

# INDIAN SHORES

Ph 727.595.4020 Fax 727.596.0050  
19305 Gulf Boulevard, Indian Shores, FL 33785  
www.myindianshores.com



## SPECIAL MAGISTRATE PUBLIC HEARING MINUTES – TUESDAY, OCTOBER 4, 2016

The Public Hearing was convened at 2:00 P.M. by Special Magistrate, Herbert E. Langford.

Present were: Herbert E. Langford; Attorney Regina Kardash; Elaine Jackson, Town Clerk; Bonnie Dhonau, Town Administrator; Gregory Yantorno, Building Official; Chief Salvatore A. D'Angelo; Patrick Soranno; Eugene and Irene Thompson; Frances Spiro; Carole Irelan; Robert H. Brotherton; Diantha Schear and Larry Schear.

1. **PUBLIC HEARING:** Consideration of addressing existing conditions at 18840 Gulf Boulevard, Indian Shores, Florida 33785, which constitute a public nuisance and violation of the Town of Indian Shores Nuisance Abatement Code, Chapter 34, Article IV.

**Mr. Langford** stated the Town has brought a citation against the property owners and must prove a preponderance. He explained the process by which the hearing would be conducted, stating his role was to hear evidence, take notes, take into account the facts and rule of law and either vote yes or no.

**Town Clerk, Elaine Jackson**, read the notice of public hearing into the record.

**Town Attorney Regina Kardash** stated the building was a 5 -unit condominium, and the site of a fire, which created the conditions.

It was noted that unit owners present were Patrick Soranno, Gene and Irene Thompson and Frances Spiro; however, John and Angela Powers as well as Steve and Cynthia Ira were not present.

**James J. Lawrence**  
Mayor

**Patrick C. Soranno**  
Vice Mayor

**Michael (Mike) Petruccelli**  
Councilor

**Diantha Schear**  
Councilor

**William F. (Bill) Smith**  
Councilor

**Bonnie Dhonau**  
Town Administrator

**Terry E. Hughes**  
Chief of Police

**Susan L. Scrogam**  
Director of Finance  
and Personnel

**Elaine N. Jackson, MMC**  
Town Clerk

**Gregory Yantorno**  
Building Official

**Regina Kardash, Esq.**  
Town Attorney

**Mr. Langford** administered the oath to all those who would be testifying.

**Attorney Kardash** provided the Special Magistrate with public records consisting of a certified copy of the nuisance ordinance, affidavit of mailing and request for hearing from the president of the condominium association, as well as the legal description of the properties taken from the Pinellas County public records.

**Chief Salvatore A. D'Angelo, Pinellas Suncoast Fire and Rescue District**, listed his background, training, and qualifications. He related his experience with the fire which occurred on Friday, September 2, 2016, stating embers were hitting his vehicle as he came over the Park Blvd. bridge. Upon arrival, he observed a fully involved structure fire of all 5 units, and crews were already applying water. It took approximately 6 hours to contain, due to winds up to 78 mph from Hurricane Hermine. Several thousands of gallons of water was used. The building was devastated and he would not allow anyone back into the building. The roof was gone as well as the load bearing wall and there was extensive water damage. The Town assisted in posting placards to warn against entry and fire line tape was applied. State of Florida Fire Marshall's office determined lightening as the cause of the fire. There was concern the roof system was unstable and the load bearing wall a potential hazard. They tried to assist where they could to ensure safety is maximized. The south wall is leaning away from the building, toward the south.

**Robert H. Brotherton**, Engineering consultant for the Town of Indian Shores, listed his background, training, and qualifications. He testified he inspected the site from outside the building and examined the photos taken of the inside. He stated the main concern is damage to walls and roof for wind load, and significant damage to wooden floor joists which are not adequate for water load, and some have collapsed. A certified copy of his letter of assessment was submitted. He stated the foundation is concrete slab supported by pilings. Everything above is subject to collapse at any time. The building is adjacent to a beach access and fencing is close to the building, thus there could be injuries or damage to surrounding properties, as it is uncertain where parts and pieces of the structure will go.

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**Gregory Yantorno, Acting Building Official** for the Town of Indian Shores, listed his background, training, and qualifications. He testified that on September 2, 2016, he was notified by Chief of Police Terry E. Hughes that a building was on fire in Indian Shores. Hurricane Hermine was moving up the coast and the Skyway Bridge was closed, preventing his immediate response. He arrived around 3:30 P.M. and the fire was out. He stated the building was severely damaged and the majority of the roof was gone. He made contact with a fence company to erect a fence and to walk through to ascertain the condition of the building, take photographic records and was concerned by the amount of damage. Unit 1 was completely destroyed, except for the south and east wall. The south wall has started leaning in toward the building. Inside, on the 2<sup>nd</sup> floor, the drywall has dropped and the joists are starting to compress.

**Mr. Yantorno** reviewed all 22 photographic records made, identifying the address in each photo and the damage documented, including roof collapse, trusses and bearing walls destroyed, water damage, gable end wall detached from floor joists, debris, drywall fallen, stairwell blocked, ceiling caved, and compression and twisting of TJI's.

**Mr. Yantorno** stated he has been in communication with the insurance adjuster, and explained the building should be demolished as soon as possible, and can be completed within 24 hours. He has not received a response to his letter dated September 15, 2016, nor to the notice of this hearing. The adjuster was to get a check for out of pocket expenses and the demolition, but to date, they have not been received.

**Mr. Yantorno** stated the building is coming down and he stated he would prefer a controlled demo. Most of the compression is in the center of the building, but there is no guaranty where debris will fall.

