



**PUBLIC NUISANCE HEARING
1620 GULF OF MEXICO DRIVE**

**GENERAL OVERVIEW OF PUBLIC NUISANCE
PROCESS**

**TOWN COMMISSION SPECIAL MEETING
MAY 28, 2014
(CONTINUANCE)**



PUBLIC NUISANCE PROCESS

Building Official Report December 11, 2013



150.22(D) PROCEDURE FOR BUILDINGS WHICH ARE NUISANCE

It shall be the duty of the building official to regularly and frequently require examination of buildings and structures within the town to determine whether the buildings and structures constitute a public nuisance as provided in 150.22(A). The building official shall make a detailed written report to the town commission which shall contain a detailed description of the examination and his opinion of whether the conditions found constitute the building or structure, or any part thereof, a public nuisance.



SECTION 150.22(A) UNSAFE CONDITIONS DANGEROUS STRUCTURES

- **Collapse of Footing or Foundation**
- **Concrete** – Deterioration, Deformation, Fractures, Fissures, Spalling, Exposed Reinforcement, Detached Dislodged or Failing Connections
- **Masonry** – Ultimate Deterioration, Ultimate Deformation, Fractures, Fissures
- **Wood** – Ultimate Deformation, Deterioration, Vermin Damage, Significant Splits, Shear Cracks, Inadequate Support, Detached Dislodged or Failing Connections
- **Steel** – Deterioration, Deformation, Metal Fatigue, Detached Dislodged or Failing Connections



PUBLIC NUISANCE PROCESS

Building Official Report December 11, 2013



Adopt Resolution 2013-40 Setting Public Hearing Date



Commission Public Hearing March 4, 2014 and Continued to May 28, 2014



Town Manager Building by Building Report



TOWN MANAGER REPORT

- **Building Official Inspection**
- **Structural Engineering Expert Inspection**
- **Wind Hazard Expert Inspection**
- **Fire Chief & Marshal Inspection**



PUBLIC NUISANCE PROCESS

Building Official Report December 11, 2013

Adopt Resolution 2013-40 Setting Public Hearing Date

Commission Public Hearing March 4, 2014 and Continued to May 28, 2014

Town Manager Building by Building Report

Owner & Association Testimony / Evidence

Public Comment

Adopt Resolution Declaring Findings & Ordering Action(s)



150.22(C)PROCEDURE FOR BUILDINGS WHICH ARE NUISANCE

- **Following Standards for Town Manager or Town Commission in Ordering Repair, Vacation, or Demolition**
 - If “Dangerous Structure” Can Reasonably Be Repaired, it Shall be Repaired
 - If “Dangerous Structure” is Dangerous to Health, Safety, General Welfare, it Shall be Vacated.
 - Any Case Where “Dangerous Structure” is 50% Damaged or Decayed, or Deteriorated From it’s Original Value or Structure or is a Fire Hazard, it shall be Demolished.



QUASI-JUDICIAL PUBLIC HEARING

- **It is Town Commission's Obligation to Consider Testimony & Evidence from Today's Hearing & make a Decision Based upon the Competent Substantial Evidence Presented in the Record.**
- **Under the Code, the Town Commission will need to make Several Findings Based upon the Competent Substantial Evidence Presented.**
- **Those Findings are Set Forth as Follows:**



FINDINGS OF FACT

- **Status of Building: Occupied or Vacant**
- **Status of the Resort Site: Occupied or Vacant**



FINDINGS OF FACT, CONT.

- **Condition(s) of the building as alleged by the Town**

Manager's Report:

- do not exist,
- do not constitute a public nuisance
- have been remedied and the building does not presently constitute a public nuisance

OR

- **Condition(s) of building/structure as alleged by the Town**
Manager's Report Exist: If such conditions exist, need a listing of such existing conditions



FINDINGS OF FACT, CONT.

- If the stated conditions exist, is the building a dangerous structure as defined by Section 150.22 (C) of the Town Code?
- If the stated conditions exist, is the building a public nuisance as defined by Section 150.22 (H), of the Town Code?



FINDINGS OF FACT, CONT.

