



City of Safety Harbor Florida

HOME OF ESPIRITU SANTO MINERAL SPRINGS

750 Main Street † Safety Harbor, Florida 34695
(727) 724-1555 † Fax (727) 724-1566
www.cityofsafetyharbor.com

May 9, 2023

Nicole A. Farantos, CEO
Preedom Land Trust
C/O KOS Corporation
2465 McMullen Booth Rd.
Clearwater, FL 33759-1368

Subject: Oakbrook Plaza, 2475 McMullen Booth Rd. (CEB Case # 18-005)

Dear Ms. Farantos:

Oakbrook Plaza is located at 2475 McMullen Booth Road, within the City of Safety Harbor's jurisdiction. Mullet Creek runs through the center of the property in an east-west direction, with buildings located north and south of the creek. The creek discharges into Old Tampa Bay. The Environmental Protection Agency lists this water body as an impaired water body due to high levels of fecal coliform.

On April 20, 2023, the City of Safety Harbor received an e-mail from the Oakbrook Plaza property management company (phi-international), regarding a sewer odor that many tenants have been noticing at Oakbrook Plaza. The email is attached.

On February 21, 2018, the Safety Harbor Code Enforcement Board found Preedom Land Trust C/O KOS in violation of several Safety Harbor City Code sections regarding illicit discharge, spills and dumping, inspections and monitoring, plumbing systems and fixtures, and sanitary drainage system. During the board hearing, testimony was provided regarding laboratory results taken in 2017 and 2018 showing high counts of fecal coliform and e-coli at numerous locations in Mullet Creek that corresponded to stormwater vault outfalls at Oakbrook Plaza. Lab results are attached. It was also noted that Oakbrook Plaza's sanitary sewer connects to the City of Clearwater's sanitary sewer system. A lien was recorded on the property on August 16, 2018. A copy of the lien is attached. A fine of \$250/day is being assessed and the lien is currently in excess of \$450,000.

In 2019, a consultant contacted the City of Safety Harbor staff regarding a study they were conducting to address the illicit discharge. Since that time, the City of Safety Harbor has not received any information regarding the study, the case is still open, and the property is being fined daily.

Pinellas County's ambient water quality testing report card through 2021 is attached.

Please provide an update in writing regarding the status of this code enforcement case.

Sincerely,



Marcie Stenmark, AICP
Community Development Director

Attachments:

E-mail dated April 20, 2023

Lab results

Recorded Lien

NPDES Report

cc: Barry Burton, Pinellas County
Kelly Boatwright, Florida Department of Environmental Protection
Joseph Hagin, Southwest Florida Water Management District
Matt Irwin, NPDES Stormwater Program
Jennifer Poirrier, City of Clearwater
Amanda Porter, Florida Health Department
Matthew Spoor, City of Safety Harbor
Joseph Thames, Pinellas County
Brenda Tross, Phi Int.
Melanie Weed, Pinellas County

From: [Brenda Tross](#)
To: [Marcie Stenmark](#)
Subject: National Property Trust: Tenant: Infinity Pizza
Date: Thursday, April 20, 2023 8:09:47 AM
Importance: High

CAUTION: External Email

Good morning Marcie

I hope you can help me or refer me to the right department or person that can.

We have had an ongoing issue with many of our tenants with a strange sewer like odor. Other than Infinity Pizza, we have been able to identify and resolve the problem with the Smoke Test and a highly skilled plumber specializing in the trade. However, after many attempts at Infinity Pizza, the Smoke Test Team and the Plumber and our General Maintenance Manager are still unable to resolve the strange odor in that suite.

Is this an issue that the City can help us with? Or can you refer me to someone else? just looking for some assistance to help solve my tenants problem.

Thank you very much

Infinity Pizza
2481 N. McMullen Booth Road
Suite D
727-255-2827

Brenda Tross
Assistant Property Manager
pma@phi-int.org

SAFETY HARBOR CODE ENFORCEMENT BOARD

CITY OF SAFETY HARBOR

CASE NO. CEB 18-005

Petitioner

VS.

LEGAL DESCRIPTION

Freedom Land Trust
C/O KOS Corp.
2451 N McMullen Booth Rd.
Clearwater, FL 33759

Part of NW ¼ of sec 33-28-16 desc as N 693FT
of NW ¼ of NW ¼ less W 330FT & less rd
R/W on N&E & less that part desc in O.R.
18459/549 & less that part desc in O.R.
19340/1968 cont 10.76 AC (C)
33-28-16-00000-220-0400
2475 N. McMullen Booth Rd. Clearwater,
FL 34695

Respondent/

ORDER IMPOSING PENALTY/LIEN

That this cause came on for Public Hearing before the Board on the 21st day of February, 2018 after due notice to the Respondent, Freedom Land Trust, at which time the Board heard testimony under oath, received evidence and issued its Findings of Fact and Conclusions of Law and thereafter issued its Order which was furnished to the Respondent.

That the Order required the Respondent to take certain corrective action by a time certain, or pay a fine thereafter in the amount of \$250.00 per day for failure to comply, and on the 18th day of April, 2018, the Board heard testimony under oath and received evidence that the Respondent had not complied within the time frame ordered by the Code Enforcement Board, and it is

CITY OF SAFETY HARBOR vs. FREEDOM LAND TRUST

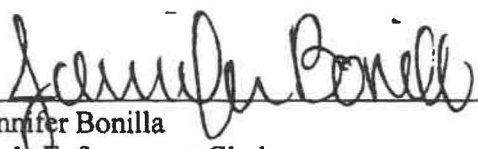
ORDERED that the Respondent pay to the City of Safety Harbor a fine in the amount of \$250.00 per day for each day the violation exists and continues past the 29th day of March, 2018, the date set for compliance, and an additional \$410.00 for costs associated with processing the case. This Order shall be recorded and shall constitute a lien against any real or personal property owned by the Respondent, and may be enforced in the same manner as a Court Judgment by the Sheriff of this State, including levy against personal property, but shall not be deemed a Court Judgment except for enforcement purposes as set forth in Florida Statutes Section 162.09. If the violation concerns real property, the recording of a certified copy of this Order shall constitute notice to any subsequent purchasers, successors in interest or assigns of the violation and the findings in this Order shall be binding upon any subsequent purchasers, successors in interest or assigns of the real property where the violation exists.

DONE AND ORDERED this 18th day of April, 2018, at the City of Safety Harbor, Pinellas County, Florida.

CODE ENFORCEMENT BOARD OF THE
CITY OF SAFETY HARBOR, FLORIDA



Damon Lister
Chairman



Jennifer Bonilla
Code Enforcement Clerk

CITY OF SAFETY HARBOR vs. FREEDOM LAND TRUST

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me, the undersigned authority, personally appeared Damon Lister, Chairman and Jennifer Bonilla, Code Enforcement Clerk of the Code Enforcement Board of the City of Safety Harbor, Florida, and acknowledged before me that they executed the foregoing instrument on behalf of the Code Enforcement Board, as its true act and deed, and that they were duly authorized to do so.

WITNESS my hand and official seal this 16th day of August, 2018.



