

**TAB 1**

**Draft Minutes  
CODE ENFORCEMENT BOARD  
September 25, 2012  
6:00 p.m.**

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Members Present:

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

Members Absent:

Tom Devito  
Phil Hoffmann

Staff Present:

William Strollo, Code Enforcement Director  
David Persson, Board Attorney  
Deanna Roberts, Clerk of the Board

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Mr. Leonard called the meeting to order at 6:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

The roll was called. Members Tom Devito and Phil Hoffmann were absent from the meeting.

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

1. APPROVAL OF AGENDA

**MOTION: Mr. Rickey moved, Mr. Rotondo seconded, and motion carried unanimously to approve the September 25, 2012 Agenda.**

2. CONSENT AGENDA

- A. Minutes: July 31, 2012
- B. Legal expenses through July 2012

**MOTION: Mr. Rickey moved, Mrs. Quin Bare seconded, and motion carried unanimously to approve the September 25, 2012 Consent Agenda.**

3. PUBLIC HEARINGS

A. Case No. 12-06

Peter A. Whittaker  
Jean S. Whittaker  
6301 Merna Lane  
Lanham, Maryland 20706-2862

**Violation Location:** 2801 Trinidad Way, Palmetto, Florida  
**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):

Mr. Leonard opened the public hearing.

Mr. Strollo testified that he had been sworn prior to his testimony and that his credentials are on file with the Clerk of the Board. He reminded the Board that this case had been continued at the July 31 meeting to the August 28 meeting which was cancelled. He showed pictures of the property to the Board in its current condition. The property is clear, and he withdrew the case with no recommendation for costs or fines.

Mr. Leonard closed the public hearing.

**B. Case No. 12-07**

Jestany Investment Corporation  
3405 61<sup>st</sup> Street East  
Palmetto, Florida 34221-9429

**Violation Location:** 305 14<sup>th</sup> Street West, Units A-E

**Codes Violated:** Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), (4) & (12), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section 108 Unsafe Structures and Equipment, Section 108.1 General; Section 108.1.1 Unsafe Structures; Section 304 Exterior Structure, Section 304.1 General; Section 304.2 Protective Treatment; Section 304.4 Structural Members; Section 304.6 Exterior Walls; Section 304.13 Window, Skylight, and Door Frames; Section 304.13.1 Glazing; Section 304.15 Doors; Section 305 Interior Structure, Section 305.1 General; Section 305.2 Structural Members; Section 305.3 Interior Surfaces; Section 308 Extermination, Section 308.1 Infestation; Section 401 Light, Section 402.3 Other Spaces; Section 404.4.5 Other Requirements; Section 506 Sanitary Drainage System, Section 506.2 Maintenance; Section 604 Electrical Facilities, Section 604.1 Facilities Required; Section 604.3 Electrical System Hazards; Section 605 Electrical Equipment, and Section 605.1 Installation; Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3;

Mr. Strollo informed the Board that this case was also scheduled for the August 28 meeting which was cancelled. Due to noticing problems, the owner of the property was not aware of Code Enforcement procedures against his property. He is now working with Code Enforcement to resolve the multiple exterior and interior issues of the three duplexes. Mr. Strollo withdrew the case, informing the Board that if the owner does not continue to cooperate he will proceed with a new case.

**C. Case No. 12-08**

Henry Lawrence  
2110 2<sup>nd</sup> Avenue East  
Palmetto, FL 34221

**Violation Location:** 401 17<sup>th</sup> Street West, Palmetto, Florida

**Codes Violated:** Palmetto Code of Ordinances, Chapter 7, Article XI, Section 7-242(a); Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), (3) & (4) and Section 16-27(a), (b), & (c):

Mr. Leonard opened the public hearing.

Mr. Stollo testified that he had been sworn prior to his testimony and that his credentials are on file with the Clerk of the Board. He reviewed the case. A detailed case history of the property dating back to October 2006 is attached to and will remain a part of these minutes.

A Notice of Violation was issued on August 29. The Respondent was notified that as a repeat violation, this could result in a fine of up to \$500.00 per day. On September 20, 2012, the overgrowth was cut and yard waste was piled at the curb for collection. The fence remained unrepaired.

The Respondent, Henry Lawrence, was present at the hearing. He was sworn in and addressed the Board. He thanked the Board for its patience. He said it is his intent to bring the property into compliance. He is not sure if the fence is his responsibility. Some work was being done there, and the corner of the fence was destroyed. He has made arrangements to have the property taken care of.

Mrs. Quin-Bare asked him if he could just take down that section of the fence until it is repaired, as that would make it look a lot better. He said he could. In response to Mr. Rickey's question about a time frame, he said it might take thirty-sixty days. Mrs. Quin-Bare asked if he had made contact with the County regarding the damaged fence. He said he would this week. Mr. Leonard suggested staying in touch with Mr. Stollo and working out a schedule for keeping the property up.

Mr. Stollo recommended that the hearing be continued to next month so that he and Mr. Lawrence could work out details and the Board could monitor the level of cooperation by Mr. Lawrence.

**Motion: Mr. Rickey moved, Mr. Rotondo seconded, and motion carried unanimously to continue the case to the next regularly scheduled meeting.**

#### 4. OLD BUSINESS

Mrs. Quin-Bare brought up the issue of illegal road signs discussed at the last meeting. Mr. Stollo said he gave the Mayor and the City Clerk the information on the robo-calling program. In the meantime, staff continues to pick up the signs. He told the Board he will check on other counties in Florida that are using robo-calling. He said the program shouldn't cost a lot of money, and it could possibly be paid for through the CRA.

