

**MINUTES
CODE ENFORCEMENT BOARD
August 25, 2009**

Board Members Present:

Charlie Leonard, Chair
Scott Dougherty
Phil Hoffmann
Bob Rickey
Tony Gallo, Alternate

Board Members Absent:

Robert Rotondo, Vice Chair

Staff and Others Present:

Bill Strollo, Code Enforcement Director
Kelly Martinson, Code Enforcement Board Attorney
Deanna Roberts, Administrative Assistant

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. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the August 25, 2009 agenda.

2. APPROVAL OF CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through July 2009.
B. Minutes: July 28, 2009

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the August 25, 2009 Consent Agenda.

As Mr. Delesline was present to speak on his own behalf, Case No. 09-19 was moved up on the agenda.

3. PUBLIC HEARINGS

D. Case No. 09-19

John T. Delesline
Revocable Living Trust
P.O. Box 283
Terra Ceia, FL 34250

Violation Location: 320 7th Street West, Palmetto
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(3), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a):

Mr. Strollo reported that a Notice of Violation was issued on July 27, 2009 for overgrowth on the property. As of August 20, 2009, the property had remained unchanged with no communication from the owner.

The property was brought into compliance on August 21, 2009.

Mr. Delesline addressed the Board. He said he receives all his mail at the office. The post office box which was used for noticing is checked infrequently.

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Mr. Delesline pointed out that a strip of property in front of his building from the sidewalk to the curb, which he says the City owns, is not being maintained. Other property owned by the City on the west side of his building is not being maintained. His son, John Delesline, Jr., submitted a photograph of the area adjacent to the Public Works building which he believes to be overgrown and in violation. He also informed the Board that they maintain the south and west sides of their building, previously mentioned, which is City owned property.

Mr. Delesline requested that all mail be sent to 320 7th Street in Palmetto. Mr. Strollo said Code Enforcement has addressed overgrowth issues in 2006, 2007 and 2008 and they were not advised until August 21, 2009 to use the 7th Street address.

Mr. Strollo recommended that the Respondent be found in violation of City codes. He did not recommend imposing costs or fines at this time. Another violation will be treated as a repeat violation.

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to:

- 1) Find as a matter of fact that this property was overgrown, specifically at the north, east and west sides to include the fence line;
- 2) 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 August 25, 2009, meeting of the Code Enforcement Board;
- 3) Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the August 25, 2009 meeting.

A. Case No. 09-14

Phillip L. Brewer
203 9th Street West
Palmetto, FL 34221

Violation Location: 203 9th Street West, Palmetto
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3) and Section 16-27(a), (b), & (c).

Mr. Leonard opened the public hearing. Mr. Strollo reported that this case was brought before the Board for public hearing on July 28, 2009. At that hearing, the Respondent was found in violation of City codes, and he was given until August 7, 2009 to correct the violation. This case involves a vacant house that is going through foreclosure. A representative of the mortgage company has been in touch with Code Enforcement. A Report of Compliance was issued on July 30, 2009. Mr. Strollo recommended that no costs be assessed. Mr. Leonard closed the public hearing.

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously not to assess administrative costs.

B. Case No. 09-17

Penny Fugate
1108 26th Avenue West
Palmetto, FL 34221

Violation Location: 1108 26th Avenue West, Palmetto
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):

Mr. Leonard opened the public hearing. Mr. Strollo said the case came before the Board on July 28, 2009. The Respondent was found in violation of City codes. The Respondent was given until August 3, 2009 to correct the violation. The property was brought into compliance on August 18, 2009.

Administrative costs of \$265.00 were assessed at the initial hearing. He is recommending a fine for the days the property was not in compliance: August 3 – August 18, 2009. Mr. Leonard closed the public hearing.

MOTION: Mr. Hoffmann moved, Mr. Gallo seconded, and motion passed unanimously to:

- 1) Find as a matter of fact that the property was overgrown, furniture and debris in the backyard;
- 2) Conclude as a matter of law that the Respondent violated codes of the City of Palmetto, Florida as read into the record at the August 25, 2009 meeting of the Code Enforcement Board;
- 3) Impose a fine of \$25.00 per day for the period of August 4, 2009, through August 17, 2009 inclusive, a total of fourteen days, the period of time the property was in violation;
- 4) Authorize the chairman to sign the Order Imposing Fine handed down by the Board at the August 25, 2009, meeting.

Case No. 09-18 was pulled from the agenda by Mr. Stollo due to insufficient notice. It will be rescheduled to the September 29, 2009 meeting.

4. OLD BUSINESS

CEB 09-09 Eugenio Betancourt

Mr. Stollo reported the property was brought into compliance on July 13, 2009

CEB 09-15 Kenneth Rea

A copy of the Order Imposing Fine was included for the Board's review.

5. NEW BUSINESS

None.

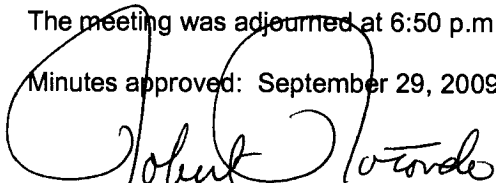
Mr. Leonard informed the Board that he will not be at the September 29, 2009 meeting.

6. ADJOURNMENT

MOTION: Mr. Hoffmann moved, Mr. Dougherty seconded, and motion carried unanimously to adjourn the meeting.

The meeting was adjourned at 6:50 p.m.

Minutes approved: September 29, 2009



Robert Rotondo, Vice Chair