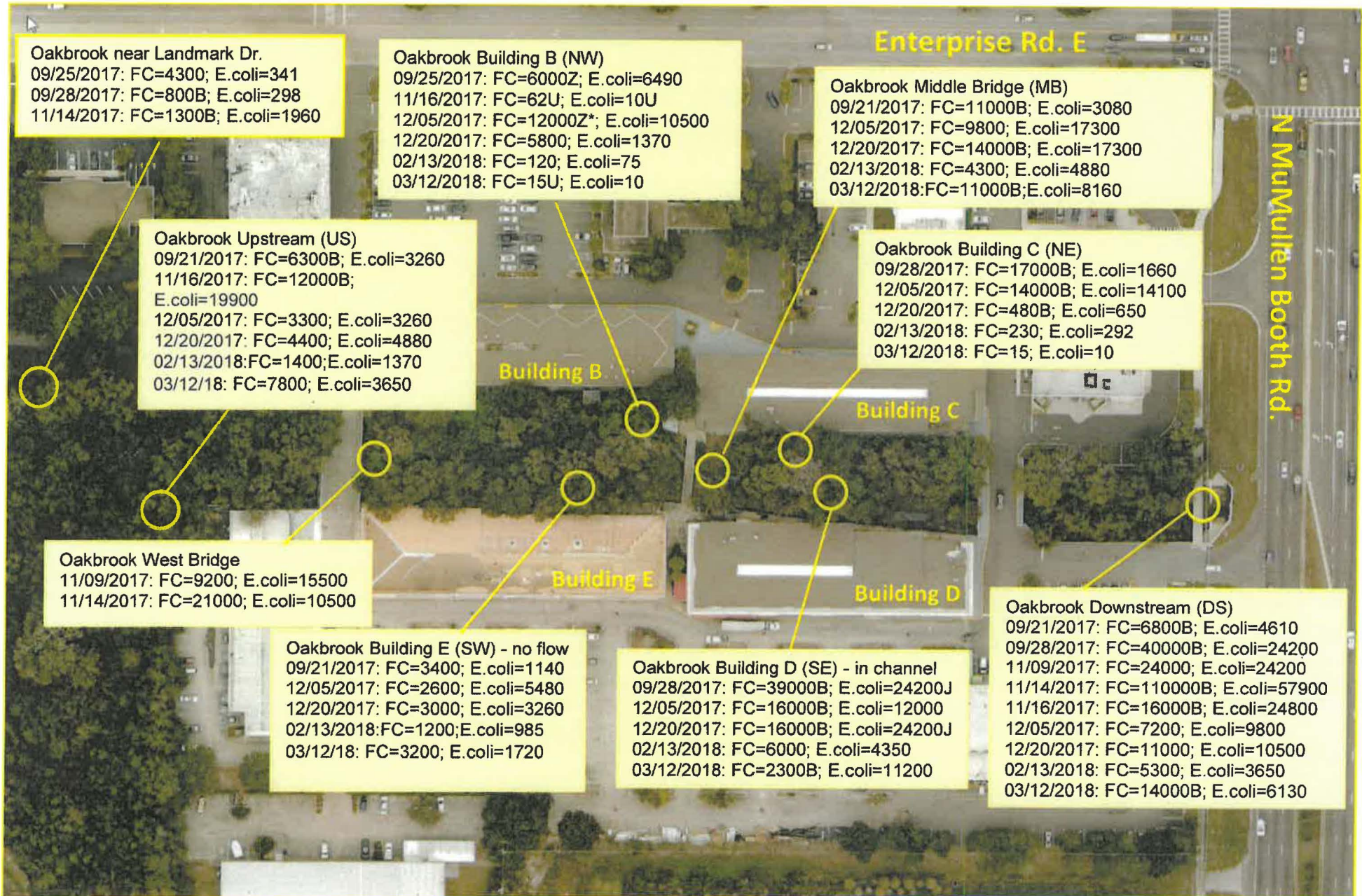
S. Slezak
Signature of Notary Public

Susan L. Slezak
Name of Notary (typed or printed)

I certify that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by mail to the Respondent, Freedom Land Trust of 2451 N. McMullen Booth Rd., Clearwater, FL 33759, this 16th day of August, 2018.

Jennifer Bonilla
Code Enforcement Clerk

CID 15689 – Oakbrook Plaza Sampling Results 09/21/17 to 03/12/18





THORNTON LABORATORIES
TESTING & INSPECTION SERVICES, INC.

1145 E. Cass St, Tampa, FL 33602
Phone: 813-223-9702 Fax: 813-223-9332
WWW.THORNTONLAB.COM

28-Mar-2018
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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: Downstream
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 0925 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413596

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	3255	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	1450	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

THORNTON LABORATORIES
Steve Fickett, III

Thornton Laboratories Testing & Inspection Services, Inc. responsibility for the above analysis, opinions,
or interpretations is limited to the invoice amount.



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28-Mar-2018
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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: South East / In Channel
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 0940 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413597

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	2489	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	1650	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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28-Mar-2018
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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water

Loc: North East, Dribble - Direct Outflow from Pipe
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 0952 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413598

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	< 10	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	< 10	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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28-Mar-2018
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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: Middle Bridge (MB), East of Bridge
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 1005 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413599

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	4106	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	1400	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: North West, Outflow - Drip
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 1014 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413600

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	< 10	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	< 10	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: South West, No Flow - Stagnant
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 1031 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413601

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	2489	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	780	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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Report for: National Property Trust, Inc.
2451 McMullen Booth Rd., Suite 216
Clearwater, FL 33884
Attn: Bruce Ovans

Sample Identification:

Surface Water
Loc: Upstream
Sampled by P. Rivera of Thornton Labs. on 3/26/18 @ 1045 hrs.
Project Ref: Oakbrook Plaza, 2451 McMullen Booth Rd., Clearwater, FL 33759

Date Received: 26-Mar-2018

Laboratory Number: 413602

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Detection Limit- Units	Analysis Date / Analyst
SM 9223 B.	E. coli (MF)	738	1MPN/100mL	26-Mar-2018 / *
SM 9222 D.	Fecal Coliform (MF)	370	1CFU/100mL	26-Mar-2018 / *

* Analysis performed by City of Clearwater, Public Utilities Lab. [#E54021].

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Steve Fickett, III

**Pinellas County Report Card
OTB - North 1575A**

<i>Year</i>	<i>Chla</i>	<i>TN</i>	<i>TP</i>	<i>DO</i>
2003	Pass	Pass	Fail	Pass
2004	Pass	Pass	Fail	Pass
2005	Pass	Pass	Pass	Pass
2006	Pass	Pass	Pass	Pass
2007	Pass	Pass	Pass	Pass
2008	Pass	Pass	Fail	Pass
2009	Pass	Pass	Fail	Pass
2010	Pass	Pass	Fail	Pass
2011	Pass	Pass	Fail	Pass
2012	Pass	Pass	Fail	Pass
2013	Pass	Pass	Fail	Pass
2014	Pass	Pass	Fail	Pass
2015	Pass	Pass	Fail	Fail
2016	Pass	Pass	Fail	Pass
2017	Pass	Pass	Fail	Pass
2018	Pass	Pass	Fail	Pass
2019	Pass	Pass	Fail	Pass
2020	Pass	Pass	Fail	Pass
2021	Pass	Pass	Fail	Pass