

MINUTES
CODE ENFORCEMENT BOARD
October 31, 2017
6:00 p.m.

Code Enforcement Board Members Present:

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

Code Enforcement Board Members Absent:

Bradley Bowermaster

Staff Present:

Regina Kardash, Attorney for Code Enforcement Board
Daniel Bull, Code Enforcement Officer
Kathy Riley, Code Enforcement Officer
Penny Johnston, Executive Assistant

Chairman Charlie Leonard called the meeting to order at 6:04 p.m. Mr. Leonard asked for a moment of silence, followed by the Pledge of Allegiance. The roll was called revealing Mr. Bowermaster was absent from the meeting.

All persons intending to testify or speak to the Board were duly sworn.

1. APPROVAL OF AGENDA

Clerk of the Board, Mrs. Johnston noted a number of cases had come into compliance prior to the meeting so suggested the agenda could be modified to address the compliant cases at the beginning of the public hearings.

MOTION: Ms. Quin-Bare moved, Mr. Westbrook seconded, and the motion carried unanimously to approve the October 31, 2017 Agenda.

2. CONSENT AGENDA

- A. Minutes: September 26, 2017
- B. Legal Expenses – October 1, 2017

MOTION: Ms. Quin-Bare moved, Mr. Tanner seconded, and the motion carried unanimously to approve the October 31, 2017 Consent Agenda.

3. PUBLIC HEARINGS

Code Enforcement Officer Kathy Riley stated that after inspection today, she recommended the Board find Cases #17-16 (Ramirez), #17-17 (Camarena), #17-18 (Bobby Allen) and #17-22 (Vicki Allen) in compliance. Code Enforcement Officer Dan Bull stated Case #17-15 (Diaz-Arroyo) was part of an insurance claim and recommended the Board table that case until December 5, 2017.

MOTION: Vice-chair Mr. Rotondo moved, Mr. Tanner seconded, and the motion passed unanimously to find Cases 17-16, 17-17, 17-18, and 17-22 in compliance and no further action is needed.

MOTION: Vice-chair Mr. Rotondo moved, Mr. Tanner seconded, and the motion carried unanimously to table Case #17-15 until the next Code Enforcement Board meeting scheduled December 5, 2017.

G. Case No. 17-21
William Rogers
1313 5th Street West
Palmetto, FL 34221

Violation Location: 1313 5th Street West, Palmetto, FL 34221
Codes Violated: Section 6.8- Accessory Structures

Code Enforcement Officer Kathy Riley presented details and photographs of a portable accessory structure housing a recreational vehicle (RV), which have been made a part of these minutes. The RV had been disconnected from utilities, but the structure was still there and no permit had been filed. Mr. Rogers was notified that he needed to submit a development permit showing dimensions and setbacks of the structure. Mrs. Riley recommended the Board continue the case until December 4, 2017 to allow the Respondent to come into compliance. Mr. Rogers insisted when the tarp is off and the structure is tied down, it is not going anywhere in a storm. He stated it had been in the same place for 7 years.

MOTION: Mr. Longpre moved, Mr. Rotondo seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Section 6.8 of the City Code of Ordinances, and that the case be continued until December 5, 2017, giving the Respondent time to correct the violation by submitting a permit for the accessory structure.

C. Case No. 17-14
WD-CEM Holdings, LLC
4618 Bayshore Boulevard NE
St. Petersburg, FL 33703

Violation Location: 115 10th Street West, Lot 62, Palmetto, FL 34221
Codes Violated: Florida Building Code 5th Edition (2014) Building- chapter 1, Scope and Administration, Part 1, Scope and Application- Section 105 Permits, A-105.1 Required

Code Enforcement Officer Daniel Bull submitted details of his recent site visits along with photos, which are attached and made a part of these minutes. In spite of multiple site visits, a cease and desist order, and conversations with the occupant and Lone Oak Mobile Home Park management, the unpermitted construction continued. As of October 31, 2017, there was still no application for a permit; the structure had not been demolished; walls, flooring, electricity, windows, and plumbing had been added, seemingly without a registered contractor doing the construction. Mr. Bull recommended giving the Respondent until December 4, 2017 to come into compliance.

