



**NOTICE AND AGENDA
CITY OF TREASURE ISLAND, FLORIDA
CODE ENFORCEMENT BOARD
REGULAR MEETING
CITY HALL AUDITORIUM, 120 108TH AVE,
TREASURE ISLAND, FL 33706
OCTOBER 17, 2018 AT 3:00 PM**

Welcome to the City of Treasure Island Commission Meeting. If you wish to speak on a topic which is on today's agenda, a speaker's form [available in the rear of the room] must be completed and given to the City Clerk. Please do not address the Commission from your seat, but rather from the podium where your comments can be heard by all and recorded as required by Florida law. Unscheduled topics may be presented under the Public Comments section of the agenda.

I. MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CELL PHONE ANNOUNCEMENT

IV. SWEARING IN NEW CODE ENFORCEMENT BOARD MEMBERS

V. ROLL CALL

Dana Ball	Chairperson
Jeffrey Allen	Board Member
Dennis Fagan	Board Member
Diane Law	Board Member
Raquel Lopez-Escobar	Board Member
Belinda Lunn	Board Member

VI. EXCUSE BOARD MEMBER ABSENCE

A. *Member Lunn from meeting October 17, 2018*

VII. ELECTION OF VICE CHAIR

VIII. AGENDA APPROVAL/CHANGES

IX. APPROVAL OF MEETING MINUTES

1. Approval of October 18, 2017 Code Enforcement Board Regular Meeting Minutes
2. Approval of May 16, 2018 Code Enforcement Board Regular Meeting Minutes

X. EXPLANATION OF HEARING PROCEDURES

XI. ADMINISTRATION OF WITNESS OATH

XII. EX PARTE COMMUNICATION DISCLOSURE

XIII. CASE HEARINGS

1. CEB 2018-39, Kemal & Maria Luna Tolunay, 11405 9th St E, Section 18-37(a), Unhealthful Accumulations Declared Public Nuisance, and, Section 68-495,(1)(a)&(2)(a), Minimum Property Standards. Overgrown vacant lot and fallen silt fence.

Sec. 18-37. Unhealthful accumulations declared public nuisance.

- (a) It shall be unlawful and shall constitute a public nuisance for any owner or occupant of property within the city to create, allow, permit, tolerate or maintain upon such property or within their premises, or the streets, public ways, rights-of-way or easements adjacent thereto, any pools of water or stagnant water or any building materials, refuse, rubble, trash, filth, waste, junk, motor vehicle bodies or parts or disabled boats or marine parts, or old lumber, or any excessive growth of weeds or other vegetation or any other rank or noxious plants, vegetation or matter, or any other conditions or matter conducive to the breeding of mosquitoes or to infestation by rats, rodents or other vermin, or the breeding, concealing or harboring of rats, rodents, snakes, dangerous reptiles or animals, insects or vermin or anything which may cause disease, or affect the health of the inhabitants of the city, or anything that endangers, injures or impairs the public health and safety of the inhabitants of the city.

Sec. 68-495, Minimum property standards.

1. The exterior of the premises and of all structures shall be kept free of all nuisances, hazards to residents, occupants and pedestrians utilizing the premises, and free of unsanitary conditions in accordance with the following requirements:
- (a) All premises shall be kept free of dead trees and shrubs, excessive brush and overgrowth, excavations, standing water not a component of an approved drainage system, loose overhanging objects and the accumulation of trash, garbage, refuse, vegetation clippings and/or debris.
2. *Turf maintenance and height of grass*; The exterior areas of the premises, including yards, lots and public rights-of-way shall be maintained in a manner free from nuisances, hazards and other unsanitary conditions through the following requirements:
- (a) All premises with overgrown grass over six (6) inches high on all residential properties shall be considered excessive growth.

XIV. OLD BUSINESS

XV. NEW BUSINESS

XVI. ADJOURNMENT

For any person desiring to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based [F.S. 286.0105]. NOTE: Any transcript shall be requested and made by the individual requesting same at his or her own expense. Therefore, a court reporter may be desired or required accordingly.

Any person with a disability who needs any accommodation in order to participate in this proceeding is entitled to assistance at no cost. Please contact the Office of the City Clerk in writing at 120 108th Avenue, Treasure Island, FL, 33706 or by phone at (727) 547-4575 at least two working days prior to the meeting to advise what assistance is needed.

