

FEBRUARY 28, 1996

The Special Master, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, February 28, 1996, at 2:00 p.m.

Presiding was: Irwin W. Keller

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. Keller.

All witnesses/staff giving testimony were duly sworn.

CODE ENFORCEMENT CASES COMPLIED OR CONTINUED

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

CE5020052X - USA ENTERPRISES OF MANATEE INC. - Continued  
CE5110164J - ROBERT R. BENKHARDT - Complied  
CE5110004T - BILLY AND FLORINE BOSTIN - Complied  
CE5110160H - JAMES A. AND DENISE K. BROKAW - Complied  
CE5100067H - LONNIE W. MAREZ - Continued  
CE5120176X - NICHOLAS H. ZIMMER - Continued  
CE5120221J - WAYNE L. WRIGHT - Complied  
CE6010201J - MAMIE L. BRANTLEY - Complied  
CE6010226R - ALAIN F. DEVEREUS - Complied  
CE5080628H - JOHN B. AND LORI MCGREGOR - Complied  
CE5120107H AND CE5120059J - JOSEPH R. AND JOANNE CURTAN - Complied  
CE5120224T - THADDEUS S. AND ELAINE M. GRACZYK - Complied  
CE5120149X - HARSCHINO INC. - Continued  
CE6010019R - HARRY W. AND VALERIE D. ANDREWS - Complied  
CE6010329J - ALLAN R. MCCLAIN - Complied  
CE5110350X - LESTER L. PITTMAN - Continued  
CE5110047T - WILLIAM T. BARRETT SR. - Continued  
CE5110302T - NOBLE E. AND BILLIE J. WECKESSER - Continued  
CE5120252X - CAROLINE ANN SPANN - Continued  
CE5120203X - SANTIAGO G. LEAL - Complied  
CE5100006H - ESTATE OF MATTHEW J. MARSHALL - Continued  
CE6010256S - CIRCLE K PROPERTIES INC. - Complied  
CE6010257S - A&J JOINT VENTURE - Complied  
CE6010260J - SYLVIA GARCIA AND L. V. ROGRIQUEZ - Complied  
CE5110355J - PAUL S. FORRESTER - Continued  
CE5070375X - JAMES J. AND WINIFRED CASTORS - Continued  
CE5110031J - DOUGLAS A. AND ROBIN A. JEWETT - Continued  
CE6010028J - LEROY H. AND DEBORAH A. MARTIN - Continued  
CE6010109T - MIGUEL A. AND LUZ MARIA PEDRAZA - Continued  
CE6010097J AND CE6010157J - BRIAN M. AND TERRIE E. HENNESEY - Complied  
CE6010037T AND CE6010036T - GANGADHARARAO CHAPALAMADUGU - Complied  
CE6010155J - EUGENE C. AND DEBRA W. MCCLOUGH - Continued  
CE6010035T - JAMES J. PALAWSKI - Continued  
CE6010275J - EBENEZER F. JOHN - Continued  
CE6010141J - LAWRENCE STEGER AND BETTY SEAVEY - Complied  
CE5040143B - RODNEY P. AND PATRICIA A. SMITHLEY - Continued  
CE5110406J - R. SCOTT TIBBETTS - Complied  
CE6010205J - L. H. GLASGOW - Continued  
CE6010100X - EDWARD J. AND FRIEDA B. CIPRIANI - Complied  
CE5090209X - DAVID R., FRANK E., AND FRANK T. KRAFT - Referred to the Code Enforcement Board  
CE5050373R AND CE5050361J - FRANK E. AND LINDA S. SHORT - Continued  
CE1080095J - FRANCIS AND ALMA JEAN WILLIAMS - Continued  
CE6010009X - LEN K. FURMAN - Continued

CODE ENFORCEMENT CASES

CE6010392C AND CE6010390C - EUGENE, KATHERINE, AND RICHARD EUGENE CHAMNESS

Recurring violation of Section 703.2.14 (Parking of Commercial Vehicles) of the Manatee County Land Development Code at 6356 and 6352 5th Street Circle East, Bradenton.

