

**CODE ENFORCEMENT BOARD**  
**May 31, 2011**  
**6:00 p.m.**

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**CODE ENFORCEMENT BOARD MEMBERS PRESENT:**

CHARLIE LEONARD, CHAIR  
ROBERT ROTONDO, VICE CHAIR  
TOM DEVITO  
PHIL HOFFMANN  
ROBERT WESTBROOK

**CODE ENFORCEMENT BOARD MEMBERS ABSENT:**

ROSE QUIN-BARE  
BOB RICKEY

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Mr. Leonard called the meeting to order at 6:02 p.m.  
The roll was called. Mr. Rickey and Mrs. Quin-Bare were absent.  
All persons testifying or speaking before the board were duly sworn.

1. APPROVAL OF AGENDA

**MOTION: Mr. Hoffmann moved, Mr. Rotondo seconded, and motion carried 5-0 to approve the May 31, 2011 Agenda.**

2. CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through April 2011.  
B. Minutes: April 26, 2011.

**MOTION: Mr. Hoffmann moved, Mr. Devito seconded, and motion carried 5-0 to approve the May 31, 2011 Consent Agenda.**

3. PUBLIC HEARINGS

A. Case No. 11-05

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

Violation Location: 221 3<sup>rd</sup> 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 reminded the Board that he had previously recused himself from this case on March 29, 2011. The Voting Conflict Form is on file with the Clerk of the Board.

Mr. Strollo informed the Board that his qualifications are on file with the Clerk. He reviewed the history of the case, concluding with the Administrative Order which was issued on March 29, 2011, giving the Respondents until April 8, 2011, to secure the requisite building permit and thirty days thereafter to complete all work. Costs in the amount of \$388.20 were assessed. Mr.

Strollo advised the Board that the violation has not been corrected. The boathouse is deteriorated. The roof on the north side has been removed. Only roof rafters remain. Mr. Gatton did not get a permit, and no repairs have been made since the last hearing. The property is now up for sale.

In answer to Mr. Leonard's question, Mr. Strollo said he has had no contact with the Respondents. Mr. Rotondo inquired about the attorney for the Respondents. Mr. Strollo said the attorney, Mr. Domber, had inquired about the results of the hearing on March 29, and he forwarded the Administrative Order to him via email and has had no further contact with him.

Mrs. Peggy Case, 329 4<sup>th</sup> Street West, Palmetto, said hurricane season is here. As neighbors they have been dealing with this since January 19, 2011, and she asked who would be responsible for damages and injuries if there is a storm: the City, Mr. Gatton? The building is not covered. Winds blow loose pieces into her yard and into the river. She observed Mr. Gatton here the week of May 9 when he removed RVs and some debris and a For Sale sign went up. Do they have to wait for the property to be sold for resolution? How long will she have to wait for the building to either be repaired or demolished?

Mr. Lee Case, 329 4<sup>th</sup> Street West, Palmetto, asked if Mr. Gatton ever obtained an engineer's report. Mr. Strollo said no. He asked how long it would take to get some action.

Mr. Strollo made his recommendations. He referenced *Florida Statutes*, Chapter 162, and the City Code of Ordinances, Chapter 2, which give the Board the force of law to gain compliance to a violation that presents a danger to the public health, safety and welfare. If the Board finds a violation to be irreparable or irreversible in nature, it may impose a fine not-to-exceed \$5,000. Mr. Strollo said this property is condemned, and he views it as a safety and health risk to people in the neighborhood. The Respondents have been given ample opportunity to correct the violation and have shown no intention of doing so. Mr. Strollo asked the Board to have the Respondents demolish the building within thirty days, after which the City would take over, and to impose a \$5,000 fine.

Mr. Westbrook asked how long it would take the City to demolish the building if Mr. Gatton does not. Mr. Strollo said if the Board issues an Order based on his recommendations, he would immediately contact the CRA to get bids to do the work so that when Mr. Gatton's date certain expires, the City can step in and do something.

Mr. Leonard closed the public hearing for deliberation.

Mr. Rotondo asked if the Board is taking away property rights if nothing can be built back on the property after the building is demolished. Attorney Persson interjected that is irrelevant, because the situation has become dangerous to neighbors; the Respondents have been ordered to take action which would have improved the value of the property and not done anything. If they come forward and began renovating the building within the thirty days, Mr. Strollo would handle that contingency. Mr. Leonard opined the City could become liable if it fails to take action.

**MOTION: Mr. Rotondo moved, Mr. Devito seconded, and motion carried 4-0, with one abstention, to find the violation is irreparable and irreversible; to impose a fine of \$5,000; to order the condemned building to be demolished within thirty days by the Respondents. Should the Respondents fail to demolish the building within thirty days, then request the City of Palmetto cause the demolition of the building, with any costs incurred by the City recovered by the City including filing of a lien.**

4. OLD BUSINESS

None

5. NEW BUSINESS

None

6. PUBLIC COMMENTS

None

7. ADJOURNMENT

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

The meeting was adjourned at 6:36 p.m.

Minutes approved: June 28, 2011

*Charles W. Leonard*

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Charles W. Leonard, Chair