



# City of Venice

401 West Venice Avenue  
Venice, FL 34285  
www.venicegov.com

## Meeting Minutes Code Enforcement Board

---

Thursday, May 3, 2018

10:00 AM

Council Chambers

---

### I. Call to Order

A Regular Meeting of the Municipal Code Enforcement Board was held this date in Council Chambers at City Hall. Chair Robert Young called the meeting to order at 10:00 a.m.

### II. Roll Call

**Present** 6 - Jon Preiksats, John Burton, Chair Bobby Young, Judith Keeler, George Struble and Richard Hale

**Absent** 1 - Patrick Reilly

### Also Present:

Assistant City Attorney Kelly Fernandez, Code Enforcement Inspector George Nixon, Development Services Director Jeff Shrum, and Assistant City Clerk Heather Taylor.

### III. Audience Participation

Without objection Mr. Young reordered the agenda to hear this item at the end of the meeting.

### IV. Approval of Minutes

[18-3275](#)

Minutes of the April 5, 2018 Regular Meeting

A motion was made by Mr. Hale, seconded by Mr. Struble, that the Minutes of the April 5, 2018 meeting be approved as written. The motion carried by voice vote unanimously.

### V. Unfinished Business

[Case No.](#)  
[17-570](#)

328 Miami Ave. W., Parcel ID: 0408040092, FL TRADERS LLC, Violation of the City of Venice Code of Ordinances, Chapter 86, Land Development Code, Article V - Use Regulations, Division 4 - Business Zoning Districts, Section 86-94 CBD (Commercial Business District)(a),(b),(c) - THIS CASE HAS BEEN ADMINISTRATIVELY DISMISSED AND NO ACTION IS REQUIRED BY THE BOARD

Mr. Nixon informed the board that the violation was brought into compliance and the use of the outdoor ramp will be part of a new business and

responded to board questions regarding modifications to the ramp to help with noise reduction.

## **VI. New Business**

### [14-427AP](#)

Request for Reduction of Fines From \$33,587 to \$0, Code Enforcement Board, Case No. 14-427, Joanne Case, 225 San Marco Dr., Ordered July 11, 2014, Instrument Number 2014075474 in the Amount of \$25 Per Day for Violation of Section 34-81 Totaling \$33,550 and \$37 Administration Fee Totaling \$33,587 (Quasi Judicial)

Mr. Young announced this is a quasi-judicial hearing and opened the public hearing.

Ms. Fernandez questioned board members regarding ex-parte communications and conflicts of interest. There were none.

Mr. Nixon provided a summary of the case to include prior violations, property lien, and new ownership of the property.

Ms. Fernandez responded to board questions regarding proof of delivery of notification and fine accumulation.

Mr. Nixon responded to board questions regarding the lien, affidavit of compliance, and ability to view the property.

Ms. Fernandez reviewed Resolution No. 2014-20 regarding the ability to reduce fines.

Ronald Perry, 2603 Heatherwood Cir., being duly sworn, spoke to the case to include cost incurred by the city, property compliance, purchase of the property, physical and mental issues that hindered the ability of the property owner to resolve the violations and to communicate with the city, and financial hardships and responded to board questions regarding the passing of Ms. Case's daughter Janelle and knowledge of the lien prior to the sale of the property.

Dan Rutkowski, current property owner, responded to board questions regarding property sale price and net proceeds, vacation of the property, and ensuring the property remains in compliance.

Mr. Perry responded to board questions regarding Joanne Case not answering the door when code enforcement attempted to communicate with her and her mental status.

Mr. Rutkowski responded to board questions regarding expected amount to be reinvested into the property, restoration budget and the current status

of the pool.

Kyle Case, North Port, being duly sworn, stated the applicant was willing to pay \$5,000.

Mr. Perry discussed Mr. Case being the caregiver of Ms. Case and the need to purchase a new home for her to reside.

Mr. Shrum, being duly sworn, provided history of the property to include staff time used, house visits, Janelle Case's health issues, neighborhood complaints, and inability to force corrective action, suggested that \$5,000 be the lowest fine reduction, and spoke to current improvements to the property.

Mr. Case responded to board questions regarding timeframe for payment of the lien.

Ms. Keeler disclosed that she has driven by the property and noticed the improvements.

Mr. Young closed the public hearing.

Ms. Fernandez reviewed the grounds for fine reduction.

Discussion took place regarding excusable neglect, gross sale of property, financial hardship, prior fine reductions, and reasonable reduction amount.

Mr. Young reopened the public hearing.

Mr. Case responded to board questions regarding when he resided in the home, time of Janelle Case's medical diagnosis, lack of knowledge of letters received, Ms. Case being an introvert, who negotiated the sale of the home, when he became aware of the lien, receipt of invoice for the fine, and placement of funds in escrow.

Mr. Rutkowski spoke to the contract being written in a manner to handle all incidentals.

Mr. Young closed the public hearing.

Discussion continued on rules for fine reduction and sale of the home.

**A motion was made by Mr. Preiksats, seconded by Vice Chair Keeler, that based on the sworn testimony and evidence presented, that the board denies the fine reduction request.**

Discussion took place regarding financial hardship, incompetency of

respondent to handle the matter, extenuating circumstances, and reasonable fine amount.

**Mr. Preiksats rescinded his motion, seconded by Ms. Keeler.**

**A motion was made by Mr. Preiksats, seconded by Mr. Burton, that based on the sworn testimony and evidence presented, the board approves a fine reduction from \$33,587 to \$15,000 contingent upon payment of the reduced fine by May 10, 2018. The motion carried by the following vote:**

**Yes:** 6 - Mr. Preiksats, Mr. Burton, Chair Young, Vice Chair Keeler, Mr. Struble and Mr. Hale

**Absent:** 1 - Mr. Reilly

## **VII. Updates**

Mr. Shrum informed the board that Mr. Davis will provide an update at an upcoming meeting on the new resort dwelling tracking software.

## **Audience Participation**

No one signed up to speak.

## **VIII. Adjournment**

There being no further business to come before this Board, the meeting was adjourned at 10:56 a.m.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary