

**MINUTES
CODE ENFORCEMENT HEARING**

City Hall, 516 8th Avenue West, Palmetto, FL 34221

**Special Magistrate: Regina Kardash, Esq.
April 30, 2019
6:00 p.m.**

Special Magistrate Regina Kardash called the meeting to order at 6:00 p.m. followed by a moment of silence and the Pledge of Allegiance. She explained that the Code Enforcement Hearing was a quasi-judicial proceeding in which she would be making the legal decisions and findings of fact based on relevant evidence presented during the hearing in accordance to the City Code of Ordinances. All people wishing to speak during the Hearing were duly sworn.

1. ADDITIONS OR DELETIONS TO AGENDA

No changes were made to the agenda.

2. APPROVE MINUTES

Magistrate Kardash approved the February 26, 2019 minutes as written. There was no Code Enforcement Hearing held in March.

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate Kardash heard cases in order as printed on the agenda.

B. Case No. 19-01

Andrew Sliazas and Zigmund J Sliazas, Estate of
1012 27th Avenue West
Palmetto, FL 34221

Violation Location: 1012 27th Avenue West, Palmetto, FL 34221

Codes Violated: Chapter 18, Section 18-1- Definitions – Abandoned motor vehicle or vessel; Section 18-3 – Abandoned personal property, motor vehicles and vessels declared nuisances; disposal; Section 18-7 – Storage of Abandoned motor vehicles or vehicles on privately owned property; Section 18-8 Evidence; Section 18-9 – Enforcement and responsibility for disposition for abandoned motor vehicles or vessels

Code Enforcement Officer Kathy Riley reviewed details and photos of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. Representatives from the address or the Estate were not present.

Magistrate Kardash verified the notices were sufficiently posted.

STIPULATION: Property is in violation of Chapter 18, specifically 18-3 and 18-7 and the Respondent is given until May 8, 2019 to bring the property into compliance. The case will be heard again May 28, 2019.

C. Case No. 19-02

Gail Kallesen
PO Box 526
Sweetwater, TN 37874

Violation Location: 1110 25th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 7, Section 7.181 (3-a,b) – Unsafe fence

Code Enforcement Officer Kathy Riley stated the property sold on the courthouse stairs April 24, 2019, and opined the location is subject to new ownership and she would start an entirely new case.

STIPULATION: In consideration of the change of ownership, the case was to be closed. Magistrate Kardash later deemed to amend the Respondents and continue the case until May 28, 2019.

D. Case No. 19-03

James E. Bonelli
PO Box 1883
Palmetto, FL 34220

Violation Location: 1224 24th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 18, Section 18-1- Definitions – Abandoned motor vehicle or vessel; Section 18-3 – Abandoned personal property, motor vehicles and vessels declared nuisances; disposal; Section 18-7 – Storage of Abandoned motor vehicles or vehicles on privately owned property; Section 18-8 Evidence; Section 18-9 – Enforcement and responsibility for disposition for abandoned motor vehicles or vessels

Code Enforcement Officer Kathy Riley reviewed details of the case and noted no effort had been made within the 7-day time limit to come into compliance in spite of repeat visits and hand delivered notices. Re-inspection on March 6, 2019 revealed the red pick-up truck had been removed, the grey vehicle was still there. The City hired a lawn service to mow the property and prepare yard waste.

James Bonelli stated he could not find a place to take the vehicle without a title and did not have the funds to have it towed. He is planning to have it moved after his next paycheck.

STIPULATION: Respondent is still in violation of Chapter 18 of the Palmetto Code of Ordinances, and was given until May 11, 2019 to repair or relocate the vehicle.

