

**TAB 1**

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

OCT 02 2009

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

October 1, 2009

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
9-29-2009	Review agenda; prepare for and attend CEB regular meeting	1.40	KAM
	TOTAL HOURS	1.40	
Total Fees for Above Services:			\$224.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 224.00
Previous Balance	\$240.00
Payments	<u>\$240.00</u>
Balance Due Now	\$224.00

**MINUTES  
CODE ENFORCEMENT BOARD  
September 29, 2009**

Board Members Present:

Robert Rotondo, Vice Chair  
Tom DeVito  
Scott Dougherty  
Phil Hoffmann  
Bob Rickey  
Tony Gallo, Alternate

Board Members Absent:

Charlie Leonard, Chair

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. Rotondo called the meeting to order at 6:00 pm.

New Board member, Tom DeVito, was sworn in.

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 September 29, 2009 agenda.**

2. APPROVAL OF CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through August 2009.
- B. Minutes: August 25, 2009

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the August 25, 2009 minutes with the correction to show that Mr. Rotondo was absent.**

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the corrected September 29, 2009 Consent Agenda.**

As Mr. Widner was present to speak on his own behalf, Case No. 09-21 was moved up on the agenda.

3. PUBLIC HEARINGS

C. CEB 09-21

Dustin Widner  
1401 10<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 1401 10<sup>th</sup> Avenue West, Palmetto  
Codes Violated: Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) & (3) and Section 16-27(a), (b), & (c):

**Open Public Hearing**

**Close Public Hearing for deliberation after public comment**

Mr. Rotondo opened the Public Hearing. Mr. Strollo testified the case pertained to open storage, yard waste and debris. He said there is a mortgage foreclosure pending against the property owner, Danette Bloomer. After several visits to the property and conversations with the tenant's family, a Notice of Violation was issued on August 5, 2009, and the case was scheduled for September 29, 2009. The property was in compliance as of September 23, 2009, and remains so. The Respondent testified he was incarcerated and unable to address the violation immediately. Mr. Strollo recommended that the Respondent be found in violation of City codes, but that no costs be assessed at this time. If another violation occurs, it will be a repeat offense and subject to appropriate fines. Mr. Rotondo closed the Public Hearing.

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to:**

- 1) **Find as a matter of fact that the above noted property contained a refrigerator and other personal property that were improperly stored at the front of the home; the above noted property contained garbage in and around all yards; the above noted property contained piles of yard waste in the rear and side yards.**
- 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 September 29, 2009, meeting of the Code Enforcement Board.**
- 3) **Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the September 29, 2009 meeting.**

A. Case No. 09-18

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 1525 17<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 (1) & (3) and Section 16-27(a), (b), & (c):

**Open Public Hearing**

**Close Public Hearing for deliberation after public comment**

Mr. Rotondo opened the Public Hearing. Mr. Strollo testified the case pertains to a pool in disrepair allowing for breeding of mosquitoes in the stagnant water, and the property is overgrown. Since July 2008, the property has been repeatedly overgrown and was brought into compliance and partial compliance over that period of time; however, as of September 22, 2009, the property remains overgrown. The house is vacant and a mortgage foreclosure is pending. Mr. Strollo made his recommendation and then Mr. Rotondo closed the Public Hearing for deliberation.

**MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to:**

- 1) **Find as a matter of fact that the cover on the pool located at the south side of the property is in disrepair allowing for breeding of mosquitoes in the stagnant water, and 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 September 29, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent correct the violation within seven days, or by October 6, 2009.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$383.00, plus any applicable recording fees.**

- 5) **Schedule a Public Hearing on October 27, 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 September 29, 2009 meeting.**

B. Case No. 09-20  
Armando Gonzalez  
808 16<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 808 16<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) & (3) and Section 16-27(a), (b), & (c):

**Open Public Hearing**

**Close Public Hearing for deliberation after public comment**

Mr. Rotondo opened the Public Hearing. Mr. Strollo testified that the case involves yard waste and a pool in the rear yard with stagnant water which is a breeding ground for mosquitoes. A mortgage foreclosure is pending. A Notice of Violation was issued on July 30, 2009. As of September 28, 2009, the yard waste and debris remain on the property. Mr. Strollo made his recommendation and Mr. Rotondo closed the hearing for deliberation.

**MOTION: Mr. Dougherty moved, Mr. Gallo seconded and motion carried unanimously to:**

- 1) **Find as a matter of fact that the pool in the rear yard of the property contains stagnant water and is a breeding ground for mosquitoes, and the property contains numerous piles of yard waste.**
- 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 September 29, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent correct the violation within seven days, or by October 6, 2009.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$351.40, plus any applicable recording fees.**
- 5) **Schedule a Public Hearing on October 27, 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 September 29, 2009 meeting.**

D. CEB 09-22  
Douglas P. Haas  
Janice S. Haas  
1107 26<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 1107 26<sup>th</sup> Avenue West, Palmetto  
Codes Violated: Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (7), and Section 16-27(a), (b), & (c):

Mr. Strollo withdrew the case. The case was resolved prior to the hearing.

E. CEB 09-23

Beverly Threatt

Isabelle Knight

1015 12<sup>th</sup> Avenue West, Lot 22

Palmetto, FL 34221

Violation Location: 1213 22<sup>nd</sup> Avenue West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3), and Section 16-27(a),(b)&(c); and Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a).

Mr. Strollo withdrew the case. The house is in foreclosure. The Respondents have hired someone to maintain the property throughout the foreclosure.

Mr. Hoffmann asked the status of the McKinney property. Mr. Strollo reported the house is still in the same condition and continues to accrue daily fines. The City Attorney has been directed to pursue foreclosure and demolition of the property.

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

The meeting was adjourned at 6:35 p.m.

Minutes approved:

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Charles W. Leonard, Chair