

ABBREVIATED MINUTES
CODE ENFORCEMENT BOARD
September 9, 2008

The City of Bradenton Code Enforcement Board met in regular session on September 9th, 2008 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, Dev. Review Manager.	Volker Reiss, Compliance Manager Cheryl Landers, Barbara Hogan, Victor Perez F.A.C.E. Certified Code Officers Mark Runnals, Code Officer			City Attorney Bill Lisch Attorney Robert Schermer

PRELIMINARIES

- 1) Meeting called to order by Chairperson Ragan at 2:30 p.m.
- 2) Member Fisher made the motion to accept the minutes from August 12, 2008 as presented by staff. Seconded by Member Grant. Motion carried 5-0.

- 3) The following persons were sworn in by Laura Anderson: Volker Reiss, Cheryl Landers, Barbara Hogan, Mark Runnals, Tyrving Perkins, Bridget Weyrick and Andre Sas.

HEARINGS:

08-049 Tyrving P. Perkins
Address: 1004 15th Street East/DP#4537900252/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 February 22, 2008. At that time staff found a large shed built without proper permits. The property owner received the Letter of Violation on April 8, 2008. The property was re-inspected on April 22, 2008 and a permit has not been issued. The property owner was sent the Notice of Hearing which was returned unclaimed. The Notice of Hearing was posted on the property and City Hall on August 18, 2008 and sent via first class mail. 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.

Mr. Tyrving approached the Board; he stated that he hired a contractor to install the shed and was told by the company that they would handle the paper work required.

Member Coury asked if the contractor was licensed. Mr. Perkins stated that the company assured him they would take care of everything.

Ms. Ruth Seewer informed the board and the property owner that a variance from the city is required because the maximum size for a shed is 200 square feet and Mr. Perkins shed is 400 square feet. Ms. Seewer added that the process usually takes 2 months, and if the variance is not granted the shed would have to be removed.

Actions

Member Grant made the motion to find case #08-049 in violation of Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Coury. Motion carried 5-0.

Member Grant made the motion on case #08-049, giving the property owner 90 days for code compliance with a fine of \$75.00 per day until code compliance is reached. Seconded by Member Coury. Motion carried 5-0.

08-057 Tony Lyons
Address: 1512 19th Street Court East/DP#1377602055/Ward 5
Violation: Sections 304.2 and 302.7 from Ordinance #2821.

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

08-058 Leola E. Evans
Address: 621 13th Avenue East/DP#4581300003/Ward 5
Violation: Sections 304.7, 304.13 and 307.1 from Ordinance #2821.

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

08-054 Juno Property Management LLC
Address: 1114-1116 16th Street West/DP#4388000005/Ward 3
Violation: Sections 304.2, 304.6, 304.7, 305.3, 304.4, 305.2, 304.15, 304.13, 302.7, 304.10, 504.1, 308.1, 307.1 from Ordinance #2821 and Chapter 18, Section 18-31 from the City Code of Ordinances.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the multi-unit structures were inspected on December 18, 2007. At that time staff found substandard exterior walls, chipped and peeling paint, the roof in disrepair, damaged ceilings, substandard interior floors, doors in disrepair, window frames in disrepair, garage in disrepair, rear stairway in disrepair, substandard plumbing system, vermin infestation, abandoned items stored on property, and work done without permits. The property owner was notified of the violations on December 20, 2007. The property was re-inspected on February 15, 2008 and all the violations remained. The property and City Hall were posted with the Letter of Violation and the Notice of Hearing and sent via regular mail on July 31, 2008. Officer Landers explained the violations through the photographs displayed and stated the property is deteriorating rapidly.

Volker Reiss, Compliance Manager read a letter into record from Darin Cushing, Building Official concerning the mentioned violations and his recommendation that the structure be demolished. Code Enforcement staff recommends 30 days for code compliance with a fine of \$250.00 per day and read the following; "The City/County requests that this board find that each and every one of the conditions cited are violations of the City/County code and constitute, for the reasons described, a public nuisance which is a danger to the public health, safety and welfare. The City/County, therefore, also requests that this board order that the property owner repair every violation listed or demolish the structure

(himself/herself) by the date given by the board or if the owner has failed to repair every violation or to demolish the structure by such date, that the City/County be authorized to demolish the structure and assess a lien against the property for such demolition.”

Officer Landers went on to say that she has spoken to the property owner on numerous occasions, and staff has received many complaints from neighbors in the area.

Actions

Member Grant made the motion to find case #08-054 in violation of Sections 304.2, 304.6, 304.7, 305.3, 304.4, 305.2, 304.15, 304.13, 302.7, 304.10, 504.1, 308.1 and 307.1 from Ordinance #2821 and Chapter 18, Section 18-31 from the City Code of Ordinances. Seconded by Member Fisher. Motion carried 4-0.

Member Grant made the motion on case #08-054, giving the property owner 30 days for code compliance with a fine of \$250.00 per day until full compliance is reached, and an additional 30 days to demolish the structure as a public nuisance or the City will demolish the property and record a lien for cost of demolition pursuant to Chapter 162 from the Florida Statutes. Seconded by Member Fisher. Motion carried 5-0.

08-055 Moss Financial Group
Address: 1721 9th Street West/DP#4501900007/Ward 3
Violation: Section 302.3, 702.3, 307.1, 304.13, 304.7 from Ordinance #2821 and Schedule 502.A.7 from Ordinance #2627.

Volker Reiss, Compliance Manager asked the board for a continuance.

Actions

Member Grant made the motion to continue the case until the next code board hearing. Seconded by Member Fisher. Motion carried 5-0.

08-059 Jorge Abel Cedeno
Address: 6605 16th Avenue Drive West/DP#3938003906/Ward 1
Violation: Sections 304.2, 304.3, 302.3, 605.1 from Ordinance #2821 and Chapter 38, Section 38-62 from the City Code of Ordinances.

Officer Barbara Hogan, Code Enforcement Officer entered photographs into evidence. Officer Hogan stated the property was inspected on April

14, 2008. At that time staff found the exterior contains chipped and peeling paint, no visible street address, the concrete sidewalk is in disrepair, the property contains outdoor storage, and the exterior light fixtures are in disrepair. The property owner received the Letter of Violation on May 7, 2008. A re-inspection was done on June 27, 2008 and all violations remained. The Notice of Hearing was received by the property owner on August 1, 2008. Officer Hogan explained the violations through the photographs displayed and stated that some of the violations have been corrected, the sidewalk remains in disrepair and the electrical light fixtures are in disrepair. Staff recommends 30 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 #08-059 in violation of Sections 302.3 and 605.1 from Ordinance #2821. Seconded by Member Grant. Motion carried 5-0.

Member Coury made the motion on case #08-059, 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 Grant. Motion carried 5-0.

08-061 LaSalle Bank
Address: 1312 10th Street West/DP#4421700008/Ward 3
Violation: Section 302.4 from Ordinance #2821.

Cheryl Landers, Code Enforcement Officer entered photographs into evidence. Officer Landers stated the property was inspected on August 14, 2008. At that time staff found the property overgrown. The property owner received the Letter of Violation and the Notice of Hearing on August 22, 2008 advising the property owner they are in violation as a repeat violator. The property owner had been found in violation by the board on December 11, 2007 for the same violation. Officer Landers explained the violations through the photographs displayed and asked that the board find the property owner in violation as a repeat violator of Section 302.4 from Ordinance #2821. Staff recommends 10 days for code compliance with a fine of \$150.00 per day until full compliance is reached.

Actions

Member Youmans made the motion to find case #08-061 in violation of Section 302.4 from Ordinance #2821 as a repeat violator. Seconded by Member Fisher. Motion carried 5-0.

Member Youmans made the motion on case #08-061, giving the property owner 10 days for code compliance with a fine of \$150.00 per day until full code compliance is reached. Seconded by Member Grant. Motion carried 5-0.

VI. OTHER BUSINESS:

07-027 Andre Sas
Address: 1011 13TH Street West

Volker Reiss, Compliance Manager explained the events leading to today's request by the property owner to reduce or remove the lien, which is in the amount of \$16,125.00. As of May 8, 2008 the property is in code compliance.

Mr. Sas approached the Board with Bridget Weyrick; he thought the original violation for work done without permits was complied with when the permit was issued for the windows. Mr. Sas stated that his assumption was incorrect and the fines have continued to accrue. Mr. Sas went on to say that he has hired a new contractor to continue the work, but he is having financial difficulties but will continue to improve the property.

Ms. Weyrick stated that she concurred with Mr. Sas that they were under the impression that the fine had stopped when the permit was issued and was very surprised when they received the lien for \$16,000.00.

Member Grant asked staff for their input, at which Volker Reiss, Compliance Manager stated that after a long period of time, the property is now in code compliance and would not object to the Board's decision.

Actions

Member Grant made the motion to reduce the fine to \$1,600.00. Seconded by Member Fisher. Motion carried 5-0.

Volker Reiss stated that when the property owner pays the reduced amount of \$1,600.00, staff will release the lien.

VII. STAFF/BOARD COMMENTS

Volker Reiss, Compliance Manager asked for a motion from the board members to move the Code Board Hearings to the 3rd Tuesday of the month due to the interference from the film crew preparing for the City Council meetings on Wednesday morning.

Member Grant made the motion to move the code board hearings to the 3rd Tuesday of the month, starting with October 21, 2008. Seconded by Member Coury. Motion carried 5-0.

Mr. Reiss stated that City Council has requested him to present during the next City Council meeting foreclosure procedures used by Code Enforcement.

VII. ADJOURMENT:

Meeting adjourned at 4:05 p.m.

Next scheduled meeting –October 21, 2008.

**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.