

**MINUTES
CODE ENFORCEMENT BOARD
March 31, 2009**

Board Members Present:

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

Staff and Others Present:

Bill Strollo, Code Enforcement Officer
Kelly Martinson, Code Enforcement Board Attorney
Diane Ponder, Deputy Clerk-Administration

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

1. APPROVAL OF AGENDA

MOTION: Mr. Rickey moved, Mr. Rotondo seconded and motion carried unanimously to approve the March 31, 2009 agenda.

2. APPROVAL OF CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through February, 2009.
B. Minutes: February 24, 2009

MOTION: Mr. Rickey moved, Mr. Rotondo seconded and motion carried unanimously to approve the March 31, 2009 Consent Agenda.

Mr. Strollo requested that item D of the public hearings, Case No. 09-04, Timothy M. and Lucy M. Carroll, be heard by the Board first to accommodate Mr. Carroll's work schedule. The Board concurred.

3. PUBLIC HEARINGS

Case No. 09-04

Timothy M. Carroll
Lucy M. Carroll
1102 23rd Ave. W.
Palmetto, FL 34221

Violation Location: 1102 23rd Ave. W., Palmetto, FL 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article 11 Nuisances, Section 16-26, Section 16-26(4), and Section 16-27(a), (b) & (c), Chapter 7, Buildings and Building Regulations, Article VIII, Fences, Section 7-182(g)(1), Article XI, Minimum Maintenance Standards and Guidelines, Section 7-242(a).

Mr. Leonard opened the public hearing.

Mr. Strollo testified that since December 29, 2005 this property has been regularly visited, with repeated verbal and written warnings to address the landscaping and repair the existing fence. A Notice of Violation was issued June 29, 2006, with continued monitoring from that point. December 30, 2008 a letter was issued directing the property owner to again address the landscaping and repair the fence.

The landscaping was addressed by the property owner, but the fence remained in a deteriorated state. On February 23, 2009, a Notice of Violation regarding the fence was issued.

Mr. Strollo stated the property owner contacted him late this afternoon to inform him the fence has been addressed. Mr. Strollo stated he wanted the Board to hear the case and find the property owner in violation so that the Board can go directly to a fine status if these particular issues arise again. Mr. Strollo submitted the administrative costs for the case as part of the record, stating he wanted Mr. Carroll to know what has been involved in correcting the violation.

Mr. Strollo will assess the property April 1, 2009. If the fence is in compliance, Mr. Strollo will issue a Report of Compliance noting the violation has been corrected. He recommended not imposing the administrative costs at this time, provided the property is in compliance, give Mr. Carroll twenty (20) days to bring the property into compliance and consider the administrative costs at the second hearing.

Mr. Carroll confirmed he had fixed everything Mr. Strollo had complaint with.

Mr. Leonard closed the public hearing.

MOTION: Mr. Dougherty moved, Mr. Rotondo seconded and motion carried unanimously to find as a matter of fact that the fence that surrounds the property is dilapidated and does not serve its original purpose of privacy and security; conclude as a matter of law that the Respondent has violated Sections of the Code of Ordinance of the City of Palmetto, Florida, as read into the record at the March 31, 2009 meeting of the Code Enforcement Board; order that the Respondent shall comply with the City Code of Ordinances by correcting the violation within twenty days of this hearing, or by April 20, 2009. Failure to correct the violation in the time specified may result in the imposition of a fine of up to \$250 per day for each day the violation continues past the date and time specified herein for correction action; postpone until the next hearing consideration of administrative costs incurred by the city in the prosecution of the case in the amount of \$281.80, plus any applicable recording fees; schedule a public hearing on April 28, 2009 at 6:00 pm to determine if the violation has been corrected; and authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the March 31, 2009 meeting.

Case No. 09-03
Moses Sanders
P.O. Box 592
Palmetto, Florida 34220-0592

Violation Location: 515 11th Street Drive West, Palmetto, Florida 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) and (3), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section (304.6) Exterior Walls, Section (304.9) Overhang extensions; Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Leonard opened the public hearing.

Mr. Strollo testified that he issued a Report of Compliance effective March 6, 2009. He recommended against assessment of any fine or administrative costs. He stated property is in compliance.

Mr. Leonard closed the public hearing.

Case No. 09-06

Manatee Historic Properties, LLC
Thomas C. Santilli
911 Commerce Boulevard North
Sarasota, Florida 34243

Violation Location: 313 14th Avenue West, Palmetto, Florida 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

Mr. Strollo withdrew this case prior to the scheduled hearing. He testified that the Respondent has acquired the necessary building permits and has retained a licensed contractor for the structure's interior work. He reported the case has been resolved.

Case No. 09-05

Barbara Senna
36 Webber Street
Middleboro, MA 02346

Violation Location: 601 8th Street West, A & B, Palmetto, Florida 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) & (7), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section 504 Plumbing Systems and Fixtures (Section 504.1); Section 506 Sanitary Drainage System (Section 506.1 & 506.2):

Mr. Strollo withdrew this case prior to the scheduled hearing. He testified that the property owner acquired the necessary permit to resolve the drain issue, which has been inspected by the Building Department. He reported the property is in compliance.

4.Old Business

CEB 08-15: Clement Flynn

Mr. Strollo reported an Order Imposing Fine has been issued and is being recorded as a lien. No permits have been obtained; a \$150 per day fine continues to accrue.

CEB 09-01: Jordan

Reported the property has been brought into compliance. Mr. Strollo stated the Order Imposing Fine was being filed as a lien as of this date; the property owner has not requested a reduction in the fine that accumulated at \$50 per day, from February 6, - February 25, 2009.

Mr. Strollo offered an informal update on the Wanda Gordon case; overgrown property and a torn pool cage. The property has been taken over by a bank. The only issue remaining is the pool cage. The property is being brought into compliance.

Mr. Strollo discussed the fact that he may choose not to recommend a fine at a first hearing, even though he accumulates hours of administrative costs. If the property owner is brought to a second hearing, at that point in time a higher fine will be recommended.

Meeting adjourned at 6:30 pm.

Minutes approved:


Charles W. Leonard, Chair