

**TAB 1**

**PERSSON & COHEN, P.A.**  
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**Sarasota, FL 34236**

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

December 1, 2008

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
11-12-2008	Review agenda and materials; attend regular meeting of the Code Enforcement Board.	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	\$0.00
Payments	<u>\$0.00</u>
Balance Due Now	\$208.00

**Minutes  
Code Enforcement Board  
November 12, 2008**

**Board Members Present:**

Charlie Leonard, Chair  
Phil Hoffmann, Vice Chair  
Scott Dougherty  
Bob Rickey

**Board Members Absent:**

Jim Bailey

**Staff and Others Present:**

Bill Strollo, Code Enforcement Director  
Whitney Ewing/Code Enforcement Officer  
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. Hoffmann moved, Mr. Rickey seconded and motion passed unanimously to approve the November 12, 2008 agenda.**

**2. APPROVAL OF CONSENT AGENDA**

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion passed unanimously to approve the November 12, 2008 Consent Agenda.**

**3. PUBLIC HEARINGS**

Case No. 08-13

Ashland 2 Partners, LLC  
7321 Merchant Court  
Sarasota, Florida 34240

Violation Location: The Hall, 1330 US 301 North, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 4, Alcoholic Beverages, Section 4-1 Hours of Sale, Section 4-1(a) & (b), and Section 4-5. Definitions; Chapter 19, Licenses and Business Regulations, Article II. Local Business Tax, Section 19-26(a)(1) and (b), Section 19-34, Section 19-45 and Section 19-48.

Mr. Leonard opened the Public Hearing. Mr. Strollo informed the Board that *The Hall* held a Business Tax Receipt with the City for bar, lounge and restaurant; issued in error since this is not a restaurant. *The Hall* has been promoting events without holding a Business Tax Receipt as a "promoter." An application was provided to the owner to expand the Business Tax Receipt, but the owner did not follow up. On September 21, 2008, at approximately 10:00 p.m., Officer Carnegie of the Palmetto Police Department observed *The Hall* open and selling alcohol on

Sunday. On September 23, 2008, a Notice of Violation was issued charging the business with violating City ordinances regarding Sunday alcohol sales, and operating as an event promoter without the requisite Business Tax Receipt. On October 6 2008, the manager Michael Plechy and David Scalisi, one of the owners, appeared before the City Commission and requested consideration for alcohol sales on Sunday. The City Commission rejected the request. The business partners indicated they have cancelled all future Sunday events and Palmetto Police Department confirms there have been no further Sunday alcohol sales; therefore, Mr. Strollo does not recommend any costs or fines at this time.

Mr. Scalisi one of the owners was present at the meeting and addressed the Board. He said they did not know about the ordinances prior to receiving the Notice of Violation. Now that they are aware, they have cancelled all Sunday shows and will not serve alcohol on Sundays in the future.

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 on Sunday, September 21, 2008 at 10:00p.m. *The Hall*, was open and serving alcohol. A promotional flier for *The Hall* advertised an event scheduled for Sunday, October 19<sup>th</sup> from 9pm-3am. The flier advertised 18 & UP to party, 21+ to drink. The business was operating as an event promoter without the requisite business tax receipt for that business; and, 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 12, 2008, meeting of the Code Enforcement Board.

Case No. 08-14

El Rodeo Nightclub

Paula Gonzalez

615 8<sup>th</sup> Avenue West

Palmetto, Florida 34221

Violation Location: 615 8<sup>th</sup> Avenue West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 4, Alcoholic Beverages, Section 4-1 Hours of Sale, Section 4-1(a) & (b), and Section 4-5. Definitions.

Mr. Strollo told the Board that the Respondent holds a Business Tax Receipt to operate the night club. Sales are limited to wine and beer only. On Sunday, September 7, 2008, Officer Smith of the Palmetto Police Department entered the bar at 10:45 p.m. and found the bar open and alcohol being sold. Initially the owner said beer was being sold but later recanted and told an officer that the club was reserved and the individual had brought the beer in for guests. She was informed that she would have needed a Special Function Permit in that case. On Saturday, September 20, 2008, Officer Spatafora of the Palmetto Police Department responded to a 911 call at approximately 4:40 a.m. The victim reported he had been robbed behind the El Rodeo Night Club after he had been put out of that establishment at approximately 4:00 a.m. On September 24, 2008, a Notice of Violation was issued charging the business with violating City ordinances regarding Sunday alcohol sales and hours of alcohol sales. Mr. Strollo stated that the owner, Ms. Gonzalez came to City Hall to speak to him on October 10 and seems sincere in her desire to

abide by City Ordinances. He believes she was unaware of the alcohol sales restrictions. In view of this, he recommends no costs or fines at this time.

Mr. Dougherty asked how the City could help educate new business owners when they receive a business license. This is the second case in a row where a new business has violated the ordinances. Mr. Strollo said it should be part of the Business Tax Receipt process, and perhaps a copy of the ordinances should be provided to owner.

