

TAB 1

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RECEIVED

MAR 02 2010

CITY HALL

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

March 1, 2010

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

| DATE | DESCRIPTION | HOURS | ATTY |
|--------------------------------|---|-------|----------|
| 2-01-2010 | Telephone conversation with William Stollo. | 0.10 | DPP |
| 2-23-2010 | Review agenda; attend regular CEB meeting | 1.60 | KAM |
| TOTAL HOURS | | 1.70 | |
| Total Fees for Above Services: | | | \$272.00 |

DISBURSEMENTS:

| | |
|----------------------------|-----------|
| Total Disbursements: | \$0.00 |
| Total Fees & Disbursements | \$ 272.00 |
| Previous Balance | \$176.00 |
| Payments | \$176.00 |
| Balance Due Now | \$272.00 |

**DRAFT
MINUTES
CODE ENFORCEMENT BOARD
February 23, 2010
6:00 p.m.**

Call to Order: Mr. Rotondo called the meeting to order at 6:01 p.m.

 **Roll Call.**

Present: Bob Rickey, Phil Hoffmann, Robert Rotondo, Scott Dougherty, Tom DeVito, Robert Westbrook

Absent/Excused: Charlie Leonard.

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

 **1. APPROVAL OF AGENDA**

Motion: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the February 23, 2010 agenda.

 **2. CONSENT AGENDA**

- A. Expenses: Code Enforcement Board legal expenses through January 2010.
- B. Minutes: January 26, 2010.

Motion: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the February 23, 2010 Consent Agenda.

 **3. PUBLIC HEARINGS**

A. 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).

 **Mr. Rotondo opened the Public Hearing.**

Mr. Strollo testified the case first came to the Board on January 26, 2010. The Respondent, Ashland 2 Partners, LLC, was found in violation of City Ordinances and ordered to limit the volume emanating from The Hall. Costs of \$391.80 were assessed.

Mr. Strollo presented an email complaint from Tenna Hagan and a narrative police report. Officer Matthews responded to complaints on February 4 and 5, 2010. The music was turned down. The officer concluded each complaint was unfounded, and no citations were issued.

Deputy Chief Hannaford was present and explained "unfounded". Officers work security a few nights a week at The Hall. Patrol officers get the call and in the meantime the security officers have The Hall turn down the music. Just because there is no noise when the officer arrives, that does not mean there was

not at the time of the complaint. Mrs. Hagan did not sign an affidavit on these two occasions. Complainant Hagan is frustrated and may sell her home. She is not the only complainant, but she is the only one who will sign an affidavit. Other residents of the Park are reluctant to sign a complaint. Palmetto Police Department wants The Hall to come into compliance.

Mike Plechy, co-owner of the Hall, said Feb. 5 was the last complaint. After the January 26, 2010 hearing, they had a sound engineer who helped with a plan. The speakers were removed from the dance floor, and carpet was laid within ten days of the hearing. Mr. Strollo and Deputy Chief Hannaford both said they were not aware of any complaints since February 5, 2010.


Co-owner David Scalisi said they did listen to the judge at the Manatee County Court hearing. They have put a lockbox on the volume control, and they hope the measures have helped. Mr. Rotondo asked for documentation from the sound engineer. They said it could be provided.


Mr. Hoffmann asked how many nights a week they had music, and Mr. Scalisi said three, sometimes four; usually, Wednesday, Friday and Saturday. He asked Deputy Chief Hannaford when the music had to be off and he said by 2:30 a.m.

Mr. Scalisi said they employ a lot of people. They want to comply. They own the building and the property.


Mr. Strollo said he is hopeful that the measures they have taken work, but he put them on notice that if they are cited again, he can fine them up to \$5,000 per City Codes. He did not feel there was sufficient evidence to find them in violation at this meeting.

Mr. Rotondo closed the Public Hearing for deliberation. Attorney Martinson said it would be appropriate to find the Respondent in compliance at this time and state that no fine would be imposed. Mr. Rotondo reopened the Hearing to present the Board's finding.

 **Motion: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to find the Respondent in compliance, no fine will be imposed and any future noise disturbances may be fined at the rate of up to \$5,000 per violation per the provisions of Chapter 2, Administration, Section 2-87 (b) (1) for irreparable or irreversible violations.**


 B. Case No. 10-04
Wayne T. Jordan
Denise C. Jordan
4601 66th Street West, 502B
Bradenton, FL 34210


Violation Location: 1704 14th Street Court West, Palmetto, FL
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); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites:

 Mr. Rotondo opened the Public Hearing.

Mr. Strollo testified the house is in foreclosure. The plaintiff is Bank of New York/Mellon. The Notice of Violation and Notice of Hearing/ Assessment of Fine were sent to the plaintiff's attorney. A previous case against the Respondents resulted in \$251.80 administrative costs on January 27, 2009, and a fine of \$50.00 per day beginning Feb. 6, 2009 at a Hearing on February 24, 2009. A Report of Compliance was issued on February 25, 2009. On January 6, 2010, the property was in violation again, and the Respondent was scheduled for this Hearing. As of today, the property is still in violation. This is a repeat violation. Mr. Strollo presented his recommendations.

Mr. Rotondo closed the Public Hearing for deliberation. He reopened the Hearing to present the findings.

 **MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to find the Respondent in violation of the City of Palmetto Code of Ordinances; to impose a fine of \$500.00 per day, commencing Feb. 28, 2010 and continuing until the property is brought into compliance; and, to authorize the Chairman to sign the completed Administrative Order Imposing Fine.**


 C. Case No. 10-05
Sarah Cornwell
814 16th Avenue West
Palmetto, FL

Violation Location: 814 16th Avenue West, Palmetto, FL
Codes Violated: 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):

Mr. Rotondo opened the Public Hearing.

Mr. Strollo testified the property involves overgrowth and debris in the yards of the house. The home is vacant and in foreclosure. The Notice of Violation and the Notice of Hearing were forwarded to the foreclosure attorneys. An additional copy of the Notice of Violation was forwarded to an alternate address for Ms. Cornwell. The Notice of Violation and the Notice of Hearing were posted on the property and at City Hall on February 10, 2010. A site visit today (February 23, 2010) showed no change in the condition of the property.

Mr. Rotondo closed the Public Hearing for deliberation and then reopened the Hearing to present the findings.

 **MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to find the Respondent in violation of City of Palmetto Code of Ordinances and directed to bring this property into compliance within ten days or by March 4, 2010; to assess costs incurred by the City in the prosecution of this case in the amount of \$251.80 plus any recording fees; to schedule a Public Hearing on March 30, 2010 at 6:00 p.m. to determine if the violation has been corrected; and, to authorize the Chairman to sign the completed Administrative Order.**

 4. OLD BUSINESS

CEB 06-02 Kathryn McKinney Report of Compliance
The house has been demolished. A Report of Compliance was issued effective February 16, 2010.

CEB 09-28 E. Barbara Witt Report of Compliance
A Report of Compliance was issued effective January 20, 2010.

CEB 10-03 John E. Matheny, Jr. and Jill Matheny Administrative Order Imposing Fine

The Order Imposing Fine was sent to CitiMortgage. Mr. Strollo was then contacted by Jim Bowers of CitiMortgage. The Matheny's have filed for bankruptcy, so the bank cannot go onto

the property to correct the violation. The car frame and debris remain as of today. The property is being monitored, and he does expect some action on the property soon.


5. NEW BUSINESS

None.

6. PUBLIC COMMENTS

None.

7. ADJOURNMENT

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

Meeting adjourned at 7:04 p.m.

Minutes approved:

Charles W. Leonard, Chair