

JANUARY 24, 1996

The Special Master, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, January 24, 1996, at 2:07 p.m.

Presiding was: Thomas O'Brien

Also present were:

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

The hearing was called to order by Mr. O'Brien.

All witnesses/staff giving testimony were duly sworn.

CODE ENFORCEMENT CASES COMPLIED OR CONTINUED

Rita Mooney, Code Enforcement Supervisor, advised that the following cases have been complied or continued:

CE5020052X - USA ENTERPRISES OF MANATEE INC. - Continued
CE5060029H - PHILIP STEWART - Continued
CE5060185J AND CE5060184B - LOYD H. GLASGOW - Continued
CE5060481H - PEARL L. AND JOHN THOMAS LEE - Complied
CE5110171J - SARAH A. SIMPSON - Complied
CE5100196J - FAUSTINO V. PEREZ - Complied
CE5100292H - FELIPA DELACERDA - Continued
CE5080622T - BENNIE B. BROWN - Complied
CE5110004T - BILLY AND FLORINE BOSTIN - Continued
CE5100067H - LONNIE W. MAREZ - Continued
CE5100256H - RHONDA A. DILL AND JOHN RIOS - Continued
CE5110416H - PARTICIA A. BERNHART BUCHANAN - Continued
CE5110343H - CHARLES R. SWEENEY - Complied
CE5100205T - OLIN AND JEAN H. MOORE - Continued
CE5120145J - CAROLINE B. MAGLIONE TR. - Complied
CE5120171T - SUSAN J. AND ROBERT B. GRIMM - Complied
CE5110200R - NORRIS AND DENISE ELSWICK - Complied
CE5080454X - RICHARD BENNETT AND TONY AARTS - Continued
CE5120107H AND CE5120059J - JOSEPH R. AND JOANNE CURTAN - Continued
CE5120233S - EDNA J. ODEL AND MARLENE BERGIN - Complied
CE5100061X - HOWARD R. CURD - Complied
CE5100083S - ERNST L. AND JANE A. VONHAHMANN - Complied
CE5050004X - ROWE ALLEN AND AUDREY S. MEADE - Continued
CE5100331X - CAROLYN Y. THOMAS - Complied
CE5110232T - WILLIAM A. DOOLEY, TR. - Continued
CE5110047T - WILLIAM T. BARRETT, SR. - Continued
CE5100308R - VICTOR LEE AND DIANE J. EARL - Complied
CE5110302T - NOBLE E. AND BILLIE J. WECKESSER - Continued
CE5050443H - PATRICIA GAIL PEDERSEN - Continued
CE4100250X - DONALD BRUCE THRASHER - Continued
CE5100006H - ESTATE OF MATTHEW J. MARSHALL - Continued
CE5110228X - VICTOR FORTIER - Complied
CE5110355J - PAUL S. FORRESTER - Continued
CE5110352J - CHERYL BURGESS - Continued
CE5070375X - JAMES J. AND WINIFRED CASTORO - Continued
CE5110031J - DOUGLAS A. AND ROBIN A. JEWETT - Continued
CE5040143B - RODNEY P. AND PATRICIA A. SMITHLEY - Continued
CE5120061S - ROCK OIL COMPANY - Complied
CE5110406J - R. SCOTT TIBBETTS - Continued
CE5120073S - RONALD AND RANDALL BENDERSON TR.,
DAVID H. BALDAUF, TR., AND WAYNE RUBEN, ET AL - Complied
CE5120069S AND CE5120051S - FLORENCE K. HARTNACK - Complied
CE5090209X - DAVID R. AND FRANK E. AND FRANK T. KRAFT - Continued

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(Cont'd)

CODE ENFORCEMENT CASESCE5040089J - LOYD GLASGOW

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 6131 15th Street East, Bradenton.

Colleen Rose, representing the respondent, requested one week to comply this case. She reported on the plan to donate the vehicles and presented letters of verification from the recipients.

Anne Catalano, Code Enforcement Officer, reported that a major portion of the vehicles have been removed. She submitted four photographs showing what remains on the property as of this date.

Based on the testimony, the Special Master gave the respondent until February 3, 1996, to comply or the fines as previously assessed will be imposed and recorded monthly.

CE5110320X - JAMES M. AND DONNA M. RICKEY

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 5112 20th Street West, Bradenton.

