

Minutes
CODE ENFORCEMENT BOARD
March 29, 2016
6:00 p.m.

Board Members Present:

Charlie Leonard, Chair
Robert Rotondo, Vice Chair
Shelley Hamilton
Travis Longpre
Rose Quin-Bare
Joe Tanner
Robert Westbrook

Staff Present:

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

Chairman Charlie Leonard called the March 29, 2016 meeting of the Code Enforcement Board to order at 6:00 p.m. 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 testifying or wishing to address the Board were duly sworn.

New Board member Joe Tanner recited the Oath of Office into the record.

1. APPROVAL OF AGENDA

MOTION: Mrs. Quin-Bare moved, Mrs. Hamilton seconded, and the motion carried unanimously to approve the March 29, 2016 Agenda.

2. CONSENT AGENDA

- A. Minutes: November 17, 2015
- B. Legal Expenses through November 2015

MOTION: Mrs. Hamilton moved, Mr. Westbrook seconded, and the motion carried unanimously to approve the March 29, 2016 Consent Agenda.

3. PUBLIC HEARINGS

A. Case No. 16-01

Stephen Johnson
1413 6th Street West
Palmetto, Florida 34221

Violation Location: 1413 6th Street West, Palmetto, Florida 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2), 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 301.2 Responsibility, 302.1 Sanitation and 302.5 Rodent Harborage:

Mr. Leonard opened the public hearing.

Code Enforcement Officer Kathy Riley informed the Board that she had been sworn prior to her testimony and that her credentials are on file with the Clerk of the Board. She presented a history of this case, which is a repeat violation. The Respondent, Stephen Johnson, was found in compliance on October 27, 2015 in the previous case, but items began reappearing on the property. He was informed that he would be called to appear before the Board as a repeat violator.

Mrs. Riley said he began an effort to tidy up the property, but she finds the Respondent in violation of the Code of Ordinances and asked the Board to review her presentation and to make the determination for any costs or daily fines it deems necessary.

Mr. Johnson addressed the Board. He said he has lived at the property for forty years. He cannot get the lawn mower behind the house. He is trying to do the best he can, and he will continue to make the situation right. Mrs. Quin-Bare asked about the barrels and containers shown on the property. He said the barrels are actually three smokers, and they are all functional. He has boxes containing paint cans that he was unable to get to the dump on the correct day. He said everything in the photographs is necessary for his business. The trailer in his driveway cannot be moved to the back of the house. He agrees that things have gotten out of hand.

Mr. Leonard closed the public hearing for deliberation. There was a consensus that there are continuing violations. The public hearing was reopened for additional comments.

Mr. Johnson said some things are beside the house behind a chain link fence. Mrs. Riley pointed out that the items can be seen from the neighbor's house. In front of the house are a trailer, dog crate, ladders and rocking chairs. Mr. Leonard asked for an interpretation of the open storage ordinance. Mr. Tanner asked about the storage shed and if any of the items could be moved into the shed. Mr. Johnson said he is working two jobs and does not have the time to move the items. Mrs. Riley read the ordinance: Open storage is storage outside of a building or within buildings with less than three sides of materials, supplies, merchandise, equipment, commercial, recreational or domestic vehicles, boats and like items.

Mrs. Riley suggested a privacy fence, but Mr. Johnson said he does not have the money. He said he needs a roof on his house before he gets a privacy fence. Mr. Leonard stated that this is a repeat offense, and the Board must decide if he will be fined as a repeat violator. A solution should have been reached prior to this time. He opined the Board is sympathetic to his plight, but certain steps must be taken. The Board needs to see some resolution or continuing improvement. The Board must take into consideration his neighbors and their view of his property.

Mrs. Quin-Bare informed Mr. Johnson that he could move everything he didn't need to the curb and get a free one-time pickup from Waste Management. She suggested that he look into that and get a drop-dead date for the cleanup. He said he just does not like to let go of his stuff, and that is the problem.

Mr. Leonard closed the public hearing for deliberation.

MOTION: Mr. Rotondo moved and Mr. Westbrook seconded a motion to find the Respondent, Stephen Johnson, in violation of the City of Palmetto Code of Ordinances, as noticed, as a repeat violation; to give the Respondent until April 25, 2016 to come into compliance. If the Respondent fails to come into compliance, the Board will assess administrative costs of \$225.00 and impose a fine of \$10.00 per day commencing February 23, 2016 and continuing until the violations are corrected.

