

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
August 18, 2009

The City of Bradenton Code Enforcement Board met in regular session on August 18, 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, 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 Fisher made the motion to accept the minutes from July 21, 2009 as presented by staff. Seconded by Member Oldham. Motion carried 4-0.
- 3) The following persons were sworn in by Laura Anderson: Volker Reiss,

Cheryl Landers, Mark Runnals, Barbara Hogan, Eric Julien, Edward Alizeri, Daniel Perez, Josephina Perez, and William LaPena.

UNFINISHED BUSINESS:

None at this time.

HEARINGS:

09-042 Suntrust Bank
Address: 1339 13th Street West/DP#4429100003/Ward 3
Violation: Sections 304.2, 307.1, 302.4, 505.1 and 302.7 from Ordinance #2906.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on May 4, 2009. At that time staff found the exterior siding is rotted and contains chipped and peeling paint, abandoned items stored on property, overgrown yard, no running water to structure. The Notice of Violation was received by the property owner on May 14, 2009. A re-inspection was done on June 24, 2009 and all violations remained. The Notice of Hearing was received by the property owner on July 23, 2009. Officer Landers explained the violations through the photographs displayed; noting that the abandoned items have been removed from the property and because the structure is currently vacant the lack of water supply is no longer a violation. Staff recommends 30 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Actions

Member Coury made the motion to find case #09-042 in violation of Sections 304.2 and 302.4 from Ordinance #2906. Seconded by Member Fisher. Motion carried 4-0.

Member Coury made the motion on case #09-042, 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 Fisher. Motion carried 4-0.

09-043 James William Knowles
Address: 911 16th Avenue West/DP#4426300002/Ward 3
Violation: Section 302.4 from Ordinance #2906.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on June 29, 2009. At that time staff found the lot overgrown. The Notice of Violation was received by the property owner on July 3, 2009. A re-inspection was

done on July 16, 2009 and the lot remained overgrown. The Notice of Hearing was hand delivered to the property owner on July 21, 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 Oldham made the motion to find case #09-043 in violation of Section 302.4 from Ordinance #2906. Seconded by Member Coury. Motion carried 4-0.

Member Oldham made the motion on case #09-043, 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 Coury. Motion carried 4-0.

09-044 Eric Julien
Address: 2514 3rd Avenue West/DP#3404300000/Ward 2
Violation: Sections 304.2, 304.13, 304.10 from Ordinance #2906
and Schedule 501.A from Ordinance #2627.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated that the property was inspected on April 8, 2009. At that time staff found the exterior of the structure contained chipped and peeling paint, broken windows, inoperable vehicle, boat trailer stored in the front yard, and a ground level deck in disrepair. The Notice of Violation was hand delivered to the property owner on April 16, 2009. A re-inspection was done on June 15, 2009 and the chipped and peeling paint remained on the structure, the broken windows, and the boat trailer remained stored in the front yard. The Notice of Hearing was hand delivered to the property owner on July 22, 2009. Officer Hogan 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.

Attorney Lisch stated that he would have to refrain from commenting on the case since he lives in close proximity to the property.

Mr. Eric Julien approached the Board; he stated that he has been making repairs on the property. Mr. Julien went on to say that he will paint the house, but has been financially strained.

Chairman Grant asked if 30 days would allow him the time needed to bring the property into code compliance. Mr. Julien stated that he could be completed in 30 days.

Actions

Member Fisher made the motion on case #09-044 in violation of Sections 304.2, 304.13 from Ordinance #2821 and Schedule 501.A from Ordinance #2627. Seconded by Member Coury. Motion carried 4-0.

Member Fisher made the motion on case #09-044, 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 4-0.

09-045 Vascam Realty Group
Address: 114 10th Avenue East/DP#4509200004/Ward 3
Violation: Sections 304.15, 304.2, 304.13, 605.1, 603.1, 307.1, 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 A, parts 2 & 3 from Ordinance #2906 and Chapter 18, Section 18-31 from the City Code of Ordinances.

Volker Reiss, Compliance Manager requests the case be continued to the September 15, 2009 Code Enforcement Board hearing.

Actions

Member Fisher made the motion to open and continue case #09-045 until the September 15, 2009 meeting. Seconded by Member Coury. Motion carried 4-0.

09-046 Richard Depestel
Address: 2110 8th Avenue East/DP#1340800000/Ward 5
Violation: Sections 307.1, 302.4, 304.13, 302.7, 304.10, 304.6, 604.3, 304.2 and Section 1, subsection B, part 3 from Ordinance #2906.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on May 27, 2009. At that time staff found the property contained trash and debris, overgrown yard, broken and missing windows, boarded windows, the fence surrounding the property in disrepair and non-conforming, front porch in disrepair with sagging floors, rotted floor decking and termite damage, rotted exterior walls and termite damaged, exterior light fixtures in disrepair, exterior walls contain dirt and chipped and peeling paint. The Notice of Violation was received by the property owner on June 5, 2009. A re-inspection was done on June 31, 2009 and the following violations remained; the property contained trash and debris, the porch is in

disrepair and the exterior walls contain dirt and chipped and peeling paint. The Notice of Hearing was hand delivered to the property owners on July 28, 2009 and July 29, 2009. Officer Runnals explained the violation 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. William LaPena approached the Board; he stated that he is employed by Mr. Depestel. Mr. LaPena stated that some of the work requires a contractor and the property owner would like more time for code compliance.

