

TAB 1

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

December 1, 2009

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
11-24-2009	Review agenda; prepare for and attend regular meeting	1.20	KAM
	TOTAL HOURS	1.20	
Total Fees for Above Services:			\$192.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 192.00
Previous Balance	\$200.00
Payments	<u>\$200.00</u>
Balance Due Now	\$192.00

Minutes
CODE ENFORCEMENT BOARD
November 24, 2009
6:00 p.m.

 **Call to Order:**

Mr. Leonard called the meeting to order at 6:01 p.m.

 **Roll Call.**


Present: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.

 **SWEARING IN OF ALL PERSONS TESTIFYING OR SPEAKING BEFORE THE BOARD**

 **1. APPROVAL OF AGENDA**

Action Request: Motion to approve the November 24, 2009 agenda

 **Motion: Action: Approve, Moved by Phil Hoffmann, Seconded by Scott Dougherty.**

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).


Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.


 **2. CONSENT AGENDA**

A. Expenses: Code Enforcement Board legal expenses through October 2009.

B. Minutes: October 27, 2009.

Action Request: Motion to approve the November 24, 2009 Consent Agenda.

 **Motion: Action: Approve, Moved by Bob Rickey, Seconded by Phil Hoffmann.**

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.

 **3. PUBLIC HEARINGS**

A. Case No. 09-24

Michael Peffley

Katherine Peffley


P.O. Box 14276

Bradenton, FL 34280

Violation Location: 1306 13th Ave. W., Palmetto

Codes Violated: Palmetto Code of Ordinances, Appendix B Zoning Code, Article I, Section 1.2 Legislative Authority; Section 1.3 Intent and Purpose; Section 1.5 Area of Coverage; Section 1.6 Code Affects ...Structures, Uses and Occupancies; Section 1.7(b) & (h) Code Affects ...Population Density...; Article II, Section 2.1 Establishment of Zoning Districts; Article III, Section 3.2 Definitions of Terms; Article IV Schedule of District Regulations, Section 4.1(a)(4) RS-3; Section 4.2 Schedule of Permitted and Conditional Uses by District.


Mr. Leonard opened the public hearing.

 Discussion: Mr. Strollo testified that the Respondents were found in violation of City codes (operating a boarding house) at the October 27, 2009 meeting and did not meet the date certain of November 10, 2009 to comply. He asked the Board to continue this case to December 29, 2009 as the property owner is having trouble with some tenants. He would like to give him more time to resolve the problem.


Mr. Leonard closed the public hearing for deliberation.

Action Request: Motion to continue the case to December 29, 2009.

 **Motion: Action: Approve, Moved by Phil Hoffmann, Seconded by Bob Rotondo.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**


Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.

 B. Case No. 09-26

Peter A. Knowlton
Ernestine Knowlton
1930 11th Street West
Palmetto, FL 34221

Violation Location: 1930 11th Street West, Palmetto, FL 34221
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):


Mr. Leonard opened the public hearing.

 Mr. Strollo testified that the Respondents in this case, first heard at the October 27, 2009 meeting, have corrected the violations as of November 13, 2009. They did not meet the date certain of November 6, 2009, but he does not recommend a fine. The access to the back of the house has been blocked off to the pool area. He believes this was done by Deutsche Bank. Costs were assessed at the October 27, 2009 meeting. The property is being maintained by Deutsche Bank. He recommends finding the Respondents in compliance and closing the case.


Mr. Leonard closed the public hearing for deliberation after public comment and then reopened the public hearing.

Action Request: Motion to find the Respondent in compliance and close the case.

 **Motion: Action: Approve, Moved by Bob Rickey, Seconded by Phil Hoffmann.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**

Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.


 C. Case No. 09-27

John E. Matheny, Jr.
Jill Ann Matheny
146 Montibello Drive
 Mooresville, NC 28117

Violation Location: 408 20th Avenue West, Palmetto, FL 34221

Codes Violated: Palmetto Code of Ordinances, Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a); 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. Leonard opened the public hearing.

 Code Enforcement Director Bill Strollo testified that the property is a rental. It is believed to be vacant, and a mortgage foreclosure is pending. A Notice of Violation was issued on October 14, 2009 charging the Respondents with overgrowth and open storage. On October 28, 2009, the tenants were observed vacating the property and leaving three dogs fenced in behind the house. Animal Control removed the dogs the next day. A Notice of Hearing was issued for November 24, 2009. The property remains overgrown, and belongings are stored on the front porch and scattered about the yards. This case involves Violation of Nuisance Ordinance and Minimum Maintenance Standards. He expects CitiMortgage will step in to clear this property shortly.

Mr. Strollo read a letter from attorney Brian Hummel, representing CitiMortgage, requesting that all enforcement action be directed to Mr. Matheny. The letter is attached to these minutes and will remain a part of the official record.

Mr. Leonard commented that abandonment of dogs is a misdemeanor and should be investigated. Mr. Strollo felt that animal control should refer the case to police.

Mr. Strollo made his recommendations, and Mr. Leonard closed the public hearing for deliberation.

Mr. Rickey also expressed concern about the abandonment and recommended asking Commission for an ordinance regarding abandoned animals. Mr. Leonard commented that there is already a state statute, although the Board might consider it on a future agenda item for follow up.


Mr. Leonard reopened the public hearing.

Action Request: Move that the Code Enforcement Board:

 **Motion: Action: Approve, Moved by Bob Rickey, Seconded by Phil Hoffmann.**

- 1) **Find as a matter of fact that the above noted property contains personal belongings that are stored in plain view of arterial streets in a residentially zoned district, and that the property is overgrown.**
- 2) **Conclude as a matter of law that the Respondents have violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the November 24, 2009 meeting of the Code Enforcement Board.**
- 3) **Order that the Respondents correct the violation within ten days, or by December 4, 2009.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$311.80, plus any applicable recording fees.**

- 5) **Schedule a public hearing on December 29, 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 November 24, 2009 meeting.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**
Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.

4. OLD BUSINESS

Mr. Strollo reported action taken on old cases.

CEB 09-18 Spire/Administrative Order and Order Imposing Fine Issued and Lien Filed

CEB 09-20 Gonzalez/Administrative Order Issued, Lien Filed and Report of Compliance issued.

CEB 09-25 Ewing/Babcock/Administrative Order Imposing Fine Issued and Lien Filed – Mr. Strollo reported he has issued a Report of Compliance effective November 18, 2009. The fine will cease November 18, 2009. It ran for 87 days at \$500 per day – EXXONMOBIL brought the property into compliance and will continue to maintain the property.

CEB 06-02 McKinney/Update – The McKinney property has been condemned. The city is going through the official notification process. A title search has been done through the City Attorney's office. Notice has been given that the property is structurally unsafe and in violation of Florida building codes. The property owner is directed to repair or demolish the structure on or before December 29, 2009. It will be brought before City Commission for review.

5. NEW BUSINESS


Mr. Leonard suggested asking staff what to do about abandoned animals, as it is becoming a chronic problem. Mr. Strollo will contact Animal Control and ask how they handle abandoned animals and if they refer the cases to police.

6. PUBLIC COMMENTS

Commissioner Williams was present for the meeting. He said the City has signed an agreement with the County and they take care of all our animal problems.

7. ADJOURNMENT

Action Request: Motion to adjourn the meeting.

 **Motion: Action: Approve, Moved by Phil Hoffmann, Seconded by Bob Rickey.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).**

Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.

The next meeting will be on December 29, 2009.

The meeting was adjourned at 6:47 p.m.

Minutes approved: