

**CODE ENFORCEMENT BOARD**  
**November 30, 2010**  
**6:00 p.m.**

Code Enforcement Board Members Present:

Charlie Leonard, Chair  
Robert Rotondo, Vice Chair  
Tom DeVito  
Phil Hoffmann  
Bob Rickey

Code Enforcement Board Members Absent:

Robert Westbrook

Staff and Others Present:

William Strollo, Code Enforcement Director  
David Perssons, Code Enforcement Board Attorney  
Deanna Roberts, Administrative Assistant

Mr. Leonard called the meeting to order at 6:00 p.m.

All persons planning to testify or address the Board were duly sworn.

1. APPROVAL OF AGENDA

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the November 30, 2010 agenda.**

2. CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through October 2010.
- B. Minutes: October 26, 2010.

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the November 30, 2010 Consent Agenda.**

3. PUBLIC HEARINGS

A. Case No. 10-19

Alan L. Seekins  
Carla Saint Andre  
1009 16<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 1009 16<sup>th</sup> Street West, Palmetto, Florida 34221  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2), (5) & (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Strollo testified that his qualifications are on file with the Clerk of the Board. He presented a history of Case No. 10-19. The case first came to the Board on October 26, 2010. The Respondent had been given a date certain of November 5, 2010 to clear the front yard of debris. Mr. Seekins did meet the date certain. The backyard is considerably improved, and it is

closed off by a fence and is not visible from the street. Mr. Strollo said he finds the property in compliance as of today, but if it happens again it will constitute a repeat violation. He also encouraged continued clean up of the backyard. Mr. Strollo recommended that the administrative costs of \$390.00 not be imposed.

**MOTION: Mr. Hoffmann moved, Mr. DeVito seconded, and motion carried unanimously to find the Respondents in compliance and to withhold administrative costs.**

B. Case No. 10-20

Michael Peffley  
Katherine Elizabeth Emrick  
P.O. Box 14276  
Bradenton, Florida 34280-4276

Violation Location: 1306 13<sup>th</sup> Avenue West, Palmetto, Florida 34221  
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.

Mr. Strollo went through the violations noted on the Notice of Violation. The house is a rental property and is in foreclosure. This is a repeat violation. The home is located in a single-family zone, and it has been split into three different apartments and occupied by a number of individuals. The case was first heard at a hearing on October 27, 2009 with a follow up hearing scheduled for November 24, 2009 which was continued to December 29, 2009. At that hearing, the Board was advised the tenants had left the home. Continuing inspections showed tenants remained in the home and a Notice of Violation was issued as a repeat violation on February 11, 2010. The case was brought into voluntary compliance on March 2, 2010.

Palmetto Police Department reported a home invasion and shooting of a resident at the property. Tenants continued to reside in the home.

Mr. Peffley informed Code Enforcement on November 3, 2010 that he was ordering all tenants out and firing Mr. Smith who had been handling the rentals at the property.

Mr. Peffley was present at the meeting and addressed the Board. He said Mr. Strollo's facts were true. He informed the Board that the bank is handling the eviction process of all the tenants.

Mr. Strollo reported that the home is still in Mr. Peffley and Ms. Emrick's name. Mr. Peffley said he has filed for bankruptcy. He is not fighting the foreclosure.

Mr. Strollo informed the Board that the house is still not a single family home. It is still three separate apartments and is occupied. He recommends the Respondents be found in violation and fined. Mr. Persson recommended to Mr. Peffley that he give the bank the deed. Mr. Peffley said the bank keeps pushing back the foreclosure date, and he does not know how to evict the tenants.

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

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

**1) Find as a matter of fact that this single-family residence is occupied by a number of individuals in three different apartments.**

**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 November 30, 2010 hearing of the Code Enforcement Board.**

**3) Impose a fine of \$ 100.00 per day for this repeat violation commencing December 1, 2010, and increasing the fine to \$ 500.00 per day on January 1, 2011 and continuing until the house is returned to single-family occupancy.**

**4) Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order Imposing Fine.**

4. OLD BUSINESS None

5. NEW BUSINESS Mr. Strollo informed the Board that there are no cases ready for presentation to the Board in December; therefore, the December meeting is cancelled.

6. PUBLIC COMMENTS  
None

7. ADJOURNMENT

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

The meeting was adjourned at 6:53 p.m.

Minutes approved:

*Charles W. Leonard*

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Charles W. Leonard, Chair