

TAB 1

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June 2, 2008

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
5-26-2008 <i>27</i>	Review agenda, attend meeting.	1.30	DPP
TOTAL HOURS		1.30	
Total Fees for Above Services:			\$208.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 208.00
Previous Balance	\$120.00
Payments	<u>\$120.00</u>
Balance Due Now	\$208.00

**Minutes
Code Enforcement Board
May 27, 2008**

Board Members Present:

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

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. Bailey moved, Mr. Hoffmann seconded and motion passed unanimously to approve the May 27, 2008 agenda.

2. APPROVAL OF CONSENT AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion passed unanimously to approve the May 27, 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.

This case came before the Board on April 29, 2008. At that time, there had been improvement on the property. On April 29, 2008, the Board entered an Administrative Order giving the Respondent until May 20, 2008, to bring the property into compliance, specifically to secure a building permit and commence construction. If the Order was not complied with by May 20, 2008, the Respondent would be subject to fines. The Administrative Order was sent by Certified Mail/Return Receipt Requested. The receipt was not returned, so the property was posted on May 16, 2008, with a copy of the Order which contained a Notice of Hearing. The Order was also posted at City Hall. Mr. Stollo submitted the Affidavit of Posting.

Mr. Stollo reported that the property is starting to get overgrown and the silt fence is beginning to deteriorate again. The Respondent still does not have a valid permit. The application has been submitted,

and the Building Department has asked for updated plans and an engineering report. He dropped these off at the Building Department on May 23. No work has commenced.

Barbara Jennings, 1007 Riviera Dunes Way, owner of a neighboring property, addressed the Board. She reported that the last real construction on this home site was in October 2006. Hurricane season is coming and the debris on the property could pose a danger. She would like to see the house either be built or come down. This has been dragging on for a long time.

Mr. Strollo informed the Board that the homeowners' association is interested in this property and inquires about it often. He recommended that the Board impose a fine beginning May 20, 2008, and continuing until the violation is corrected or until June 10, 2008, at which time the fine should increase.

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

MOTION: Mr. Hoffmann moved, Mr. Cook seconded and motion passed 5-1 to find as a matter of fact that the Respondent's property contains a partially constructed house that has been condemned by the City of Palmetto Building Official; a building permit has not been issued by the City of Palmetto Building Department, and construction has not resumed at this site as ordered in the Administrative Order of April 29, 2008; 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 May 27, 2008 meeting of the Code Enforcement Board; to impose a fine of \$50.00 per day, commencing May 20, 2008, and continuing until June 20, 2008, at which time the fine will be increased to \$250.00 per day, fines continuing until the requisite building permit is secured and active construction begins on the site; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the May 27, 2008, meeting. Mr. Rickey voted no.

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 stated that this case came before the Board on April 29, 2008. At that meeting, the Board issued an Administrative Order finding the Respondent in violation of the Code of Ordinances. The Respondent was given until May 9, 2008, to bring the property into compliance, specifically by removing the manufactured home, removing all advertising, terminating all real estate sales and clearing the property of overgrowth. Mr. Strollo reported that the overgrowth has been cleared, some signs have been removed, business operations have ceased, but the manufactured home is still on the property. He has spoken to Tony Asfur, one of the principals of Bella Tramonto LLC, who advised him that the owner of the property, Bill Lucia, is under indictment by the Florida Department of Law Enforcement, and the property is in foreclosure. Mr. Strollo recommended a fine commencing May 9, 2008.

Mrs. Barbara Jennings, 1007 Riviera Dunes Way, commented that some of the flags are still up and there are still signs there. It really is an eyesore in an entrance to a lovely community. She recommends a high fine to get the owner motivated to get everything done.

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

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion passed unanimously to find as a matter of fact that the Respondent's property contains a manufactured home located on this undeveloped property that formerly functioned 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 May 27, 2008, meeting of the Code Enforcement Board; to impose a fine of \$250.00 per day, commencing May 9, 2008, and continuing until the violation is corrected; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the May 27, 2008, meeting.

C. CEB CASE NO. 08-05

Barbara Johnson
1803 12th Street West
Palmetto, Florida 34221

Violation Location: 1803 12th Street West
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II, Nuisances, Section 16-26, Section 16-26(2), Section 16-26(12), and Section 16-27(a),(b) & (c); Chapter 18, Section 18-1 and Section 18-3; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (b).
Violation Description: Debris and materials are accumulated in the front, side and rear yards of this house. Abandoned motor vehicles, trailers and parts of vehicles are stored on this property.

Mr. Stollo withdrew this case as the property has come into compliance.

4. OLD BUSINESS

CEB Case No. 07-11 Ewing/Babcock/Report of Compliance
CEB Case No. 07-14 Ruth Russo/Report of Compliance

Mr. Stollo reported that he issued a Report of Compliance for the Ewing/Babcock property on April 30, 2008 and for the Russo property on April 28, 2008.

5. NEW BUSINESS

CEB Case No. 07-11 Ewing/Babcock/ Appeal of Order Imposing Fine

Mr. Stollo informed the Board that the Respondents will be going before City Commission on June 2, 2008 to appeal the fine. He stated that the fine imposed now totals around \$10,000.

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

The meeting was adjourned at 7:03 p.m.

Minutes approved:

Charles W. Leonard, Chair