#### 5. NEW BUSINESS

None

#### 6. PUBLIC COMMENTS

None

#### 7. ADJOURNMENT

The meeting was adjourned at 6:28 p.m.

Minutes approved:

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Charles W. Leonard, Chair

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**SEPTEMBER 25, 2012 CEB 12-08**

**Henry Lawrence, 2110 2<sup>nd</sup> Avenue East, Palmetto, Florida:**

The property that is the subject of this public hearing is a vacant house located at 401 17<sup>th</sup> Street West. The Respondent, Henry Lawrence, is identified as the owner of the property through the Manatee County Property Appraiser's and the Manatee County Tax Collector's web sites. Both sites list the Respondent's address as the vacant house that is the subject of this action. For the purposes of this action, we utilized the address of Mr. Lawrence's family at 2110 2<sup>nd</sup> Avenue East, Palmetto (DMV registration address). A business address was obtained through a Sunbiz inquiry of Mr. Lawrence's company, Harbor Vista Hotel and Marina, LLC; the 2012 Annual Report listed his address as 1707 2<sup>nd</sup> Avenue East, Palmetto.

There are no active foreclosures regarding the subject property, 401 17<sup>th</sup> Street West, PID 26209.0000/7, Township 34 South, Range 17 East, Section 14.

**One former case regarding this property involved a different owner - CEB 06-14. At the public hearing held October 31, 2006 Henry Lawrence appeared & reported to the Board that he would remediate the code violations which included overgrowth, accumulation of debris, 16 broken or missing windows, & unsecured doors. The property was brought into compliance at that time on November 28, 2006.**

**The property has been monitored since that time including a Notice of Nuisance issued June 30, 2009 which resulted in the City clearing the property once – July 28, 2009. A letter was forwarded to the owner on January 12, 2010 regarding covering broken windows. The owner covered them with plywood on February 11, 2010.**

**A prior CEB case involving this property and Mr. Lawrence as the Respondent, CEB 12-05, was recently closed. A Notice of Violation was issued April 19<sup>th</sup> directing Mr. Lawrence to clear the overgrowth & debris from the property and repair the fence. A Notice of Hearing was issued May 8, 2012 scheduling the public hearing on May 29, 2012. At that hearing the CEB issued an Administrative Order Imposing Lien that assessed administrative costs of \$407.00, and the Order directed Mr. Lawrence to clear the overgrowth and debris from his property and repair or remove the dilapidated by June 5, 2012.**

**At the second public hearing regarding CEB 12-05 on June 26, 2012, the CEB issued an Order Imposing Fine and Lien directing Mr. Lawrence to clear the property and repair the fence by July 5, 2012 or a \$50.00 per day fine would commence. The overgrowth was cleared by the date certain; the fence was not repaired as this entailed a civil issue between Mr. Lawrence and the County contractors who made the improvements to 17<sup>th</sup> Street West. The trees around the property were trimmed, but this yard waste was piled around**

**the perimeter of the property. The condition of the property was reviewed with the CEB as "Old Business" on July 31, 2012. At that time the CEB elected to approve closing CEB 12-05; I was also directed to contact the City Public Works Department to clear the loose yard waste from this property.**

On August 8, 2012 I confirmed that the loose yard waste surrounding the property had been removed by Road Gang and Public Works staff. However, the property was becoming overgrown. In addition, the fence surrounding the property was damaged in several locations, apparently as the result of tree trimming activities by the Respondent. A letter was sent to Mr. Lawrence directing him to clear the overgrowth and debris from his property, and to repair or replace the damaged fence. In the letter I reminded him that these are considered repeat violations, and he could be fined up to \$500.00.

A Notice of Violation was issued on August 29, 2012 charging Mr. Lawrence with nuisance code violations for overgrowth, debris, and fences in a poor state of repair. This NOV also noted that as a repeat violation, this case would be referred to the CEB for a hearing, and that a fine of up to \$500.00 per day could be imposed. This Notice was mailed certified & regular, and it was posted on the property and at City Hall on August 29, 2012. The Notice of Hearing and Assessment of Fine scheduling this evening's public hearing was mailed certified and regular, and it was posted on the property and at City Hall on September 10, 2012.

On September 20, 2012 the overgrowth was cut and yard waste was piled at the curb for collection. However, the fence remained unrepaired.

**Recommendations:**

It is recommended that the Respondent, Henry Lawrence, be found in violation of City of Palmetto Code of Ordinances, and that he be fined from August 29, 2012 until he brings this property into compliance. It is recommended the City's costs for processing this case, plus any applicable recording fees be assessed against the Respondent at this time.

**Total Costs to the City as of August 21, 2012:**

<b>Code Enforcement Officers</b>	7.75 hours @ \$40.00/hour =	<b>\$ 310.00</b>
<b>Administration</b>	1 hour @ \$35.00/hour =	<b>35.00</b>
<b>Lien Filing Fees</b>	=	<b><u>20.00</u></b>
<b>Total Costs</b>		<b>\$ 365.00</b>

**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**

**October 1, 2012**

**ACCT. # PALMETTO**

**RE: CODE ENFORCEMENT BOARD**

<b>DATE</b>	<b>DESCRIPTION</b>	<b>HOURS</b>	<b>ATTY</b>
9-25-2012	Review agenda, attend regular meeting of the code enforcement board.	0.75	DPP

**TOTAL HOURS**

**0.75**

**Total Fees for Above Services:**

**\$120.00**

**DISBURSEMENTS:**

**Total Disbursements:**

**\$0.00**

**Total Fees & Disbursements**

**\$120.00**

**Previous Balance**

**\$0.00**

**Payments**

**\$0.00**

**Balance Due Now**

**\$120.00**