

TAB 1

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

May 4, 2010

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
4-26-2010	Brief discussion with Chairman Leonard regarding site visits; email to Mark Barnebey regarding training sessions.	0.20	DPP
4-27-2010	Review agenda; attend regular meeting.	1.60	DPP
	TOTAL HOURS	1.80	
Total Fees for Above Services:			\$288.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 288.00
Previous Balance	\$64.00
Payments	\$64.00
Balance Due Now	\$288.00

**DRAFT MINUTES
CODE ENFORCEMENT BOARD
April 27, 2010
6:00 p.m.**

CODE ENFORCEMENT BOARD MEMBERS

CHARLIE LEONARD, CHAIR
ROBERT ROTONDO, VICE CHAIR
TOM DEVITO

PHIL HOFFMANN
BOB RICKEY
ROBERT WESTBROOK

CALL TO ORDER

 **Roll Call. 6:00 p.m.**

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

Absent/Excused: Tom DeVito.

ROLL CALL

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

 **1. APPROVAL OF AGENDA**

Motion: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to approve the April 27, 2010 agenda.

 **2. CONSENT AGENDA**

A. Expenses: Code Enforcement Board legal expenses through March 2010.

B. Minutes: March 30, 2010.

Motion: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to approve the April 27, 2010 Consent Agenda.

3. PUBLIC HEARINGS

As Mr. Nikon was present for the hearing, this case was heard first.

 **B. Case No. 10-08**

Sergio Nasser Ghaffari Nikon
DBA Win Some Auto Sales
3970 Gocio Road
Sarasota, Florida 34235

Violation Location: 1811 8th Avenue West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Appendix B Zoning Code, Article XI Administration, Enforcement and Amendment, Section 11.1.


Mr. Leonard opened the Public Hearing. Mr. Rotondo corrected the address as read. It is 8th Avenue and not 18th Avenue.

Mr. Strollo testified that this is a violation of the City's planning code. The number of vehicles for display is limited to four. Commissioner Williams has observed as many as eleven on display. The City Planner wrote to Mr. Nikon to remind him that he was restricted to four vehicles for display, but he continued to exceed the allowable number. A Notice of Violation was issued on March 12, 2010. Mr. Nikon presented a new site plan to the Development Review Committee. They reviewed and agreed to increase the number to five with the stipulation that the driveway

be widened and moved. Mr. Nikon said this is a financial burden. Mr. Strollo said he will have to continue to limit to four the vehicles on display on the front of the property, and a check today showed he is doing that.

Mr. Nikon appeared on his own behalf. He said the property has plenty of room on the side and front for five cars. The original plan showed five cars, but subsequent landscaping showed four. He said the lot looks empty, like an abandoned property, with four cars and he loses business. He asked for permission to display five cars. Mr. Leonard remarked that the Board cannot grant the request. The Code Enforcement Board just enforces the City codes.


Mr. Nikon said he will continue working with City Planner Tom McCollum and limit the cars to four until he can get approval to increase it to five. Mr. Strollo said the stipulation is to move the driveway to allow access to the rear of the lot.


 Mr. Strollo recommended that Mr. Nikon be found in violation of the City Code of Ordinances, that he be directed to bring the property into compliance immediately by only displaying four vehicles for sale, and that the costs incurred in processing the case in the amount of \$424.00 be considered at a subsequent hearing. Mr. Strollo said Mr. Nikon will have to work with the Design Review Committee, and he is hopeful this can be worked out prior to the next hearing.

Mr. Nikon said customer's cars parked on the lot can give the appearance of more than four cars on display for sale. Mr. Strollo said he will check with the office if he sees more than four cars.

Mr. Leonard closed the Public Hearing for deliberation.


Mr. Leonard asked the Board members if they felt Mr. Strollo had met his burden to prove the case. Discussion ensued. There was a consensus that the burden had not been met.

 **MOTION:** **Mr. Hoffmann moved, Mr. Westbrook seconded, and motion carried unanimously to continue this case to the next meeting of the Code Enforcement Board.**

 C. Case No. 10-09
Paul Dukor
Alicia Tice
701 17th Avenue West
Palmetto, Florida 34221

Violation Location: 701 17th Avenue West, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Leonard opened the Public Hearing.

 Mr. Strollo testified that the case involves a dismantled, inoperative vehicle displayed on the property. This is the second time for this violation. The vehicle was moved once and then returned. The Notice of Violation sent via certified mail March 17, 2010, was returned as unclaimed, so he hand delivered a copy to the daughter. A Notice of Hearing was issued due

to the repetitive nature of the violation. The vehicle was removed on March 26, 2010. Mr. Dukor appeared at the hearing and addressed the Board.

Paul Dukor, 701 17th Ave. W., said he was trying to sell the vehicle. He resents that Mr. Strollo was dealing with his sixteen year old daughter and not with him. He admitted the violation. He commented that he received the Notice of Hearing ten days after the vehicle had been moved. Mr. Strollo said that was because it was a repeat violation and the next time he is in violation he will be subject to an automatic fine.

Mr. Strollo recommended that the Respondents be found in violation of the City Code of Ordinances. He is willing to forego the administrative costs of \$315.00 provided they remain in compliance.

Mr. Leonard closed the Public Hearing for deliberation.