Chairman Grant clarified that the property is vacant.

Actions

Member Coury made the motion to find case #09-046 in violation of Sections 307.1, 304.10 and 304.6 from Ordinance #2906. Seconded by Member Oldham. Motion carried 4-0.

Member Coury made the motion on case #09-046, 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 4-0.

09-047 Richard Depestel
Address: 2108 8th Avenue East/DP#1340810058/Ward 5
Violation: Sections 307.1, 302.4, 304.13, 604.3, 304.6, 304.2, 302.7,
605.1, 304.15 and Section 1, subsection B, part 3 from
Ordinance #2906.

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that property was inspected on May 27, 2009. At that time staff found the property contained trash and debris, overgrown yard, broken and missing windows, boarded windows, missing cover of electrical box, exterior walls cracked and rotted and missing siding, exterior walls contained dirt and chipped and peeling paint, the fence in disrepair and non-conforming, exterior light fixtures are missing and others missing globes, exterior rear door hardware improperly installed. The Notice of Violation was received by the property owner on June 5, 2009. A re-inspection was done on June 31, 2009 and the following violations remained; the fence in disrepair and non-conforming and the exterior rear door hardware improperly installed. A Notice of Hearing was received by the property owner on July 31, 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. William LaPena approached the Board; he stated that the properties are side by side and work will continue for code compliance.

Actions

Member Oldham made the motion to find case #09-047 in violation of Sections 302.7 and 304.15 from Ordinance #2906. Seconded by Member Fisher. Motion carried 4-0.

Member Oldham made the motion on case #09-047, 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 Fisher. Motion carried 4-0.

09-048 Betty J. Chaney
Address: 1016 Hubbel Rd/DP#1179400359/Ward 5
Violation: Schedule 501.A from Ordinance #2627

Mark Runnals, Code Enforcement Officer entered photographs into evidence. Officer Runnals stated that the property was inspected on May 20, 2009. At that time staff found the trash cans remained stored in front. 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 13, 2009 and the trash cans remained stored in front. The Notice of Hearing was sent to the property owner and returned unclaimed, which was then posted on the property and City Hall on June 21, 2009 and sent via first class mail. Office Runnals explained the violations through the photograph displayed. Staff recommends 10 days for code compliance with a fine of \$50.00 per day until full compliance is reached.

Actions

Member Fisher made the motion to find case #09-048 in violation of Schedule 501.A from Ordinance #2627. Seconded by Member Coury. Motion carried 4-0.

Member Fisher made the motion on case #09-048, giving the property owner 10 days for code compliance with a fine of \$50.00 per day until full compliance is reached. Seconded by Member Coury. Motion carried 4-0.

09-049 Alizieri Family Trust DTD 3/31/99
Sharon D. Alizieri – Edward J. Alizieri
Address: 6902 23rd Avenue West/DP#3938613605/Ward 1
Violation: Chapter 42, Section 42-45(a) from the City Code of Ordinances.

Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated that the property was inspected on June 9, 2009. At that time staff found the front door has chipped and peeling paint, no visible address on the structure, and several bundles of roofing shingles stored on the roof. The Notice of Violation was received by the property owner on June 25, 2009. A re-inspection was done on July 27, 2009 and the bundles of roofing shingles remained. The Notice of Hearing was hand delivered to the property owners on July 28, 2009 and July 29, 2009. Officer Hogan explained the violation through the photographs displayed. Staff recommends 10 days for code compliance with a fine of \$100.00 per day until full compliance is reached.

Mr. Edward Alizieri approached the Board; he stated that he has received the permit for the new roof. The tenants will be removed next per his attorney and the court records. Mr. Alizieri stated that he will be moving into the home, he asked the Board for some time to complete the work because he has a full time job. Mr. Alizieri asked for 20 days for code compliance.

Actions

Member Coury made the motion on case #09-049 in violation of Chapter 42, Section 42-45(a) from the City Code of Ordinances. Seconded by Member Oldham. Motion carried 4-0.

Member Coury made the motion on case #09-049, giving the property owner 20 days for code compliance with a fine of \$100.00 per day until full compliance is reached. Seconded by Member Oldham. Motion carried 4-0.

OTHER BUSINESS:

09-035 Daniel Camargo Perez
Address: 2805 9th Avenue East/DP#1165100007

Volker Reiss, Compliance Manager stated that the property owner is requesting an extension of time in advance of his compliance date. Mr. Reiss explained the case to date.

Mr. and Mrs. Perez approached the Board; he stated that he has hired a contractor and an architect to obtain permits and complete the work. Mr. Perez explained that the contractor may not have the work completed by the date due; therefore he is requesting an extension of time for code compliance.

Actions

Member Fisher made the motion to approve the extension of time with 90 days placing the date for code compliance at December 6, 2009. Seconded by Member Coury. Motion carried 4-0.

09-020 Wells Fargo Bank, N.A. as Trustee
Address: 918 17th Street West/DP#4381700006

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.

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

STAFF/BOARD COMMENTS

Volker Reiss, Compliance Manager stated that city council has approved the service of red light cameras at intersections to record individuals who violate traffic signals. The violations are a civil infraction which citizens have the right to appeal, and those appeals will be heard by the Code Enforcement Board.

ADJOURMENT:

Meeting adjourned at 4:00 p.m.

Next scheduled meeting –September 15, 2009.

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.