

**Minutes
Code Enforcement Board
February 26, 2008**

Board Members Present:

Charlie Leonard, Chair
Jim Bailey
Charles Cook
Scott Dougherty
Phil Hoffman
Bob Rickey

Board Members Absent:

Frank Joseph

Staff and Others Present:

Bill Strollo, Code Enforcement Director
Andy Cohen, Code Enforcement Board Attorney
Deanna Roberts, Clerk of the Board

Mr. Leonard called the meeting to order at 6:00 p.m. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

1. APPROVAL OF AGENDA

MOTION: Mr. Hoffman moved, Mr. Rickey seconded and motion passed unanimously to approve the February 26, 2008 agenda.

2. APPROVAL OF CONSENT AGENDA

MOTION: Mr. Rickey moved, Mr. Hoffman seconded and motion passed unanimously to approve the February 26, 2008 Consent Agenda.

3. PUBLIC HEARINGS

B. Case No. 07-15

Genesis Development Partners, LLC
101 Riverfront Blvd., Ste 610
Bradenton, Florida 34205

Violation Location: 4009 11th Street Court West and 4111 10th Street West, Palmetto, FL
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a)1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153 (b) (1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a) & (b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix

B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (b).
Violation Description: A septic tank behind the two story units at Pelican Perch is leaking raw sewage onto the ground.

An in-ground swimming pool at Terra Mana is full of stagnant water and is providing a breeding place for mosquitoes. In addition, many of the pool cage screens have been destroyed and no longer afford protection from insect infestation. In addition, due to the neglect of this pool cage, the filled pool lacks a child protective barrier and presents a serious child safety issue.

One of the rental units at Pelican Perch has been destroyed by fire.

Two of the units at Terra Mana, Apartments 3 & 5, are missing window glass and cannot be secured against unauthorized entry.

The front window to Apartment 6 at Pelican Perch is broken. Apartments 3 & 5 at Terra Mana are missing window glass from the apartment windows.

The property contains trash, debris and dead vegetation. A vehicle engine block has been abandoned in the parking lot at Terra Mana.

You have been renting apartments at the locations known as (1) Pelican Perch, 4111 10th Street West and (2) Terra Mana, 4009 11th Street Court West without securing an occupational license from the City of Palmetto.

Personal belongings including furniture, exercise equipment and storage boxes are located on the second floor balcony in front of Apartment 8, Pelican Perch.

Mr. Strollo reminded the Board that at the last meeting on January 22, 2008, an Administrative Order had been issued which gave the Respondent until February 1, 2008 to correct the violations. He reported that the property remains in basically the same condition.

Mr. Hoffmann inquired if any of the apartments was occupied. Mr. Strollo said two in Pelican Perch and one in Terra Mana were occupied. Mr. Hoffman then asked if any other agency had been alerted to help the City. Mr. Strollo said he contacted the Health Department and had not heard back from them. Mr. Hoffmann asked if the property had been posted. Mr. Strollo said he had not posted a Cease and Desist order. He thinks the apartments that are occupied are livable. Mr. Hoffmann asked if the Respondent had an Occupational License. Mr. Strollo said no.

Mr. Leonard asked if the City could use the Nuisance Abatement Ordinance. Attorney Cohen interjected that the City could abate the property if there existed a threat to the public health, safety and welfare, and then charge the Respondent for the costs.

Bill Hicks, a resident of Captain's Point, an adjoining property, addressed the Board. He criticized the Board for taking such a long time to resolve this problem. Code Enforcement has been on this case for eleven months. He said three units at Captain's Point are for sale, and the condition of the adjoining property is not helping. He praised Mr. Strollo for his work but said it comes to a dead end at the Board meetings. He urged the Board to treat this as a safety issue and take it to the next level, whatever that might be. Mr. Strollo said, in retrospect, had he known it was going to take so long, he would have handled this case differently; however, based on conversations with the property manager, he had expected a different outcome.

Attorney Cohen advised the Board that, by Florida Statute, the Board could take steps to notify City Commission that there is a problem. If Commission agrees, they could direct employees to secure the premises and remediate the property. Mr. Leonard said, to confirm, the Board could, as part of its finding, declare a health hazard and refer to the Commission to take appropriate action to abate? Mr. Cohen replied, "Yes, and the important language is to find it a 'threat to the public health, safety and welfare'."