MOTION: Mr. Rotondo moved, Mr. Hoffmann seconded, and motion carried unanimously to find as a matter of fact that the Respondents' property contained an inoperable vehicle with an expired tag; to conclude as a matter of law that the Respondents have violated the City of Palmetto Code of Ordinances as read into the record April 27, 2010; to forego administrative costs; to close the case as the Respondents have complied with the Code of Ordinances; and, to authorize the Chairman to sign the completed Administrative Order Imposing Lien

The Board took a short recess.



A, Case No. 10-07

Juana Sanchez
Francisco T. Sanchez
Amalia Sanchez
Mario A. Alvarado
1218 Dr. Martin Luther King, Jr. Place
Palmetto, Florida 34221

Violation Location: 1218 Dr. Martin Luther King, Jr. Place, Palmetto, Florida
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. Leonard opened the Public Hearing



Mr. Strollo testified that a site inspection on February 17, 2010, showed the property contained an unregistered vehicle filled with bags, a side yard full of debris and the other side yard piled with yard waste. A letter was written requesting the yards be cleaned up and the vehicle, a black Ford Explorer, registered. No action was taken and a Notice of Violation was issued on March 3, 2010. Proof of Service was obtained. Subsequent visits showed no change in the property, and a Notice of Hearing was issued on March 24, 2010, and was unclaimed. The Notice of Violation and the Notice of Hearing were posted at City Hall and hand delivered to the Alvarado residence to an elderly female resident on April 13, 2010. The property remains in violation as of today's hearing date. The yard waste was removed to the curb and is awaiting pickup. The abandoned vehicle and debris remain in the other side yard. Mr. Strollo made his recommendations in the case.

Mr. Leonard closed the Public Hearing for deliberation.



MOTION:

Mr. Hoffmann moved. Mr. Rickey seconded, and motion carried unanimously to find as a matter of fact that the Respondents' property contains a large amount of garbage, debris and tires and an untagged vehicle; to conclude as a matter of law that the Respondents have violated the City of Palmetto Code of Ordinances as read into the record April 27, 2010; to assess administrative costs incurred in the prosecution of the case in the amount of \$315.00; to direct the Respondents to bring the property into compliance within ten days or by May 7, 2010; and, to authorize the Chairman to sign the completed Administrative Order Imposing Lien.



D. Case No. 10-10

Joseph M. Kevelighan
1502 14th Street West
Palmetto, Florida 34221

Violation Location: 1502 14th Street West, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(3) & (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Leonard opened the Public Hearing.

Mr. Strollo testified that the property is vacant and a foreclosure is pending. US Bank National Association is the plaintiff in this action. In July 2009, the Respondent was notified that the property needed to be cleared. In March 2010 the property was again overgrown, and a hangar was left on the property. The Respondent did not comply. There was also an abandoned vehicle with an expired tag on the property. A Notice of Violation was mailed to the property on March 24, 2010; the Certified Mail was returned unclaimed. A copy was also sent to a Bradenton address received through the City's utility department. The Notice of Violation and the Notice of Hearing, issued April 9, 2010, were posted at City Hall and on the property on April 15, 2010. The car is gone, but the property is still overgrown. Mr. Strollo made his recommendations.


Mr. Leonard closed the Public Hearing for deliberation.



MOTION:

Mr. Hoffmann moved, Mr. Rickey seconded, and the motion carried unanimously to find as a matter of fact that the Respondent's property is overgrown, and contained a vehicle with two flat tires and an expired tag; to conclude as a matter of law that the Respondent has violated the City of Palmetto Code of Ordinances as read into the record April 27, 2010; to assess administrative costs incurred in the prosecution of the case in the amount of \$239.00; to direct the Respondent to bring the property into compliance within twenty days or by May 17, 2010; and, to authorize the Chairman to sign the completed Administrative Order Imposing Lien.

Mr. Rotondo commented that he wanted to make sure the bank is notified of the action against the property.

 E. Case No. 10-11

Joshua Anthony David
1105 25th Avenue West
Palmetto, Florida 34221

Violation Location: 1105 25th Avenue West, Palmetto, Florida
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) & (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 as it had been brought into compliance prior to the hearing.

 4. OLD BUSINESS

CEB 10-05 Cornwell/Order Imposing Fine and Lien
CEB 10-04 Jordan/Administrative Order Imposing Fine
CEB 10-04 Jordan Report of Compliance

Denise Jordan teaches at night. She can make the next meeting as classes will have ended. She wants to appeal the fine. She has brought the property into compliance. The Board agreed to give her one last opportunity to appeal the fine on May 25, 2010.

 5. NEW BUSINESS

Mr. Leonard said that he and Mr. Hoffmann attended the seminar on Friday offered by the County Attorney's office. In answer to Mr. Leonard's question, Mr. Persson commented that if you do a site visit, you must disclose this when the regular meeting is convened. But, you cannot discuss anything outside of the hearing. Mr. Persson has asked Mr. Barnebey to once again go over the Sunshine Law with Board members, as it has been a few years.

6. PUBLIC COMMENTS

NONE

 7. ADJOURNMENT

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

The meeting was adjourned at 7:35 p.m.

Minutes approved:

Charles W. Leonard, Chair