

MINUTES
CODE ENFORCEMENT BOARD
March 27, 2018
6:00 p.m.

Code Enforcement Board Members Present:

Charlie Leonard, Chair
Bradley Bowermaster
Travis Longpre
Joe Tanner
Robert Westbrook

Staff Present:

Kelly Fernandez, 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 6:00 p.m. followed by a moment of silence and the Pledge of Allegiance. Roll was called with five (5) board members present. Robert Rotondo was absent.

All people speaking before the Board were duly sworn.

1. APPROVAL OF AGENDA

MOTION: Mr. Longpre moved, Mr. Tanner seconded, and the motion carried unanimously to approve the March 27, 2018 Agenda.

2. CONSENT AGENDA

A. Minutes: February 27, 2018
B. Legal Expenses: March 1, 2018

MOTION: Mr. Tanner moved, Mr. Bowermaster seconded, and the motion carried unanimously to approve the March 27, 2018 Consent Agenda.

3. PUBLIC COMMENTS for non-agenda items

None

4. PUBLIC HEARINGS

A. Case No. 18-06

Rushmore Loan Management Services
Safeguard Properties
Estate of Judy Dianne Matthews
15480 Laguna Canyon Road #100
Irving, CA 92618

Violation Location: 606 7th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26(2)- Accumulation of Garbage; Chapter 17, Section 17-28, Section 304.1- Exterior Structure; Section 304.7- Roofs

and drainage; Section 304.13- Window, skylight and door frames; Section 304.13.1- Glazing; Section 304.13.2- Openable windows; Article XI, Section 7-244- Requirements for temporary coverings; Article VII, Section 7-151- Definitions; Article VII, Section 7-153- Unfit or unsafe dwellings or structures, declared nuisance

Code Enforcement Officer Kathy Riley reviewed details of the case and highlights of email messages to the Rushmore Loan Management Services and Safeguard Properties. Property foreclosure has not yet been filed. Inspection as late as March 27, 2018 showed the house was still in violation. Rushmore Loan Management is working on securing the property, preparing it to be a marketable house, and then moving forward with the foreclosure process. Chairman Charlie Leonard asked if the Management Team had a timeframe to repair all the violations. Mr. F. Patrick Walsh, representing Rushmore Loan Services, opined it is in their financial advantage to get the house on the market quickly. Mr. Walsh assumed 90 days would be sufficient to make all the repairs. Mrs. Riley suggested the smaller violations such as the TV, shed, makeshift bed, etc. could be resolved within a much shorter time span. Mr. Walsh felt the trash and the shed could be rectified within 30 days. Attorney Ms. Fernandez opined that this case could require dual time frames for the different violations to come into compliance.

MOTION: Mr. Tanner moved, Mr. Longpre seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondents in violation of the City Code of Ordinances, and that the Respondents be given until April 24, 2018 to correct the violations by removing the boards from the windows, removing the shed from the property, and containing the trash, junk, debris and building materials to have it disposed or removed from the property; and given until June 26, 2018 to replace the roof. The case will be heard again on April 24, 2018 to determine if the violations have been corrected.

B. Case No. 18-07
T & M Repair Services, LLC
603 63rd Avenue Lot 4HA
Bradenton, FL 34207

Violation Location: 2209 21st Street West, Palmetto, FL 34221
Codes Violated: Chapter 6, Section 6.7- Swimming pools

Code Enforcement Officer Dan Bull noted the residence had a number of screen panels from the pool cage that are missing, and a broken screen door, creating a significant drowning hazard. A person named Tom said he would have the screens repaired prior to the March 27, 2018 Code Enforcement Board meeting.

MOTION: Mr. Bowermaster moved, Mr. Longpre seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Chapter 6, Section 6.7 of the City Code of Ordinances, and that the Respondent be given until May 28, 2018 to correct the violations by repairing the screening at ground level around the pool and the screen door. The case will be heard again May 29, 2018.

