

**Minutes
Code Enforcement Board
January 27, 2009**

Board Members Present:

Charlie Leonard, Chair
Phil Hoffmann, Vice Chair
Scott Dougherty
Robert Rotondo

Board Members Absent:

Bob Rickey

Staff and Others Present:

Bill Strollo, Code Enforcement Director
Whitney Ewing, Code Enforcement Officer
David Persson, Code Enforcement Board Attorney
Deanna Roberts, Clerk of the Board

Mr. Leonard called the meeting to order at 6:02 p.m. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

1. OATH OF OFFICE FOR ALL BOARD MEMBERS

The Oath of Office was administered to Charles W. Leonard, Scott Dougherty, Phil Hoffmann and Robert Rotondo by Board clerk Deanna Roberts.

2. ELECTION OF OFFICERS FOR 2009

MOTION: Mr. Hoffmann moved, Mr. Dougherty seconded, and motion carried unanimously to elect Charlie Leonard Chairman of the Code Enforcement Board.

MOTION: Mr. Hoffmann moved, Mr. Dougherty seconded, and motion carried unanimously to elect Robert Rotondo Vice Chairman of the Code Enforcement Board.

3. APPROVAL OF AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rotondo seconded and motion passed unanimously to approve the January 27, 2009 agenda.

4. APPROVAL OF CONSENT AGENDA

MOTION: Mr. Hoffmann moved, Mr. Rotondo seconded and motion passed unanimously to approve the January 27, 2009 Consent Agenda.

5. PUBLIC HEARINGS

A. Case No. 08-15

Clement Flynn
154 New York Street
Palmetto, Florida 34221

Violation Location: 154 New York Street, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Mr. Leonard opened the Public Hearing. Code Enforcement Director Bill Strollo testified that Mr. Flynn is identified as the owner of the subject property through the Manatee County Property Appraiser's and the Tax Collector's web sites as of January 22, 2009. Mr. Flynn was issued a Stop Work Order by the

Building Department on March 7, 2007, for doing work on his home in Jet Park without the required building permit. Renovations continued after that date. Mr. Strollo informed the Board that as of the hearing date, January 27, 2009, the Respondent had not secured a building permit.

Mr. Flynn was present at the hearing and spoke on his own behalf. He said the work being done is not a solid enclosure, and he was replacing what was there which was in disrepair. Mr. Strollo replied that the violation was for making alterations on the home without a permit. Mr. Flynn testified that he is not the owner of the property, as he has been evicted from the park, and he has been arrested, found guilty, and incarcerated for trespassing on the property. He entered into evidence his arrest affidavit. He continues to live on the property while the case is under appeal.

Code Enforcement Board Attorney David Persson clarified Mr. Flynn's contentions. He said there are two issues: Mr. Flynn maintains that the work did not require a permit and that even if it did, he is not the owner of the property. Mr. Flynn agreed. He maintains that the Jet Park Homeowner's Association owns the property, but under questioning from Mr. Hoffmann stated that they do not hold title to the property because the case is currently before the Florida Appellate Court. Mr. Flynn said a Writ of Possession was given to the park in November of 2007 going back to an order that was generated in May 2005. He said he can continue to live there as long as the case is under appeal. Mr. Flynn admitted to making the renovations.

Mr. Strollo presented his recommendation that Mr. Flynn be found in violation and be directed to obtain a building permit from the Building Department within five days. He further recommended that administrative costs, plus any applicable recording fees, be assessed. Costs totaled \$420.00. Mr. Flynn challenged the costs. Mr. Strollo produced a log tracking officer time on the case. Mr. Flynn asked for, and received, a copy. The log was entered into evidence to substantiate the costs. Mr. Flynn grilled Mr. Strollo on the time log. He questioned the appropriateness of the time spent on some of the visits and said they were unsubstantiated numbers on a piece of paper. He threatened litigation.