James Rickey, respondent, stated that he has an automobile business and brought vehicles home with dealer tags. He explained why he missed the December hearing.

Kris Weiskopf, Code Enforcement Officer, reported on past violations at this property. He advised that as of January 23, 1996, the vehicles were removed.

Mrs. Mooney advised of her conversation with the respondent on December 29, 1995, whereby he reported he would remove the remaining vehicle on that date; however, when checked, the vehicle remained on the property.

Mr. Rickey stated there was a wait for the wrecker and that he could provide a statement proving the vehicle was removed on that date (submitted 1/25/96).

Mr. O'Brien stated he would comply this case as of December 29, 1995, if the respondent can provide proof of removal on that date; previously assessed fines will be imposed based on date of compliance (note: \$125 fine imposed).

CE5090338S - REMMA FARIA

Violation of Section 724.3 (Signs Specifically Prohibited) of the Manatee County Land Development Code at 1202 63rd Avenue West, Bradenton.

Mr. Weiskopf presented four photographs showing the portable signs and banners in violation.

Mike Faria, on behalf of the respondent, stated the tenants refuse to cooperate and requested the fines be imposed.

Mr. O'Brien imposed the fines as set December 27, 1995. Fines will be imposed and recorded monthly.

CE5050384H - ADMUNDO AND AMANDA CORTES AND ARTURO AND NOEMI GAONA

Violation of Section 512 (Building Permits), 513 (Certificate of Occupancy) and Section 602.2, Figure 6-1, Page 437 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development Code at 27955 63rd Avenue East, Bradenton.

Jim McDonald, Code Enforcement Officer, submitted a photograph showing the mobile home on the property.

Yetsira Cortes, speaking for Admundo Cortes, reported on the circumstances of the structure being set up and of their belief that the dealer was taking care of the permitting, etc. She reported that the structure is to be removed.

Mrs. Mooney acknowledged receipt of a letter from Ms. Cortes requesting the fines be waived.

Discussion: Referring to the Construction Trades Board or Unlicensed Contractors Activities Panel; whether mobile home dealer is/was licensed by the state; company no longer exists.

Mr. McDonald reported that the zoning approval has expired and cannot be renewed for what is on the property.

Mr. O'Brien stated that to avoid the fines being imposed, respondents should submit evidence that they relied on a licensed dealer or set up contractor to take care of the issues on their behalf. They also need to cure the violation by February 7, 1996.

CE5110164J - ROBERT R. BENKHARDT

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 7409 Manatee Street, Sarasota.

Mr. Weiskopf reported on this violation and submitted six photographs showing the subject vehicles under tarps and the trash and debris around the yard. One vehicle has been removed, as has the trash and debris.

Robert Benkhardt, respondent, stated that he needs a month to finish work on the vehicle in the carport.

Mr. O'Brien found the respondent to be in violation and gave him until February 23, 1996, to comply or a minimum fine of \$100 will be imposed, plus \$25 per day for each day the property remains in violation.

CE51200308 - MANATEE OIL DIST. INC.

Recurring violation of Section 724.3.18 (Pennants) of the Manatee County Land Development Code at 2400 Cortez Road West, Bradenton.

The Special Master noted for the record that he is an acquaintance of the respondent.

Joyce Randall, Code Enforcement Officer, advised of the recurring violations at this business. She submitted two photographs. The property is complied at this time.

Ryan Regal, representing the respondent, explained that the banners are placed on the building by the vendors.

Mr. O'Brien found the respondents to have a recurring violation and stated that upon recurrence of this violation a minimum fine of \$100 will be imposed along with a daily fine of \$25. A second recurrence of the violation will result in a fine of \$250, plus \$50 per day.

CE3080535J - CECIL T. AND CHRISTINE E. BALLEW

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 6024 10th Street East, Bradenton.

Mrs. Mooney advised of the fines to date in this case and of the decision of Special Master Irwin Keller to reduce these fines to \$5,000.

Discussion was held as to the best method for imposing the fines.

Idress Reese, speaking for Christine Ballew, stated she has spoken with the respondent who has advised her she could pay half the amount of the total fines involved (\$6,885).

The Special Master continued this case to February 28, 1996.

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CE5040364J - JIMMY LEE STARLING

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 504 23rd Street East, Palmetto.

