

**MINUTES
CODE ENFORCEMENT BOARD
October 27, 2009**

Board Members Present:

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

Board Members Absent:

Tom DeVito

Staff and Others Present:

Bill Strollo, Code Enforcement Director
David Persson, 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. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the October 27, 2009 agenda.

2. APPROVAL OF CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through September 2009.
- B. Minutes: September 29, 2009

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded and motion carried unanimously to approve the October 27, 2009 Consent Agenda.

A representative for EXXONMOBIL was present for the hearing so Case 09-25 was moved up.

D. Case No. 09-25

Paul Ewing
4109 Sandpointe Dr.
Bradenton, FL 34205

Corey F. Babcock
7131 Queen Palms Circle
Sarasota, FL 34243

Violation Location: 2701 Business 41, Palmetto, FL 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a) & (b); and Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b).

Mr. Strollo said this case involves vacant, overgrown property. The property is in foreclosure. The plaintiff, EXXONMOBIL, will foreclose on the property in December. A prior case resulted in \$275.00 administrative costs imposed and a \$50.00 per day fine from September 30, 2007 to April 30, 2008. The Respondents appealed to City Commission and the lien was released. Mr. Strollo advised the Respondents that a future violation would result in their being charged as repeat violators, and he would recommend the maximum fine.

On August 28, 2009 a Notice of Violation was issued, and on October 8, 2009, a Notice of Hearing/Assessment of Fine was mailed - notice of tonight's hearing. EXXONMOBIL has been apprised of all actions. Karen Williams, representing EXXONMOBIL, testified that they should have control of the property sometime in December 2009, and there won't be any more violations after that.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation.

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

- 1) **Find as a matter of fact that the above noted property contains untended growth of weeds and brush.**
- 2) **Conclude as a matter of law that the Respondents have violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the October 27, 2009 meeting of the Code Enforcement Board.**
- 3) **Assess administrative costs incurred by the city in the prosecution of the case in the amount of \$355.00, plus any applicable recording fees.**
- 4) **Impose a daily fine of \$500.00 commencing August 24, 2009, and continuing until the property is brought into compliance.**
- 5) **Authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the October 27, 2009 meeting.**

C. Case No. 09-24

Michael Peffley
Katherine Peffley
P.O. Box 14276
Bradenton, FL 34280

Violation Location: 1306 13th Ave. W., Palmetto
Codes Violated: Palmetto Code of Ordinances, Appendix B Zoning Code, Article I, Section 1.2 Legislative Authority; Section 1.3 Intent and Purpose; Section 1.5 Area of Coverage; Section 1.6 Code Affects ...Structures, Uses and Occupancies; Section 1.7(b) & (h) Code Affects ...Population Density...; Article II, Section 2.1 Establishment of Zoning Districts; Article III, Section 3.2 Definitions of Terms; Article IV Schedule of District Regulations, Section 4.1(a)(4) RS-3; Section 4.2 Schedule of Permitted and Conditional Uses by District.

Open Public Hearing

Close Public Hearing for deliberation after public comment

Mr. Strollo testified that this is a rental property and it is in foreclosure. The tenant has been operating a rooming house. Previously, the house had been used as a halfway house operated by Transitional Resources. The area is zoned for single family residences.

Mike Peffley, owner of the home at 1306 13th Avenue West, appeared before the Board. He stated that it once was a halfway house. He bought it for Transitional Resources. It is no longer a halfway house. He stated he knew he was in violation of codes when he opened it as a halfway house. He will do whatever it takes to bring the property into compliance.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation

MOTION: Mr. Dougherty moved, Mr. Rotondo seconded and motion carried unanimously to:

- 1) **Find as a matter of fact that the tenant at the above residence is operating a boarding house. Single family occupancy is the only use permitted in this RS-3 district.**
- 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 October 27, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent correct the violation within fourteen days, or by November 10, 2009.**
- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$379.00, plus any applicable recording fees.**
- 5) **Schedule a public hearing on November 24, 2009 to determine if the violation has been corrected.**
- 6) **Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the October 27, 2009 meeting.**

Mr. Rickey expressed concern that a halfway house could be established in a single family zoning without the City being notified.

