

TAB 1

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

Ph: (941) 365-4950

Fax: (941) 365-3259

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

January 4, 2010

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
12-29-2009	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	\$192.00
Payments	<u>\$192.00</u>
Balance Due Now	\$192.00

CODE ENFORCEMENT BOARD
December 29, 2009
6:00 p.m.

 **Call to Order: Mr. Leonard called the meeting to order at 6:03 p.m.**

CODE ENFORCEMENT BOARD MEMBERS

 **Roll Call.**

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

Staff and others present: Bill Strollo, Code Enforcement Director; Deanna Roberts, Administrative Assistant and Kelly Martinson, Code Enforcement Board Attorney


Mr. Leonard advised the Board that Scott Dougherty was resigning due to business commitments. He thanked him for his many years of service on the Board.

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

 **1. APPROVAL OF AGENDA**

 **Action Request: Motion to approve the December 29, 2009 agenda.**

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

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

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


 **2. CONSENT AGENDA**

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

B. Minutes: November 24, 2009.

Action Request: Motion to approve the December 29, 2009 Consent Agenda.

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

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).**

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

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. Mr. Stollo testified that this case was continued from Nov. 24, 2009. The house was previously used as a rooming house. The house now appears to be vacant and the Respondent intends to remove partitions and return it to a single-family residence. He recommends finding the Respondent in compliance and no fines. Administrative costs were assessed. Mr. Leonard closed the hearing for deliberation.

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



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

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

Absent: Bob Rickey.



B. 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. Mr. Stollo testified that this case involves a currently vacant rental in foreclosure. The case involving overgrowth and open storage was first heard on November 24, 2009, and the Respondents were given until Dec. 4, 2009 to comply. He reported that he issued a Report of Compliance on Nov. 30, 2009. The bank brought the property into compliance before the date certain and continues to maintain the property. Administrative costs have been recorded. He does not recommend fines. Mr. Leonard closed the public hearing for deliberation.

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



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

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

Absent: Bob Rickey.

C. Case No. 09-28

E. Barbara Witt
312 North Long Street
Eaton, IN 47338

Violation Location: 1814 7th Street West, Palmetto, FL


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 (3), and Section 16-27(a), (b), & (c); Article XI, Minimum Maintenance Standards and Guidelines, Section 7-242(a):

Mr. Leonard opened the public hearing. Mr. Strollo testified that the case involves open storage, overgrowth and an unsafe structure, a shed. This is currently vacant rental property. The overgrowth issue has been addressed. The majority of items stored in the carport have been removed. The yard waste and dilapidated shed remain. He recommends finding the Respondent in violation and directing her to remove the yard waste and the shed within 20 days, or by January 18, 2010. He further recommended that costs be assessed in the amount of \$295.00. Mr. Leonard closed the public hearing for deliberation.

Action Request: Move that the Code Enforcement Board:

- 1 **Find as a matter of fact that furniture, boxes, debris, garbage, appliances and personal belongings were being stored in the carport of the above noted property. The property was overgrown and contains a pile of yard waste at the east side of the lot. The shed at the rear of the property is rusted and falling apart and is full of garbage and debris. This shed is a hazard.**
- 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 December 29, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent remove the shed and bundle and remove the yard waste within twenty (20) days, or by January 18, 2010.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$295.00, plus any applicable recording fees.**
- 5) **Schedule a public hearing on January 25, 2010, 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 December 29, 2009 meeting.**

 **Motion: Action: Approve, Moved by Scott Dougherty, Seconded by Robert Rotondo.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).
Yes: Charlie Leonard, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito.
Absent: Bob Rickey.**

 **D. Case No. 09-29**

Paul Dukor
Alice Tice
701 17th Avenue West
Palmetto, FL 34221


Violation Location: 701 17th Avenue West, Palmetto, FL

Codes Violated: Palmetto Code of Ordinances, Chapter 6, Animals, Article I, Section 6-3, Noisy animals as nuisance, Article II, Livestock and Fowl, and Section 6-31, Location restriction – fowl; Chapter 16, Health and Sanitation, Article II, Nuisances, Section 16-26, Definition, Section 16-26 (7) & (12), and Section 16-27(a), (b) & (c):

Mr. Strollo withdrew the case. The Respondents came into compliance before the hearing.

4. OLD BUSINESS

(TAB 6)

 Mr. Strollo updated the Board on the McKinney case from 2005. It is going to Commission on Jan. 4 for demolition consideration. The Respondent has accrued over \$300,000 in fines. The building official has condemned the building.

Mr. Strollo expressed his appreciation to Mr. Dougherty for his service on the Board.

CEB 09-18 /Spire Mr. Strollo reported he issued a Report of Compliance. This case involved overgrowth. The City cleared the property and the Respondent will be assessed costs. The property is in foreclosure.

CEB 09-26/ Knowlton Mr. Strollo reported he issued a Report of Compliance. The property is in foreclosure. It is fenced off. A property management team from the bank covered over the pool.

5. NEW BUSINESS

None

 **6. PUBLIC COMMENTS**

Commissioner Williams was present and wished the members a Happy New Year and thanked them for their service.

 **7. ADJOURNMENT**

Action Request: Motion to adjourn the meeting.

Motion: Action: Adjourn, Moved by Phil Hoffmann, Seconded by Robert Rotondo.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Absent: Bob Rickey.

The meeting was adjourned at 6:34 p.m.

Minutes approved:

Charles W. Leonard, Chair