Mr. Leonard closed the public hearing for deliberation. He reopened the hearing to present the findings.

MOTION: Mr. Dougherty moved, Mr. Rotondo seconded, and motion carried unanimously to find as a matter of fact that exterior renovations were made to the above referenced property in violation of the Florida Building Code. A Stop Work Order was issued by the City of Palmetto Building Department on March 7, 2007; however, non-permitted renovations continued after that date; 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 January 27, 2009, meeting of the Code Enforcement Board; to order that the Respondent shall comply with the City Code of Ordinances by correcting the violation within five days of this hearing, or by February 1, 2009; failure to correct the violation in the time specified may result in the imposition of a fine of up to \$250.00 per day for each day the violation continues past the date and time specified herein for corrective action; to assess administrative costs incurred by the city in the prosecution of the case in the amount of \$420.00, plus any applicable recording fees; to schedule a Public Hearing on February 24, 2009, at 6:00 p.m. to determine if the violation has been corrected; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the January 27, 2009 meeting.

B. Case No. 09-01

Wayne T. Jordan

Denise C. Jordan

1704 14th Street Court West

Palmetto, Florida 34221

Violation Location: 1704 14th Street Court West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2), & (3), and Section 16-27(a),

(b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites. Mr. Leonard

opened the Public Hearing. Mr. Stollo reported that the house is vacant. Due to overgrowth on the property, an open gate surrounding the pool, stagnant, infested water in the pool and debris in the yard, a Notice of Violation was issued on December 11, 2008. As of January 23, 2009, the property remains unchanged. He recommended that the Respondents be found in violation and directed to bring the property into compliance within ten days. He further recommended administrative costs totaling \$251.00, plus any applicable recording fees, be assessed.

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 in-ground swimming pool is full of stagnant water and is providing a breeding ground for mosquitoes, that the pool presents a serious child safety issue, that the above noted property contains untended growth of weeds and brush, the property is overgrown, and the above noted property has garbage and debris strewn in the back yard, in addition to a pile of tires by the garage door; 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 January 27, 2009, meeting of the Code Enforcement Board; to order that the Respondent shall comply with the City Code of Ordinances by correcting the violation within ten days of this hearing, or by February 6, 2009. Failure to correct the violation in the time specified may result in the imposition of a fine of up to \$250.00 per day for each day the violation continues past the date and time specified herein for corrective action; to assess administrative costs incurred by the city in the prosecution of the case in the amount of \$251.00, plus any applicable recording fees; to schedule a Public Hearing on February 24, 2009, at 6:00 p.m. to determine if the violation has been corrected; and, to authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the January 27, 2009 meeting.

C. Case No. 09-02

Jaime Diaz
223 Beacon Harbour Loop
Bradenton, Florida 34212

Violation Location: 301 7th Avenue 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 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Requirements for Structures, Section 7-238(a):

Mr. Stollo withdrew the case as the violation has been corrected.

4. OLD BUSINESS

Mr. Stollo issued a Report of Compliance in the Kenneth Rea case; No. 08-10. An Order Imposing Fine and Lien was issued to Wanda Gordon, Case No. 08-12, and a letter was sent to Mayor Bryant requesting assistance in the disposition of the case. No reply has been received.

5. NEW BUSINESS

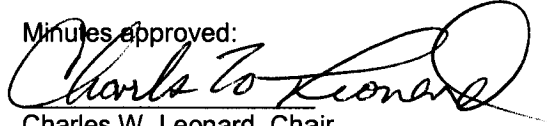
None.

6. PUBLIC COMMENTS

None.

Mr. Hoffmann moved, Mr. Dougherty seconded and motion carried unanimously to adjourn the meeting.
The meeting was adjourned at 7:10 p.m.

Minutes approved:

A handwritten signature in cursive script that reads "Charles W. Leonard". The signature is written in black ink and is positioned above the printed name.

Charles W. Leonard, Chair