

CODE ENFORCEMENT BOARD

April 30, 2013

6:00 p.m.

Board Members Present:

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

Staff Present:

Bill Strollo, Code Enforcement Director
Kelly Fernandez, Code Enforcement Board Attorney
Deanna Roberts, Clerk of the Board

Mr. Leonard called the April 30, 2013 meeting of the Code Enforcement Board to order. A moment of silence was observed, followed by the Pledge of Allegiance. The roll was called; all members were present for the meeting. All persons wishing to testify or speak before the Code Enforcement Board were duly sworn.

1. OATH OF OFFICE ADMINISTERED TO NEW BOARD MEMBER WILLIAM PRICE

Mr. Price affirmed the oath of office as a new member of the Code Enforcement Board.

2. APPROVAL OF AGENDA

MOTION: Mrs. Quin-Bare moved, Mr. Rickey seconded, and the motion carried unanimously to approve the April 30, 2013 Agenda.

3. CONSENT AGENDA

- A. Minutes: March 26, 2013
- B. Legal expenses through March 2013

MOTION: Mr. Rickey moved, Mr. Hoffmann seconded, and the motion carried unanimously to approve the April 30, 2013 Consent Agenda.

4. PUBLIC HEARINGS

A. Case No. 13-02

Jeremy Nicholas
618 12th Avenue West
Palmetto, Florida 34221

Violation Location: 618 12th Avenue West, Palmetto, Florida

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; Section 304 Exterior Structure, Section 304.1 General; Section 304.2 Protective Treatment; and Section 304.6, Exterior Walls; Appendix B, Article III Definitions, Section 3.2 Definitions of Terms; Article VI Supplemental Regulations, Section 6.6(b), Screening of Open Storage:

Mr. Leonard opened the public hearing.

Bill Stollo, Director of Code Enforcement for the City of Palmetto, stated he had been sworn prior to his testimony and that his credentials are on file with the secretary to the Board. This case involves violations of the nuisance ordinance; accumulations of trash and rubbish, deteriorating fence, violations of the Property Maintenance Code and violations of open storage. Open storage in residential areas is to be screened from view.

Mr. Stollo informed the Board that this case was initiated on December 11, 2012 after three prior cases had been closed out involving similar issues. Due to the recurring nature of the violations, a Notice of Violation was issued on December 18, 2012 giving the Respondent twenty days to resolve the violations which included reference to a deteriorated fence. Proof of service was not received from the Post Office, but Mr. Nicholas brought the Notice into City Hall and discussed it with him. He said the fence belonged to the neighbor, so that aspect of the Notice was withdrawn.

Although some progress was made to comply, a Notice of Hearing was mailed on April 8, 2013, for tonight's hearing. Mr. Stollo stated that Mr. Nicholas called him to let him know he had received the Notice of Hearing. A site visit on April 29 showed substantial progress, so Mr. Stollo recommended continuing the case to May 28, 2013 to give Mr. Nicholas additional time to repaint his trim.

He advised Mr. Nicholas that he would not recommend costs.

The Respondent, Jeremy Nicholas, 618 12th Avenue West, Palmetto addressed the Board. He stated he has been working on the property as fast as he can. He will repaint it over time. He has pressure washed the house. The paint was donated.

Mrs. Quin-Bare commended him on the work he has done thus far.

Mr. Stollo advised the Board that he would like to continue the hearing to next month, May 28, to give Mr. Nicholas time to finish his renovations.

MOTION: Mr. Price moved, Mr. Hoffmann seconded, and the motion carried unanimously to continue the hearing [for Case No. 13-02] to May 28, 2013.

5. OLD BUSINESS

CEB 13-01 Estate of Donald M. Poe

Within a week of the last hearing, a contractor for the property maintenance company was on site. The bank had asked him for an estimate of repairs. Mr. Stollo said he advised him of the need for a termite inspection, and he added that to the list for his quote. Mr. Stollo commented that the property looks the same as it did last month. He asked the Clerk to file the lien of \$50.00 per day beginning March 26, 2013.

Mr. Price discussed some of his research with the Board. He stated the City can charge the property for whatever it needs to spend to protect the neighborhood. If the expenditures are itemized, that would be a properly liened amount, and ultimately the lien could be foreclosed on. The bank may choose not to do anything if it is not cost effective for them. The question would be: How much does the bank have invested in the property compared to its actual value?

Mr. Stollo said previously there was fire damage in 2006, and the bank did pay for the renovations. Right now the exterior of the house is presentable, so he can't have the house

condemned, but there is infestation, and a neighbor believes his own termite problem stems from that.

Mr. Stollo reported that he has not received a response from the bank since the OIF was sent to the property maintenance company, so the City will proceed with the fine.

In response to Mr. Hoffmann's question, Mr. Stollo confirmed that the fine will be retroactive to March 26. He stated the Board's action is complete unless Code Enforcement initiates a new case against the property.

6. NEW BUSINESS

None

7. PUBLIC COMMENTS

None

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:33 p.m.

Minutes approved: May 28, 2013

Charles W. Leonard

Charles W. Leonard, Chair