Mrs. Mooney advised that there are now three recorded liens in this case and the property remains in violation. Staff requested the Special Master request the Board of County Commissioners direct the County Attorney's office to begin foreclosure proceedings or injunctive relief, whichever is appropriate.

Mr. O'Brien so ordered the request of staff.

CE5110057C - WILLIAM T. BARRETT, SR.

Violation of Section 703.2.14 (Parking of Commercial Vehicles) of the Manatee County Land Development Code at 2610 5th Street East, Bradenton.

Bob Miller, Code Enforcement Officer, submitted two photographs showing the commercial vehicle parked at the residence.

The Special Master found the respondent to be in violation and imposed a minimum fine of \$100 effective as of this date, along with a daily fine of \$25 to be imposed and recorded monthly.

CE5100020D - TERRA CEIA ISLES INC.

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code on Bishop Harbor Road, Bradenton.

Mr. Miller presented seven photographs showing illegally dumped tires and other debris on this site.

Mr. O'Brien found the respondents to be in violation and set compliance for February 23, 1996, or a minimum fine of \$100 will be imposed, plus a daily fine of \$25 which will be imposed and recorded monthly.

CE5050198H - PHILIP J. CRUSE

Violation of Section 512 (Building Permits), Section 513 (Certificate of Occupancy), and Section 602.2, Figure 6-1, Page 437 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development Code at 23605 53rd Avenue East, Bradenton.

Jim McDonald, Code Enforcement Officer, read a letter from the respondent regarding the violation. He submitted three photographs and referred to section 703.2.21 of the Land Development Code.

Mrs. Mooney reported on her conversation with the respondent.

The Special Master found the respondent to be in violation and set the compliance date as February 23, 1996, or there will be a minimum fine of \$100, plus \$25 per day each day thereafter which will be imposed and recorded monthly.

CE5110370T - BRIAN M. AND TERRIE E. HENNESEY

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 605 60th Avenue East, Bradenton.

Ms. Catalano advised that some of the trash was removed; however, she submitted six photographs taken January 23, 1996, which reveal the current condition of the property including the addition of two junk vehicles.

The Special Master found the respondents to be in violation and gave them until February 23, 1996, to comply or be fined a minimum fine of \$100, plus \$25 per day which will be imposed and recorded monthly.

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CE5120185R - ARTHUR L. AND SHEILA J. POPP

Recurring violation of Section 703.2.15 (Parking of Restricted Vehicles Including Commercial Vehicles) of the Manatee County Land Development Code at 4004 36th Street West, Bradenton.

Ms. Randall reported that this is the fourth violation at this address. She presented five photographs taken on various dates between December 8 and January 4, 1996. The boat is not on the property at this time.

Discussion: Code allows for temporary parking of recreational vehicles.

Mr. O'Brien found the respondents to be in violation and gave them until February 7, 1996, to comply or a minimum fine of \$100 will be imposed, plus \$25 per day for each day thereafter. The second recurrence of this violation will result in a minimum fine of \$250, plus \$50 per day for each day the boat is parked on the property.

CE5060234J - JAMES A. AND JOY B. PLEMMONS

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 3608 118th Street West, Bradenton.

Ms. Randall presented nine photographs of the vehicles in violation. She has had no response from the respondents.

The Special Master found the respondents to be in violation and gave them until February 7, 1996, to comply or be fined a minimum fine of \$250, plus \$50 per day for each day thereafter. Fines will be imposed and recorded monthly.

MINUTES

Mr. O'Brien approved the minutes of October 25, 1995.

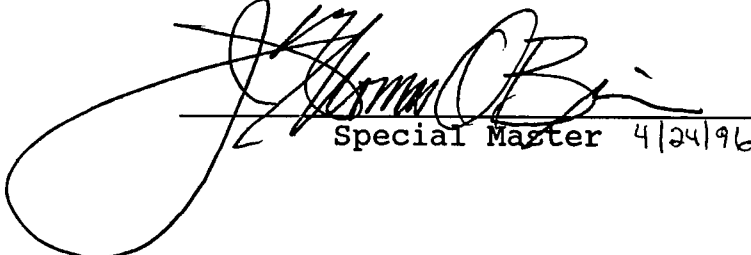
HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:


Clerk


Special Master 4/24/96

Adj: 3:36 p.m.
/apm