

Regular Workshop – September 26, 2016
Agenda Item 10

Agenda Item: Request for Consideration of Code Enforcement Lien Reduction

Presenters: Town Manager and Staff.

Summary: On September 6, 2016, Staff received a request for the Town Commission to consider a reduction in the Code Enforcement liens against Airmann LLC of 549 Hornblower Lane.

Attachments: 9-16-16 Memo, CEO Elbon to Town Manager;
Code Enforcement Fine & Lien Table;
9-1-16 Letter, Mann to Mayor Duncan.

Recommended
Action: Pending discussion, provide direction to Manager.

M E M O R A N D U M

DATE: September 16, 2016

TO: Dave Bullock, Town Manager
FROM: Chris Elbon, Code Enforcement Officer
CC: Frank Rubino, Deputy Chief
SUBJECT: Code Enforcement Lien Reduction Request

In a letter from James Mann dated September 1, 2016, Code Enforcement received a request for the Town Commission to consider a reduction in the liens against the property at 549 Hornblower Lane (see attached).

The liens against the property resulted from the three following cases:

Code Enforcement Case # CE.10973 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (L) – *Exterior Structure, Fence or Wall* of the Town of Longboat Key Code of Ordinances in which the fence surrounding the pool was deteriorating and failed to be maintained in a state of good repair and without missing sections. The Code Enforcement Board (CEB) found the property in violation for the above on April 13, 2015. The CEB began imposing fines in the amount of \$100.00 per day on June 8, 2015. The property was brought into compliance on November 16, 2015.

Code Enforcement Case # CE.10975 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (C) – *Exterior Structure, Roof and Drainage* of the Town of Longboat Key Code of Ordinances in which the roof failed to be maintained sound and without defect. The CEB found the property in violation for the above on April 13, 2015. The CEB began imposing fines in the amount of \$100.00 per day on June 8, 2015. The property was brought into compliance on January 14, 2016.

Code Enforcement Case # CE.11340 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (E) – *Exterior Structure, Stairways, Decks, Porches and Balconies* of the Town of Longboat Key Code of Ordinances in which the stairway failed to be maintained structurally sound and in good repair. The CEB found the property in violation for the above on October 12, 2015. The CEB began imposing fines in the amount of \$50.00 per day on November 12, 2015. The property was brought into compliance on June 21, 2016.

The combined total of the liens against the property are \$49,106.52, including administrative fees and recording fees incurred by the Town in the prosecution of the cases before the Code Enforcement Board (see attached).

Due to the lack of clarification in the Town Code on the matter of lien reduction requests, the matter has been forwarded to the Town Commission for consideration, as a lien arising from fines imposed run in favor of the local governing body according to Florida Statute 162.09(3) and Section 33.10(G) of the Town of Longboat Key code of ordinances.

The Town Commission has the option of reducing, dismissing, or upholding the liens against the property.

Staff will execute an order on the matter based upon the direction provided by the Town Commission.

Code Enforcement Fine & Lien Table

Address: 549 Hornblower Lane
Property Owner: Airmann, LLC

Case #	Date of Violation	Date of Compliance	# Days in Violation	Daily Fine Amount	Town Admin. Fee	County Recording Fee	Total
CE.10973	06/08/2015	11/16/2015	160	\$100	\$15.76	\$35.50	\$16,051.26
CE.10975	06/08/2015	01/14/2016	219	\$100	\$15.76	\$35.50	\$21,951.26
CE.11340	11/12/2015	06/21/2016	221	\$50	\$18.50	\$35.50	\$11,104.00
							\$49,106.52



806 Alexa Drive
Mount Sterling, KY 40353
859-498-0232

September 1, 2016

Mr. Jack Duncan
Town Manager
Town of Longboat Key
5460 Gulf of Mexico Drive
Longboat Key, FL 34228

Re Property of: AIRMANN LLC
549 Hornblower Lane, Longboat Key, FL
Parcel ID# 0010070024

Dear Mr. Duncan;

Early in 2015 I was notified that there were issues with the above referenced property being maintained to the standards of the Town of Longboat Key particularly the fencing. At that time, I began to contact various agencies that could fix and repair these issues. My business and main residence is in Kentucky and so most of my interaction with these agencies has been through phone calls and emails. Because I wanted to find a company that was reliable and trustworthy, I spent a great deal of time also contacting people I knew in the area for advice.