E. Case No. 19-04

Marie Phillips
PO Box 51081
Sarasota, FL 34232

Violation Location: 301 15th Street West, Palmetto, FL 34221
Codes Violated: Chapter 7, Section 7.181 (3-a,b) - Unsafe fence; Section 7.238 (a, 1-3) – Windows; Chapter 16, Section 16.26 (2) – Accumulation of Garbage; Section 16.26 (3) – Overgrown Property; Chapter 17, Section 17-28 – Palmetto Property Maintenance Code; Section 17-28, Section 304.1 –

Exterior Structure; Section 17-28, Section 304.2 – Protective Treatment;
Section 17-28, Section 304.13.1 Glazing

Code Enforcement Officer Kathy Riley submitted details of the case and photos, including the existence of a utility lien in the amount of \$1148.00 for the Magistrate's consideration, which have been made a part of these minutes. Dan Bull originated this case November 5, 2018. Kathy Riley re-inspected the property March 4, 2019, after the resignation of Officer Bull, revealing that the dilapidation of the property had not been address.

Magistrate clarified the charges, focusing on violations with the fence, garbage, windows, and yard overgrowth.

Frank Phillips spoke on behalf of his ailing mother, Marie Phillips. They have completed the eviction process to remove the tenant; the first hired contractor disappeared with the deposit; the new contractor has been hired and Mr. Phillips was asking for more time to bring the property into compliance. He opined the fence, trash, and overgrowth could be resolved within a 10 - 14 days.

STIPULATION: Magistrate Kardash continued the case for approximately 30 days and the case will be discussed at the next hearing May 28, 2019, allowing the opportunity to bring more evidence.

F. Case No. 19-05

Barbara Varnadore and Kara Carter
4211 98th Avenue East
Parrish, FL 34219

Violation Location: 700 14th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26(2) – Accumulation of Garbage

STIPULATION: Magistrate Kardash determined the property came into compliance April 18, 2019, and no further action was needed.

4. OLD BUSINESS

Chanhsy Chanthyasack
4760 72nd Avenue North
Pinellas Park, FL 33781

Violation Location: 1025 27th Avenue West, Palmetto, FL 34221
Codes Violated: Article III, Section 7-31, Florida Building Code 6th Edition (2017) Building – Chapter 1, Scope and Administration, Part 1, Scope and Application- Section 105 Permits, A-105.1 Required

The Respondent, Chansy Chanthyasack and her son, Pivon Chanthyasack indicated they felt the administrative charges were unjustified. Pivon spoke for about 30 minutes, recounting the case in detail, and trailing off on a tangent from time to time.

Mr. Chanthyasack claimed he tried to fix everything, and the walls just collapsed by themselves. He bought the property as-is, and stated his goal was to repair the house. Building Official Mr. Strickland was allowed to enter the house and December 24, 2018, notified Mr. Chanthyasack the home was dangerous and beyond repair. Mr. Chanthyasack was working at the property December 31, 2019. Code Enforcement Officer Bull and the Building Inspector showed up at

the property. Mr. Chanthyasack agreed the house was very dangerous. Mr. Chanthyasack continued to look for contractors or helpers to do work on the property. He claimed he was not working on the house, he was dressed to meet the contractor. Mr. Chanthyasack stated they had already spent \$8000 on this property and it had gone nowhere. He continued to complain about the \$3000+ fine. He contacted a lawyer and was advised to comply with the City. Pivon stated he took action, because it was too difficult to just sit and watch. He opined the law wasn't written for him, but he was not here to fight with the law.

Magistrate Kardash stated the cost sheet listed hard costs incurred by the City. She is not able to change a lien that belongs to the City. Only the Commission can make changes.

Magistrate Kardash reiterated there was nothing she could do. Mr. Chanthyasack said this is not their fault, it is the Country's fault. Magistrate Kardash expressed her sympathy but issues and hard costs were presented at multiple hearings over several months. The \$3400 invoice was not a fine, these were costs incurred by the City to remedy the situation.

Magistrate Kardash closed the hearing, stating there was nothing more she could do. She had no jurisdiction over the lien order once it had been entered. The Respondent was asked to sit down or leave.

5. NEW BUSINESS - none

6. ADJOURNMENT- Magistrate Kardash adjourned the meeting 7:16 p.m.

Minutes approved:

Regina A. Kardash

Regina A. Kardash, Special Magistrate