MINUTES
CITY OF TREASURE ISLAND, FLORIDA
CODE ENFORCEMENT BOARD MEETING
CITY HALL AUDITORIUM, 120 108TH AVE, TREASURE ISLAND, FL 33706
October 18, 2017
3:00 PM

1. Meeting Called to Order:

The meeting was called to order at 3:00 by Chairperson James Buchyn.

2. Pledge of Allegiance

The Pledge of Allegiance was led by Ms. Ball.

3. **Cell Phone Announcement**

4. **Roll Call:**

James E. Buchyn, Chair	Present
Dana Ball, Vice-Chair	Present
Dennis Fagan	Absent
Diane Gardner-Rhoden	Absent
Diane Law	Present
Belinda Lunn	Absent
Bob Weber	Absent
Janet Bryant- Alternate	Absent
Ross Sanchez	Present

Deputy City Clerk Pam Middleton made note that Mr. Fagan, Ms. Gardner-Rhoden, Ms. Lunn and Ms. Bryant sent emails stating they would not be in attendance. Mr. Weber did not send an email.

5. **Agenda Approval/Changes**

Ms. Middleton swore in new alternate member Ross Sanchez.

It was moved by Ms. Ball and seconded by Ms. Law to accept the agenda. The voice vote was unanimous.

6. **Approval of the September Meeting Minutes.**

It was moved by Ms. Ball and seconded by Ms. Law to accept the September Minutes. The voice vote was unanimous.

7. **Explanation of Hearing Procedures**

City Attorney Jennifer Cowan read the hearing procedures.

8. **Administration of Witness Oath**

Staff and witnesses were sworn in by Ms. Middleton.

9. Ex Parte Communication Disclosure

None

10. Case hearings

CEB 2016-48, Irene Penkarski, 8564 W Gulf Blvd. Florida Building Code, Sec. R322.2.2. Non-permitted construction below the Base Flood Elevation in violation of FEMA restrictions.

Mr. Powell stated the property is a duplex. The case was presented to the Board on August 16, 2017. The Board found the property to be noncompliant. They were given until September 16, 2017 to come into compliance. The property was reinspected on September 26, 2017. The property was still noncompliant. A notice of hearing was sent. It was also put in the Tampa Bay Times for four consecutive weeks. Staff is requests the Board find that the Respondent is not in compliance with the order and assess a daily fine of \$100/day from September 17, 2017 and continue until the property comes into compliance.

Mr. Powell submitted the documents that he submitted back in August. He asked that the documents be accepted as evidence. A motion was made by Ms. Ball to accept Mr. Powell's documentation as evidence and seconded by Ms. Law. The voice vote was unanimous.

Mr. Buchyn asked if anyone was there to speak on behalf of the Respondent. There was no one to speak on behalf of the property. There were no public comments on the case. Mr. Buchyn said staff's recommendation is valid. Mr. Powell said they are still a first time violator. They failed to comply with the order of the Board. Mr. Buchyn feels the \$100/day starting on September 17, 2017 is a reasonable remedy. Ms. Ball asked if the Respondent has been in touch with staff. Mr. Powell said no. All documents have been returned unclaimed and that is why it was posted in the newspaper. Ms. Law asked if \$250/day could be applied. Ms. Cowan answered in the affirmative. Ms. Law asked if the case began in 2016. Mr. Powell said yes. Ms. Law suggested a higher penalty. Mr. Powell said staff is recommending the fine begin on September 17, 2017 which is the day after the Board's deadline. Mr. Powell said they have the option of a one-time fine. Ms. Cowan said a one-time fine is reserved for when there is no corrective action. She would dissuade them from doing that. She said in determining the fine they need to review the gravity of the situation, actions or inactions taken, and whether or not there were prior violations.

Mr. Buchyn said the job of the Board is to encourage corrective action. Due to the FEMA rules this situation does affect the community on a whole. The Respondent must come into compliance. Unfortunately, some people will only respond to a fine. Due to the gravity of the case he believes a fine of \$150/day would suffice.

