

TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD
JANUARY 13, 2010

Members Present: Chairman George Noble, Vice-Chairman Robert Krosney, Interim Secretary Seymour Ridges, Glenn Peterson, Beverly Shapiro, Phillip Younger

Also Present: Kelly Martinson, Town Attorney; Heidi Micale, Code Enforcement Officer; Donna Chipman, Office Manager

Roll Call

There being a quorum present, the meeting was called to order at 10:00 am.

1. Approval of Minutes

It was moved by Younger, seconded by Krosney, to accept the minutes of the 12-14-09 Code Enforcement Board meeting as written. Motion carried unanimously.

Mrs. Chipman swore all those testifying at this hearing.

New Hearings

2. Case No. 09-25, Lucinda Geeding, 789 Broadway, Longboat Key, FL 34228

Officer Micale informed the Board that this case involved a violation of Section 95.25, General Regulations: Junk and Discarded Material – Accumulation Prohibited. Staff had met due process, but had not obtained compliance. Staff was requesting that the Code Enforcement Board (CEB) issue an Administrative Order to bring the property into compliance. She continued with reviewing the agenda materials, noting that the violation was first observed on 10-23-09 for weeds and grass and upon further review for accumulation of junk. After several attempts to contact the property owner, on 10-27-09, she received a call from Ms. Geeding regarding the conditions of the property. She had taken all measures to communicate with the owner, but due process was not met for the December meeting. She spoke again with Ms. Geeding on 12-7-09 who provided an update on the progress they were making on the property. She inspected the site this morning and the property had been cleared; however the only thing that remained was the lawnmower, which should be moved behind the house. The boats were registered, but the trailers and van needed current registrations.

Chairman Noble asked if the van was registered. Officer Micale responded it was not shown as current on the vehicle. The respondent, Ms. Geeding, noted that the van had been sold and would be leaving the property.

Lucinda Geeding, Respondent, explained that she had tried to maintain the property, but had suffered a leg injury in May 2009. She noted she had current registrations for the vehicles, but had not yet placed them on the vehicles. She explained that she was on social security, and had limited income; however, the house was for sale.

Chairman Noble commented that he believed the property previously was one that had multiple violations, and asked if the property were inspected at this time, would there be any current violations.

Ms. Geeding noted that the lawnmower would be moved to the back of the house. She pointed out that she had received the Code Enforcement notices, but was unable to contact the Town as she did not have a phone. David Geeding, Respondent's son, mentioned that he had been involved in a custody issue with his children and had been unable to assist his mother in clearing the property. He reiterated that the property was for sale, and they had several people that were interested in purchasing.

Mr. Younger suggested that no fine be imposed, but the respondent should be responsible for the administrative costs. Kelly Martinson, Town Attorney, pointed out that the CEB would not be considering a fine at this meeting, but would be setting a date for the property to be in full compliance. The issue of a fine would be revisited at the next meeting when the CEB would determine compliance. Mr. Younger commented that if the property was brought into compliance, then he would not be inclined to levy a fine. Mr. Krosney asked what date the respondent would be able to bring the property into compliance. Officer Micale noted the boat trailers need to have current tags. Mr. Geeding mentioned that one trailer had never been titled. Mr. Younger suggested they remove that trailer from the property and off the island. Chairman Noble asked if they believed five working days would be sufficient. Mr. Geeding replied yes. Chairman Noble suggested the property be brought into compliance by 1-21-10.

