

**TAB 1**

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

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

**August 4, 2009**

**ACCT. # PALMETTO**

**RE: CODE ENFORCEMENT BOARD**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>ATTY</b>
7-28-2009	Review agenda and agenda materials; attend code enforcement board meeting	1.90	KAM
	<b>TOTAL HOURS</b>	<b>1.90</b>	
<b>Total Fees for Above Services:</b>			<b>\$304.00</b>

**DISBURSEMENTS:**

**Total Disbursements: \$0.00**

<b>Total Fees &amp; Disbursements</b>	<b>\$ 304.00</b>
<b>Previous Balance</b>	<b>\$224.00</b>
<b>Payments</b>	<b><u>\$224.00</u></b>
<b>Balance Due Now</b>	<b>\$304.00</b>

**MINUTES  
CODE ENFORCEMENT BOARD  
July 28, 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  
Kelly Martinson, Code Enforcement Board Attorney  
Deanna Roberts, Administrative Assistant

Mr. Leonard called the meeting to order at 6:01 pm. 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 carried unanimously to approve the July 28, 2009 agenda.**

2. APPROVAL OF CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through June 2009.  
B. Minutes: June 30, 2009

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the July 28, 2009 Consent Agenda.**

3. PUBLIC HEARINGS

A. Case No. 09-09

Eugenio Betancourt  
317 15<sup>th</sup> Street West  
Palmetto, Florida 34221

Violation Location: 317 15<sup>th</sup> Street West, Palmetto  
Codes Violated: Palmetto Code of Ordinances Chapter 6, Animals, Article II Livestock and Fowl, Section 6-28(a) and Section 6-31; Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(2), and Section 16-27(a),(b)&(c); and Chapter 17 Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code, Standards 302.1 Sanitation, 304.1 General, and 307.1 Accumulation of Rubbish or Garbage.

Mr. Strollo reviewed the case. In an Administrative Order handed down on June 30, 2009, Mr. Betancourt was given until July 6, 2009 to correct the violation. The Respondent did not meet the date certain, but he corrected the violations by July 13, 2009. Mr. Strollo has issued a Report of Compliance and does not recommend a fine. Administrative costs were imposed at the initial hearing.

Code Enforcement Board Minutes

July 28, 2009

Page 2 of 4

B. Case No. 09-13

Lawrence J. Hemmer, II  
1305 12<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 1305 12<sup>th</sup> Avenue West, Palmetto  
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).

Mr. Strollo withdrew this case. The property is in compliance.

C. Case No. 09-14

Phillip L. Brewer  
203 9<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 203 9<sup>th</sup> Street West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3) and Section 16-27(a), (b), & (c).

On July 15, 2009, Mr. Strollo received a call from Craig Kelly of Saxton Mortgage, who represents the lien holder, HSBC Bank. Mr. Kelly stated the property would be cleared prior to this scheduled hearing. Mr. Strollo reported that as of July 28, 2009, the property is still overgrown. This case came to the Board rather than being declared a nuisance, as the property was occupied initially, and the owner complied with the Notice of Violation (April 9, 2009) and maintained the property through June 5, 2009. The house is now vacant and in foreclosure.

Mr. Hoffmann left the meeting at 6:10 p.m. due to an emergency. On advice of counsel, the meeting recessed.

Mr. Rotondo entered the meeting at 6:25 p.m., and the meeting resumed. Mr. Strollo began his testimony in Case No. 09-14 from the beginning.

Mr. Leonard closed the public hearing for deliberation to consider Mr. Strollo's recommendations. He reopened the public hearing to present the Board's finding.