In deciding upon a company, I felt I needed to be as thorough and diligent in my choice as was necessary to bring this property to standard. It was never my intention to delay or disregard any of the Code Violations however, I had no idea or control over how long these repairs would take. Once I hired the company, I found out the fence had to be surveyed, designed, manufactured and installed. Also, we had various set backs with labor and management absences. The repairs on the roof and porch took much longer than anticipated.

I am appealing the fines that have been set forth by the Town of Longboat Key. I feel that I have completed every issue and have used the highest quality of materials to bring the property above standard. The time spent to achieve this was longer than the time specified but, the result is something better than what could have been done in 30 days. I have a large investment in this property and no one more than me appreciates the beauty of this home.

Enclosed are our previous communications with the Town of Longboat Key concerning this matter.

Please advise.

Sincerely,

James R. Mann
Airmann LLC
859-498-0232
mannchrysler@bellsouth.net

4Encl.



806 Alexa Drive
Mount Sterling, KY 40353
859-498-0232

October 22, 2015

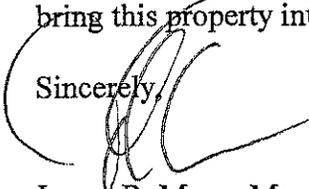
Robert Krosney, Chairman
Code Enforcement Department
Town of Longboat Key
5460 Gulf of Mexico Drive
Longboat Key, FL 34228

RE: Case No. CE.11340
549 Hornblower Lane
Longboat Key, FL 34228
Parcel ID# 0010070024

Mr. Krosney;

Airmann LLC is in receipt of the Administrative Order issued October 12, 2015 concerning the violation of Section 104.11 at the above referenced address. In order to completely comply to this order we are requesting a sixty (60) day extension effective from the date of October 12, 2015. We have currently began repair on the fence by Mullet's Aluminum and would like to be able to have everything completely repaired by December 12th, 2015. Please advise as to your decision concerning this matter so that we may begin repairs to bring this property into compliance.

Sincerely,



James R. Mann, Managing Member
Airmann LLC
859-498-0232
mannchrysler@bellsouth.net

cc: Town Clerk

ADVENTURE HOT TUBS & POOLS

2100 17th Street
Sarasota, FL 34234

Service Order

Service Order ID: 2572
Customer ID: 1727
Employee ID: Greg

Ordered 5/21/2015, Invoiced 5/27/2015

James Mann
549 Hornblower Ln
Longboat Key, FL 34228

Service Location:

James Mann
549 Hornblower Ln
Longboat Key, FL 34228
Home (859) 585-3044

Phone: * (859) 585-3044, CREDIT CARD ON FILE

Qty	Item	Warranty	Unit Price	Total
1	SQ FL UR 1.5HP 115/230V	<input type="checkbox"/>	\$319.48	\$319.48
1	SEAL ASSEMBLY PS1000	<input type="checkbox"/>	\$6.30	\$6.30
1	CART 100SQFT 59054200	<input type="checkbox"/>	\$91.16	\$91.16
1	Labor, hourly rate for pool repairs	<input type="checkbox"/>	\$95.00	\$95.00
6.3	Labor, hourly rate for pool repairs Acid washing	<input type="checkbox"/>	\$95.00	\$598.50

Deposits / Invoices

Terms: Due On Receipt

05/21/2015 Deposit - American Express - ***1009 - Auth 147464 Not Swiped \$300.00
05/27/2015 Service Invoice 2572-1 \$1,137.55
05/27/2015 Applied Deposit to Invoice 2572-1 -\$300.00

Sub Total	\$1,110.44
Taxes	\$27.11
Total	\$1,137.55
Deposits	\$0.00
Invoices	-\$1,137.55
Order Balance	\$0.00

Request

Dale's To Do, Drain
Acid Wash
Fill Pool

Report any equipment issues

Replace Pump Motor and filter cartridge

Services Performed

Completed 05/28/2015

Pool Repair - Pool Down

Date

Drained pool and acid washed.