It was moved by Shapiro, seconded by Younger, that the Code Enforcement Board: Find as a matter of fact that Lucinda M Geeding has an accumulation of "junk", as defined in Section 95.25 of the Town Code, and has vehicles and trailers that are currently stored on the property that do not display current registration, and a lawnmower, which are visible from the street; Conclude as a matter of law that Lucinda M Geeding violated Section 95.25, General Regulations: Junk And Discarded Material -- Accumulations Prohibited, of the Code of Ordinances of the Town of Longboat Key, and Order that Lucinda M Geeding shall comply with the Code of Ordinances of the Town of Longboat Key and remove all vehicles, boats, and trailers that do not display current license plates and state registration, and store lawnmower so not visible from the street, or display current license plates and state registration on all boats, trailers and vehicles by 5:00 PM, January 21, 2010 . Consider administrative costs incurred by the Town in the prosecution of this matter in the amount of \$770 at the next hearing on February 08, 2010. Consider the imposition of a fine at the next hearing on February 08, 2010, for each day the violation is found to exist after January 21, 2010, in addition to any [additional] administrative costs or repair costs incurred by the Town. Schedule a public hearing on February 08, 2010 to determine if the requirements of this Order have been met. Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the January 13, 2010 meeting. Motion carried unanimously.

Mr. Peterson requested clarification of Option 'B' and the intent of the word 'consider.' Attorney Martinson explained that if the CEB chose Option 'A', then the respondent would be responsible for paying the administrative costs now; however, with Option 'B', the CEB was placing the respondent on notice that the administrative costs would be considered at the next hearing. Mr. Younger pointed out that the CEB could consider lowering, or adding (if applicable), administrative costs at the next meeting. Mr. Peterson understood that the administrative costs were to recoup the operating costs, but commented about the respondent's financial situation.

3. Discussion of Revisions to Chapter 33, Boards and Commissions

Attorney Martinson explained that it was brought to staff's attention that portions of the Town's code, specifically related to the CEB, Chapter 33, had not been updated in some time to reflect the current version of Florida Statutes. She noted that the draft document that was provided to the CEB reflected those statutes; the changes would not change anything the CEB was currently doing, as they had been acting consistent with the statutes.

Mr. Krosney discussed citations being issued only by Officer Micale and that law enforcement officers had been excluded. Officer Micale responded that she did not issue citations, but went through the CEB process. Attorney Martinson noted that the definition of Code Enforcement Officer, for this section of the code, was amended to include law enforcement officers. Mr. Peterson asked if the revisions were required by Florida law, or were they being included to provide clarification. Attorney Martinson explained there was no indication from the State that the Town's existing code was inconsistent with the state statutes, but the existing code did not include all the current provisions that had been added to the statutes. She wished to ensure that everything called for by the statutes was in the Town Code. Mr. Peterson asked if there was anything in the revisions that was "over and above" the statutes. Attorney Martinson replied no. She wished to get the CEB member's input, and if the board was agreeable with the changes, then she would forward the changes to the Town Commission for their review and approval.

It was moved by Younger, seconded by Shapiro, to find that the CEB reviewed the documents presented and found no inconsistencies with the CEB policies, and that they recommend forwarding the revisions to the Town Commission for their consideration. Motion carried unanimously.

4. Code Enforcement Officer Status Report December 2009

Officer Micale reviewed the status report with the Board.

It was moved by Krosney, seconded by Peterson, to accept the Code Enforcement Officer Status Report for December 2009. Motion carried unanimously.

5. Setting Future Meeting Date

The next meeting was scheduled for 2-8-10.

6. Rescheduling of March 2010 Meeting

Officer Micale informed the CEB there was a possible conflict with the March 8, 2010, meeting, due to the election, and the CEB might wish to reschedule the meeting. The only conflict would be with the use of the ante-chamber room.

There was consensus to not reschedule the CEB meeting for March.

Chairman Noble asked for clarification of the Town's Sign Code in relation to political signs and whether they could be placed on public property (right-of-way) along Gulf of Mexico Drive. Mr. Younger replied no.

Chairman Noble questioned if there was a time limit for signs to be posted. Attorney Martinson explained political signs could be up during the length of the election, but had to be removed within 48 hours of the completion of the election. Mr. Younger noted that the Town held an informational session with the candidates to discuss political signage.

Adjournment

The meeting was adjourned at 10:55 am.

Seymour Ridges, Interim Secretary
By: D. Chipman, Office Manager