Mrs. Quin-Bare amended the motion to change the fine to \$20.00 per day if the Respondent fails to come into compliance. The maker of the motion agreed to the amendment. The amended motion carried 5-2 with Mrs. Quin-Bare and Mrs. Hamilton voting nay.

Mr. Leonard thanked Mr. Johnson for coming in and asked him to work towards a permanent solution.

B. Case No. 16-02
Sarasota Investment Trust LLC
32 Blake Way
Osprey, Florida 34229

Violation Location: 904 4th Street West, Palmetto, Florida 34221
Codes Violated: Palmetto Code of Ordinance, Chapter 7, Buildings and Building Regulations, Article VIII, Fences, Section 7-183 Permit required, Chapter 15, Solid Waste, Section 15.7(b) Yard, waste cans & bundles, 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, Palmetto Property Maintenance Code, Section 301.2 Responsibility, 302.1 Sanitation, 302.3 Sidewalks and driveways, 302.5 Rodent Harborage, Chapter 18 Junked, Wrecked, Abandoned, or Vacant Property, Article I-In General, Section 18-1 Definitions, Appendix B, Article III Definitions, Section 3.2, Definition of terms, Junkyard and Open Storage:

Mr. Leonard opened the Public Hearing.

Code Enforcement Officer Kathy Riley informed the Board that she had been sworn prior to her testimony and that her credentials are on file with the Clerk of the Board. She told the Board that she had spoken to Mr. Ron Shenkin, the manager representing Sarasota Investment Trust, LLC, and owner of the property located at 904 4th Street West. Mr. Shenkin accepted the findings of Code Enforcement that he is in violation, as noticed, and has requested that the City provide him 120 days, or until July 29, 2016, to correct the violations on the property. The request was sent by email and a copy was provided to each Board member. Mrs. Riley said she is recommending the Board find the Respondent in violation of the City Code of Ordinances and to give him the time requested. She said he seemed earnest and informed her that the tenant is moving vehicles off the property. He does have the property up for sale. He understands if the violations are not corrected fines will begin and costs will be assessed.

Mrs. Riley gave a history of Code Enforcement's case against the Respondent and a PowerPoint presentation showing pictures of violations on the property.

Mrs. Quin-Bare asked if any work has been done on the property since this process started. Mrs. Riley said vehicles are being moved off the property. Her recommendation to the Board was to find the Respondent in violation and to give him 120 days, or until July 29, to correct all the violations. Mr. Leonard closed the public hearing for deliberation.

Mr. Westbrook opined that was a long time to leave all those cars there.

Scott Rudacille, attorney with Blalock Walters, addressed the Board. He stated he is representing the City and was present on behalf of staff. He told the Board that this property has had a number of issues, and no one is sure if the cars belong to the owners of Slick's (the tenant) or if they are customers' cars. He understands the police have been to the site looking for people's cars. The owner is dealing with cars of unknown ownership. Mr. Rudacille approached the owners of the property with the suggestion that if they agree to accept the violations as noticed, then staff would support additional time for them to come into compliance.

Mr. Tanner said 120 days is reasonable. He stated the property owner has been dealing with the tenant, and some of the tenant's customers have been trying to recover their vehicles. The Sheriff's Office has already gone onto the property for some owners and helped remove high-value vehicles.

Mrs. Riley stated this is the first time we have had an owner willing to work with the City if we are willing to work with them. Previously the City was dealing with an uncooperative tenant.

Mr. Longpre asked if the owner could begin working on some of the smaller violations in the short term. Mrs. Riley said she will talk to the owner.

MOTION: Mrs. Hamilton moved, Mrs. Quin-Bare seconded, and the motion carried unanimously to find the Respondent, Sarasota Investment Trust, LLC, in violation of the City of Palmetto Code of Ordinances as noticed, and to direct the Respondent to correct the violations within no more than one hundred twenty (120) days, or by July 29, 2016, and to schedule a public hearing to determine if the violations have been corrected.

4. OLD BUSINESS

None

5. NEW BUSINESS

Mrs. Quin-Bare asked for clarification on reporting a violation. Mr. Persson said if she sees a violation she can call Code Enforcement, but if it comes to the Board she must disclose that she made the initial call. She does not have to recuse herself if she can be fair and impartial. It will be a facts and circumstances case once it gets to the Board.

6. PUBLIC COMMENTS

None

7. ADJOURNMENT

The meeting was adjourned at 7:01 p.m.

Minutes approved: April 26, 2016

Charles W. Leonard

Charles W. Leonard, Chair