Installed motor, seal & filter element. Started pool. Installed new hose on autofill.

2100 17th Street, Sarasota, FL 34234, (941) 923-7100

Customer Signature _____

Date _____

Friday, May 29, 2015, 9:59:40 AM
Printed By june

Contract

"Specializing in Quality Workmanship"

LIC. #SC000087 / CC0057430 / C00100725



6345 MCINTOSH ROAD
SARASOTA, FL 34238
(841) 371-3502
FAX (841) 378-5678
www.mulletsaluminum.com

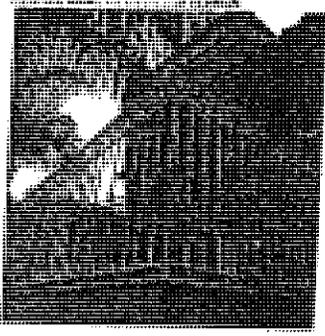
CONTRACT SUBMITTED TO Randy Mann		PHONE 859) 498-0232	DATE 06-03-2015
STREET 549 Hornblower Lane		JOB NAME	
CITY, STATE AND ZIP CODE Longboat Key, FL, 34228		JOB LOCATION	
ATTENTION	DATE OF PLANS	JOB PHONE	
		mannchrysler@bellsouth.net	

We hereby submit specifications and estimates for:

Installation Welded Aluminum Railing at pool area.
This will be to current building code.

1. Rail system installs with 3/4" x 3/4" square picket vertically and spaced with openings no greater than 4".
2. Rail height to be 36" with Diale top cap.
3. Railing posts are 1.4" x 1.8". Posts are mounted in concrete
4. Color of all aluminum to be powder coated white
5. Includes custom bent scrolls and turned solid knuckles.
6. Includes matching gate with necessary hardware and top pull latch
7. All fasteners to be stainless.
8. All installations are performed by Mullet's Aluminum employees (no sub contractors).
9. Includes all necessary worker's compensation, general liability insurance,
10. Includes one year warranty on labor.

5580.00



Contractor to furnish material and labor - complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ dollars (\$ _____)

-50% deposit, Balance upon completion

DEP. \$ _____ CHK. # _____ BAL. \$ _____

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standards practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon timely payments of delays beyond our control. Owner to carry fire, theft and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature: Keith Augsburger
Note: This Contract may be withdrawn by us if not accepted within 15 days.

IN-HOME SALE OR SERVICE NOTICE OF CANCELLATION

After 3 business days cancelled contracts are subject to 2% cancellation fee in addition to costs incurred. You may cancel this transaction, without any penalty or obligation, within three (3) business days from the date originally signed. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to Mullet's Aluminum Products, Inc., 6345 McIntosh Rd., Sarasota, FL 34238, Phone (841) 371-3502, Fax (841) 378-5678.

Acceptance of Contract - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

A monthly service charge of 1.5% will be added to all Past Due Accounts. If it becomes necessary to effect collection, I agree to pay actual amount plus interest, attorney fees and court costs.

Signature: _____
Printed Name & Title: _____

Date of Acceptance: _____

Mr Chris Elba

The progress we have made in repairing the pool and fence has been slow.

The fence co. has made ~~the~~ bid on repairing the fence. The fence has to be hand made or welded together. They did not say it was going to be 8 weeks after I start the down payment to them. I regard your wishes to be ~~just~~ ~~the~~ that! I will keep you informed as progress made

Thank you
James Elba

2 copies of repair on pool
fence estimate



End of Agenda Item