

TAB 1

Draft Minutes
CODE ENFORCEMENT BOARD
February 26, 2013
6:00 p.m.

Members Present:

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

Staff Present:

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

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

The roll was called. All members were present for the meeting.

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

1. APPROVAL OF AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the February 26, 2013 Agenda.

2. ELECTION OF 2013 OFFICERS

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to approve Charlie Leonard as the 2013 Chair of the Code Enforcement Board.

MOTION: Mr. Hoffmann moved, Mrs. Quin-Bare seconded, and motion carried unanimously to approve Robert Rotondo as 2013 Vice Chair of the Code Enforcement Board.

3. CONSENT AGENDA

- A. Minutes: October 30, 2013
- B. Legal expenses through October 2012

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the February 26, 2013 Consent Agenda.

4. PUBLIC HEARINGS

A. Case No. 13-01

Estate of Donald M. Poe
1213 5th Street West
Palmetto, Florida 34221

Violation Location: 1213 5th Street West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(4), 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 304.6 Exterior Walls; Section 308 Extermination, Section 308.1 Infestation:

Mr. Leonard opened the public hearing.

Code Enforcement Director Bill Strollo testified that he had been sworn and that his credentials are on file with the secretary to the Board. The property owner in this case is listed as Donald M. Poe (deceased). A reverse second mortgage was issued on March 26, 2007. The mortgage was reassigned to Champion Mortgage, and Mr. Strollo stated that he has been dealing with National Field Network, the property management company representing Champion Mortgage. The house has been vacant following a fire on October 3, 2008.

The case was initiated on October 2, 2012 when the roof trim and soffit fell from the house due to rotted underlying wood. Verbal and written contact was made with National Field Network directing them to make exterior repairs to the house. A Notice of Violation was issued on December 19, 2012. Continuing site visits into January showed no improvements to the property, and a Notice of Hearing was issued on January 28, 2013 for tonight's hearing.

Mrs. Quin-Bare asked who is listed as the owner. Mr. Strollo informed her that Donald Poe is still listed as the owner. Attorney Persson remarked that the bank probably has not filed the paperwork yet to take over the property from the reverse mortgage. Mr. Persson informed the Board that the priority of liens in such cases has not yet been decided by the legislature. Mr. Strollo informed the Board that the property management company has to send all bids for repair to the bank.

Mr. Strollo pointed out that a large tree overhanging the house had been trimmed back and all limbs and brush were placed on the west side of the home. A huge amount of debris was left there. Mr. Hoffmann pointed out that this was a potential fire hazard. Mr. Strollo said he would get the Fire Marshal to view the property and get his opinion.

Mr. Leonard closed the public hearing for deliberation. He reopened the hearing to present the Board's finding.

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to find the property in violation of the City of Palmetto Code of Ordinances; to direct that the property be brought into compliance with the Code of Ordinances by March 22, 2013; to assess administrative costs incurred in the processing of this case in the amount of \$459.00, plus any applicable recording fees; and, to schedule a public hearing for March 26, 2013 to determine if the property has been brought into compliance.

In closing, Mr. Strollo said he could issue a Notice of Sanitary Nuisance, and if the Fire Marshal agrees with his assessment, he could have the City do the work to remove the debris left from the tree.

5. OLD BUSINESS

None

6. NEW BUSINESS

Discussion: Open Storage

Mr. Strollo read the definition:

The storage outside of a building, or within buildings with less than three (3) sides, of materials; supplies; merchandise; equipment; commercial, recreational, or domestic vehicles, boats and like items, but excluding junk.

Mr. Strollo informed the Board that he made a PowerPoint presentation on open storage to City Commission at a recent workshop meeting. Open storage is storage outside of a building. In residential areas he addresses by asking people to either move the storage or shield it from view.

In commercial areas some businesses would be out of business if open storage codes were strictly enforced because car lots, for example, need open display to sell their cars. City staff asked Commission to look at this as an overall city issue, and perhaps start in the CRA District to offer businesses help in shielding outside materials.

Service stations accumulate tires because they have to wait until someone comes out to pick them up for recycling.

He remarked that open storage is permitted at industrial sites, and technically that is the only area in which it is allowed.

In his opinion, as long as there is a barrier, it is no longer open storage. Fencing may be an acceptable solution. He is awaiting guidance from the City Commission. One Commissioner suggested meetings with businesses to find a resolution. The CRA may become involved and resolve along the 8th Avenue corridor.

Some of these issues may come before the Code Enforcement Board.

7. PUBLIC COMMENTS

None

8. ADJOURNMENT

There being no further business, Mr. Leonard adjourned the meeting at 6:49 p.m.

Minutes approved:

Charles W. Leonard, Chair

PERSSON & COHEN, P.A.
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ATTN: DEANNA ROBERTS
CITY OF PALMETTO
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PALMETTO, FL 34220-1209

March 1, 2013

ACCT. # PALMETTO
P.O. # 1213053

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
2-26-2013	Review agenda; discussion regarding process; 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			<u>\$0.00</u>
Balance Due Now			\$120.00

John Stolle
 3/4/13

RECEIVED
 MAR 04 2013
CITY HALL

RECEIVED
 MAR 05 2013
 PURCHASING
 DEPARTMENT

COMPLETED
 3/10/13 