

**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

June 1, 2010

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
5-25-2010	Review agenda and materials for regular meeting; attend regular meeting of the code enforcement board.	1.00	DPP

TOTAL HOURS

1.00

Total Fees for Above Services:

RECEIVED \$160.00

JUN 02 2010

CITY HALL

DISBURSEMENTS:

Total Disbursements: \$0.00

Total Fees & Disbursements	\$ 160.00
Previous Balance	\$288.00
Payments	<u>\$288.00</u>
Balance Due Now	\$160.00

**Draft Minutes**  
**CODE ENFORCEMENT BOARD**  
**May 25, 2010**  
**6:00 p.m.**

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**CODE ENFORCEMENT BOARD MEMBERS**

CHARLIE LEONARD, CHAIR  
ROBERT ROTONDO, VICE CHAIR  
TOM DEVITO

PHIL HOFFMANN  
BOB RICKEY  
ROBERT WESTBROOK

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Mr. Leonard called the meeting to order at 6:00 p.m.

**Roll Call.**

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

Others Present: Code Enforcement Director Bill Strollo, Board Attorney David Persson and Administrative Assistant Deanna Roberts

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 May 25, 2010 agenda.

2. CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through April 2010.
- B. Minutes: April 27, 2010.

**MOTION:** Mr. Rotondo moved, Mr. Rickey seconded and motion carried unanimously to approve the May 25, 2010 Consent Agenda.

3. PUBLIC HEARINGS

C. Case No. 10-12

Margaret Carriere  
1082 Saw Creek Estates  
Bushkill, PA 18324

Violation Location: 1108 8<sup>th</sup> Street 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); Article XI, Minimum Maintenance Standards and Guidelines, Section 7-242(a):

Mr. Leonard opened the Public Hearing.

Mr. Strollo testified that the case involves overgrowth, a stagnant pool, and a deteriorated out building. The house is vacant and a foreclosure is pending. Deutsche National Trust Company is listed as the plaintiff in this action. A Notice of Violation was issued on March 31, 2010, the second time a Notice of Violation has been issued, and a Notice of Hearing was mailed on May 10, 2010. On that day it was noted that the pool had been cleaned and treated. As of today, May 25, 2010, the property remains overgrown, the dilapidated out-building remains in violation and the pool contains stagnant water.

Ruth Preisser of Mackey Law Group addressed the Board. Attorney Mackey represents Deutsche National Trust Company. The bank has not been able to obtain title so that it can correct the violations. She asked for the case to be continued for sixty days. Mr. Stollo asked if the overgrowth at least can be corrected. He said banks can ask the court for an order to enter the property before it actually takes title. Ms. Preisser said she will check with the attorney. Mr. Stollo said that mosquito control can take care of the pool.

**MOTION:**            **Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to find as a matter of fact that the Respondent's property is overgrown, contains a pool with stagnant water breeding mosquitoes and a structurally unsound building; to conclude as a matter of law that the Respondent has violated the City of Palmetto Code of Ordinances as read into the record May 25, 2010; to assess administrative costs incurred in the prosecution of the case in the amount of \$283.00; to direct the Respondent to bring the property into compliance within 20 days or by June 14, 2010; and, to authorize the Chairman to sign the completed Administrative Order Imposing Lien.**

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. Stollo testified that the Respondents were found in violation of City Codes at a Hearing on April 27, 2010. Administrative costs were assessed. As of today, the property is still in violation. Mr. Stollo made his recommendation.

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 contains a large amount of garbage, debris, 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, and May 25, 2010, and Respondents did not comply with the Administrative Order of April 27, 2010; to impose a fine of \$250.00 per day commencing May 7, 2010 and continuing until the violation is corrected; and, to authorize the Chairman to sign the completed Administrative Order Imposing Fine.**

B. Case No. 10-10

Joseph M. Kevelighan  
1502 14<sup>th</sup> Street West  
Palmetto, Florida 34221

Violation Location: 1502 14<sup>th</sup> 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 the case involves overgrowth. The case was first heard on April 27, 2010, and the Respondent was found in violation of City Codes. The property remains in violation. The Respondent failed to meet the date certain to comply. Administrative costs were imposed at the April 27, 2010, hearing. The Administrative Order Imposing Lien was forwarded to plaintiff's attorney, the Law Offices of Marshall C. Watson, as Mr. Rotondo had requested. Mr. Strollo recommended a fine.

Mr. Leonard closed the Public Hearing for deliberation.

**Motion:** Mr. Devito moved, Mr. Rickey seconded, and motion carried unanimously to find as a matter of fact that the Respondent's property is overgrown; 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, and May 25, 2010, and Respondent did not comply with the Administrative Order of April 27, 2010; to impose a fine of \$250.00 per day commencing May 17, 2010 and continuing until the violation is corrected; and, to authorize the Chairman to sign the completed Administrative Order Imposing Fine.

D. Case No. 10-13

Circle K Stores, Inc.  
Rent and Property Tax Dept.  
1130 West Warner Rd., Bldg. B.  
Tempe, Arizona 85284

Violation Location: 301 8<sup>th</sup> 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), (4) and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Chapter 3 General Requirements (Section 301.3, 304.1, and 304.15:

Mr. Strollo withdrew the case as the property is now in compliance.

4. OLD BUSINESS

CEB 10-04 Jordan/Administrative Order Imposing Fine/Report of Compliance  
CEB 10-08 Nikon/Notice of Violation and Notice of Hearing  
CEB 10-09 Dukor-Tice/Administrative Order Imposing Lien

Denise C. Jordan appeared before the Board to appeal the fine imposed in Case No. 10-04. The case was heard February 23, 2010 as a repeat violation. The Board imposed a fine of \$500.00 per day commencing February 28, 2010. Mrs. Jordan brought the property into compliance on March 11, 2010 after accumulating \$5,500.00 in fines. Prior administrative costs imposed in January 2009 have been recorded as a lien and remain unpaid.

Mrs. Jordan said when the property was in violation, she was not living in the home. Her ex-husband was in the home. He did not pay the mortgage and did not maintain the property. She is modifying her loan and has kept the property maintained.

**MOTION:                    Mr. Hoffmann moved, Mr. Rotondo seconded, and motion carried unanimously to waive the entire fine of \$5,500.**

Regarding Win Some Auto Sales, Mr. Strollo remarked that based on the Board's prior action the case was essentially dismissed. Mr. Strollo said that he will continue to monitor the property. He will have to initiate a new case in order to bring it to the Board again.

The Administrative Order Imposing Lien in Case 10-09-Dukor/Tice was issued and posted on the property.

**5. NEW BUSINESS**

None

**6. PUBLIC COMMENTS**

None

**7. ADJOURNMENT**

There was a consensus to adjourn, and the meeting was adjourned at 6:52 p.m.

Minutes approved:

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Charles W. Leonard, Chair