

**CITY OF ANNA MARIA
CODE ENFORCEMENT BOARD
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
MONDAY, AUGUST 13, 2007
7:00 P.M.**

CALL TO ORDER

Chair William Iseman called the Code Enforcement Board meeting to order at 7:00 p.m.

ROLL CALL: Boardmember Carol Lewis, Chair William Iseman, Boardmember Carl Pearman, and Boardmember Jeff Murray.

ABSENT w/Excuse: Vice-Chair Shirley O'Day.

Staff present: Code Enforcement Officer Gerry Rathvon, City Attorney Jim Dye, and City Clerk Alice Baird.

Press present: Sun.

APPROVAL OF JUNE 9, 2007 MINUTES

MOTION: Motion was made by Chair Iseman and seconded by Boardmember Pearman that the June 9, 2007 Minutes be approved. Motion carried unanimously.

OLD BUSINESS

1. **Case No. 2007-007 - 613 N. Bay Blvd.**
Owners: Scott Steenstra and Edward Steenstra III

All witnesses were sworn-in by City Clerk Alice Baird.

Gerry Rathvon, Codes Enforcement Officer, addressed the Board informing she inspected and took pictures of the property that morning at 8:00 a.m. Pictures taken by Ms. Rathvon were presented to the Board for their review.

She stated that she spoke to property owner Scott Steenstra later in the day that informed her that workers were scheduled to clear the property that afternoon. After re-inspecting the property and taking additional pictures that afternoon at 3:30 p.m. she did acknowledge that some items had been removed. She explained that the hot tub and other items had been removed, however, items still remained in all areas of the property.

Ms. Rathvon informed that most items in the second shed had been removed but the shed itself still remains. She spoke to Mr. Steenstra again after the 3:30 p.m. re-inspection and informed him both the shed and additional items on the property still need to be removed. Mr. Steenstra told Ms. Rathvon that the shed was to be removed later that afternoon.

Scott Steenstra apologized to the Board for having to be there that evening and thanked Ms. Rathvon for her patience and advice during the process.

Mr. Steenstra explained that after Ms. Rathvon's 3:30 p.m. inspection the shed had been removed and that he was approximately one hour from completely cleaning up the clutter from the property. He stated there were around eight truckloads of trash and debris in the yard that had been removed. He said the only thing left to do was to remove the leaves on the property.

Mr. Steenstra said he did realize that August 13 was the final date granted for his cleanup but was requesting an additional day to complete the work.

Chair Iseman said he applauded Mr. Steenstra's efforts to continue to cleanup the property but was put off that he had been given a considerable length of time yet did not begin the major cleaning until the last day. He asked why it had been pushed to the very last minute.

Mr. Steenstra said he spent every evening possible towards the cleanup of the property. He estimated only seven days since the June hearing that he was not out at night cleaning the property. Except for August 12 and 13, Mr. Steenstra said he had no other assistance.

Chair Iseman asked for clarification as to whether or not the property was or was not in compliance based on the Code Enforcer's last inspection at 3:30 p.m. that afternoon and if not what items were still not in compliance.

Codes Inspector Officer Rathvon stated that as of her last inspection earlier that day Mr. Steenstra was not in compliance with the City's Code. She further noted that the shed had not been removed as of her last inspection.

Ms. Rathvon explained that the original violation notice was sent out as a nuisance. A violation also existed whereas the shed was placed on the property without a permit and did not meet the setbacks. A hot tub was also placed on the property without obtaining a permit and electrical outlets were installed without obtaining a permit. Numerous additional items were laying around on the majority of the property and needed cleaned up.

She explained that at their last meeting the Board approved that Mr. Steenstra needed to apply for a permit for the shed and do a lot coverage calculation sheet, apply for an electrical permit for the hot tub, and to remove the accumulation of trash, filth and rubbish on the property.

Mr. Steenstra, however, decided to remove the shed rather than apply for a permit since he had no place on the property to move the shed that would allow him to be in compliance.