MOTION: Mr. Rotondo moved, Mr. Tanner seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Section

105 Permits, A-105.1 of the City Code of Ordinances, and that the Respondent be given until December 4, 2017 to correct the violation by making an application for required permits with supporting documentation or removing the structure.

F. Case No. 17-20

Roni Sue Rankin
1802 7th Street West
Palmetto, FL 34221

Violation Location: 1802 7th Street West, Palmetto, FL 34221
Codes Violated: Section 6.8- Accessory Structures

Code Enforcement Officer Kathy Riley submitted a Power Point presentation, which is attached and made a part of these minutes. Mrs. Riley spoke with the property owner's husband and suggested he go to the Public Works department to complete a development permit application and move the structure to meet the setback requirements. Mr. Longpre stated he was a friend of the husband, but Attorney Kardash said there was not a conflict and it was not necessary for Mr. Longpre to excuse himself from the case.

MOTION: Mr. Tanner moved, Mr. Rotondo seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Section 6.8 of the City Code of Ordinances, and that the Respondent be given until December 4, 2017 to correct the violation by obtaining a proper permit for the portable accessory structure.

4. Old Business

I. Case No. 17-06

Palmetto Property Ventures LLC
3339 West Kennedy Boulevard
Tampa, FL 33609

Violation Location: 449 10th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 10, Section 10.114 (a) – Permits Required; Florida Building Code 5th Edition (2014) Building - Chapter 1, Scope and Administration, Part 1, Scope and Application- Section 105 Permits, A-105.1

Code Officer Kathy Riley stated Brown Heating and Cooling had applied for a permit for the air conditioner, the air conditioning unit had been moved and was now in compliance, according to the Building Official and City Planner. The permit has been finalized and closed.

MOTION: Mr. Tanner moved, Mr. Rotondo seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent has brought the property into compliance in accordance with the previous order entered by this Board on August 29, 2017. No further action is required.

J. Case No. 17-10

Francisco Mancera
P.O. Box 1973
Holmes Beach, FL 34218

Violation Location: 1113 12th Street West, Palmetto, FL 34221

Codes Violated: Chapter 16 – Section 16.26(2) - Accumulation of Garbage

Code Enforcement Officer Kathy Riley stated in spite of multiple notices, the property was still in violation. As of 10/31/17, the mattresses, tires, buckets, and toilets are still there. Currently, there is no utility account to bill the property owner for the trash pick-up at the vacant lot.

MOTION: Mr. Rotondo moved, Mr. Tanner seconded, and the motion passed unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent has not brought the property into compliance in accordance with the previous order entered by this Board on August 29, 2017. A fine is hereby imposed in the amount of \$50.00 per day beginning October 30, 2017 and terminating on the day the property is found to be in compliance by the Code Enforcement inspector. Administrative costs incurred by the City in the prosecution of this matter in the amount of \$421.00, plus any applicable recording fees will also be assessed. A certified copy of this order shall be recorded in the Public Records of Manatee County, and thereafter shall constitute a lien against the property and upon any other real or personal property owned by the Respondent.

K. Review of Operation Rules – Attorney Regina Kardash prepared a revised version of the Rules of Procedure previously found in CEB Resolution 05-01, to incorporate changes in the current law. She encouraged the Board to take the new CEB Resolution 2017-01 home to review for further discussion at the next meeting December 5, 2017. Specific points included the use of email as a source of communication; Board attendance requirements; conflict of interest forms must be read into the record; and the order of business. Old business should be when the Board reviews old cases and then can make recommendations to the City whether to foreclose on old liens. Administrative Orders will be mailed to the Respondent within 15 days of the Hearing, and that the Board will review the Rules of Procedure at the first meeting of each year.

5. NEW BUSINESS

None

6. PUBLIC COMMENTS

None

Chairman Charlie Leonard adjourned the meeting at 7:30 p.m.

Minutes approved: December 5, 2017

Charlie W. Leonard

Charles W. Leonard, Chair