Ms. Gonzalez was present at the meeting and spoke on her own behalf. She told the Board she does not sell beer on Sundays, and she was not aware that she could not have beer for the private event. She is now aware of the ordinances and will abide by them. She is changing the amount of beer she sells after 2:00 a.m. and plans on the bar being totally closed by 2:25 a.m. She will have an officer there on Friday and Saturday nights.

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

**MOTION:** Mr. Hoffmann moved, Mr. Dougherty seconded and motion passed unanimously to find as a matter of fact that on Sunday, September 7, 2008, at 10:45p.m., El Rodeo Night Club was open and selling alcohol. On Saturday, September 20, 2008, a robbery victim reported leaving the establishment, El Rodeo Night Club, at 4:00 a.m. on that date; 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 12, 2008, meeting of the Code Enforcement Board.

A. Case No. 08-10

Kenneth J. Rea

P.O. Box 213

Palmetto, Florida 34220-0213

**Violation Location:** 905 15<sup>th</sup> Avenue West, Palmetto, Florida

**Codes Violated:** Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) & (7), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section 304 Exterior Structure; Section (304.6) Exterior Walls; Section (304.13) Window, Skylight, and Door Frames; Section 308 Extermination, (308.1) Infestation

Mr. Strollo informed the Board that the property is vacant and is in foreclosure. On July 29, 2008, the Respondent's property was overgrown and a Notice of Nuisance was issued. On August 7, 2008, the overgrowth was cleared and the lawn has been maintained since that date. On August 21, 2008, a large pile of debris including furniture, mattresses, and loose garbage were at the curb of the property. The debris emitted an offensive odor. In addition boxes and debris were in the sides and rear yards. Public Works scheduled the clearing of the offensive debris at the curb, but the debris in the side and rear yards remains. The deteriorated condition of the house includes rotting wood and insect infestation. On August 28, 2008, a Notice of Violation was issued. A scheduled hearing on October 28, 2008, was cancelled due to a lack of a

quorum. As of November 10, 2008, the property remains in violation of City of Palmetto Code of Ordinances. Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation. He reopened the Hearing for the findings.

**MOTION:** Mr. Hoffmann moved, Mr. Rickey seconded and motion passed unanimously to find as a matter of fact that the above noted property contained garbage in and around all yards; the garbage accumulation created a stench that emitted from the property; the above noted property has a hole in the north exterior wall adjacent to the chimney and a hole in the north exterior wall behind the fence enclosure; the above noted property has rotten window sills at numerous locations on the residence the above noted property is infested with ants; 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 12, 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 November 22, 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; to assess administrative costs incurred by the city in the prosecution of the case in the amount of \$395.00, plus any applicable recording fees; to schedule a Public Hearing on December 30, 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 November 12, 2008, meeting.

B. Case No. 08-12

Wanda Gordon

1610 14<sup>th</sup> Street West

Palmetto, Florida 34221

Violation Location: 1610 14<sup>th</sup> Street West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (3) & (4), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites:

Mr. Strollo informed the Board that the property is vacant and is in foreclosure. A Notice of Violation was issued on August 14, 2008, for overgrown property, a torn pool cage and a pool of stagnant water. The owner was contacted and the lawn was mowed, but the other violations remained unchanged. A hearing scheduled for October 28, 2008, was cancelled due to lack of a quorum. As of November 10, 2008, the property remained in violation of the City of Palmetto Code of Ordinances. Mosquito Control was contacted and they have taken action to clear the pool of infestation. Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation. The Hearing was reopened to present the findings.

**MOTION:** Mr. Dougherty moved, Mr. Hoffmann seconded and motion passed unanimously to find as a matter of fact that the above noted property contains untended growth of weeds and brush; the property is overgrown; the in-ground swimming pool is

full of stagnant water and is providing a breeding ground for mosquitoes. In addition, the pool cage screen has been damaged and can no longer afford protection from infestation. The neglect of this pool cage and the filled pool presents a serious child safety issue; 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 12, 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 November 22, 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; to assess administrative costs incurred by the City in the prosecution of the case in the amount of \$388.20, plus any applicable recording fees; to schedule a Public Hearing on December 30, 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 November 12, 2008, meeting.

Mr. Strollo briefed the Board on the disposition of some of the prior cases:

CEB 08-04 Bella Tramonto, LLC  
A Report of Compliance was issued October 17, 2008

CEB 08-07 Danette Bloomer  
An Order of August 26, 2008 found the Respondent in violation but no costs or fines were assessed.

CEB 08-08 Ruth Russo  
An Administrative Order was recorded with the Clerk of the Court in Manatee County on September 5, 2008. A Report of Compliance was issued effective September 5, 2008. The property has been foreclosed by the mortgage holder, John Wilson, who has brought the property into compliance. The liens total over \$8,000.00. Mr. Strollo is working on reducing the fines to costs incurred by the City which will be about \$1,300.00 and presenting to City Commission for approval.

In answer to Mr. Leonard's question about the McKinney property, Mr. Strollo said it is still pending, but he has advised the City to foreclose on the property. The adjacent church is interested in purchasing the property.

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

Minutes approved:

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Charles W. Leonard, Chair