Anne Catalano, Code Enforcement Officer, reported the semis are not on the properties at this time. Two photographs were presented per case.

Richard Chamness, respondent, advised that the tenants are using a temporary location for parking the semis at this time; however, they have a permanent location available March 10, 1996.

Mrs. Mooney requested a finding of violation and a fine to be set for recurrence of these violations.

Mr. Keller gave the respondents until March 11, 1996, to comply or there will be a fine of \$150, plus \$25 per day. If the violation should recur after that date, the fines will be retroactive to the first day respondent was originally in violation.

CE3080535J - CECILE 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.

Idress Reese, speaking on behalf of Christine Ballew, advised that the respondent is able to pay a fine in the amount of \$2,500.

The Special Master stated that if the County receives a check by March 7, 1996, the fines will be reduced to \$2,500; however, if the check is not received, the fines will revert to the total fines assessed in the amount of \$6,885.

CE5040334J - THEODORE JR. AND DIANE M. LEWIS

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 302 30th Street East, Palmetto.

Mrs. Mooney reviewed this case and reported the property was complied February 8, 1996. Respondents are requesting a reduction in the fine of \$3,315.

Theodore Lewis, respondent, explained the circumstances in this case for which he is requesting a reduction of the fine.

Discussion: Fines recorded to date.

Mr. Keller stated that he will review this case and make a decision at the hearing on March 27, 1996.

CE6010267H - DONALD S. AND SHAWN R. GILES

Violation of Section 705.3 (Manufactured Homes Occupied During Construction) of the Manatee County Land Development Code at 15007 16th Drive East, Bradenton.

Shawn Giles, respondent, stated they now have plans for construction of a residence. She requested additional time to comply.

Jim McDonald, Code Enforcement Officer, outlined this violation and advised that his research revealed the structure (manufactured home) had a temporary use permit issued in conjunction with a building permit. He reported the permits have expired.

Tom Straits, complainant, spoke against the manufactured home being on the property and of his concern for his property value.

Mrs. Giles pointed out that no other neighbors have complained.

Mr. Keller continued the case until March 27, 1996.

CE6010252J - THOMAS L. AND TRUDI E. HODGSON

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) and Section 602.2, Figure 6-1, Page 429 (Permitted, Administrative and Special Uses by District) of the Manatee County Land Development Code at 2603 6th Street East, Bradenton.

Tom Hodgson, respondent, advised that the violations are now complied.

J. D. and Melvin Washington, tenants, were present to answer questions.

Joe Fenton, Code Enforcement Officer, submitted two photographs showing the truck, which was being repaired on the site. He verified that the respondents are in compliance; however, he requested fines be set should the violations recur.

Discussion: Dates of prior violations.

The Special Master found the respondents to have been in violation and ordered that should the violation recur, a fine of \$250 will be imposed plus \$25 per day retroactive back to January 16, 1996.

**CE60104708 - SHELL OIL COMPANY**

Recurring violation of Section 724.3 (Signs Specifically Prohibited) of the Manatee County Land Development Code at 3630 1st Street West, Bradenton.

Brian Thomas, representing the respondent, reported that the property is in compliance at this time. He stated he has advised the dealer of this station to instruct employees and vendors that banners are not allowed.

Joyce Randall, Code Enforcement Officer, reported that as of this morning, all store banners have been removed; however, one portable sign remains on the property. She reviewed the past violations at this site and requested a fine be set for a recurring violation. She submitted four photographs.

Mr. Thomas advised that the portable sign has been removed.

The Special Master ordered that if there is another violation, there would be a fine retroactive to January 25, 1996, of \$500 for the first day, plus \$50 per day for each day thereafter.