C. Case No. 18-08

Barbara E. Mitchell
600 7th Avenue West
Palmetto, FL 34221

Violation Location: 600 7th Avenue West, Palmetto, FL 34221
Codes Violated: Article XI, Section 7-244- Requirements for Temporary Coverings

Kathy Riley reviewed multiple notifications to correct the violations by removing the boards from the windows. Mr. Simon said the boards were placed on the inside, covering broken windows, and he was having trouble getting a window repair company come to do the job. Mr. Simon, Barbara Mitchell's husband, said Radon Windows assured him they would be there next week. In response to an unrelated question, Code Enforcement Officer Kathy Riley responded that business accounts do not have yard waste pick-up

MOTION: Mr. Longpre 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 Article XI, Section 7-244 of the City Code of Ordinances, and that the Respondent be given until April 23, 2018 to correct the violations by removing the plywood that is covering the window. The case will be heard again at the April 24, 2018 Code Enforcement Board meeting.

D. Case No. 18-09
2017-2 IH Borrower LP
1717 Main Street, Suite #2000
Dallas, TX 75201

Violation Location: 1712 14th Street Court West, Palmetto, FL 34221
Codes Violated: Article VIII, Section 7.182 - Fences

Code Enforcement Officer Dan Bull reviewed details of the case and showed pictures of fence in state of disrepair. Mr. Bull had been patient, allowing ample time since Hurricane Irma for the fence to be repaired. He had mailed and posted several notices, but still had not heard from the owner or the renter. The above-ground pool has been taken down but the dilapidated fence is still a violation of the City Code of Ordinances. Chairman Leonard emphasized that the violation is not related to the state of the pool, this is specifically about the fence needing repair.

MOTION: Mr. Tanner moved, Mr. Westbrook seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Article VIII, Section 7.182 of the City Code of Ordinances, and that the Respondent be given until May 28, 2018 to correct the violations by repairing or removing the fence. The case will be heard on May 29, 2018, to determine if the property has been brought into compliance.

E. Case No. 18-10
Thomas J. Coughlin
Darlene Coughlin
1909 6th Street West
Palmetto, FL 34221

Violation Location: 1909 6th Street West, 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 Requires

Code Enforcement Officer Kathy Riley stated there was a fence erected without a permit, but the owner applied for a permit and the final inspection was approved today March 27, 2018. Mrs. Riley opined the property was in compliance.

MOTION: Mr. Longpre moved, Mr. Tanner seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent was in violation of the City Code of Ordinances, but the Respondent corrected the violation prior to the hearing, and that no further action is needed.

F. Case No. 18-11
Olga Hernandez
509 11th Street Court West
Palmetto, FL 34221

Violation Location: 509 11th Street Court West, Palmetto, FL 34221
Codes Violated: Chapter 18, Section 18.1- Junked, Wrecked, Abandoned Property

Code Enforcement Officer Dan Bull said after the Notice of Hearing was mailed, the vehicle was removed from the property and the property is now in compliance.

MOTION: Mr. Bowermaster moved, Mr. Longpre seconded, and the motion passed 5-0 that based on the sworn testimony and evidence presented, the Board finds the Respondent has corrected the violation of Chapter 18, Section 18.1 of the City Code of Ordinances, and that no further action is needed.

G. Case No. 18-12
Masonic Lodge #487
2603 7th Avenue East
Palmetto, FL 34221

Violation Location: 1607 3rd Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 17, Section 17-28, Section 304.1 – Exterior Structure; Section 304.2- Protective treatment; Section 304.6 – Exterior walls; Section 304.7- Roofs and drainage; Section 304.13- Window, skylight and door frames; Section 304.13.1- Glazing

Code Enforcement Officer Kathy Riley showed photographs to depict the numerous code violations and reviewed details of the case. The presiding officer receiving the mailed notices had not shared the information with the Masonic Lodge members. The presiding officer at the Masonic Lodge is now planning a Lodge meeting to discuss the future plans for the building. Repairs may be more expensive than demolition.