In the case CEB 2016-48, Ms. Ball made a motion that the Code Enforcement Board find as matter of fact that Irene Penkarski, has not complied with the Code Enforcement Board Order, dated August 16, 2017 Sec. R322.2.2. Non-permitted construction below the Base Flood Elevation in violation of FEMA restrictions and Order that a fine of \$150/day be imposed for the period beginning September 17, 2017,

and continuing until the property is brought into compliance. In determining the amount of the fine, the Code Enforcement Board took into consideration the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator. The Code Enforcement Board also assessed administrative costs incurred by the City in the prosecution of this matter to be determined plus any applicable recording fees. Further, order that a certified copy of this Administrative Order shall be recorded in the Official Records of Pinellas County, and shall constitute a lien against any real or personal property owned by the violator and authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order. The motion was seconded by Ms. Law. The voice vote was unanimous.

CEB 2017-20, Robert E. Randle Living Trust, 11305 2nd St E. Sec. 68-495, Minimum Property Maintenance Standards. Deteriorated exterior, dead trees and deteriorated roof allowing water into the building.

Mr. Powell said the property is a duplex. The property was inspected on May 5, 2017 and found non-compliant. There was no business tax receipt for a rental property, but the tenant said he had been renting for two years. A Notice of Violation was posted and sent with a compliance date of May 28, 2017.

The owner contacted the City on May 28, 2017 and asked for a 60 day extension. The extension was given. The Respondent was given until July 22, 2017. On July 19, 2017 the Respondent called and asked for another 60 days. This was denied. No work was done on the property during the first 60 day extension. A Notice of Hearing was sent on September 18, 2017 for today's Code Enforcement Hearing. The last inspection was October 16, 2017. The property was not in compliance. Mr. Powell said the Respondent came into the City yesterday and said he was cutting the trees and had a contract to fix the roof. Mr. Powell hasn't checked to see if the trees were cut. Mr. Powell said 20 days is sufficient time to come into compliance.

Mr. Powell asked that his documents be accepted as evidence. A motion was made by Ms. Ball to accept Mr. Powell's documentation as evidence and seconded by Ms. Law. The voice vote was unanimous.

Mr. Randle is the owner. He had the trees cut yesterday. The hurricane pushed them back. He has a roofer who is supposed to start on Friday and finish it by Monday. Mr. Buchyn said they will find him as a first time violator. The Board will not impose a fine. Mr. Buchyn asked Mr. Randle if he would be able to comply within 20 days. Mr. Randle answered in the affirmative. Mr. Randle said the roofer did apply for the permit but it hasn't been issued.

Mary Pender lives at 11350 2nd St. E. She said there was a blue roof long before the hurricane. Nothing was done about it. The tenant had to leave because of the terrible condition. It is in deplorable condition. He is an absentee landlord. Mr. Buchyn said that as far as this case the Board will find him as a violator and all the conditions that were cited by staff will be corrected. Most of the work will be done. If there are additional issues with the building someone can put in a request for code violations. If there are additional issues a person can submit a requested for inspection. Ms. Pender said it has

been neglected for a long time. Mr. Buchyn if the conditions cited today. If they are not corrected they will be before the Board.

Mel Lenehan lives in Sunset Beach. She said the citizens could contact the Code Enforcement Department. She wanted clarification about the first offense. Ms. Cowan said that at the first hearing it will be determined if they are a first time violator. If they are found to be a first time violator the Board is required to provide a time to take corrective action. If they fail to do it within that time period, then at the next meeting there is a determination of a fine. That fine goes back to the corrective date.

Mr. Buchyn said the Board's goal is to bring Respondents into compliance for the good of the community. Mr. Buchyn suggested finding the Respondent as a first time violator. Ms. Ball agreed. Ms. Law said she thinks it is important that the community knows the Board wants to do what is in the City's best interest. They are going to give him more additional time, but they won't continue extending. Mr. Sanchez said if something isn't corrective after 20 days a penalty will be put in place.

