

**TAB 1**

**PERSSON & COHEN, P.A.**  
**1820 Ringling Boulevard**  
**Sarasota, FL 34236**

*pd.*

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CITY OF PALMETTO  
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PALMETTO, FL 34220-1209

December 4, 2007

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
11-27-2007	Review agenda; attend regular meeting.	1.20	DPP
	TOTAL HOURS	1.20	
Total Fees for Above Services:			\$192.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 192.00
Previous Balance	\$256.00
Payments	<u>\$256.00</u>
Balance Due Now	\$192.00

**Minutes  
Code Enforcement Board  
November 27, 2007**

**Board Members Present:**

Charlie Leonard, Chair  
Lyle Fair  
Phil Hoffman  
Bob Rickey  
Scott Dougherty  
Charles Cook, Alternate

**Board Members Absent:**

Jim Bailey  
Frank Joseph

**Staff and Others Present:**

Bill Strollo, Code Enforcement Director  
David Persson, Code Enforcement Board Attorney  
Deanna Roberts, Clerk of the Board

Mr. Leonard called the meeting to order at 6:01 p.m. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

**1. APPROVAL OF AGENDA**

MOTION: Mr. Hoffman moved, Mr. Rickey seconded and motion passed unanimously to approve the November 27, 2007, agenda.

**2. APPROVAL OF CONSENT AGENDA**

MOTION: Mr. Dougherty moved, Mr. Rickey seconded and motion passed unanimously to approve the November 27, 2007, Consent Agenda.

**3. PUBLIC HEARINGS**

**A. Case No. 07-14**

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

Violation Location: 1809 9<sup>th</sup> Street West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(2), Section 16-26(3) and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(a); and Chapter 18, Junked, Wrecked Abandoned Property, Section 18-1, Section 18-3.

Violation Description: Property contains untended growth of weeds, brush and debris, including yard waste and uncollected weekly newspapers. An unregistered, white Ford Escort is parked in the carport, partially covered by a tarp.

This case was first presented to the Board on October 30, 2007. The Administrative Order handed down at that meeting gave the Respondent until November 4, 2007, to comply with the Palmetto Code of Ordinances. The Order sent Certified Mail was returned Unclaimed; the regular mail was not returned. As of the date certain for compliance and today's hearing date, the property is still in violation, and staff recommends that the Respondent be fined.

Mr. Leonard opened the Public Hearing for comment. A neighbor, Mr. Fawe, appeared for the second time and said due to the condition of this property he is unable to sell his home. Mr. Leonard closed the hearing for deliberation and then reopened the hearing to present the findings.

**MOTION:** Mr. Rickey moved and Mr. Hoffman seconded a motion to find as a matter of fact that the Respondents property contains untended growth of weeds, brush and debris, including yard waste and uncollected weekly newspapers; an unregistered white Ford Escort is parked in the carport, partially covered by a tarp; to conclude as a matter of law that the Respondent has violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the November 27, 2007, meeting of the Code Enforcement Board; to impose a fine of \$25.00 per day commencing November 4, 2007, and continuing until the violation is corrected, or until December 15, 2007, when the fine will increase to \$50.00 per day continuing until the violation is corrected; to authorize the Chair to sign the Order, and direct the Code Enforcement Officer to post the Order Imposing Fine on the property. The motion passed unanimously.

B. Case No. 07-15

Genesis Development Partners, LLC  
101 Riverfront Blvd., Ste 610  
Bradenton, Florida 34205

**Violation Location:** 4009 11<sup>th</sup> Street Court West and 4111 10<sup>th</sup> Street West, Palmetto, FL  
**Codes Violated:** Palmetto Code of Ordinances, Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a)1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153 (b) (1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a) & (b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (b).

**Violation Description:** A septic tank behind the two story units at Pelican Perch is leaking raw sewage onto the ground.

An in-ground swimming pool at Terra Mana is full of stagnant water and is providing a breeding place for mosquitoes. In addition, many of the pool cage screens have been destroyed and no longer afford protection from insect infestation. In addition,

due to the neglect of this pool cage, the filled pool lacks a child protective barrier and presents a serious child safety issue.

One of the rental units at Pelican Perch has been destroyed by fire.

Two of the units at Terra Mana, Apartments 3 & 5, are missing window glass and cannot be secured against unauthorized entry.

The front window to Apartment 6 at Pelican Perch is broken. Apartments 3 & 5 at Terra Mana are missing window glass from the apartment windows.

The property contains trash, debris and dead vegetation. A vehicle engine block has been abandoned in the parking lot at Terra Mana.

You have been renting apartments at the locations known as (1) Pelican Perch, 4111 10<sup>th</sup> Street West and (2) Terra Mana, 4009 11<sup>th</sup> Street Court West without securing an occupational license from the City of Palmetto.

Personal belongings including furniture, exercise equipment and storage boxes are located on the second floor balcony in front of Apartment 8, Pelican Perch.

Mr. Leonard opened the Public Hearing. Code Enforcement Director Bill Strollo reported that Dennis Bradford, a representative for the Respondent, had requested a continuance of this case. When he spoke to him Mr. Strollo requested remediation of a few of the violations, including securing some windows, cleaning up improper storage and getting an application for an Occupational License. He complied with all of these requests in one day. He has scheduled a meeting with Mr. Strollo for tomorrow morning (November 28<sup>th</sup>). Mr. Strollo said if the case is continued, he could schedule a special meeting in December, if needed, since the Board currently is not meeting in December. He advised the Board he could also address the sewage issue under the Sanitary Nuisance Ordinance.

MOTION: Mr. Hoffman moved, Mr. Rickey seconded, and motion passed unanimously to continue the case to January 22, 2008, the next regular meeting, and to authorize the Code Enforcement Director to call a special meeting should the need arise.

#### **4. OLD BUSINESS**

In order to update the Board on actions taken following their motions at previous meetings, Copies of the Administrative Order and the Order Imposing Fine for CEB 07-11/Ewing Babcock were provided to the Board. A copy of the Administrative Order imposing fine for CEB 07-13/Kovtuschenko was provided to the Board. Ms. Roberts will email the 2007 Case Index File to the Board members.

**5. NEW BUSINESS**

Mr. Stollo thanked Mr. Fair for his service on the Code Enforcement Board. He will not be returning in 2008. Mr. Leonard also thanked him for his faithfulness in attending the meetings.

**6. ADJOURNMENT**

**MOTION:** Mr. Hoffman moved, Mr. Fair seconded and motion passed unanimously to adjourn at 6:55 p.m.

**Minutes Approved:**

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Charles W. Leonard, Chair