

**TAB 1**

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

Ph: (941) 365-4950  
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ATTN: DEANNA ROBERTS  
CITY OF PALMETTO  
P. O. BOX 1209  
PALMETTO, FL 34220-1209

March 3, 2009

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
2-24-2009	Review agenda, attend regular meeting of the code enforcement board.	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	\$280.00
Payments	<u>\$280.00</u>
Balance Due Now	\$176.00

**Minutes  
Code Enforcement Board  
February 24, 2009**

Board Members Present:

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

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.

The Oath of Office was administered to Board member Bob Rickey by Clerk of the Board Deanna Roberts.

1. APPROVAL OF AGENDA

**MOTION: Mr. Hoffmann moved, Mr. Rotondo seconded and motion carried unanimously to approve the February 24, 2009, agenda.**

2. APPROVAL OF CONSENT AGENDA

**MOTION: Mr. Dougherty moved, Mr. Hoffmann seconded and motion carried unanimously to approve the February 24, 2009 Consent Agenda.**

3. PUBLIC HEARINGS

A. Case No. 08-15

Clement Flynn  
154 New York Street  
Palmetto, Florida 34221

Violation Location: 154 New York Street, Palmetto, Florida  
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Mr. Leonard opened the Public Hearing. Mr. Strollo testified that the Respondent, Clement Flynn, had been found in violation of the Florida Building Codes at the January 27, 2009, meeting of the Code Enforcement Board. A Stop Work Order had been issued by the City of Palmetto Building Department on March 7, 2007; however, non-permitted work continued on the property after that date. At the January 27, 2009, hearing, Mr. Flynn admitted to making renovations on the mobile home. He was given until February 1, 2009, to comply with City ordinances by securing a building permit. As of this meeting date, a permit has not been issued.

Mr. Flynn read into the record a prepared statement which is attached to these minutes as part of the permanent record. He disagreed with the Board's findings and threatened to sue the City.

There being no further discussion, Mr. Leonard closed the Public Hearing for deliberation and then reopened the hearing to present the Board's finding.

**MOTION: Mr. Rotondo moved, Mr. Dougherty seconded, and motion carried unanimously to find as a matter of fact that exterior renovations were made to the above referenced property in violation of the Florida Building Code. A Stop Work Order was issued by the City of Palmetto Building Department on March 7, 2007; however, non-permitted renovations continued after 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 February 24, 2009, meeting of the Code Enforcement Board; to impose a fine of \$150.00 per day commencing February 1, 2009, 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 February 24, 2009, meeting.**

C. Case No. 09-03

Moses Sanders

P.O. Box 592

Palmetto, Florida 34220-0592

Violation Location: 515 11<sup>th</sup> Street Drive West, Palmetto, Florida 34221

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) and (3), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section (304.6) Exterior Walls, Section (304.9) Overhang extensions; Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Leonard opened the Public Hearing. Mr. Strollo advised the Board that the house is vacant and the owner is deceased. The property is in litigation. All notices have been returned as "box closed." Officer Ewing inspected the property today prior to the meeting, and the property is much improved. Mr. Mike Barrett, the owner's son, appeared before the Board. He said he only recently became aware of Code Enforcement's action against the property; he was not receiving the notices. He was paying someone to maintain the property, and he was not aware that it was not being done. Once he became aware of the Notice of Violation, he began cleaning up the property. He will make sure the property stays in compliance. The truck is still there, but he will move it. Mr. Strollo said that, as of today, the property is basically in compliance except for the truck. Mr. Strollo recommended that the property be found in violation. Regarding the administrative costs of \$327.00, he recommended considering that at the next hearing. Mr. Barrett will be copied on all notices regarding the property in the future.

