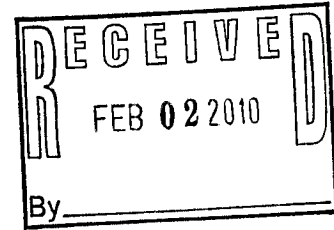


**TAB 1**

**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**

**February 1, 2010**

**ACCT. # PALMETTO**

**RE: CODE ENFORCEMENT BOARD**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>ATTY</b>
1-26-2010	Review agenda and materials; attend regular meeting.	0.75	DPP
1-28-2010	Review and respond to quest from William Strollo regarding ordinance.	0.25	DPP
1-29-2010	Follow up to exchange of messages.	0.10	DPP
	<b>TOTAL HOURS</b>	<b>1.10</b>	
	<b>Total Fees for Above Services:</b>		<b>\$176.00</b>

**DISBURSEMENTS:**

<b>Total Disbursements:</b>	<b>\$0.00</b>
<b>Total Fees &amp; Disbursements</b>	<b>\$ 176.00</b>
<b>Previous Balance</b>	<b>\$192.00</b>
<b>Payments</b>	<b><u>\$192.00</u></b>
<b>Balance Due Now</b>	<b>\$176.00</b>

**DRAFT**  
**Minutes**  
**CODE ENFORCEMENT BOARD**  
**January 26, 2009**  
**6:00 p.m.**

 **Call to Order: 6:00 p.m.**

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**CODE ENFORCEMENT BOARD MEMBERS**

 **Roll Call.**

**Present: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Tom DeVito, Robert Westbrook.**

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 New member of the Board, Robert Westbrook, took the oath of office.

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

 **1. APPROVAL OF AGENDA**

**Motion: Motion to approve the January 26, 2010 agenda.**

**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, Tom DeVito, Robert Westbrook.**

 **2. CONSENT AGENDA**

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

B. Minutes: December 29, 2009.


**Motion: Motion to approve the January 26, 2010 Consent Agenda.**

**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, Tom DeVito, Robert Westbrook.**

**3. PUBLIC HEARINGS**

 **B. Case No. 10-01**

Ashland 2 Partners, LLC

7321 Merchant Court


Sarasota, Florida 34240

Violation Location: *The Hall*, 1330 US 301 North, Palmetto

Codes Violated: Palmetto Code of Ordinances, Chapter 5, Amusements, Article I, In General, Section 5-3 Definitions; Section 5-4, Prohibited Acts, (a) and (b); Section 5-5 Public Nuisances; and Section 5-8 Enforcement; Chapter 16, Health And Sanitation, Article II, Nuisances, Section 16-26 Definitions; Section 16-26(12); and Section 16-27(a), (b) & (c).

As the Respondents were present, this case was heard first. Mr. Leonard opened the Public Hearing. Mr. Strollo reviewed the codes violated, and read into the record the Noise Ordinance and Chapter 16, Article 2, Nuisances, of the Palmetto Code of Ordinances. He also reviewed the history of the noise complaints received through the police department. A Code Enforcement citation was issued to club manager Mario Valle on October 1, 2009, and to David Scalisi, one of the business owners, on October 15, 2009, and both individuals were found guilty in the Manatee County Court on December 2, 2009. A subsequent citation was filed on December 28, 2009 in the Manatee County Court and to date is uncontested. Due to


continuing noise disturbances and numerous complaints, the Respondent was scheduled for this Code Enforcement Board hearing.

 Mr. Strollo informed the Board that residents of Colonial Mobile Manor, Sonny and Tenna Hagan, wished to testify, and that owners David Scalisi and Michael Plechy were present at the hearing.

Mr. Hagan asked why the police have to ask The Hall to turn down the volume. They should turn down the volume and leave it that way. He said that Wednesday through Sunday from 8:00 p.m. to 3:00 a.m. you can hear the music. Mrs. Hagan said they can feel the music through their bed. They both still work.

Mr. Strollo interjected that in both of the citation cases, the officers confirmed that the noise was coming from The Hall.

In answer to Mr. DeVito's question, Mr. Hagan said all they are hearing is the base; not the music.

