

TAB 1

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

Ph: (941) 365-4950

Fax: (941) 365-3259

ATTN: DEANNA ROBERTS
CITY OF PALMETTO
P. O. BOX 1209
PALMETTO, FL 34220-1209

February 1, 2008

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
1-22-2008	Review agenda and materials; attend regular meeting of the Code Enforcement Board	0.80	DPP
1-28-2008	Prepare annual auditor letter.	0.40	DPP
TOTAL HOURS		1.20	
Total Fees for Above Services:			\$192.00

DISBURSEMENTS:

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

**Minutes
Code Enforcement Board
January 22, 2008**

Board Members Present:

Charlie Leonard, Chair
Frank Joseph
Charles Cook
Scott Dougherty
Phil Hoffman
Bob Rickey

Board Members Absent:

Jim Bailey

Staff and Others Present:

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

Mr. Leonard called the meeting to order at 6:10 p.m. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

1. ELECTION OF 2008 OFFICERS

MOTION: Mr. Rickey moved and Mr. Hoffman seconded a motion to elect Charlie Leonard as Chair and Frank Joseph as Vice Chair for 2008. Mr. Joseph withdrew his name as he may be moving out of the City. Mr. Rickey then moved to elect Phil Hoffman as Vice Chair and Mr. Dougherty seconded the motion. Both motions passed unanimously.

2. APPROVAL OF AGENDA

MOTION: Mr. Rickey moved, Mr. Hoffman seconded and motion passed unanimously to approve the January 22, 2008 agenda.

3. APPROVAL OF CONSENT AGENDA

MOTION: Mr. Rickey moved, Mr. Joseph seconded and motion passed unanimously to approve the January 22, 2008 Consent Agenda.

4. PUBLIC HEARINGS

B. Case No. 07-15 (Continued from November 27, 2008)

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

Violation Location: 4009 11th Street Court West and 4111 10th 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 10th Street West and (2) Terra Mana, 4009 11th 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. Strollo informed the Board that the property that is the subject of this code enforcement action is located at 4009 11th Street Court West and 4111 10th Street West, Palmetto. The Property Appraiser's office is identifying the latter address as 11th Street and not 10th Street; however, it is the same parcel identification number.

A representative for the Respondent, Dennis Bradford, had requested a continuance of the case, and Mr. Strollo continued the case from November 27, 2007 to January 22, 2008. Mr. Strollo met with Mr. Bradford on November 29, 2007 at the property. They walked the property and Mr. Strollo pointed out all the violations. Mr. Bradford assured Mr. Strollo that he would

address the violations with the property manager. As of January 17, 2008 the major violations, the unprotected pool, stagnant water in the pool, the leaky septic system, the burned apartment, issues of improper storage, missing windows, broken windows, accumulation of debris and engaging in business without an occupational license all remain unresolved. He did stipulate that abandoned vessels and an engine block had been removed. Further, personal belongings on the second floor of Pelican Perch had been removed. But, the basic serious issues remain unchanged. Genesis Development did not have a representative present at the meeting. Mr. Strollo has not had any contact with Genesis since the November 29th meeting.

Mr. Bill Hicks, a neighbor who lives just a little west of the property, said he has been pursuing this matter with Mr. Strollo. Three of the condos where he lives (Captain's Point) are on the market and this property has not helped the sales. Genesis has not been a good neighbor, and it's time that this is resolved.

Mr. Strollo recommends that the Respondent be found in violation of the City of Palmetto Code of Ordinances, directed to bring the property into compliance within ten (10) days and that administrative costs incurred in the prosecution of this case, \$915.00, plus any applicable recording fees, be assessed against the Respondent.

He informed the Board that he has continued to monitor the property, and there have been further costs incurred.

Mr. Cook inquired if the Health Department could get involved with the septic tank issue. Mr. Strollo said he will refer the safety issues, the pool and the septic, to the Health Department.

Mr. Leonard closed the Public Hearing for deliberation. After deliberation he reopened the Hearing to present the findings.

MOTION: Mr. Rickey moved, Mr. Hoffman seconded and motion passed unanimously to:

- 1) Find as a matter of fact that the Respondent's property has:
 - 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 one unit has not been 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.

- You have been renting apartments at the locations known as (1) Pelican Perch, 4111 10th Street West and (2) Terra Mana, 4009 11th Street Court West without securing an occupational license from the City of Palmetto.
 - Exercise equipment is located on the second floor balcony in front of Apartment 8, Pelican Perch; coils of cable are stored in front of one of the Pelican Perch apartments; personal belongings are scattered between the two buildings of Terra Mana.
- 2) 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 January 22, 2008 meeting of the Code Enforcement Board.
 - 3) Order that the Respondent shall comply with the City Code of Ordinances by correcting the violation within ten (10) days of this hearing, or by February 1, 2008. Failure to correct the violation in the time specified may result in the imposition of a fine of up to \$250.00 per day for each day the violation continues past the date and time specified herein for corrective action.
 - 4) Assess administrative costs incurred by the city in the prosecution of the case in the amount of \$915.00, plus any applicable recording fees; additional/ongoing costs incurred by the city in the prosecution of the case may be assessed.
 - 5) Schedule a Public Hearing on Tuesday, February 26, 2008 at 6:00 p.m. to determine if the violation has been corrected.
 - 6) Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the January 22, 2008 meeting.

Due to the fact that this meeting was time certain, and that there was no time for the next two cases, Mr. Strollo asked that they be continued to the next meeting.

MOTION: Mr. Hoffman moved, Mr. Dougherty seconded and motion passed unanimously to continue Case No. 08-01 and Case No. 08-02 to the next meeting on February 26, 2008.

MOTION: Mr. Hoffman moved, Mr. Rickey seconded and the motion passed unanimously to adjourn the meeting.

The meeting was adjourned at 6:47 p.m.

Minutes Approved: February 26, 2008

Charles W. Leonard, Chair