

TAB 1

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May 1, 2008

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
4-29-2008	Review agenda and agenda materials; attend regular meeting of the Code Enforcement Board.	0.75	DPP
	TOTAL HOURS	0.75	
Total Fees for Above Services:			\$120.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 120.00
Previous Balance	\$176.00
Payments	<u>\$176.00</u>
Balance Due Now	\$120.00

**Minutes
Code Enforcement Board
April 29, 2008**

Board Members Present:

Charlie Leonard, Chair
Phil Hoffmann, Vice Chair
Charles Cook
Scott Dougherty
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 6:00 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. Dougherty seconded and motion passed unanimously to approve the April 29, 2008 agenda.

2. APPROVAL OF CONSENT AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion passed unanimously to approve the April 29, 2008 Consent Agenda.

3. PUBLIC HEARINGS

B. CASE NO. 08-03

Consortium Waterfront Properties, Inc.
11041 Gatewood Drive
Bradenton, FL 34211

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. Stollo reported that since the last hearing there has been a vast improvement in the property. The overgrowth is gone, and the silt fence has been restored. Construction materials are minimal. The Respondent has met all requirements except for obtaining a building permit, although he has submitted an application and will commence construction once the permit is issued.

The Respondent, Dale Sexton, testified before the Board that he has been working with the Building Department and submitted a full application for a permit today, April 29, 2008. He expects to secure the permit in as little as three to four days. He has sub-contractors lined up and everything is ready to go for construction as soon as he secures the permit. He foresees the home being completed within the next nine months.

Mr. Stollo recommended that the Respondent be found in violation and directed to comply by continuing to maintain the property, securing the building permit within twenty-one days and commencing construction on the home. He asked that administrative costs of \$430.00 be imposed.

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

MOTION: Mr. Dougherty moved, Mr. Hoffman seconded and motion passed unanimously to find as a matter of fact that the Respondent's property contained 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 the site was deteriorated; the property contains a partially constructed house that has been condemned by the City of Palmetto Building Official; 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 April 29, 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 twenty-one days of this hearing, or by May 20, 2008, by securing the requisite building permit and commencing construction on the building. (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 \$430.00, plus any applicable recording fees; to schedule a Public Hearing on Tuesday, May 27, 2008, at 6:00 p.m. to determine if the violation has been corrected; to authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the April 29, 2008, meeting.

B. CEB Case No. 08-04

Bella Tramonto I LLC
130 Riviera Dunes Way, Unit 1003
Palmetto, Florida 34221

Bella Tramonto I LLC
14 Creek Bluff Run
Flagler Beach, Florida 32136

Violation Location: 98 US 41 North, Palmetto, Florida 34221

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) & (12), and Section 16-27(a) & (b); and Chapter 21, Mobile Homes, Section 21-8(a-g).

Violation Description: This parcel is overgrown. A manufactured home is located on this undeveloped property functioning as a sales office. No building permit was granted for this use at this location.

Mr. Strollo presented his case for this property. It has no current site plan issued by the City of Palmetto, and no building permits have been issued for this undeveloped property; however, the Respondent has opened a sales office on the property without a permit in violation of City Ordinance 08-959 adopted on February 18, 2008. He read through the section of the ordinance that deals with the temporary use of mobile homes for sales offices. A complete explanation is included in the Point Paper in the agenda packet.

Mr. Leonard closed the Public Hearing for deliberation. He reopened the Hearing to present the Board's finding. Based on staff's recommendation, the following motion was made and passed.

MOTION: Mr. Hoffman moved, Mr. Cook seconded and motion passed unanimously to find as a matter of fact that the Respondent's property is overgrown; a manufactured home is located on this undeveloped property functioning as a sales office; no building permit was granted for this use at this location; 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 April 29, 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 May 9, 2008, by removing the manufactured home, removing all advertising, terminating all real estate sales and business operations at this location, and clearing the property of overgrowth. (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 \$275.00, plus any applicable recording fees; to schedule a Public Hearing on Tuesday, May 27, 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 April 29, 2008, meeting.

C. Case No. CEB 08-02

Eric Pardo
Eloyna Valerio
2702 12th Street West
Palmetto, FL 34221

Violation Location: 2702 12th 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.

Mr. Stollo informed the Board that the property came into compliance following the Administrative Order issued on March 25, 2008. The fence erected without a permit was removed by the date certain set forth in the Order, and Mr. Stollo has issued a Report of Compliance. The Respondent has paid the \$236.00 to satisfy the lien recorded for administrative costs in the Order.

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

The meeting was adjourned at 6:38 p.m.

Minutes approved:

Charles W. Leonard, Chair