Mr. Leonard closed the Public Hearing for deliberation. After deliberation, Mr. Leonard reopened the Public Hearing and asked for a motion.

MOTION: Mr. Dougherty moved, Mr. Hoffmann seconded and motion passed unanimously to find as a matter of fact that the Respondent's property has:

- A septic tank behind the two story units at Pelican Perch which is leaking raw sewage onto the ground.
- An in-ground swimming pool at Terra Mana is full of stagnant water and is providing a breeding place for mosquitoes. In addition, many of the pool cage screens have been destroyed and no longer afford protection from insect infestation. In addition, due to the neglect of this pool cage, the filled pool lacks a child protective barrier and presents a serious child safety issue.
- One of the rental units at Pelican Perch has been destroyed by fire.
- Two of the units at Terra Mana, Apartments 3 & 5, are missing window and door glass and one unit has not been secured against unauthorized entry.
- The front window to Apartment 6 at Pelican Perch is missing and the window to Apartment 8 is broken. Apartments 3 & 5 at Terra Mana are missing window glass from the apartment windows.
- The property contains dead vegetation.
- You have been renting apartments at the locations known as (1) Pelican Perch, 4111 10th Street West and (2) Terra Mana, 4009 11th Street Court West, without securing an occupational license from the City of Palmetto.
- Exercise equipment is located on the second floor balcony in front of Apartment 8, Pelican Perch; a coil of flexible tubing is stored in the garbage collection area of the Pelican Perch apartments.

To conclude as a matter of law that the Respondent has violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the February 26,

2008, meeting of the Code Enforcement Board; to impose a fine of \$250.00 per day, commencing February 1, 2008, and continuing until the violations are corrected; to authorize the Chairman to send a letter to the Mayor and City Commission informing them that the Board finds that the property is in violation of Section 162.06(4) *Florida Statutes* posing a threat to the public health, safety and welfare and requests that the City of Palmetto take immediate action to abate the violations; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the February 26, 2008 meeting.

Mr. Strollo introduced Mr. Glen Heath, 4103 11th Street Court West, a resident of Captain's Point, who was duly sworn and addressed the Board. He informed the Board that he has written to the Mayor urging that a contingency plan be put into place when a large development is proposed. When groups get into trouble financially or there is a downturn in the market, projects are not completed. In this case, a slum was left behind. He reiterated the danger of the pool and said he fears that a child will drown. Who will be responsible for that? He urged the Board to move fast, especially in regard to the pool.

B. Case No. 08-01 (Continued from January 22, 2008)

Oralia Garcia
1415 9th Street West
Palmetto, FL 34221

Violation Location: 1415 9th Street West, Palmetto, FL
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Violation Description: Exterior renovations were made to the above referenced property in violation of the Florida Building Code. A Cease and Desist Order was issued on October 9, 2007; however, non-permitted renovations continued after that date.

Mr. Strollo informed the Board that the case had been resolved. A Report of Compliance has been issued. No further action is necessary.

C. Case No. CEB 08-02 (Continued from January 22, 2008)

Eric Pardo
Eloya Valerio
2702 12th Street West
Palmetto, FL 34221

Violation Location: 2702 12th Street West, Palmetto, FL
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Violation Description: A solid vinyl fence was erected on the above referenced property in violation of the Florida Building Code.

Mr. Strollo informed the Board that the case had not been properly noticed. He asked that the case be continued to March 25, 2008.

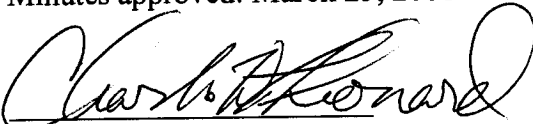
MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion passed unanimously to continue Case No. 08-02 to March 25, 2008, at 6:00 p.m. at Palmetto City Hall.

There being no further business, Mr. Leonard asked for a motion to adjourn.

MOTION: Mr. Bailey moved, Mr. Dougherty seconded and motion passed unanimously to adjourn the meeting.

The meeting was adjourned at 6:45 p.m.

Minutes approved: March 25, 2008


Charles W. Leonard, Chair