

CODE ENFORCEMENT BOARD

November 29, 2011

6:00 p.m.

Board Members Present:

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

Board Members Absent:

Rose Quin-Bare

Staff Present:

William Strollo, Code Enforcement Director
Whitney Chapman, Code Enforcement Officer
David Persson, Code Enforcement Board Attorney
Deanna Roberts, Clerk of the Board

Mr. Leonard called the November 29, 2011 meeting to order at 6:00 p.m.

The roll was called. Mrs. Quin-Bare was absent.

All those testifying or wishing to 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 29, 2011 agenda.

2. CONSENT AGENDA

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

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

3. PUBLIC HEARINGS

A. Case No. 11-11

T-BOLTED, Inc.
P.O. Box 1979
Oneco, Florida 34264

Violation Locations: 309 9th Street Drive West and 313 9th Street Drive West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a), (b), & (c):

Mr. Leonard opened the public hearing. Code Enforcement Director Bill Strollo informed the Board he had been sworn and that his credentials are on file with the Clerk of the Board.

Mr. Strollo said this case was first heard on October 25, 2011. At that hearing, the Respondent was found in violation of the Code of Ordinances and directed to bring the properties into compliance by November 4, 2011. Costs of \$335.00 were assessed, and a second hearing was scheduled for November 29. The Administrative Order was mailed and posted. Mr. Strollo testified that the properties were still overgrown on November 4. On November 16 he received a call from the owner, Tom McDonald, who told him that the properties had been cleared. Mr. McDonald said he never received the notices. Mr. Strollo said the addresses were taken from the Property Appraiser's web site. The Certified Mail was returned unclaimed, but the regular mail was not returned. Although the properties were not brought into compliance by the

date certain, Mr. Strollo did not recommend a fine; however, he informed the Board that the City did incur additional costs, and he asked the Board to consider imposing \$220.00 in additional costs.

T-Bolted, Inc. owner Tom McDonald, 6601 36th Avenue Drive West, Bradenton, was present for the hearing. He informed the Board that he has not used the post office box since May. He went to the lot on November 16, found the posting, and cut the grass right away. He asked to have the fees reduced. He has hired someone to take care of the properties and keep the grass cut.

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

MOTION: Mr. Rotondo moved, Mr. DeVito seconded, and motion carried unanimously to find that the Respondent, T-BOLTED, Inc. has corrected the violation, and that no additional costs will be imposed.

B. Case No. 11-12

Rosa G. Rodriguez
Rene G. Rodriguez
905 18th Avenue West
Palmetto, Florida 34221-4355

Violation Location: 905 18th Avenue West, Palmetto, Florida 34221

Codes Violated: Palmetto Code of Ordinances, Chapter 7, Building and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-242; Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), (3), (4) & (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3:

Mr. Leonard opened the public hearing. Mr. Strollo informed the Board that he had been sworn and that his credentials are on file with the Clerk of the Board. This case was first heard on October 25, 2011. The Respondents were found in violation of the Codes cited, and directed to correct the violation by November 1. Costs were assessed in the amount of \$408.20, and a follow up meeting was scheduled for November 29, 2011. The violation was not corrected within the date and time specified. The overgrowth has been resolved, but the fence and trailer are still on the property. The Administrative Order was hand delivered, so the Respondent had notice. Mr. Strollo said he recommends a fine.

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

MOTION: Mr. Hoffmann moved, Mr. DeVito seconded, and motion carried unanimously to find that the Respondents, Rosa and Rene Rodriguez, remain in violation of the City of Palmetto Code of Ordinances; that the violation was not corrected within the date and time specified; to impose a fine of \$250.00 per day, commencing Dec. 5, 2011 and continuing until the violation is corrected.

C. Case No. 11-10

Sergio Nasser Ghaffari Nikon
3970 Gocio Road
Sarasota, FL 34235-6728

Violation Location: 1811 8th Avenue West, Palmetto, Florida

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) 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; Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31; Palmetto Code of Ordinances, Chapter 19, Licenses and Business Regulations, Article II Local Business Tax Receipt, Section 19-26(a)(1) & (b); Section 19-40 Approval of the building and zoning departments before issuance; Section 19-45 Enforcement and penalties; and Section 19-48 Schedule of business taxes.

Mr. Leonard opened the public hearing. Mr. Strollo informed the Board that he had been sworn and that his credentials are on file with the Clerk of the Board. This case was originally scheduled for August 30

and then September 20, but Mr. Strollo delayed the case based on excuses from the Respondent. Mr. Nikon left a voice mail message on November 28 to say he could not attend the hearing tonight. After deliberation, the Board reached a consensus to proceed with the hearing tonight.

Mr. Strollo told the Board that this is a commercial property, and the owner had been operating a boarding house in violation of the zoning code. This was discovered after a response by NFRD to a medical emergency at the location. Interior walls, new offices and new windows were all done without building permits. A new rear structure was underway. The building was vacated and closed down by Code Enforcement.

Mr. Strollo informed the Board that Mr. Nikon has begun correcting the interior of the building and has gotten building permits. He expects the property to be in compliance very soon. The rear structure is being taken down and Mr. Nikon's contractor said he is calling the Building Department for an inspection. Mr. Strollo made his recommendations.

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

MOTION: Mr. Hoffmann moved, Mr. Rotondo seconded, and motion carried unanimously to find that the Respondent, Sergio Nasser Ghaffari Nikon, is in violation of the City of Palmetto Code of Ordinances, to direct the Respondent to correct the violation within ten (10) days, or by December 9, 2011; to assess costs incurred in the processing of the case in the amount of \$763.00; and, to schedule a hearing for December 27, 2011 to determine if the violation has been corrected within the date and time specified.

4. OLD BUSINESS

5. NEW BUSINESS

None

6. PUBLIC COMMENTS

None

7. ADJOURNMENT

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

The meeting was adjourned at 7:16 p.m.

Minutes approved:

Charles W. Leonard

Charles W. Leonard, Chair