

TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD
FEBRUARY 8, 2010

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

Absent: Chairman George Noble; John Brill

Also Present: Kelly Martinson, Town Attorney; Heidi Micale, Code Enforcement Officer; Jo Ann Mixon, Deputy Town Clerk

Roll Call

There being a quorum present, the meeting was called to order at 10:00 a.m. in the Town Commission Chamber.

1. Administration of Oath

No action taken at this time due to Mr. Brill's absence.

2. Approval of Minutes

It was moved by Ridges, seconded by Younger, to accept the minutes of the 1-13-10, Code Enforcement Board meeting, as written. Motion carried unanimously.

Vice Chairman Krosney requested and consensus was reached to change the agenda order and hear testimony regarding Item 4 at this time.

Deputy Town Clerk Jo Ann Mixon swore all those testifying at this hearing.

New Hearings

4. Case No. 10-01, Moore's Stone Crab Restaurant, 800 Broadway, Longboat Key, FL 34228

Heidi Micale, Code Enforcement Officer, duly sworn, explained this case involved a violation of a Stipulation Agreement regarding a violation of Section 158.136, Outdoor Dining for restaurants. Staff reported the violation was resolved; however, the violation of the Stipulation Agreement constituted a repeat violation. The Board needed to determine if a fine for the Repeat Violation would be imposed and if so, an amount, and whether administrative costs would be imposed. Staff requested the Board issue a Final Order that established the fine and administrative costs, if imposed, and establishes a date for payment.

Alan Moore, respondent, duly sworn, noted the outside tables were removed and this type of situation would not occur in the future.

Discussion was held with respect to the following:

- repeat violation
- assessing an Administrative Cost (\$300.00)

It was moved by Younger, seconded by Peterson, that, the Code Enforcement Board: Find as a matter of fact that Moore-Hicks Limited Partnership was offering/providing outdoor dining without an approved special exception use, a repeat violation of Case 3761; and Conclude as a matter of law that Moore-Hicks Limited Partnership violated Section 158.136, Outdoor Dining For Restaurants, of the Code of Ordinances of the Town of Longboat Key, but by the time of the hearing on this matter had complied.

In determining the amount of fine the CEB took into consideration the following: the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator, Order that a fine of \$0.00 per day be imposed for the first day the property was in violation, and Assess administrative costs incurred by the Town in the prosecution of this matter in the amount of \$ 275.00. The respondent is given until February 15, 2010, to pay all fines and administrative costs. If Respondent does not comply by February 15, 2010, a lien will be recorded and recording fees will be included in the lien. A certified copy of this order shall be recorded in the Public Records of Manatee County, and shall constitute a lien against any real property owned by the violator. Authorize the Chairman of the Code Enforcement Board to sign the completed Order handed down by the Board at the February 08, 2010, meeting. Motion carried unanimously.

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

Heidi Micale, Code Enforcement Officer, duly sworn, explained on January 13, 2010, the Code Enforcement Board issued an Order that required the respondent to take certain corrective action before January 21, 2010. Staff reports that an inspection was conducted on January 22, 2010, and at the time of the inspection the Respondent had not complied with the Board’s Order by placing current registration on all vehicles that remain on the property. Staff requests that the Board determine if a fine will be imposed, and if so, establish an amount for each day the property was or remains in violation. The Board also needs to decide if administrative costs in the amount of \$770.00 would be imposed and determine whether additional administrative costs incurred by the Town in this mater should be imposed, establish a date for payment for fines and cost, and, if applicable, assess recording fees. Staff requested the Code Enforcement Board issue a Final Order. She reported that the property was cleared and was now in compliance

Board discussion ensued regarding the administrative costs.

It was moved by Younger, seconded by Peterson, that the Code Enforcement Board: Find as a matter of fact that Lucinda M Geeding, has complied with the Code Enforcement Board Order, dated January 13, 2010, to bring the property into compliance and remove all vehicles, boats, and trailers that do not display current license plates and state registration, or display current license plates and state registration on all boats, trailers, and vehicles, but did not comply by the January 21, 2010, compliance date, and Conclude as a matter of law that Lucinda M Geeding, has violated Section 95.25, General Regulations: Junk and Discarded Material – Accumulations Prohibited and did not comply with the compliance date of January 21, 2010, in the previous Order of the Code Enforcement Board, and in determining the amount of fine the CEB took into consideration the following: the gravity of the violation, any actions taken by the violator to correct the violation, and any previous violations committed by the violator, and Order a total fine of \$0.00, for the period beginning January 21 2010, and Administrative costs of \$300.00 be assessed. The Respondent is given until February 15, 2010, to pay all fines and administrative costs. If Respondent does not comply by February 15, 2010, a lien will be recorded and recording fees will be included in the lien. A certified copy of this order shall be recorded in the Public Records of Manatee County, and shall constitute a lien against any real property owned by the violator. Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the February 08, 2010, meeting. Motion carried unanimously.

5. Code Enforcement Officer Status Report January 2010

It was moved by Younger, seconded by Peterson, to accept the Code Enforcement Officer Status Report for January 2010. Motion carried unanimously.

6. Setting Future Meeting Date

The next meeting was scheduled for 3-8-10.

Adjournment

The meeting was adjourned at 10:20 a.m..

Seymour Ridges, Interim Secretary
By: Jo Ann Mixon, Deputy Town Clerk