried 4-0.

09-041 Oscar Nunez / Marisa Porras
Address: 510 20th Avenue West/DP#4509200004/Ward 3
Violation: Section 304.15 from Ordinance #2821.

Volker Reiss, Compliance Manager stated that the property is in code compliance and the case is withdrawn from the agenda.

VI. OTHER BUSINESS:

09-014 John S. Wright / Suzanne Wright
Address: 4907 14th Avenue East/DP#1127248902

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

Mr. John Wright approached the Board; he stated he has made the repairs, and feels he is no longer in violation, and has been in compliance since May 18, 2009. Mr. Wright indicated he has a photo of the property on his cell phone which he displayed.

Officer Hogan explained the violations from the photographs displayed that were taken by her on July 20, 2009. Mr. Volker Reiss, Compliance Manager stated that if the property was in compliance, Mr. Wright would have received an affidavit of compliance.

Chairman Grant clarified the purpose of the Code Board Members actions regarding an Order Imposing Penalty/Fine being presented when a property is not in compliance.

Attorney Lisch stated that the violations were discussed when the case originally was presented to the Board, and the property was found in violation. After further discussion and explanation, Mr. Reiss stated that

staff will inspect the violation concerning the fence. Staff recommends meeting the property owner on the property.

Actions

Member Youmans made the motion to impose the fine as presented by staff. Seconded by Member Oldham. Motion carried 4-0.

09-006 Sabrina Crain
Address: 526 4th Avenue East/DP#3160800003

Volker Reiss, Compliance Manager stated that staff is here to request the Board to impose the Order Imposing Penalty/Lien and explained the circumstances of the case and concluded the property remains in violation.

Ms. Sabrina Crain approached the Board; she stated that her understanding of the case was that if she showed an effort for code compliance, she would be awarded more time for code compliance.

Volker Reiss, Compliance Manager read the document that is given to property owners along with the Findings of Fact, Conclusion of Law and Order after code board hearings, which explains the process for a reduction or removal of fines.

Ms. Crain explained to the Board that she had filed the necessary paperwork with the city required for her to get a variance for the parking lot and landscaping, adding that her financial situation will improve during season when more residences are occupied.

Attorney Lisch stated that it may benefit her to be placed the on the Code Enforcement Board agenda when the property has met the requirements of the city.

Chairman Grant summarized the process of code enforcement and the building department concerning properties that require a variance and enforced building codes.

Actions

Member Youmans made the motion to impose the fine as presented by staff. Seconded by Member Oldham. Motion carried 4-0.

09-024 Federal National Mortgage Association
c/o Chase Home Finance
Address: 2006 12th Street West/DP#4473700005

Chairman Grant noted that no action is required by the Board, property owner was notified of the hearing.

09-017 Eula Madison Estate
Address: 1110 2nd Street East/DP#3410600008

Chairman Grant noted that no action is required by the Board, property owner was notified of the hearing.

VII. STAFF/BOARD COMMENTS

Volker Reiss, Compliance Manager stated for the record that Members Coury and Fisher have excused absence, and thanked Members Youmans and Oldham for adjusting their vacation time to attend the Code Board Hearing which enabled our quorum for today's hearing.

Mr. Reiss noted that the new 2009 International Property Maintenance Code has been adopted by City Council as Ordinance #2906.

VII. ADJOURNMENT:

Meeting adjourned at 3:55 p.m.

Next scheduled meeting –August 18, 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.