- **If the stated conditions exist, can the building be repaired?**
OR
- **If the stated conditions exist, is the building 50 percent damaged, or decayed, or deteriorated from its original value or structure?**
AND/OR
- **Is the building an existing fire hazard in violation of the Town Code and the Florida Building Code ?**



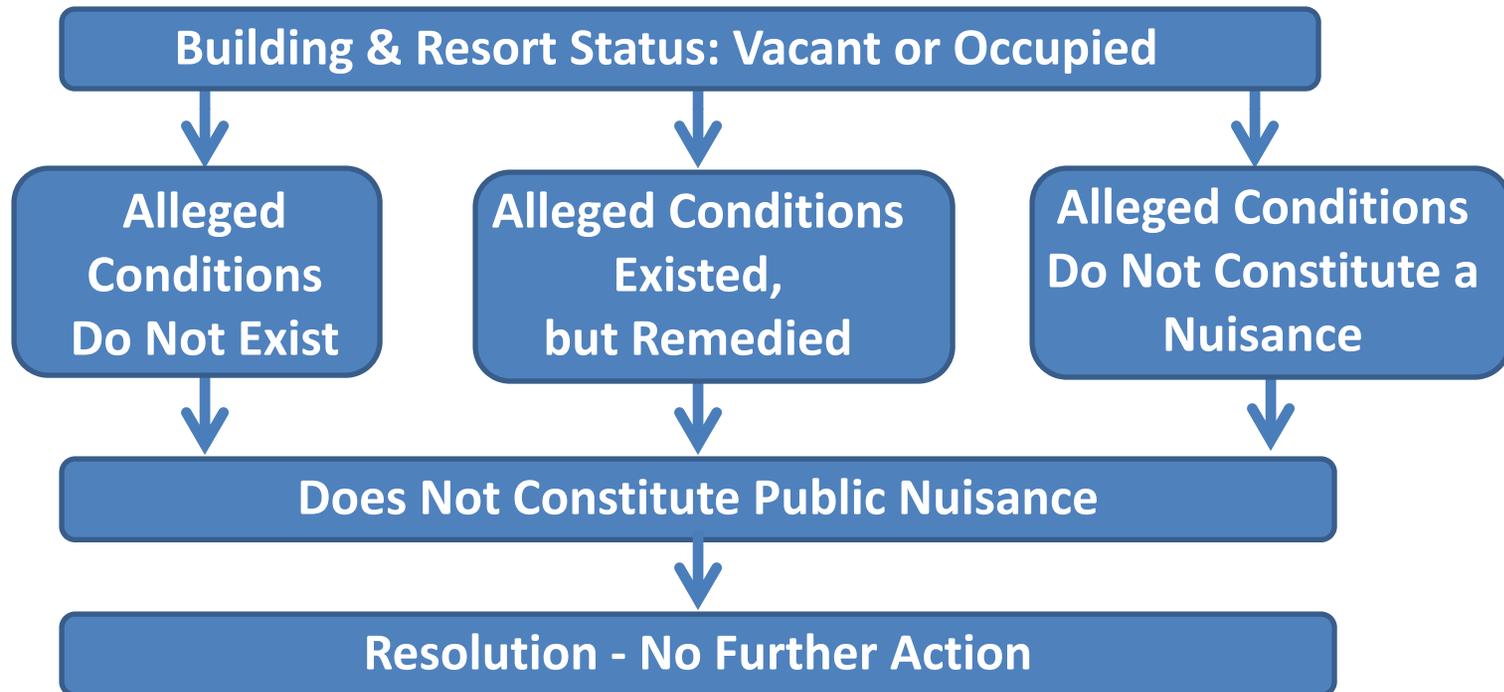
PUBLIC NUISANCE HEARING ACTIONS

150.22 (H)

- **Alleged Conditions Do Not Exist**
- **Existing Conditions Do Not Constitute a Public Nuisance**
- **Conditions Existed, Have been Remedied, & No Longer Constitute a Public Nuisance**
- **Conditions Exist and Constitute a Public Nuisance is Hereby Condemned**
- **Any Additional Provisions to Appropriately Decide and Determine the Issues**
- **Upon Failure of Owner to Abate Issues within a Reasonable Time, Town Institutes Suit and Abates**