In the case CEB 2017-20, Ms. Ball made a motion that the Code Enforcement Board find the Respondent was present and based on the testimony and evidence received, it is evident that a violation of deteriorated exterior, dead trees, deteriorated roof allowing water into the building exists, and therefore, the Respondent Robert E. Randle Living Trust is in violation of the Treasure Island Code of Ordinances Section Sec. 68-495 for the property located at 11305 2nd St E., and is a first time violator and order the Respondent to fix the roof and remove the dead trees and fix the exterior to comply with said section of the Code by November 7, 2017.

Upon complying with said Section(s) of the Code, the Respondent shall notify Inspector Larry Jenkins, who shall inspect the property and notify the Board of compliance. If the property is not brought into compliance by November 7, 2017 the case will come back before this Board for the imposition of a fine and certification of a lien on the property. The motion was seconded by Ms. Law. The voice vote was unanimous.

CEB 2017-22, Mara Kyle/Gregory Kyle, 11455 1st St E. Sec. 68-495, Minimum property maintenance standards. Overgrown yard, dead vegetation, trash and debris, broken windows, deteriorated roof.

Mr. Powell said the property is a duplex. It was inspected on May 9, 2017. It was noncompliant due to dead and overgrown trees and shrubs, pieces of a shredded tarp strewn about the lot, broken and boarded-up windows, peeling paint and a deteriorated roof that allows rainwater to enter the interior of the building. A Notice of Violation was posted and sent with a compliance date of May 30, 2017. This property came before the board on August 16, 2017. The Board found the Respondent in violation giving them a compliance date of September 16, 2017. An inspection on September 26, 2017 showed that the property was not in compliance. The notices were never claimed. This case had to be advertised in the paper for four consecutive weeks.

Staff requests that the Board find the Respondents in violation of the Board's order of August 16, 2017 and assess a fine to run from May 30, 2017 until the property comes into compliance. The Board can set a retroactive date from either May 30, 2017 or September 16, 2017. Staff recommends \$100/day from May 30, 2017.

Mr. Powell asked that his documents be accepted as evidence. A motion was made by Ms. Ball to accept Mr. Powell's documentation as evidence and seconded by Ms. Law. The voice vote was unanimous.

Mr. Buchyn noted that the Respondent was not in attendance.

Ms. Pender said she is speaking for the neighbors. The property is deplorable. She stated there are many holes in the ceiling and there are many animals that are there. She doesn't think they can take several years without anything being done. It is a shame that the property has been let go. She believes that until property owners are pushed they won't do anything. The neighbors suffer by having to look at the mess. Mr. Buchyn said the fines are designed to bring the property into compliance. The point is to hear from neighbors. Ms. Pender said it is reducing the property values. Mr. Powell said staff recommends the Board find them in violation of the order from August 16, 2017 and establish a daily fine of \$100 until they come into compliance. Mr. Powell noted that Staff's deadline was May 30, 2017. The Board's deadline was September 17, 2017. Mr. Buchyn asked Ms. Cowan if they have the option of fining them since May 30, 2017. Ms. Cowan said traditionally the Board goes from the day they failed to comply with the order. She would recommend September 17, 2017.

Mel Lenehan is from Sunset Beach. She said the time-periods are extensive. She requested that Staff not accept any more extensions and allow the Board to make those decisions. Mr. Powell said Florida Statute 162 requires giving them a reasonable time. He explained that they usually do not give extensions. Mr. Buchyn said it has to come before the Board. They can't make the determinations without hearing from both sides. Ms. Lenehan said she is trying to cut the time before it comes before the Board. She would like the timeframe to be consistent. Mr. Buchyn said one thing they can do is try and cure the condition. Ms. Lenehan would like a standard for everyone so it doesn't take so many months before it gets before the Board.

Diana Crabill is a resident of Isle of Palms. She would like the fine to be increased. It has been an issue for several years. She wasn't sure why it took so long to get before the Board. Mr. Buchyn said he agrees with the citizens. He would be in favor to raise it to \$150/day. They can't change the timeframes. The idea is to get it fixed. Ms. Ball clarified that it would be a running fine until it is corrected. Ms. Law agreed with the \$150 fine. Mr. Sanchez wanted to know if there was any correspondence with the owner. Mr. Powell said no. The Respondents live in Hawaii. The property is in foreclosure. There have been 3 different banks. There are three more addresses and three more banks. None of the notices are claimed. He has no proof that they received the notices. That is why the City Attorney posts the notices in the newspaper for four consecutive weeks. Ms. Ball said because the property is in foreclosure could they fine the banks. Mr. Powell said no because the bank doesn't own it. Staff asks the bank to cut the grass. The bank that has it now only cuts the grass. They can only fine the property owner and a lien will go on the property. Mr. Buchyn said the fine goes the owner. They are legally required to notice and it delays action. There are a lot of absentee owners