Further explanation followed by Ms. Rathvon.

City Attorney Dye informed that the Code provided for three factors that the Board needed to take into account in determining whether or not to assess a fine and if so how much the fine should be. Explanation of the following factors followed by *City Attorney Dye*:

- 1) The gravity of the violation.
- 2) Consideration of any action taken by the violator to correct the violation.
- 3) Whether there had been any previous violations on the property.

City Attorney Dye explained that the Code allows assessing a fine of up to \$250 per day. He pointed out that the date for compliance was actually August 9, 2007 which was four days earlier. He stated that the City's position, due to the length of time the issue had been ongoing, recommends that a fine of \$150 per day was appropriate under the circumstances and should continue until the Codes Enforcement Officer confirms that the property had been brought into compliance. He further stated that the CEB could reduce the fine if they so desired.

Discussion followed among the Board relating to the violation. It was agreed that a fine should be assessed in order to provide Mr. Streenstra an incentive to complete the cleanup.

Mr. Streenstra acknowledged he did remove the shed and had worked on the property nearly every evening since the June meeting. He stated he had tried for the last three weekends to get assistance in removing the shed but was unable to do so until that afternoon. He stated he was fully aware of what needed to be cleaned up on his property.

Boardmember Pearman suggested giving Mr. Streenstra until the next weekend to finish the cleanup and that a final inspection be made the following Monday by the Codes Enforcement Officer.

Codes Enforcement Officer Rathvon said she only works in Anna Maria on Monday, Tuesdays, and Wednesdays and would be out of town beginning Saturday. Any inspections that following Monday would have to be handled by Anna Maria's contracted Building Inspection services.

MOTION: Chair Iseman moved to impose a fine upon the property at 613 N. Bay Blvd. until compliance is met. Boardmember Murray seconded the motion. Motion carried on a vote of three to one in favor of the motion with Boardmember Pearman voting No.

MOTION: Chair Iseman moved that in finding a violation on property at 613 N. Bay Blvd., that the Board issue a calling for a fine of \$100 per day beginning today (August 13, 2007) until such time the property is brought into compliance. At which time the property owner has brought the property into compliance the property owner will have the opportunity to come back to the Board and seek re-adjustment of the fine if appropriate.
Motion carried unanimously.

Chair Iseman called for a temporary adjournment for the purpose of allowing time for City Attorney Dye to draft the Order.

The meeting was reconvened for the purpose of the Board to review the proposed draft of the Findings of Fact relating to CEB Case No. 2007-007 – City of Anna Maria, Petitioner – Scott Steenstra and Edward Steenstra III, Respondents - relating to property located at 613 N. Bay Blvd.

Chair Iseman explained that the Order calls for assessing a fine against the property for One Hundred Dollars a day beginning August 13, 2007, which fine shall accumulate until compliance with the June 18, 2007 order has been achieved.

Mr. Steenstra reiterated that the majority of the items listed on the Order had already been removed from his property. He stated he informed Codes Enforcement Officer Rathvon that the items would be removed by Tuesday, August 14. He said he understood and accepted that the fine would begin that day but that the property should be completely cleared by 3:30 p.m. the following day. He asked if everything is removed could the fine be waived.

Chair Iseman answered that Mr. Steenstra would have an opportunity to address having the fine waived at such time that compliance is found. If Mr. Steenstra so chooses, he could come back to the Board and asked the Board for a modification of the Order as appropriate.

MOTION: Chair Iseman moved that the Findings of Fact and Order as drafted and set before the Board and moved by the Board be adopted by the Board relating to CEB Case No. 2007-007.
Motion carried unanimously.

NEW BUSINESS – None.

PUBLIC COMMENT – None.

PRESS COMMENT – None.

ADJOURNMENT

Hearing no further discussion, the meeting was adjourned at 8:05 p.m. by Chair Iseman.

The next scheduled meeting will be held on Monday, September 10, 2007, 7:00 p.m.

William Iseman, Chairman

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____