

**CITY OF ANNA MARIA  
CODE ENFORCEMENT BOARD  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
TUESDAY, NOVEMBER 18, 2008  
5:00 P.M.**

**CALL TO ORDER**

Chair William Iseman called the Code Enforcement Board meeting to order at 5:00 p.m.

**ROLL CALL:** Boardmember Shirley O'Day, Boardmember Carol Lewis, Chair William Iseman, Boardmember Carl Pearman, and Boardmember Jeff Murray.

**Staff present:** Code Enforcement Officer Gerry Rathvon, City Clerk Alice Baird, City Attorney Jim Dye, Code Enforcement Attorney Susan Hartman-Swartz (6:15 p.m.), and Minutes Clerk Stacey Johnston.

**Approval of October 20, 2008 Code Enforcement Board Minutes.**

**MOTION:** Motion was made by Boardmember O'Day and seconded by Boardmember Pearman that the October 20, 2008 Minutes be approved as written.  
Motion carried unanimously.

**OLD BUSINESS**

**1. Case number 2008-014 for property at 222 Oak Avenue – Report by the Code Enforcement Officer.**

*Code Enforcement Officer Gerry Rathvon* explained that the City Commission took official action on this property at their October 23, 2008 meeting. The City Commission approved that the Palm Tree could remain within the right-of-way on the property; however, all other items in the setback must be removed within thirty days – November 23, 2008.

Ms. Rathvon confirmed she had inspected the property earlier that day and all issues, except for the Palm Tree, were in compliance. Therefore, the case was closed and no further action would be required.

**2. Case Number 2008-011 for property at 840 South Bay Blvd. Continuance of Fiske Case.**

*Code Enforcement Officer Rathvon* provided the Code Enforcement Board with a background relating to this case.

The Certificate of Posting was submitted on November 6, 2008 and the Notice of Hearing was mailed by both certified and regular mail. The new posting was required due to the "date certain" not being held as approved at the first hearing. She confirmed that Mr. Fiske signed for the most recent Certificate of Posting and explained that Attorney Chuck Webb, representing the Fiske's, had

contacted City Attorney Dye and requested the meeting be held on November 18, 2008.

Ms. Rathvon reviewed all violations originally submitted by the City as exhibits. She said she had not revisited the property since the first hearing and confirmed that no permits had been pulled for 820 S. Bay Blvd. since the hearing.

Ms. Rathvon stated that in 1953 the Fiske property was zoned as R-3 that allowed for Commercial use. They then requested that the property be rezoned to Residential R-1. At that time there was commercial activity on the property that included boat docks, crabbing activity, boats, etc. However, over the years, the commercial activity has expanded without being permitted by the City.

*Attorney Michelle Hall* addressed the Board and explained that Mr. Fiske had retained her earlier that day to take over the case from Attorney Chuck Webb. Due to the tremendous amount of documents that she would need to review and an opportunity to interview the witnesses, Ms. Hall asked that a continuance be granted. The continuance was requested due to the substitution of counsel.

*Attorney Chuck Webb* stated he did not agree with Ms. Rathvon relating to the form of continuance for the meeting that evening. He stated he did not receive the Notice of Hearing until the previous Friday.

Attorney Webb explained that he was recently elected to the Anna Maria City Commission and had contacted the Commission on Ethics to obtain an opinion as to continuing to serve as Mr. Fiske's Attorney. The original opinion was that there would be no conflict, however, later Attorney Webb said he received notice that there would be a conflict. A final opinion has been requested and the earliest it would be received would be December 4, 2008. Attorney Webb informed he then began searching for a new attorney to represent Mr. Fiske.

Attorney Webb stated that Mr. Fiske was not the cause of the attorney having to be replaced. The reason the case could not be heard earlier was that his father-in-law passed away in June, Mr. Fiske then became ill, in September Attorney Webb was involved in a trial, City Attorney Dye was unavailable during the month of October, and the Fiske's key witness, Mr. Adams, was currently of town for the month of November.

*City Attorney Dye* conformed he had spoke to Attorneys Michelle Hall and Chuck Webb and the City does not object to the continuance in order to allow time for review of the documents. He would, however, like to resolve the issue at the Code Enforcement Board level and preferably wrap-up the case prior to the end of the year.

*Code Enforcement Hartman-Swartz* asked about the procedural process for the next hearing. After discussion, it was agreed that Attorney Hall and City Attorney Dye would meet to discuss the procedure. The Board had agreed that the case picks up where it was left off at the original hearing and that the exhibits already submitted would not be reviewed again.

Discussion followed relating to the date of the next continuance. Both parties agreed on the date of Thursday, December 11, 2008 at 6:00 p.m. No advertising would be required as long as the hearing was continued to a time and date certain.

*Attorney Webb* informed that both Jim and John Adams would be called as witnesses on behalf of the Fiskes'. John Adams was currently out of town and Jim Adams was in the hospital.

*Attorney Hall* said she would like to have the witnesses present at the upcoming hearing, however, was uncertain they would be available on December 11.

*Boardmember Murray* asked if a notarized statement could be obtained and submitted as evidence in the event one or both of the individuals would be unable to attend the next hearing.

*City Attorney Dye* further informed that the property owners did have the option of waiving formal notice requirements.

*Chair Iseman* asked that Attorney Michelle Hall notify Code Enforcement Officer Rathvon no later than ten days prior to the hearing - December 1, 2008 – if she knew they are unable to hold the hearing on December 11, 2008.

*Attorney Hall* said that if the hearing would need an additional continuance, she could appear on December 11 to provide a status.

**ACTION:** After discussion, the Board agreed that a continuance be granted for the Fiske Case Number 2008-011 for property at 840 South Bay Blvd. until the date and time certain of Thursday, December 11, 2008, 6:00 p.m.

### **NEW BUSINESS**

*Chair Iseman* brought attention to the draft Resolution proposed by City Attorney Dye relating to setting a Conduct of Hearing for the Code Enforcement Board. He said he had compared the proposed Resolution to the existing Code requirements and felt the Resolution has some merit.

The Board agreed that the Resolution should be reviewed at the January 2009 meeting.

*Boardmember O'Day* asked that "Chairman" be changed to "Chairperson" in the draft Resolution.

### **SET DATE FOR NEXT MEETING**

The next meeting is scheduled for Thursday, December 11, 2008 at 6:00 p.m. for the continuation of the Fiske case. *Chair Iseman* asked that all Boardmembers and the Code Enforcement Board Attorney plan to be in attendance.

**Public Comment** – None  
**Press Comment** - None

**ADJOURNMENT**

**Chair Iseman adjourned the meeting at 6:35 p.m.**

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**William Iseman, Chair**  
**Codes Enforcement Board**

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**Alice Baird, CMC, City Clerk**

**MINUTES APPROVED:** \_\_\_\_\_