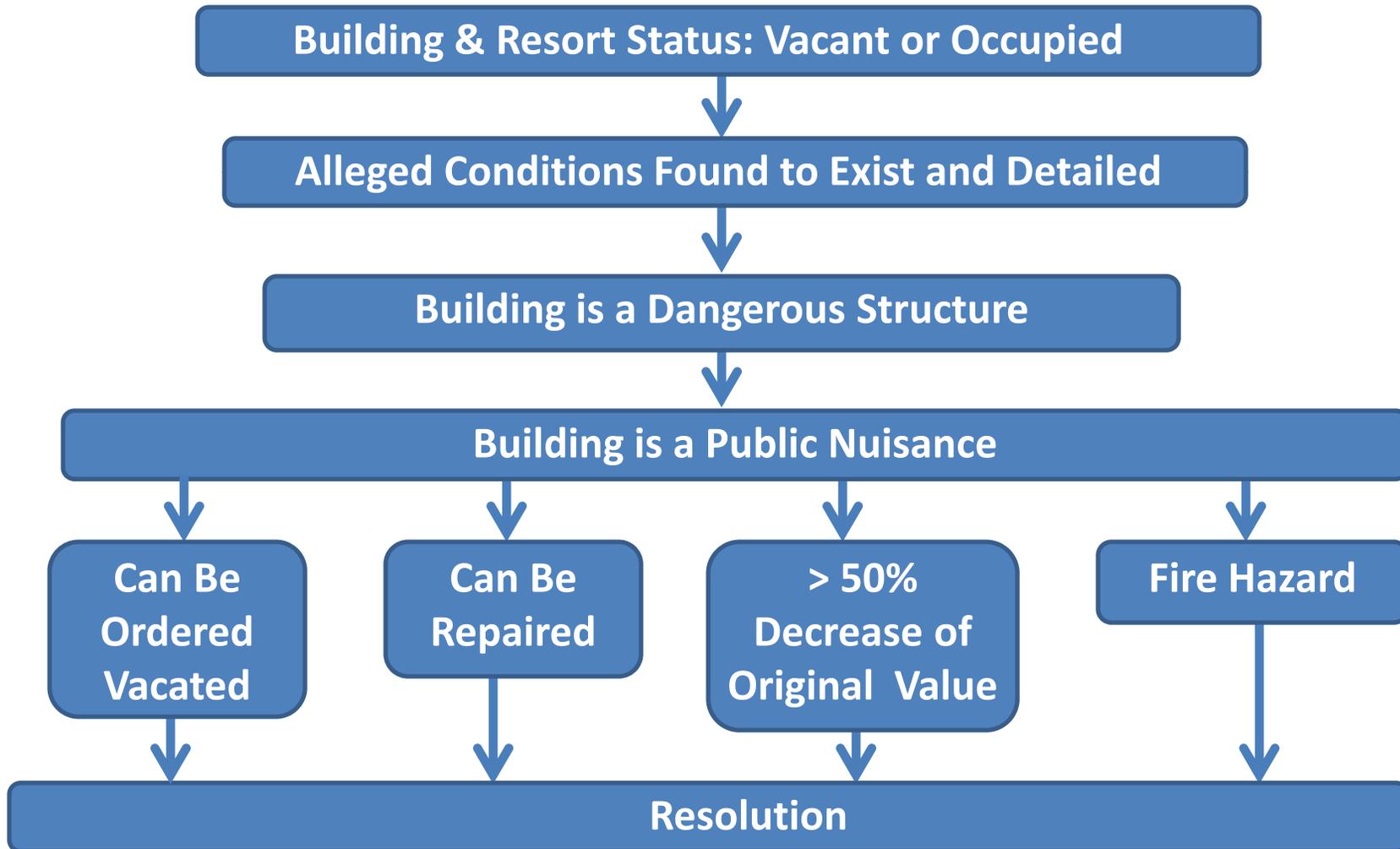


OPTIONS IF CONDITIONS DO NOT EXIST OR CURED





OPTIONS IF CONDITIONS FOUND TO EXIST





POSSIBLE ACTIONS IF CONDITIONS EXIST

- If conditions found to exist on building, can order repair. (i.e. Said repairs shall occur within XX days). Per Code all timeframes must provide at least 3 days to accomplish.
- If the condition(s) constituting a nuisance are not corrected within the timeframe provided, then the Town shall institute litigation and then seek to abate the public nuisance condition



POSSIBLE ACTIONS IF CONDITIONS EXIST, CONT.