A. Case No. 09-18
David Spire
Melanie Spire
1525 17th Street West
Palmetto, FL 34221

Violation Location: 1525 17th Street West, Palmetto
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c):

Open Public Hearing

Close Public Hearing for deliberation after public comment

Mr. Strollo stated that this case first came to the Board on September 29, 2009. The property is vacant and in foreclosure. The Respondents were found in violation of City Codes and given until October 6, 2009, to correct the violation. Administrative costs were imposed. The Respondents did not comply with the date certain.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation

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

- 1) **Find as a matter of fact that the cover on the pool located at the south side of the property is in disrepair allowing for breeding of mosquitoes in the stagnant water, and the property is overgrown.**
- 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 October 27, 2009, meeting of the Code Enforcement Board.**
- 3) **Impose a daily fine of \$100.00 commencing October 6, 2009, and continuing until the property is brought into compliance.**

- 4) **Authorize the Chairman of the Code Enforcement Board to sign the completed Order Imposing Fine handed down by the Board at the October 27, 2009 meeting.**

B. Case No. 09-20

Armando Gonzalez
808 16th Avenue West
Palmetto, FL 34221

Violation Location: 808 16th Avenue West, Palmetto
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c):

Open Public Hearing

Close Public Hearing for deliberation after public comment

Mr. Strollo stated that this case first came before the Board on September 29, 2009. The Respondent was found in violation of City Codes and given until October 6, 2009, to correct the violation. Administrative costs were imposed. The violation was corrected on October 5, 2009, and a Report of Compliance has been issued. He recommends that the case be closed.

E. Case No. 09-26

Peter A. Knowlton
Ernestine Knowlton
1930 11th Street West
Palmetto, FL 34221

Violation Location: 1930 11th Street West, Palmetto, FL 34221
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):

Open Public Hearing

Close Public Hearing for deliberation after public comment

Mr. Strollo testified that the property is vacant and a mortgage foreclosure is pending. After some correspondence with the Respondents and some initial efforts, the property returned to previous condition; overgrowth, a dead cat in the pool, property unsecured and personal belongings and debris scattered in the rear yard. A Notice of Violation was issued on August 5, 2009, and a hearing was scheduled for October 27, 2009.

Mr. Strollo said he is concerned about one of the gates to the pool. He said he will go over with the police department to see how that can be secured, and based on Mr. Leonard's comments, see what can be done about all the stray cats. He informed the Board that Manatee County Mosquito Control has added fish to the pool to control mosquitoes.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the Public Hearing for deliberation,

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

- 1) **Find as a matter of fact that the above noted property has a pool that contains stagnant water which is breeding mosquitoes. The rear of the above noted property contains garbage, filth, furniture and personal belongings. The above noted property is severely overgrown**
- 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 October 27, 2009, meeting of the Code Enforcement Board.**
- 3) **Order that the Respondent correct the violation within ten days, or by November 6, 2009.**

- 4) **Assess administrative costs incurred by the City in the prosecution of the case in the amount of \$335.00, plus any applicable recording fees.**
- 5) **Schedule a public hearing on November 24, 2009 to determine if the violation has been corrected.**
- 6) **Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the October 27, 2009 meeting.**

4. OLD BUSINESS – Updates by Bill Stollo

CEB 08-15 Clement Flynn/Report of Compliance

Mr. Stollo reminded the Board that Mr. Flynn had been brought before the Board for not obtaining a building permit for the vinyl paneling at his carport at Jet Park. The Park has foreclosed on his property; he's no longer the owner, so technically he is in compliance. Mr. Stollo asked the City Attorney to go after any other personal property owned by Mr. Flynn.

CEB 09-21 Widner/Administrative Order

A copy was made available to the Board. The property is in compliance.

5. NEW BUSINESS

Mr. Stollo asked the Board if they would be willing to keep a book of the most common ordinances used to refer to for the hearings. That would eliminate the need for copies each month. The Board agreed to the suggestion. The Clerk will begin assembling a book for each member.

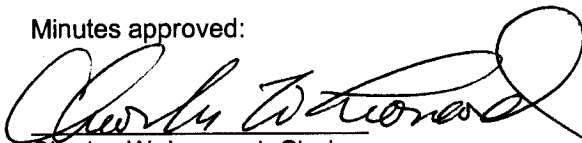
Mr. Stollo asked if the Board would like the original Point Paper included in the agenda when cases are brought back for a second hearing. They said they would like that included.

The next meeting will be on November 24, 2009, at 6:00 p.m.

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

The meeting adjourned at 7:07 p.m.

Minutes approved:



Charles W. Leonard, Chair