

MINUTES
CODE ENFORCEMENT BOARD
March 29, 2011
6:00 p.m.

CODE ENFORCEMENT BOARD MEMBERS

CHARLIE LEONARD, CHAIR
ROBERT ROTONDO, VICE CHAIR
TOM DEVITO

PHIL HOFFMANN
ROSE QUIN-BARE
BOB RICKEY
ROBERT WESTBROOK

Chairman Leonard called the meeting to order at 6:00 p.m.
The roll was called and all members were present for the meeting.
All persons wishing to speak or testify before the board were duly sworn.

1. APPROVAL OF AGENDA

Motion: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the March 29, 2011 agenda.

2. CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through January 2011.
- B. Minutes: January 25, 2011.

Motion: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to approve the March 29, 2011 Consent Agenda.

3. PUBLIC HEARINGS

Case D was moved up on the agenda as there were people present to speak to the case.

D. Case No. 11-05

Steven E. Gatton
Linda J. Gatton
6880 East Harrold Road
Churubusco, IN 46723-9769

Violation Location: 221 3rd Avenue West, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 7, Buildings and Building Regulations, Article VII, Dangerous and Unsafe Buildings, Section 7-153(a) Unfit or Unsafe Dwellings or Structures Declared a Nuisance; Section 7-153(b)(1), (5), and (6); Section 7-153(c):

Mr. Leonard opened the public hearing.

Mr. Hoffmann recused himself from the case as the Respondent is his neighbor. Mr. Strollo informed the Board that his credentials are on file with the Clerk of the Board. He began with a request for a continuance from the Respondent's attorney, Harland Domber. The request for a 90-day postponement was due to a medical emergency for Mr. Gatton's wife. Mr. Strollo read the letter into the record. (A copy of the letter and all subsequent correspondence is attached to these minutes and will remain a permanent part of the record.)

The Board deliberated on the request for continuance and voted to deny it.

MOTION: Mr. Rotondo moved, Mr. Rickey seconded, and motion carried 6-0 to deny the request for continuance.

Mr. Hoffmann abstained from the vote.

Mr. Strollo presented the case. On March 4, 2009, a Cease & Desist Order was issued for work on the structure without a permit. The boathouse continued to deteriorate, and on January 19, 2011, the structure was condemned by the Building Official. On March 1, 2011, a Notice of Violation was issued directing the Respondents to secure a permit to make all necessary repairs to the building or obtain a permit to completely demolish the structure within ten days. On March 10, 2011 workers were observed working on the site without a permit and directed to cease activity. On March 14, 2011, a Notice of Hearing for tonight's hearing was issued. Mr. Gatton submitted an application for a building permit, but it was rejected as he was required to obtain an engineering report for the entire structure.

A neighbor, Peggy Case, of 329 4th Street West, testified that the property is 42' from her home. This has been an ongoing situation since 2004. The building has become a real liability. Pieces of the building blow onto her property during a storm. Her husband Leo Case testified that Mrs. Gatton did not need to return to Indiana for surgery as she was not here with her husband.

Mr. Strollo made his recommendations to the Board. Mr. Leonard closed the public hearing for deliberation. Mr. Leonard reopened the hearing to present the Board's finding.

MOTION: Mrs. Quin-Bare moved, Mr. Rickey, seconded, and motion carried 6-0 to find the Respondents, Steven E. Gatton and Linda L. Gatton, in violation of the City of Palmetto Code of Ordinances as noticed; to direct the Respondents to secure the requisite building permit within the next ten days, or by April 8, 2011, and complete all work within thirty days of securing the permit; to assess the City's costs in the processing of this case in the amount of \$388.20, plus any applicable recording fees; and, to schedule a hearing for May 31, 2011, to determine if the violation has been corrected.

Mr. Hoffmann abstained from the vote.

A. Case No. 11-01
Superior Bank
25 South Links Avenue
Sarasota, FL 34236

Violation Location: 325 8th Avenue West, Palmetto, FL 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), & (4) and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Chapter 3 General Requirements (Section 301.3, 304.1, 304.13, 304.15 and 305.3), Chapter 5 Plumbing Facilities (504.1), Chapter 6 Mechanical And Electrical Requirements (603.1 & 605.1):

Mr. Leonard opened the public hearing. Mr. Strollo testified that he has issued a Report of Compliance effective March 11, 2011 in Case No. 11-01. All the buildings have been demolished. He recommended against assessing costs. Mr. Leonard closed the public hearing and then reopened it after deliberation to present the Board's findings.

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried 6-1 to follow staff's recommendation to withhold administrative costs.

Ms. Quin-Bare voted nay.

B. Case No. 11-02

Superior Bank
25 South Links Avenue
Sarasota, FL 34236

Violation Location: 320 9th Avenue West, Palmetto, FL 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), & (4) and Section 16-27(a),(b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Chapter 3 General Requirements (Section 301.3, 304.1, 304.13, 304.15 and 305.3):

Mr. Leonard opened the public hearing. Mr. Stollo testified that the Respondent met the date certain for compliance. The structure has been demolished. He issued a Report of Compliance effective February 17, 2011. No administrative costs were involved in this case as they were included in the costs for the prior case: Case No. 11-01. Mr. Leonard closed the public hearing.

C. Case No. 11-04

Daniel W. Lynch
Cynthia J. Lynch
316 Crescent Court East
Bradenton, Florida 34208-1736

Violation Location: 1405 11th Avenue West, Palmetto, Florida
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2), (3) & (4), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Requirements for Structures, Section 7-242(a):

Mr. DeVito recused himself as the Respondent is his neighbor.

Mr. Stollo testified that foreclosure of the property is pending. The house has been vacant since 2008. Multiple code enforcement actions have been initiated but not presented to the Board. The Parks Department cleared the overgrowth through September 2009, and liens have been filed covering the costs of mowing and Code Enforcement costs. The present case was initiated November 23, 2010, when a site visit revealed the property had been vandalized. Wells Fargo cleared the overgrowth and secured the house; however, the pool is a child safety hazard and a broken fence gives access to the rear yard. A Notice of Violation was issued on February 17, 2011.

Mr. Leonard asked if Public Works could mitigate the pool danger and mosquitoes in the pool temporarily. Mr. Stollo said he will refer the mosquito problem to Manatee County Mosquito Control.

Mr. Stollo made his recommendations. Mr. Leonard closed the public hearing then reopened the public hearing to present the Board's finding.

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried unanimously to find the Respondents, Daniel W. Lynch and Cynthia J. Lynch, in violation of the City of Palmetto Code of Ordinances as noticed; to direct the Respondents to correct the violation within fourteen days, or by April 12, 2011; to assess the City's costs for processing this case in the amount of \$428.20, plus any applicable recording fees; and, to schedule a hearing for April 26, 2011 to determine if the violation has been corrected; to refer to Public Works for corrective action for the pool and address safety matters.

Mr. DeVito abstained from the vote.

4. OLD BUSINESS

None.

5. NEW BUSINESS

None.

6. PUBLIC COMMENTS

None.

7. ADJOURNMENT

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

The meeting was adjourned at 7:20 p.m.

Minutes approved:

Charles W. Leonard

Charles W. Leonard, Chair