

**TAB 1**

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

Ph: (941) 365-4950

Fax: (941) 365-3259

ATTN: DEANNA ROBERTS

April 1, 2008

CITY OF PALMETTO

P. O. BOX 1209

PALMETTO, FL 34220-1209

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
3-25-2008	Review agenda, attend regular meeting.	1.10	DPP
	TOTAL HOURS	1.10	
Total Fees for Above Services:			\$176.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 176.00
Previous Balance	\$560.00
Payments	<u>\$560.00</u>
Balance Due Now	\$176.00

**Minutes  
Code Enforcement Board  
March 25, 2008**

Board Members Present:

Charlie Leonard, Chair  
Phil Hoffmann, Vice Chair  
Jim Bailey  
Charles Cook  
Scott Dougherty  
Bob Rickey

Board Members Absent:

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 6:00 p.m. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

**1. APPROVAL OF AGENDA**

**MOTION:** Mr. Rickey moved, Mr. Hoffmann seconded and motion passed unanimously to approve the March 25, 2008 agenda.

**2. APPROVAL OF CONSENT AGENDA**

**MOTION:** Mr. Hoffmann moved, Mr. Dougherty seconded and motion passed unanimously to approve the March 25, 2008 Consent Agenda.

**3. PUBLIC HEARINGS**

**A. Case No. CEB 08-02 (Continued from January 22, 2008)**

Eric Pardo  
Eloya Valerio  
2702 12<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 2702 12<sup>th</sup> Street West, Palmetto, FL  
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Violation Description: A solid vinyl fence was erected on the above referenced property in violation of the Florida Building Code.

Code Enforcement Director Bill Strollo informed the Board that he spoke to the Respondent, Ms. Valerio, today, March 25, 2008. The notices have been going to 2702 12<sup>th</sup> Street West,

Palmetto. Ms. Valerio said she has not been advised of the prior notices by her tenants. She informed Mr. Strollo that her current address is: Eric Pardo and Eloyna Valerio, P.O. Box 1228, Moore Haven, Florida, 33471. She will direct the tenants to remove the fence this weekend. Mr. Strollo told her if she meets the Board's date certain for compliance, he will issue a Report of Compliance. He recommends that she be found in violation, given ten days to cure the violation and assessed administrative costs in the amount of \$195.00.

Mr. Leonard closed the Public Hearing for deliberation. He reopened the Hearing to present the finding.

**MOTION:** Mr. Dougherty moved, Mr. Hoffmann seconded and motion passed unanimously to find as a matter of fact that the Respondent's property contains a solid vinyl fence erected on the above referenced property in violation of the Florida Building Code; 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 March 25, 2008 meeting of the Code Enforcement Board; to order that the Respondent shall comply with the City Code of Ordinances by correcting the violation within ten days of this hearing, or by April 4, 2008, by securing the requisite building permit, or dismantling the fence. 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; to assess administrative costs incurred by the City in the prosecution of the case in the amount of \$195.00, plus any applicable recording fees; to schedule a Public Hearing on Tuesday, April 29, 2008, at 6:00 p.m. to determine if the violation has been corrected; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the March 25, 2008, meeting.

**B. CASE NO. 08-03**

Consortium Waterfront Properties, Inc.  
1401 Manatee Avenue West, Suite 1100  
Bradenton, FL 34205

Violation Location: 1008 Riviera Dunes Way, Palmetto, FL  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3), 16-26(5) Section 16-26(12) Section 16-27(a) & (b); and Chapter 7, Section 7-153.  
Violation Description: The property contains untended growth of weeds and brush; there is lumber, stone, concrete, sand and other construction material on an inactive construction site; the silt fence surrounding this site is deteriorated; the property contains a partially constructed house that has been condemned by the City of Palmetto Building Official.

Mr. Strollo advised the Board that Dale Sexton, the president of Consortium Waterfront Properties, Inc., was present at the meeting and wished to address the Board after the presentation of the case. Mr. Strollo said the property is the site of a partially constructed new house. The original building permit has expired. A Notice of Violation was issued on January 31,

2008, and the Respondent was given fifteen days to bring the property into compliance. He enumerated the codes violated. No action has been taken by the Respondent, and the house has been condemned by the Building Official. On March 14, 2008, a Supplemental Notice of Violation was issued. He submitted Proofs of Notice for all Notices sent. The additional violations pertained to unfit, or unsafe dwellings based on the condemnation by the Building Official. Mr. Sexton provided a new business address: 11009 Gatewood Drive, Suite D-1, Bradenton, Florida, 34211.

Mr. Strollo said Mr. Sexton feels he can complete the house once he closes on his refinancing on March 31, 2008. If he secures a building permit, maintains the property and renews construction on the house, Mr. Strollo said he will issue a Report of Compliance. Mr. Strollo recommended continuing the case to the next scheduled meeting of the Board.

Mr. Sexton addressed the Board. He informed the Board he purchased the property, secured an architect, obtained a building permit and began construction. The plans were submitted to the Riviera Dunes Homeowners Association (HOA). Subsequently, the HOA makeup changed and in the middle of construction the HOA issued a Cease and Desist order and asked for the plans to be resubmitted. After paying \$1.2 million for the property and paying interest on the loan, almost \$10,000 per month, it was hard to stop construction, but they did comply. Most of the changes requested were cosmetic in nature. By the time the issues with the HOA had been resolved, the building permit had expired. Consortium asked for an extension which was denied. It will cost him \$7,000 in permit fees to reapply.

He was advised after an architectural review today that the current structure still does comply with the 2004 building codes and there should be no reason why he couldn't get an extension on the permit. He is asking the Board for a thirty-day continuance so that he can get his permit reissued. In the meantime, he will clean up the property. He has sold the property at a \$700,000 loss. The closing is scheduled for March 31, 2008. If he does not get the building permit reissued by the City of Palmetto, within four days he will have the building demolished. He will put the lot back in pre-construction condition so that he can try and sell it.

Mr. Strollo suggested that he secure an engineering report to prove the foundation is stable so that he can get the permit. Now, everything is up to the Building Department.

Mr. Strollo recommends deferring administrative costs at this time.

Mr. Leonard closed the public hearing for deliberation. He then reopened the hearing to present the finding.

**MOTION: Mr. Hoffmann moved, Mr. Cook seconded and motion passed unanimously to continue the case to April 29, 2008.**

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

CEB 07-15 – Genesis Development Partners, LLC

Mr. Strollo reviewed for the Board that at the last hearing it imposed a fine in the amount of \$250.00 per day commencing February 1, 2008, continuing until the violation is corrected; and, that the Mayor and City Commission be advised of the serious threat to the public health, safety

and welfare. As a result, city officials met with Mr. Bradford. Following that meeting, the City agreed to take care of the serious safety issues and lien Genesis for the cost of the work. The agreement, signed by Mr. Bradford is in the Board packet for its review. Mr. Bradford has expressed his intent to appear before the Board and request a reduction in the fine. For that reason, Mr. Strollo is holding off on recording the lien so the Board can make that determination. After the lien is recorded, the request would have to go to City Commission. He will delay for another thirty days and have him come back to the Board with his request. At this point, violations still exist, irrespective of the work completed by the City. In answer to Mr. Hoffmann's question, Mr. Strollo said the cost of remediation incurred by the City has actually already been recorded as a lien.

CEB 08-01 Oralia Garcia

Mr. Strollo advised the Board that a Report of Compliance has been issued in this case.

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

The meeting was adjourned at 6:44 p.m.

Minutes approved: April 29, 2008

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Charles W. Leonard, Chair