MOTION: Mr. Tanner moved, Mr. Longpre seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation of Chapter 17, Section 17-28 of the City Code of Ordinances, and that the Respondent be given until May 28, 2018 to correct the code

violations by repairing the windows, fascia, and roof; or to demolish the building.

H. Case No. 18-13

Barracuda Stations, LLC.
1201 Oakfield Drive
Brandon, FL 33509

Violation Location: 1240 8th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 18, Section 18.1- Junked, Wrecked, Abandoned Property

Code Enforcement Officer Dan Bull discussed two abandoned vehicles parked at the Citgo Gas Station for an extended period of time. The brown Oldsmobile had a license plate that did not match the vehicle, and the commercial taco truck at this property was not registered. Mr. Dhillon is the business owner, but he does not own the property. March 11, 2018, Chief Scott Tyler from Palmetto Police Department mailed a letter to Mr. Dhillon expressing the safety and health concerns at the Citgo station. Chief Tyler's letter has been made a part of these minutes. Re-inspection on March 26, 2018 showed that the two vehicles had been removed, however Mr. Bull recommended that the board find the business had been in violation, and warn them of repeat offenses.

MOTION: Mr. Bowermaster moved, Mr. Tanner seconded, and the motion passed 5-0 that based on the sworn testimony and evidence presented, the Board finds the Respondent had been in violation of Chapter 18, Section 18.1 of the City Code of Ordinances, but the Respondent corrected the violation prior to the hearing. Respondent is put on notice that future violations of Section 18.1 will cause the Respondent to be deemed a repeat violator and subject to a fine of up to \$500.00 per day for each new violation beginning on the day the violation occurred.

I. Case No. 18-14

Barracuda Stations, LLC.
1201 Oakfield Drive
Brandon, FL 33509

Violation Location: 1240 8th Avenue West, Palmetto, FL 34221
Codes Violated: Article II, Section 19-31 – Term and Expiration of Business Tax

Code Enforcement Officer Dan Bull summarized that the Business Tax license had not been paid in a timely manner, but March 14, 2018 payment and late fees were paid.

MOTION: Mr. Longpre moved, Mr. Tanner seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent no longer in violation of Article II, Section 19-31 of the City Code of Ordinances, and that the case is hereby dismissed.

J. Case No. 18-15

Soo K. Han
303 US 301 Blvd West
Bradenton, FL 34205

Violation Location: 812, 814 and 816 8th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 7, Article XI, Section 7.239(a)(3) – Awnings; Chapter 7, Article III – Florida Building Code, Section 7-31- Florida Building code adopted by reference; Florida Building Code 6th Edition (2017) Building – Chapter 1, Section (A) 105.1 Permits Required; Florida Building Code 6th Edition (2017) Building – Chapter 31, Section 3105.1

Code Enforcement Officer Kathy Riley talked about a row of three addresses covered with one awning. The canopy cover was placed on the awning frame but there was no permit and the project was not up to code. The application was received at Public Works and the final inspection was approved March 27, 2018. Mrs. Riley opined the property is in now compliance.

MOTION: Mr. Tanner moved, Mr. Longpre seconded, and the motion carried unanimously that based on the sworn testimony and evidence presented, the Board finds the Respondent was in violation of the City Code of Ordinances, but the Respondent corrected the violation prior to the hearing, and that no further action is needed.

5. OLD BUSINESS

Mrs. Johnston, Clerk of the Board will be bringing old cases forward next time and hopes to bring three (3) cases each meeting in order to clean up the backlog of old cases, to determine if action is needed by the City Commission.

6. NEW BUSINESS

Mrs. Johnston discussed the email from Mrs. Karla Owens about selecting the Special Master to rule over future code cases. The February 27, 2018 email is made a part of these minutes.

Chairman Charlie Leonard adjourned the meeting at 7:41 p.m.

Minutes approved: May 29, 2018

Charles W. Leonard

Charles W. Leonard, Chair