**MOTION: Mr. Rickey moved, Mr. Rotondo seconded, and motion passed unanimously to:**

- 1) **Find as a matter of fact that the property contains untended growth of weeds and brush. The property is overgrown.**
- 2) **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 July 28, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent bring the property into compliance within ten (10) days of this hearing or by August 7, 2009.**
- 4) **Consider administrative costs incurred by the City in the prosecution of the case in the amount of \$343.00 at the next hearing on August 25, 2009.**
- 5) **Schedule a public hearing on August 25, 2009 to determine if the violation has been corrected.**
- 6) **Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the July 28, 2009 meeting.**

D. Case No. 09-15

Kenneth J. Rea  
P.O. Box 213  
Palmetto, FL 34220-0213

Violation Location: 905 15<sup>th</sup> Avenue West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3) and Section 16-27(a), (b), & (c).

Mr. Strollo informed the Board that this is a repeat violation. The house is vacant, and a foreclosure is pending. Chase Home Finance has assumed responsibility for the property. The property has been monitored following the prior case. On June 4, 2009 it was again overgrown. A Notice of Violation was sent to the Respondent and Chase Home Finance on June 22, 2009. The property was brought into compliance on July 15, 2009.

Mr. Hoffmann reentered the meeting at 6:37 p.m.

**MOTION:** Mr. Dougherty moved, Mr. Rickey seconded, and motion passed 4-0, with Mr. Hoffmann abstaining, to:

- 1) **Find as a matter of fact that the property was severely overgrown.**
- 2) **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 July 28, 2009, meeting of the Code Enforcement Board.**
- 3) **Impose a fine of \$25.00 per day, beginning June 4, 2009 through July 14, 2009 inclusive, for a total of forty-one days; the period of time the property was in violation.**
- 4) **Authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the July 28, 2009 meeting.**

E. Case No. 09-16

Juan Gonzalez  
319 15<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 319 15<sup>th</sup> Street West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 6, Animals, Article II Livestock and Fowl, Section 6-28(a) and Section 6-31; Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(2), and Section 16-27(a),(b)&(c); and Chapter 17 Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code, Standards 302.1 Sanitation, 304.1 General, and 307.1 Accumulation of Rubbish or Garbage.

Mr. Strollo withdrew the case.

F. Case No. 09-17

Penny Fugate  
1108 26<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 1108 26<sup>th</sup> Avenue West, Palmetto  
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):

The house is vacant and a foreclosure is pending. The property is overgrown and furniture and debris are scattered in the rear yard, which also contains a dilapidated above-ground pool. A Notice of Violation was issued on June 17, 2009 and mailed to the Respondent, and to the attorney for the plaintiff in the mortgage foreclosure. As of July 23, 2009, the property remains in the same condition. Manatee County Mosquito Control has been advised of the stagnant pool.

Mr. Leonard closed the public hearing for deliberation to consider Mr. Strollo's recommendations. He reopened the public hearing to present the Board's finding.

**MOTION: Mr. Rotondo moved, Mr. Hoffmann seconded, and motion passed unanimously to:**

- 1) **Find as a matter of fact that**
  - **The above noted property has a pool that contains stagnant water which is a breeding place for mosquitoes.**
  - **The above noted property has garbage, furniture, and debris scattered in the back yard.**
  - **The above noted property contains untended growth of weeds and brush. The property is overgrown.**
- 2) **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 July 28, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent bring the property into compliance within five (5) days of this hearing, or by August 3, 2009.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$265.00, plus any applicable recording fees.**
- 5) **Schedule a public hearing on August 25, 2009 to determine if the violation has been corrected.**
- 6) **Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the July 28, 2009 meeting.**

#### 4. OLD BUSINESS

CEB 08-12 Gordon/Report of Compliance

As of July 8, 2009, the property is in compliance. A representative of the mortgage company has been on site. The overgrowth has been tended, the pool has been covered over and the screens leading into the pool have been repaired.

#### 5. NEW BUSINESS

None.

#### 6. ADJOURNMENT

**MOTION: Mr. Rotondo moved, Mr. Dougherty seconded, and motion carried unanimously to adjourn the meeting.**

The meeting was adjourned at 6:54 p.m.

Minutes approved: August 25, 2009