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

**MOTION: Mr. Dougherty moved, Mr. Rotondo seconded and motion carried unanimously to find as a matter of fact that the property contained trash and debris, the property was overgrown to include City sidewalks and curbs, the west exterior wall had a large hole that was filled with a pillow, the overhang extensions at the south side and by the front door were in disrepair and had rotten wood; and, there is an abandoned truck on the property that has an expired tag; 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 February 24, 2009, 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 March 6, 2009. 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 consider administrative costs incurred by the City in the amount of \$327.00, plus any applicable recording fees, at the March 31, 2009, meeting; to schedule a Public Hearing on March 31, 2009, 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 Imposing Lien handed down by the Board at the February 24, 2009, meeting.**

B. Case No. 09-01

Wayne T. Jordan  
Denise C. Jordan  
1704 14<sup>th</sup> Street Court West  
Palmetto, Florida 34221

Violation Location: 1704 14<sup>th</sup> Street Court West, Palmetto, Florida  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2), & (3), 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. Leonard opened the Public Hearing. Mr. Strollo said that at a hearing on January 27, 2009, the Respondent was given until February 6, 2009, to comply with the Palmetto Code of Ordinances. As of February 24, 2009, the property was not in compliance. On February 23, 2009, Officer Ewing noted that the gate to the pool was open again, and the home had been vandalized. She contacted the police, and Code Enforcement secured the gate. Mr. Strollo noted that the foreclosure on the property had been withdrawn. He said he will get a lock from the Parks Department, as the gate is the most serious problem at this point. Mr. Strollo said he is recommending a fine.

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

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to find as a matter of fact that the Respondent's property has the following violations: the in-ground swimming pool is full of stagnant water and is providing a breeding ground for mosquitoes, the pool presents a serious child safety issue, the above noted property contains untended growth of weeds and brush, the property is overgrown; and, the above noted property has garbage and debris strewn in the backyard in addition to a pile of tires by the garage door; 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 February 24, 2009, meeting of the Code Enforcement Board; to impose a fine of \$50.00 per day commencing February 6, 2009, 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 February 24, 2009, meeting.**

**4. OLD BUSINESS**

CEB 08-12 Gordon

Mr. Strollo advised the Board that he met with Mayor Bryant and Public Works Director Allen Tusing prior to the meeting. Mr. Tusing will go out to the Gordon residence and determine the best way to secure the pool on the property. The solution will most likely be a temporary chain link fence around the pool cage. Any cost will be added to the lien against the property.

**5. NEW BUSINESS**

None.

**6. PUBLIC COMMENTS**

None.

Mr. Hoffmann moved, Mr. Dougherty seconded and motion carried unanimously to adjourn the meeting. The meeting was adjourned at 6:52 p.m.

Minutes approved:

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Charles W. Leonard, Chair

PALMETTO CODE ENFORCEMENT BOARD.

VS

CLEMENT FLYNN

CASE No. 8-15

CHALLENGED,

THE RESPONDENT IN THE ABOVE CASE NUMBER DISAGREES WITH THE BOARD'S FINDINGS OF FACT, THE ALLEGED BUILDING CODE VIOLATION CHAPTER 7, ART III OF FLORIDA BUILDING CODE 7-31, ARE NOT APPLICABLE TO THIS TYPE OF BUILDING A MOBILE HOME (TRUCKER) HAVING WHEELS.

THE ALLEGED CODE VIOLATION'S ARE BIASED AND SPECULATIVE IN NATURE AND THE FINDINGS AND ASSESSMENTS OF THIS BOARD ARE ARBITRARY AND CAPRICIOUS.

THE ACTION'S AND CONDUCT OF THE PALMETTO CODE ENFORCEMENT AUTHORITY IS SELECTIVE AND ARBITRARY AND AMOUNTS TO HARASSMENT AND DISCRIMINATION TOWARD THE RESPONDENT CLEMENT FLYNN OF 154 NEW YORK ST PALMETTO.

I CERTIFY THAT A TRUE AND CORRECT COPY HAS BEEN HAND DELIVERED TO THE CODE ENFORCEMENT BOARD ON Feb 24 2009 BY CLEMENT FLYNN