**CE5050384H - A. AND A. CORTES/A. AND N. GAONA**

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 Districts) of the Manatee County Land Development Code at 27955 63rd Avenue East, Bradenton.

Mrs. Mooney reported that the respondents complied on February 16, 1996. She requested the fines be imposed for the days the respondents were in violation.

Mr. Keller ordered the fines imposed from February 7, 1996, to the date of compliance.

**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 at Bishop Harbor Road, Palmetto.

Bob Miller, Code Enforcement Officer, reported he has not had any contact with the respondents and there has been no change in the status of the violation.

The Special Master imposed the fines assessed January 24, 1996.

**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 reported that one vehicle remains untagged on the property.

Mr. Keller imposed the fines assessed January 24, 1996.

**CE6020021J - JOHN HOWELL**

Recurring violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 2408 4th Avenue East, Palmetto.

Mrs. Mooney submitted three photographs. She reported that this is a recurring violation of junk vehicles. She reviewed the dates of the past violations.

The Special Master imposed a minimum fine of \$150, plus \$25 per day, retroactive to February 2, 1996, the date the respondent was cited.

**CE5100256H - RHONDA A. DILL AND JOHN RIOS**

Violation of Section 512 (Building Permits) of the Manatee County Land Development Code at 613 60th Avenue Drive West, Bradenton.

Hank Huys, Code Enforcement Officer, reported on this case of unpermitted construction work being done to convert a screened porch into bedrooms. The respondents were to resolve this case by reverting to the original screened porch; however, work to remove the studs, etc., has stopped. He presented four photographs showing the property as it appears at this time.

Mrs. Mooney stated the respondents requested two weeks to comply.

Mr. Keller imposed a minimum fine of \$165 plus \$25 per day for each day thereafter that the property remains in violation. The fines are to begin immediately. Fines will be imposed and recorded monthly.

**CE5100205T - OLIN AND JEAN H. MOORE**

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 2312 53rd Avenue West, Bradenton.

Mr. Miller outlined this violation and presented three photographs. He advised of his meeting with the complainant and Mr. Moore and of their agreement to clean the property. His inspection in November revealed that the complainant had cleaned her portion of the property but the respondent had not. The respondent is uncooperative and remains in violation.

Mr. Keller imposed a minimum fine of \$150, plus a daily fine of \$25, effective immediately, for each day thereafter that the property remains in violation. Fines are to be imposed and recorded monthly.

**CE5120158T - LILLIE MAE TOLSON**

Violation of Section 703.2.22 (Parking or Storage of Junk Vehicles or Refuse Prohibited) of the Manatee County Land Development Code at 1607 18th Street Court East, Bradenton.

Mr. Miller presented four photographs showing a pile of building debris on the property and reported the property remains in violation.

Mr. Keller imposed a minimum fine of \$150 along with a daily fine of \$25 which will begin February 29, 1996.

**CE6010318S - RICKIE PALEY**

Recurring violation of Section 724 (Unpermitted Signs) of the Manatee County Land Development Code at 5803 15th Street East, Bradenton.

Kris Weiskopf, Code Enforcement Officer, reported on signs displayed at Am Star Plaza and reviewed past violations on this site. The signs have been removed at this time; however, he requested a fine be set for any recurring violations. He presented three photographs.

The Special Master ordered that if this violation recurs, a minimum fine of \$300 be imposed along with a daily fine of \$25 per day.

**HEARING ADJOURNED**

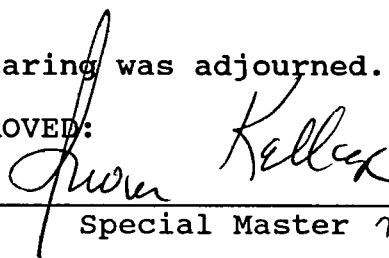
There being no further business, the hearing was adjourned.

Attest:



Clerk

APPROVED:



Special Master 7/24/96

Adj: 3:14 p.m./apm