In the case CEB 2017-22, Ms. Ball made a motion that the Code Enforcement Board find as matter of fact that Mara Kyle/Gregory Kyle have not complied with the Code Enforcement Board Order, dated August 16, 2017 to correct the overgrown yard, dead vegetation, trash and debris, broken windows and

deteriorated roof and order that a fine of \$150.00 per day to be imposed for the period beginning September 17, 2017, and continuing until the property is brought into compliance. In determining the amount of the fine, the Code Enforcement Board took into consideration the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator.

The Code Enforcement Board also assessed administrative costs incurred by the City in the prosecution of this matter to be determined plus any applicable recording fees. Further, order that a certified copy of this Administrative Order shall be recorded in the Official Records of Pinellas County, and shall constitute a lien against any real or personal property owned by the violator and authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order. It was seconded by Ms. Law. The voice vote was unanimous.

11. New Business:

None

12. Adjournment

The meeting adjourned 4:08 p.m. The next Code Enforcement Meeting is scheduled for November 15, 2017.



**CITY OF TREASURE ISLAND, FLORIDA
CODE ENFORCEMENT BOARD
REGULAR MEETING MINUTES
CITY HALL AUDITORIUM, 120 108TH AVE,
TREASURE ISLAND, FL 33706
MAY 16, 2018 AT 3:00 PM**

The meeting was called to order at 2:59 PM by Vice-Chairperson Dana Ball

I. MEETING CALLED TO ORDER

The meeting was called to order at 2:59 PM by Vice Chair Dana Ball.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Ball.

III. CELL PHONE ANNOUNCEMENT

There were no members of the audience.

IV. ROLL CALL

Attendee Name	Title	Status	Arrived
Dana Ball	Vice-Chairperson	Present	
Dennis Fagan	Board Member	Present	
Diane Gardner-Rhoden	Board Member	Absent	
Diane Law	Board Member	Absent	
Belinda Lunn	Board Member	Present	
Bob Weber	Board Member	Present	
Ross Sanchez	Alternate #1	Present	

V. ELECTION OF OFFICERS

Vice Chair Ball asked for a motion to elect Code Enforcement Board Officers.

Board Member Fagan made a motion to ask Commission to appoint Dana Ball as Chair and Bob Weber as Vice Chair. The voice vote was unanimous.

VI. AGENDA APPROVAL/CHANGES

None

VII. APPROVAL OF MEETING MINUTES

It was moved to by Ms. Lunn to accept the minutes as read and seconded by Vice Chair Weber. The voice vote was unanimous.

VIII. EXPLANATION OF HEARING PROCEDURES

IX. ADMINISTRATION OF WITNESS OATH

X. EX PARTE COMMUNICATION DISCLOSURE

None

Minutes Acceptance: Minutes of May 16, 2018 3:00 PM (Approval of Meeting Minutes)

XI. CASE HEARINGS**1. CEB 2018-13, Treasure Del Sol, LLC, 11020 1st Street East. Delinquent Business Tax**

Code Enforcement Officer Del Powell asked to have the case continued to the next meeting to allow Treasure Del Sol, LLC to receive the Certified Mail notification of violation and for the City to receive the Return Receipt showing evidence of delivery.

It was moved to continue this case to the next meeting by Mr. Fagan and seconded by Vice Chair Weber. It was seconded by Vice Chair Bob Weber. The voice vote was unanimous.

XII. OLD BUSINESS

None

XIII. NEW BUSINESS

City Attorney Jennifer Cowan invited the Code Enforcement Board to join Lewis Longman Walker (LLW) Open House to celebrate their new location on May 30 at 5:30 p.m. in St. Petersburg, FL.

XIV. ADJOURNMENT

The meeting adjourned at 3:05 PM. The next Code Enforcement Board meeting is set for June 20, 2018.