

TAB 1

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ATTN: DEANNA ROBERTS
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July 1, 2011

ACCT. #

PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
6-21-2011	Review and respond to question from Bill Stollo.	0.25	DPP
6-23-2011	Review and revise draft stipulation related to Gatton property.	0.40	DPP
6-28-2011	Prepare for and attend regular meeting of the Code Enforcement Board.	1.40	DPP
6-29-2011	Review and approve modification to draft stipulation.	0.20	DPP
TOTAL HOURS		2.25	
Total Fees for Above Services:			\$360.00

DISBURSEMENTS:

Total Disbursements:

\$0.00

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Total Fees & Disbursements	\$360.00
Previous Balance	\$120.00
Payments	<u>\$120.00</u>
Balance Due Now	\$360.00

DRAFT
CODE ENFORCEMENT BOARD
June 28, 2011
6:00 p.m.

Code Enforcement Board Members Present

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Phil Hoffman
Rose Quin-Bare
Bob Rickey
Robert Westbrook

Code Enforcement Board Members Absent

Tom Devito

Staff Present:

David Persson, Board Attorney
Bill Strollo, Code Enforcement Director
Diane Ponder, Deputy clerk-Administration

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

The roll was called.

All persons testifying or speaking before the Board were duly sworn.

1. APPROVAL OF AGENDA

MOTION: Mr. Hoffman moved, Mr. Rickey seconded and motion carried 6-0 to approve the June 28, 2011 Agenda.

2. CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through May 2011.

B. Minutes: May 31, 2011.

MOTION: Mr. Rickey moved, Mr. Hoffman seconded and motion carried 6-0 to approve the June 28, 2011 Consent Agenda.

3. PUBLIC HEARINGS

A. Case No. 11-07

Christopher Lee Dunbar
3008 16th Avenue East
Palmetto, Florida 34221

Violation Location: 214 12th Street West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 7 Buildings And Building Regulations, Article VII Dangerous And Unsafe Buildings, Section 7-151, Section 7-153(a), (b) through 7), & (c); Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), (3), (4), & (12) and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section 304 Exterior Structure; Section (304.1) General; Section (304.2) Protective Treatment; Section (304.7) Roofs & Drainage; Section (304.9) Overhang Extensions and Section (304.13) Window, Skylight, and Door Frames:

Mr. Leonard opened the public hearing.

Mr. Strollo reviewed the history of the case. This is the second public hearing to determine if the case is in compliance and to consider the administrative fees of approximately \$345. Mr. Strollo reported the property is in compliance at this time.

Christopher Dunbar thanked the Board for the time granted him to clean the property. He discussed his plans for occupying the structure.

Mr. Strollo recommended that the administrative costs associated with the case be waived. He will write a report of compliance.

Mr. Leonard closed the public hearing for deliberation.

The Board deliberated the facts as presented.

MOTION: Mr. Hoffman moved, Mr. Rotondo seconded and motion carried 6-0 to accept Mr. Strollo's recommendation to find the property in compliance and to waive the administrative costs.

B. Case No. 11-08
Leodegario Martinez
920 18th Avenue Drive West
Palmetto, Florida 34221

Violation Location: 920 18th Avenue Drive West, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(12), Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Strollo reported the property had been brought into compliance. The case was withdrawn.

4. OLD BUSINESS

CEB 11-05 Steven E. Gatton/Linda J. Gatton – Correspondence from Superior Bank

Mr. Strollo reviewed the history for case #11-05, stating that on May 31, 2011, the Board had ordered a fine of \$5,000 due to the violations on the property, and ordered the condemned building to be demolished within 30 days or the City would proceed with the demolition and assess the associated costs as a lien upon the property.

Mr. Strollo read into the record correspondence received from Ross Vollmer, vice president at Superior Bank, the first mortgage holder on the property. Mr. Vollmer requested an extension until August 30, 2011 to resolve the issue, so the bank can work with the borrower (Gatton) to take possession of the property. Mr. Vollmer confirmed to Mr. Strollo that he is in receipt of the Notice of Violation, Administrative Order and Order Imposing Fine for the property. Mr. Strollo reported that Board Attorney Persson had recommended that a stipulation between the Code Enforcement Board and Superior Bank be obtained, which may also be the most expedient manner in which to resolve the issue and bring the property into compliance. Mr. Strollo read into the record the proposed Code Enforcement Board Stipulation.

Discussion ensued on the requested extension, the timeline on the property transfer, and the preliminary asbestos assessment that must be performed before any demolition proposals may be obtained. Should Superior Bank not agree to the stipulation, then the item must be presented to the City Commission for the demolition approval.

Peggy Case, 329 4th St. W. and George W. Strawn, 329A 4th St. W. both spoke in opposition of granting any extension. Mrs. Case distributed photographs of the Gatton building, which will be entered into the case file.

Attorney Persson discussed the procedures that must be followed to affect the demolition. He also suggested that the stipulation with the bank may be the fastest way to resolve the issue, as the bank has a proven track record with the City when dealing with properties in violation of City ordinances. Also discussed was the City's inability to enter a locked property, which is the case with the Gatton property.

He recommended that the Board follow established procedures and if the stipulation is not agreed to by the bank or if the property is not brought into compliance, the City can then authorize the actions necessary to demolish the building.

The Board discussed the proposed stipulation. Attorney Persson opined that the bank's mortgage would take superiority over the \$5,000 fine; if the City demolished the building to improve the property, then the City's lien would be superior. It was recommended that the bank be given a deadline to accept the stipulation. It was also recommended that Mr. Strollo begin the necessary actions to acquire the asbestos study, acquire demolition quotes and have all necessary documentation ready to present to City Commission for approval should stipulated deadlines not be met by the bank.

Attorney Persson recommended that the following term be added to the stipulation as #6:

Superior Bank National Association shall notify the Code Enforcement Board no later than 5:00 p.m. on July 15, 2011 whether they will accept title to the property. In the event Superior Bank National Association does not accept title, the extension granted herein shall be null and void and the City shall proceed forthwith with all costs being assessed in accordance with stipulation #7 below.

MOTION: Mr. Rickey moved, Mr. Rotondo seconded and motion carried 6-0 to authorize the chair of the Code Enforcement Board to sign the Code Enforcement Board Stipulation as read into the record and amended by attorney.

5. NEW BUSINESS

None

6. PUBLIC COMMENTS

None

After a motion by Mr. Hoffman, second by Mr. Rickey and unanimous vote, meeting adjourned at 7:15 p.m.

Minutes approved:

Charles W. Leonard, Chair