**Mr. Yantorno** stated the building on the south is about 10 feet from the south wall of the burned building. Small pieces of debris have blown over and landed on the neighboring building and it is a concern to them. They are losing some rental contracts. He has asked them to keep their eyes open to observe any changes to the condition.

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**Attorney Kardash** submitted public records showing the correct parcel numbers used in sending notifications, which were verified by the property owners as correct for the mailings of the notice. Mr. Yantorno identified the green cards as return receipts for the mailing.

**Mr. Yantorno** stated the building constitutes a safety hazard, is unfit for habitation, and recommended it be demolished immediately. He reported he started calling demolition contractors almost immediately after the fire and has finally received three bids. Two were very high. Copies of proposals from Howard Jimmy and Kimmins Contracting were submitted. The lowest bid was from "Back to Dirt" for \$27,155. He stated it would take between 4-5 days to raze the building.

**Mr. Patrick Soranno** testified as representative for the condominium association. He listed his background, training, and qualifications. He testified the owners were not in disagreement with the need for demolition, it is just an issue of timing. The day of the fire, he was taking his wife to the hospital and the only owners able to work on the matter is he and Mr. Thompson. On September 2, 2016, a fire at 18840 Gulf Blvd., rendered all units unlivable, resulting in loss of years of memories and personal belongings. The Town has worked diligently to determine the scope, as early as the 2<sup>nd</sup> day after the fire and they have been planning. On September 6, 2016, the association met with the claims adjuster and expected an engineering report on September 19<sup>th</sup>. Mr. Soranno and Mr. Thompson met with the insurance personnel on September 21<sup>st</sup>. The Town Ordinance was not clear, so there were more structural engineers report. On September 23, 2016, owners sent email to Mr. Yantorno requesting a meetings and scope of work. On September 29, 2016, the owners were emailed the Town must contract with demolition contractor.

**Mr. Soranno** stated they have three legitimate proposals working toward same results. The building must come down. He asked that they be allowed to review all reports together so a single scope of work can be done.

**Mr. Soranno** stated, as Chairman of the Beautification Committee, he agrees definitely it is an eye sore and has no questions, with extent of the collapse of the building. The southeast wall is hanging into the building and a hurricane is coming. A proposal from "Back to Dirt" suggested he can pull the southeast wall down. Timing is the issue and it's critical to get it done, in a proper and orderly manner.

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**Mr. Soranno** further reported there is a structural engineer's opinion report pending October 3<sup>rd</sup>. We have not received any funds from the insurance company yet, and we don't understand why it is taking so long. We are at the point of hiring our own public adjuster. We may be able to work out an agreement with the contractor and guaranty payment, subject to payment from the insurance company. The contractor was planning to do the demolition next week, but now we are hoping to remove the south wall in light of the hurricane coming.

**Mr. Eugene Thompson** listed his background, training, and qualifications. He testified the main reason this has taken so much time is in reviewing proposals, there has been no consistent scope of work yet. We wanted to do it in two stages. We have four different proposals, none of which are consistent, and all are very confusing. We have to get a permit. The contractor would be willing to leave his present job for one day and make the south wall safe.

**Mr. Thompson** stated they want to see the engineers report and bid with the scope of work, make an intelligent decision and demo all at once. It is 42 feet to the sea oats from the back of the house, which is the west side. There are at least twenty feet of dune. Anything falling from the building would fall on the parking lot. The south side wall is dangerous, and the south side setback is approximately five feet. The wall is a gable wall, not a support wall. Trusses run front to back, and floor joists, so if they fall, they will fall down inside the unit. The building is ten feet away from the property line. On the north side, the parking spaces separate access to the bridge to the beach. If the walls collapse outward, debris would fall outside the fence. If it is flaking off, it would fall into the building. The demo can be done this week if we can demo the south wall. Right now it is leaning in.

**Mr. Soranno** added they have four separate structures, and the south side is completely destroyed. The three bedroom units are partially damaged, and the two stacked units are ready to collapse. If the building comes down, it will be in the center of the structure. The only issue is the south-east wall. With Hurricane Matthew coming, we need to move quickly and get it done. If it is a Category 4, that's the immediate danger.

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**Attorney Kardash** stated the Town's first concern is for the safety of its citizens with respect to the condition of the building. If we had an ordinance relative to emergency demolition, we would do the minimum amount required. The Town is not seeking to oppose a fine, as it understands this is a difficult situation and not the fault of the property owners. This is not the financial obligation of the Town using tax payer dollars, it is the property owners' responsibility, and, if not reimbursed, the Town would impose a lien on the property.

**Attorney Kardash** stated time is of the essence. Council will have to present a budget amendment by October 11, 2016, if not resolved by then.

**Special Magistrate, Herbert E. Langford** stated he was ready to set the motion, commenting this is not just about money or memories. Based on the evidence and with concern regarding the application of the nuisance ordinance, he stated he recognized it may be a race. The insurance company should get this done, as the building could collapse in or out. There is a storm coming, and we don't know where it will go. For safety reasons, something needs to be done forthwith. Lightening started the fire and the ordinance required 21 days' notice of this hearing. Officials, owners, and everyone did what they could to push this forward, except the insurance company. He expressed his concern about eminent collapse if the storm hits. He stated this needs to get done forthwith, as it affects life and safety, meets the definition of endangering and interferes with enjoyment of life.

**Mr. Langford** stated he is ordering the Town of Indian Shores to perform the minimum amount of demolition to secure the safety of citizens and seek reimbursement from the insurance company. He stated when the insurance company check comes through, the property owners must work together to reimburse the Town. He reserved jurisdiction for cost of the demolition, and attorney fees. He stated it will take several days for the written orders to be issued.

The Special Magistrate Public Hearing adjourned at 4:00 P.M.



Elaine Jackson, MMC

Town Clerk