



City of Venice

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

Meeting Minutes Code Enforcement Board

Thursday, May 2, 2019

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 5 - Jon Preiksats, Chair Bobby Young, Judith Keeler, Patrick Reilly and Greg Novack

Absent 2 - Nick Flerlage and Ernest Booker

Also Present

Liaison Mayor John Holic, Assistant City Attorney David Jackson, Development Services Director Jeff Shrum, Code Enforcement Inspector George Nixon, Deputy City Clerk Danielle Lewis and Recording Secretary Mercedes Barcia.

III. Audience Participation

There was none.

IV. Approval of Minutes

19-3927

Minutes of the February 7, 2019 Regular Meeting and February 28, 2019 Special Meeting

A motion was made by Mr. Preiksats, seconded by Mr. Reilly, that the Minutes of the February 7, 2019 regular meeting and February 28, 2019 special meeting be approved as written. The motion carried unanimously by voice vote.

V. Unfinished Business

Case No.
18-714

998 Laguna LLC, 998 Laguna Dr: Violation of the City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource and Conservation Zoning Districts, Section 86-71, MP Marine Park District and Division 3, Residential Zoning Districts, Section 86-81, RSF Residential Single-Family District

Mr. Jackson called Case Nos. 18-714 and 18-727, and queried board members on ex-parte communications and conflicts of interest. There were none.

Mr. Young opened the public hearing.

Mr. Nixon, being duly sworn, presented site photographs and noted both cases came into compliance by the required date.

No one signed up to speak.

Mr. Young closed the public hearing.

A motion was made by Mr. Reilly, seconded by Ms. Keeler, that based on the sworn testimony and evidence presented, the board finds respondent violated Sections 86-71 and 86-81 of the City Code of Ordinances, but that the respondent corrected the violations prior to the hearing. Respondent is put on notice that future violations of Sections 86-71 and 86-81 will cause the respondent to be deemed a repeat violator and subject to a fine of up to \$500.00 per day for each new violation beginning on the day the violation occurred. The motion carried by the following vote:

Yes: 5 - Mr. Preiksats, Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Novack

Absent: 2 - Mr. Flerlage and Mr. Booker

Case No.
18-727

Gulf View Marina Holdings LLC, 996 Laguna Dr: Violation of the City of Venice Code of Ordinance Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource and Conservation Zoning Districts, Section 86-49, Site and Development Plan and Zoning Reviews

This case was discussed under Case No. 18-714.

A motion was made by Mr. Reilly, seconded by Ms. Keeler, that based on the sworn testimony and evidence presented, the board finds respondent violated Section 86-49 of the City Code of Ordinances, but that the respondent corrected the violations prior to the hearing. Respondent is put on notice that future violations of Sections 86-49 will cause the respondent to be deemed a repeat violator and subject to a fine of up to \$500.00 per day for each new violation beginning on the day the violation occurred. The motion carried by the following vote:

Yes: 5 - Mr. Preiksats, Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Novack

Absent: 2 - Mr. Flerlage and Mr. Booker

VI. New Business

Case No.
CEEN19-000
47

Todd Johnson, 1316 Mango Avenue: Violation of the City of Venice Code of Ordinances Chapter 34, Environment, Article III, Nuisances, Division 2, Offensive Accumulations, Sec. 34-81(a)(c), Prohibited Exceptions

Mr. Jackson called the case and queried board members on on ex-parte communications and conflicts of interest. There were none.

Mr. Young opened the public hearing.

Mr. Nixon, being duly sworn, presented the city's case to include respondent's prior case and violations, March 28, 2019 complaint received, pictures showing trash and debris on the front and rear of the subject property, discussion with respondent on repeat violation, respondent's issue with tenant, Venice Police Department's visit to the property, no eviction paperwork filed, May 1, 2019 site re-inspection showing violation remains, communication with neighbors, and responded to board questions regarding previous violation, property being occupied, observation of structural problems with the home and rodents, and respondent's reason for accumulation of trash and debris.

No one signed up to speak.

Mr. Young closed the public hearing.

Discussion followed regarding respondent's financial situation, property lien with the city, establishing daily fines, and prior similar repeat violation cases.

Mr. Shrum, being duly sworn, spoke to prior similar repeat violation cases, liens against homesteaded properties, staff's options, the board's discretion on daily fines to include adding a cap, structural condition of the property, property maintenance standards, and having the city place a dumpster on the property.

Discussion followed regarding property's homestead, tenant, respondent's financial situation, adding a lien on the property, effective date of the violation, compliance date on prior case, the board's discretion on assessing daily fines, prior case not including the rear yard, repeat offender basis, complaints received on the property's roof, being consistent with decisions made on prior similar cases, selling property, determining acceptable outside storage, code definition of a nuisance, case evidence on the rear yard, respondent's obligation to comply with the code, and adding the code definition of a nuisance as part of the record.

A motion was made by Ms. Keeler, seconded by Mr. Reilly, that based on the sworn testimony and evidence presented, the board finds respondent in violation of Section 34-81(a) and (c) of the City Code of Ordinances because accumulation of trash and debris continues to exist on the property, a repeat violation of Case No. 18-130. A fine is hereby imposed on the respondent as a repeat violator in the amount of \$200 per day beginning on March 28, 2019 and terminating on the day the property is found to be in compliance by the Code Enforcement Inspector. A certified copy of this order shall be recorded in the Public Records of Sarasota County, Florida, and thereafter shall constitute a lien against the subject property and upon any other real or personal property owned by the respondent. The motion carried by the following vote.

Yes: 5 - Mr. Preiksats, Chair Young, Vice Chair Keeler, Mr. Reilly and Mr. Novack

Absent: 2 - Mr. Flerlage and Mr. Booker

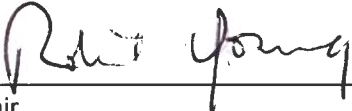
VII. Updates


Discussion took place regarding the board taking a summer break and cancelling the July meeting.

Mr. Young noted he is providing a board update to city council on May 14, 2019.

VIII. Adjournment

There being no further business to come before this Board, the meeting was adjourned at 10:50 a.m.


Chair


Recording Secretary