

Minutes
CODE ENFORCEMENT BOARD
December 27, 2011
6:00 p.m.

Board Members Present:

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Phil Hoffmann
Rose Quin-Bare
Bob Rickey

Board Members Absent:

Tom DeVito
Robert Westbrook

Staff Present:

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

Mr. Leonard called the December 27, 2011 meeting to order at 6:01 p.m.
The roll was called. Mr. DeVito and Mr. Westbrook were absent from the meeting.
All persons wishing to speak or testify 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 December 27, 2011 agenda.

2. CONSENT AGENDA

- A. Expenses: Code Enforcement Board legal expenses through November 29, 2011.
- B. Minutes: November 29, 2011.

MOTION: Mr. Hoffmann moved, Mr. Rickey seconded, and motion carried 5-0 to approve the December 27, 2011 Consent Agenda.

3. PUBLIC HEARINGS

A. Case No. 11-13

Stacey E. Stinton
Niel L. Stinton
1315 6th Street West
Palmetto, FL 34221

Violation Location: 1315 6th Street West, Palmetto, Florida

Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (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 advised the Board that he had been sworn and that his credentials are on file with the Clerk of the Board. He reported that a site inspection on October 19, 2011 showed the subject property contained two abandoned vehicles. A letter was sent to the Respondents directing them to repair and register or remove the vehicles. There was no response from the Respondents and the vehicles remained on the property. A Notice of Violation was mailed on November 2, 2011. No action was taken by the Respondents and a Notice of Hearing for tonight's hearing was sent. Both notices were posted on the property. As

of December 21, 2011, the vehicles remained on the property unregistered and no communication had been received from the Respondents.

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

MOTION: Mr. Rickey moved, Mrs. Quin-Bare seconded, and motion carried 5-0 to find the Respondents, Stacey E. Stinton and Niel L. Stinton, in violation of City of Palmetto Code of Ordinances; to direct the Respondents to bring the property into compliance within ten (10) days, or by January 6, 2012; to assess costs incurred in prosecuting the case in the amount of \$315.00, plus any applicable recording fees; and, to schedule a hearing for January 31, 2012 to determine if the violation has been corrected.

B. 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 prior to his testimony and that his credentials are on file with the Clerk of the Board. Mr. Strollo recapped the case which was first heard on November 29, 2011 and showed pictures of unpermitted structures on the subject property. The owner had turned the car lot office into a rooming house, and this was discovered when North River Fire District responded to a medical emergency at this location. At the November 29 hearing, Mr. Nikon was found in violation of Palmetto Codes as noticed and directed to bring the property into compliance by December 9, 2011. Mr. Strollo reported all non-permitted work has been corrected and the building restored to the original offices. The violation was corrected by the date certain. Mr. Strollo advised the Board that he referred the matter to the City Clerk to have the business tax receipt for the car lot revoked.

Mr. Strollo recommended that the Board find Mr. Nikon in compliance.

Mr. Rotondo asked Mr. Strollo if he had contacted the Division of Motor Vehicles (DMV). He said they regulate car lots and have the ability to go in and inspect the business. Mr. Strollo said he will refer it to the DMV.

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried 5-0 to find the property in compliance.

4. OLD BUSINESS

Case No. 11-12 Rosa G. and Rene G. Rodriguez/Order Imposing Fine

Mr. Strollo said the property is in the original condition as of today's meeting. He reported that he had hand delivered the Order Imposing Fine on November 30 to the mother of the property owner at the residence.

Case No. 11-04 Daniel W. and Cynthia J. Lynch/Report of Compliance

The property had been in foreclosure and vacant since 2008. On November 15, 2011 Wells Fargo checked with the City regarding liens on the property. Wells Fargo acquired the property in an online sale on November 23 and is maintaining the property. Wells Fargo brought the property into compliance as of December 7, 2011. The fine is no longer accruing.

Discussion ensued on the procedure for noticing responsible parties. Mr. Strollo said that Wells Fargo had been copied on the Notices of Violation and Hearing, the Administrative Order and Order Imposing Fine, but did not respond until November 2011. Mr. Strollo said he does not notify the bank unless there is a foreclosure. The Rodriguez property is still occupied and it is not in foreclosure so he is not notifying the bank. Even if a home is in foreclosure, as long as someone is in the house the bank will not go on the property to cure any violations.

Attorney Persson said noticing the bank is a good idea, but in the current climate if the mortgage is being paid, they will not move to cure the property. He informed the Board that Wells Fargo currently has a case before the Florida Supreme Court which says that if the mortgage predates the code enforcement lien, code enforcement liens won't get paid. A decision should be handed down soon.

5. NEW BUSINESS

None

6. PUBLIC COMMENTS

None

7. ADJOURNMENT

Mrs. Quin-Bare requested that the meetings begin with the pledge to the flag. By consensus it was decided to add that to future agendas.

The meeting was adjourned at 6:42 p.m.

Minutes approved: February 28, 2012

Charles W. Leonard

Charles W. Leonard, Chair