

APRIL 17, 1991

The Code Enforcement Board, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, April 17, 1991, at 9:04 a.m.

Present were:

E. Jane Long, Chairman
Richard S. Kesten, Vice-Chairman
Richard Fawley
Robert L. French
Robert B. Whitehead

Absent was:

Rev. David Green

One seat is vacant.

Also present were:

Paul Bangel, Assistant County Attorney
Susan G. French, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

The meeting was called to order by Chairman Long.

All witnesses/staff giving testimony were duly sworn.

CODE ENFORCEMENT CASES - CONTINUED

Burt Thomas, Code Enforcement Division Manager, reported that the following cases have been continued:

CE1010226X - RICHARD WASYLOWSKI - Continued at the request of the respondent's attorney.

CE0110042X - JOEL H. JARVIS - Continued to obtain additional information.

CODE ENFORCEMENT CASES

CE901T002 & CE901J001 - HAROLD MANN

Violation of **Section 204A4a** (Accessory Uses Not Permitted) and **Section 204J** (Parking or Storage of Junk Vehicles) of the Manatee County Comprehensive Zoning and Land Development Code, at 607 69th Avenue West, Bradenton.

Ray Odell, Code Enforcement Officer, advised that as of April 3, 1991, this case was complied, noting the respondents have exceeded County requirements.

Harold Mann, respondent, stated he was not immediately aware of the violations as he was out of town due to deaths in the family.

Janine Mann Pope, daughter of respondent, stated that while her father was out of state, people used the property as a dumping site causing additional expenses in dumping fees, i.e., appliances and tires.

Discussion: Property vulnerable to dumping; difficulty of cleanup; fines pursuant to old/new Code; calculating expense incurred by County.

Motion - Died

Motion by Mr. Fawley to waive the fines died for lack of a second.

Motion - Withdrawn

Mr. Kesten, in following the intent of the new Land Development Code, moved that a minimum fine of \$150 be imposed and if paid within 30 days, that all other running fines be waived. Motion was seconded by Mr. Whitehead.

Discussion: Whether respondents understand cases/fines; issuing subpoenas prior to fines accruing; staff time spent on this case; foreclosure gets respondent's attention; setting Board parameters.

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Paul Bangel, Assistant County Attorney, stated there has been considerable time and money spent on this case and recommended the minimum fine be greater than \$150, and allow staff time to review the costs.

Motion - Died

A motion by Mr. Kesten to table the motion until the next meeting to get an accurate assessment of County costs in bringing the case into compliance died for lack of a second.

Discussion: Respondent not represented by legal counsel; free legal services available; respondent's ability to pay fine; fines exceed value of property (\$76,000 each case, totaling \$152,000); basing fines on percentage of County costs (approximately \$5,000).

Mr. Kesten withdrew the motion to impose a \$150 fine and waive all other running fines.

Mr. Mann requested the total fines of \$152,000 be lessened.

Ms. Pope stated that if the property is foreclosed, her father would be homeless.

Motion

Motion was made by Mr. Kesten, and seconded by Mr. French, to reduce the total imposed fines to \$500, if paid within 30 days; if not paid within 30 days, original fines (\$76,000 each case) will be restored. Voting "Aye" were Mr. Kesten, Mr. French and Mr. Whitehead. Voting "Nay" were Mr. Fawley and Mrs. Long. Motion carried.

RECORD-CE1-77

CE1010238H - ONECO LAND COMPANY, INC.

Violation of **Section 103** (Permits Required) of the Manatee County Standard Building Code at 307 11th Street Court East, Bradenton.

Robert Brenner, Code Enforcement Officer, reported this case has not been brought into compliance as the respondent has pulled only a Reserve Permit, which he has held for five weeks.

He noted the respondent demolished two buildings without a permit and without a contractor licensed by the County.

Discussion: Penalty fees; continuing for three weeks; respondent aware permits were required; stop-work order posted on burned building; demolition took place approximately four or five months after respondent was cited for an unsafe structure.

