

CODE ENFORCEMENT BOARD
October 27, 2015
6:00 p.m.

Members Present:

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Shelley Hamilton
Travis Longpre
Robert Westbrook

Members Absent:

Rose Quin-Bare
Sharon Tarman

Staff Present:

David Persson, Code Enforcement Board Attorney
Kathy Riley, Code Enforcement Officer
Deanna Roberts, Clerk of the Board

Chairman Leonard called the October 27, 2015 meeting to order at 6:00 p.m. A moment of silence was observed, followed by the Pledge of Allegiance. The roll was called. Sharon Tarman and Rose Quin-Bare were absent from the meeting.

All persons testifying before the Board were duly sworn.

1. SWEARING IN OF NEW BOARD MEMBER TRAVIS LONGPRE

New member Travis Longpre recited the Oath of Office. He was welcomed by the Board.

2. APPROVAL OF AGENDA

MOTION: Mrs. Hamilton moved, Mr. Westbrook seconded, and the motion carried unanimously to approve the October 27, 2015 Agenda.

3. CONSENT AGENDA

- A. Minutes: August 25, 2015
- B. Legal Expenses through August 2015

MOTION: Mrs. Hamilton moved, Mr. Rotondo seconded, and the motion carried unanimously to approve the October 27, 2015 Consent Agenda.

4. PUBLIC HEARINGS

A. Case No. 15-01 (continued from August 25, 2015)

Stephen Johnson
1413 6th Street West
Palmetto, Florida 34221

Violation Location: 1413 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 (2), 16-26 (3), 16-26 (12) and Section 16-27(a), (b), & (c); Chapter 17 Housing, Article II, Housing Standards, Section 17-28; Chapter 18 Junked, Wrecked, Abandoned, or Vacant Property, Article I In General, Section 18-1; 18.26(a)

Maintenance requirements; Palmetto Property Maintenance Code; Section 301.2 Responsibility, 302.1 Sanitation, 302.5 Rodent Harborage, 302.8 Motor Vehicles, 308.1 Accumulation of Rubbish:

Mr. Leonard opened the public hearing.

Code Enforcement Officer Kathy Riley advised the Board that she had been sworn and her credentials are on file with the Clerk of the Board. She reported that she made a site visit this afternoon and significant improvement has taken place. As of today, Mr. Johnson is in compliance. She gave her recommendations to the Board. Mr. Leonard closed the public hearing for deliberation. He reopened the hearing to present the Board's motion.

MOTION: Mr. Rotondo moved, Mrs. Hamilton seconded, and the motion carried unanimously to find the Respondent, Stephen Johnson, in violation of the City of Palmetto Code of Ordinances as noticed; to find the Respondent in compliance as of October 27, 2015; to notice the Respondent through an Administrative Order that subsequent violations of this nature will be treated as repeat violations, subject to a fine not-to-exceed \$500.00 per day; and, to forego imposition of costs or fines at this time.

B. Case No. 15-02

Dorothy Fakh
900 9th Avenue East, #115
Palmetto, Florida 34221

Violation Location: 1506 7th Street West

Codes Violated: Palmetto Code of Ordinances, Chapter 14, Floodplain Management, Article III, Permits, Section 14-45; Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3), 16-26 (12) 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 (304.2) Protective Treatment; Section (304.4); Chapter 18, Junked, Wrecked, Abandoned or Vacant Property, Article I-In General, Section 18.1, Definitions. Appendix B, Zoning Codes, Article VI, Supplemental Regulations Section 6.5 Parking of recreational vehicles and Section 6.8 (b) (1-2), Accessory structures:

Mr. Leonard opened the public hearing.

Code Enforcement Officer Kathy Riley advised the Board that she had been sworn and her credentials are on file with the Clerk of the Board. She informed the Board that her original site visit revealed overgrowth of grass/weeds, exterior wood at front porch hanging and not attached to structure, debris leaning on the rear fence and other debris at the rear of the property by the fence line, a storage building on the property without permits, and storage of a trailer at the rear of the property without current registration and not less than five feet from the property line. A Notice of Violation was sent to the owner on July 9, 2015 with five days to correct the violations.

Mrs. Riley said a site visit on October 27, 2015 showed no significant improvement. She recommended that the Respondent, Dorothy Fakh, be found in violation as noticed and directed to bring the property into compliance within the next seven (7) days. She further recommended that the City's costs of \$288.20 for processing the case be assessed.

Mrs. Hamilton asked if the house is vacant. Mrs. Riley said it is.

Mr. Leonard closed the public hearing for deliberation. He reopened the public hearing to present the Board's motion.

MOTION: Mr. Rotondo moved, Mr. Westbrook seconded, and the motion carried unanimously to find the Respondent, Dorothy Fakh, in violation of the City of Palmetto Code of Ordinances as noticed; to direct the Respondent to correct the violation within the next seven days, or by November 3, 2015; to schedule a public hearing for November 17, 2015 to determine if the violation has been corrected; if not, the Respondent will be subject to a fine of up to \$250.00 per day; and, administrative costs incurred in the prosecution of this case in the amount of \$288.20, plus any applicable recording fees, will be considered at that meeting.

5. OLD BUSINESS

None

6. NEW BUSINESS

Code Enforcement Board Attorney Dave Persson went over the role of the Board, public records and the Sunshine Law. He said the Board is a quasi-judicial board and functions like a judge. In some states, these cases are heard in a municipal court in front of a judge, but the state of Florida allows for Code Enforcement Boards.

Board members may report a violation to the Code Enforcement Officer, but the degree of involvement may make them a witness, and you cannot be both a witness and a judge. If a citizen approaches a Board member, they should be referred to the Code Enforcement Officers or the Clerk of the Board.

The Sunshine Law states that two or more members cannot discuss a matter that may come before the board. All discussion must happen at the public meeting.

Any records of the Board will become part of the public record and must be accessible to the public.

Emails regarding City business for the Board are a public record. If the members receive something regarding a code enforcement matter, it should be forwarded to the Clerk of the Board.

Florida has a law that requires you to vote. You can abstain if you have a conflict of interest; a personal gain or interest in the property. Members must fill out a Conflict of Interest Form (Form 8) if they abstain from voting and forward to the Clerk. If you are a neighbor to a property being heard by the Board, and the perceived impact to your property is greater than the public at large, you should abstain from voting.

Board members may make a site visit to the property, but if anyone talks to you that is called ex-parte communication. It should be reported in the meeting. A simple drive-by site visit should also be reported to the Board for the record.

Board members may speak to the Code Enforcement Officers about procedures but not about substance, because they serve as the prosecutor of the case.

7. PUBLIC COMMENTS

None

8. ADJOURNMENT

The meeting was adjourned at 6:56 p.m.

Minutes approved: November 17, 2015

Charles W. Leonard

Charles W. Leonard, Chair