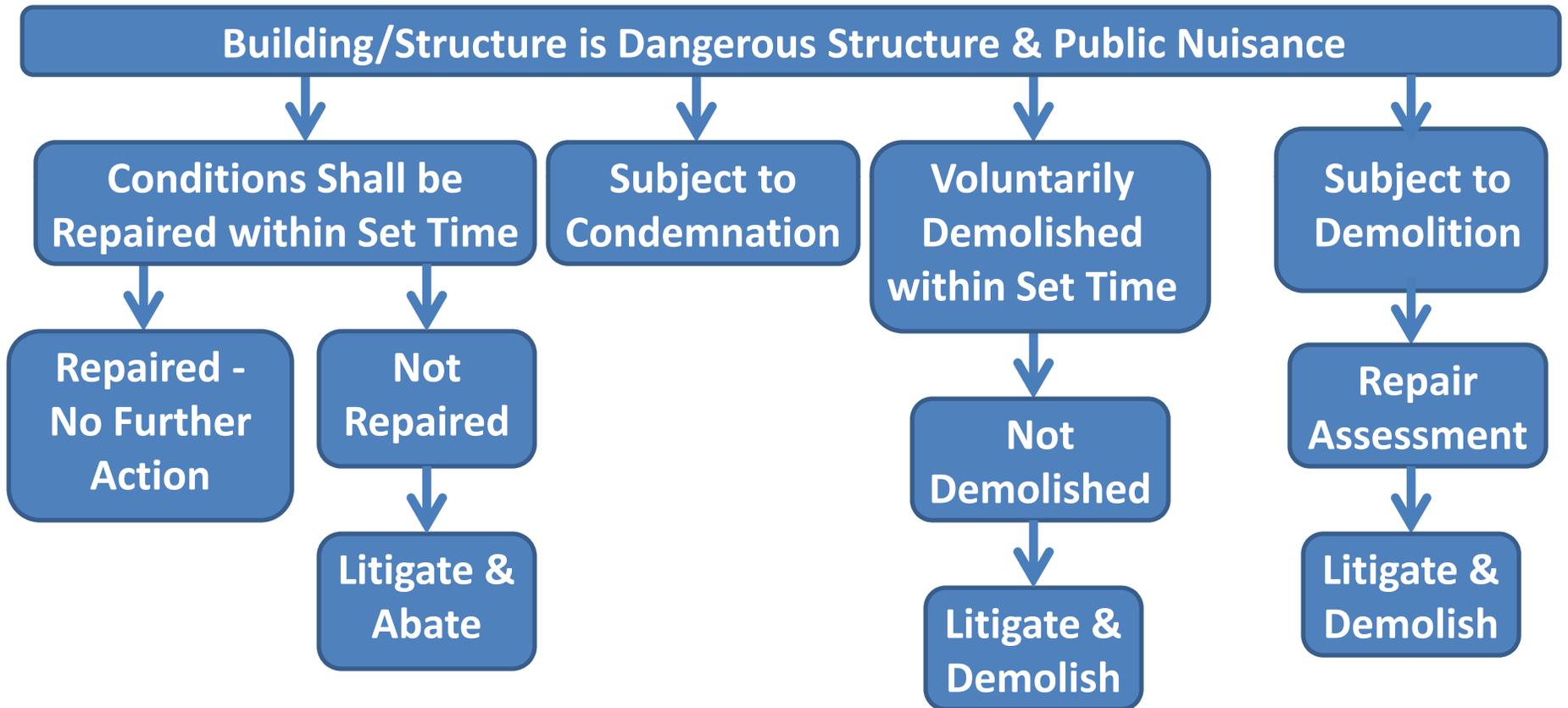
- Order building to remain vacant until such time as the entire Colony resort property reopens for use and all repairs on the building have been completed
- Order the building be subject to condemnation following repair assessment
- Order building be voluntarily demolished within an agreed upon timeframe

OR

- Order building be demolished following repair assessment¹⁸



RESOLUTION ACTIONS





TOWN MANAGER REPORT INTRODUCTIONS

- **Wayne Thorne, Town Building Official**
- **Greg McClellan, P.E., Structural
Engineering Expert**
- **Ajay Shanker, Ph.D., P.E., Wind Hazard
Expert Inspection**
- **Paul Dezzi, Fire Chief**



TOWN MANAGER REPORT EVIDENTIARY SUBMITTALS

- **Building Official Inspection Report February 26, 2014**
- **Engineering Inspection Report February 24, 2014**
- **Wind-Borne Debris Hazards at The Colony, Longboat Key, Florida, March 3, 2014**
- **Expert Witness Resumes and Powerpoint Presentations**
- **Staff Powerpoint Presentations**
- **Decision Matrix**



BUILDING REVIEW ORDER

- | | | |
|----------------|--------------|-------------------------------------|
| 1. Restaurant | 11. Villa 10 | 21. Villa 6 |
| 2. Mid-Rise | 12. Villa 17 | 22. Villa 15 |
| 3. Beach Units | 13. Villa 2 | 23. Villa 5 |
| 4. Lanais | 14. Villa 8 | 24. Villa 13 |
| 5. Beachcomber | 15. Villa 11 | 25. Villa 14 |
| 6. Vagabond | 16. Villa 16 | 26. Housekeeping/Acct |
| 7. Castaways | 17. Villa 3 | 27. Maintenance |
| 8. Villa 1 | 18. Villa 7 | 28. Guardhouse |
| 9. Villa 18 | 19. Villa 12 | 29. Conference Center |
| 10. Villa 9 | 20. Villa 4 | 30. Sales & Marketing ²² |