Motion by Mr. Kesten to continue this case until the next meeting (5/8/91), in order to contact respondent and explain the fines should the permit not be obtained by next meeting, died for lack of a second.

Mr. Bangel noted the respondent was present at the April 10 hearing (continued due to lack of quorum) and made aware of this hearing date.

Motion

Motion was made by Mr. Whitehead, and seconded by Mr. Fawley, to find respondent in violation and, if respondent is not in compliance before the next meeting, he be fined a minimum of \$150, plus \$5 per day. Voting "Aye" were Mr. French, Mr. Fawley, Mr. Whitehead and Mrs. Long. Voting "Nay" was Mr. Kesten. Motion carried.

RECORD-CE1-78

CE901X023 - BARRY W. & KATHY L. GREER

Violation of **Section 202B.6.d** (Minimum Yards); **Section 203C.3, Table R-1** (Dimensional Regulations) and **Section 204.3.u** (Swimming Pool Requirements) of the Manatee County Comprehensive Zoning and Land Development Code at 4516 4th Avenue East, Bradenton.

Jim McDonald, Code Enforcement Officer, reported that on March 13, 1991, the Board continued this case until the Board of Zoning Appeals (BZA) meeting of April 1, 1991, wherein the respondents requested a setback

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variance which would bring the violations into compliance. The BZA denied the request and the case is now before this Board to determine if there is a violation.

Discussion: Whether respondents were properly notified of this meeting; continuing the hearing; request that Planning and Zoning Department planner (Janice Stewart) be present at next meeting.

Motion was made by Mr. Kesten, and seconded by Mr. Whitehead, to Notice the attorney and the respondent with proper legal notice that this case will be heard at the next meeting (5/8/91). Motion carried 5 to 0.

RECORD CE1-79

CE0050326J & CE0050327T - JOHN HOWELL

Violation of **Section 204J** (Parking or Storage of Junk Vehicles), **Section 204A4a** (Accessory Uses Not Permitted) and **Section 204A3s** (Outside Storage) of the Manatee County Comprehensive Zoning and Land Development Code at 2408 4th Avenue East, Palmetto.

Mr. Thomas reported that CE00550326J complied on April 3, 1991.

John Waltz, Code Enforcement Officer, reported CE0050327T was not in complete compliance. He stated he was not sure respondent knew of this meeting and requested the case be continued.

Discussion: Time to serve subpoena; respondent's willingness to help; neighborhood churches helping; adjacent neighbor reluctant to sign release for the fence; fine has been stopped.

Motion was made by Mr. Fawley, seconded by Mr. Whitehead and carried 5 to 0, to subpoena the respondent and continue the case until the next meeting.

RECORD CE1-80

CODE ENFORCEMENT - SUBPOENAS/FINES

After a brief discussion regarding the assessment of fines contained in the new Land Development Code, and the value of using subpoenas to have respondents appear, Mr. Fawley moved to request that following the Special Master hearing, should respondent plead "not guilty" to being in violation, he/she be handed a subpoena to appear before the Code Enforcement Board at the next regularly scheduled meeting. Motion was seconded by Mr. Kesten and carried 5 to 0.

COMPLIANCE ORDERS

Mr. Bangel submitted a sample form he proposes to use as a Compliance Order if the Board finds the respondent in violation. The form would be completed by the Clerk during the meeting, signed by the Chairman and a copy handed to the respondent. This would eliminate the cost of certified mail and assure service on respondent. He also noted this procedure could be used with the Order Imposing the Fine and with continuances.

Discussion: Whether meeting would have to stop during process; length of agendas; printing costs; whether notice would qualify as legal notice; signature line for respondent acknowledging receipt.

MINUTES

Motion was made by Mr. Whitehead, and seconded by Mr. Fawley, to approve the minutes of March 13, 1991. Motion carried 5 to 0.

MEETING ADJOURNED

There being no further business, motion was made by Mr. Kesten, seconded by Mr. Whitehead and carried 5 to 0, to adjourn.

Attest:

APPROVED:



Clerk



Chairman

Adj: 10:25 a.m./jr

5/8/91