 David Scalisi and Michael Plechy, co-owners of The Hall, were present to speak on behalf of The Hall. Mr. Scalisi said police tell staff to turn the music down. This didn't come to his attention until September. He has put a lock control on the volume. What they learned in court from the judge was that base can travel for miles. Based on engineering studies, it was found that the base travels underground. They have retained a sound engineer to help with the base speakers. They plan to raise the speakers off the floor, and that should eliminate the noise traveling. They are working to rectify the problem.


Mr. Rickey asked why, with so many complaints, they don't turn down the volume to a level where they know the noise won't travel. Mr. Plechy said moving the speakers should solve the problem.

Mr. Scalsesi commented that DJ's will be financially responsible for any fines in the future.

Mr. Strollo presented his recommendation.


**Motion:** **Motion to find the Respondents in violation of the City of Palmetto Code of Ordinances as read into the record on January 26, 2010; to order the Respondents to limit the volume of music and noise created and allowed from this property; to assess costs incurred in the prosecution of the case in the amount of \$391.80, plus any applicable recording fees; to schedule a hearing on February 23, 2010 to determine if the Respondents continue to comply with this order; and, to authorize the Chairman to sign the completed Administrative Order.**

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

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

**Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Tom DeVito, Robert Westbrook.**

The Board took a short recess.

 A. Case No. 09-28

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

Violation Location: 1814 7<sup>th</sup> 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 was first heard at a Public Hearing on December 29, 2009. The Respondent was found in violation of Palmetto Code of Ordinances, and costs of \$295.00 were assessed. The family of the Respondent has corrected the violation. He has issued a Report of Compliance effective Jan. 20, 2010. He does not recommend a fine. Mr. Leonard closed the Public Hearing for deliberation.

**Motion: Motion to find the Respondent in compliance and close the case, and not to impose a fine.**



**Motion: Action: Approve, Moved by Tom DeVito, Seconded by Phil Hoffmann**



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

**Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Tom DeVito, Robert Westbrook.**



C. Case No. 10-02

Rene G. Rodriguez  
905 18<sup>th</sup> Avenue West  
Palmetto, Florida 34221

Violation Location: 905 18<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) & (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Strollo withdrew the case. The violation was cured prior to the hearing.



D. Case No. 10-03

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

Violation Location: 408 20<sup>th</sup> 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. Strollo corrected the agenda. The violation location should read 412 20<sup>th</sup> Avenue West; same owner, different property. The house is a rental. It is vacant and a foreclosure is pending. The Respondents have filed for bankruptcy, so the banks cannot remediate the violations. Code Enforcement is performing security checks of vacant property and making sure they're locked up to prevent vagrants and vandalism. This property was checked on January 5, 2010. Debris and

an abandoned vehicle were found on the property. A Notice of Violation was issued on January 7, 2010. Mr. Strollo recommends the Respondents be found in violation and a daily fine imposed. Mr. Strollo informed the Board that the Respondents now have different addresses. He made his recommendations, and Mr. Leonard closed the hearing for deliberation.

**Motion:** **Motion to find the Respondents in violation of the City of Palmetto Code of Ordinances as read into the record January 26, 2010; to impose a fine of \$500.00 per day for this repeat violation, commencing January 5, 2010, and continuing until the violation is corrected; and, to authorize the Chairman to sign the completed Administrative Order Imposing Fine.**



**Motion: Action: Approve, Moved by Robert Rotondo, Seconded by Bob Rickey.**



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

**Yes: Bob Rickey, Charlie Leonard, Phil Hoffmann, Robert Rotondo, Tom DeVito, Robert Westbrook.**

#### **4. OLD BUSINESS**



Mr. Leonard brought up the issue of animal control. He asked if Mr. Strollo had had a chance to check with the County on this. Mr. Strollo said Manatee County handles all the City abandoned animals complaints, as the City has adopted the county ordinance. Ms. Ewing said prosecutions would be turned over to the State's Attorney's office by Animal Control. Mr. Strollo said the County is investigating these situations. Mr. Hoffmann said the County has stepped up the Animal Control department.

#### **5. NEW BUSINESS**

None

#### **6. PUBLIC COMMENTS**

None

#### **7. ADJOURNMENT**



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

The meeting was adjourned at 7:28 p.m.