

MINUTES
CODE ENFORCEMENT BOARD
May 29, 2018
6:00 p.m.

Code Enforcement Board Members Present:

Charlie Leonard, Chair
Travis Longpre, Vice Chair
Robert Rotondo
Joe Tanner
Robert Westbrook

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. followed by a moment of silence and the Pledge of Allegiance. Roll was called revealing five (5) board members were present. Mr. Bradley Bowermaster 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 May 29, 2018 Agenda.

2. CONSENT AGENDA

A. Minutes: March 27, 2018
B. Legal Expenses: April 2 and May 1, 2018

MOTION: Mr. Tanner moved, Mr. Longpre seconded, and the motion carried unanimously to approve the May 29, 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 pictures and details of the case. The property is in the process of foreclosure and currently has an outstanding utility lien against the property. The property owner Judy Dianne Matthews is deceased. The original site visit December 7, 2017 revealed a dilapidated wood fence, temporary roof coverings, a shed and trash in the yard, and boards on the windows. During the March 27, 2018 CEB meeting, the Respondent had been given until April 24 to make several corrections and given until June 26 to repair the roof. Re-inspection April 24 showed the shed had been moved, the roof still had temporary coverings, the trash was still in the yard, and the fence is still falling down, however the boards on the windows had been removed. Mrs. Riley's re-inspection on May 29 revealed the property was still out of compliance. Mrs. Riley stated she has been dealing with several employees of Safeguard Properties, and they are very aware of the violations at this address. Administrative fines as of May 29, 2019 total to \$420.60.

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 Respondents have not brought the property into compliance in accordance with the previous order entered by this Board on March 27, 2018 for the violation of the City Code of Ordinances. A fine is hereby imposed in the amount of \$20.00 per day beginning April 24, 2018 and terminating on the day the property is found to be in compliance by a Code Enforcement Officer. Assess administrative costs incurred by the City in the prosecution of this matter in the amount of \$420.60 plus any applicable recording fees.

B. 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

Code Enforcement Officer Kathy Riley reviewed details of the case and recommended the Board find the property in compliance.

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 has brought the property into compliance in accordance with the previous order entered by this Board on March 27, 2018, and no further action is required.

C. Case No. 18-16
Nationstar Mortgage
8950 Cypress Waters Blvd.
Dallas, TX 75063

Violation Location: 415 14th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 18, Section 18.1 – Junked, Wrecked, Abandoned Property

Code Enforcement Officer Kathy Riley noted there was an active foreclosure on this property. The initial site visit March 2 revealed a wrecked vehicle in the yard. Re-inspection on April 24 and again May 29 showed the truck was still on the property and still in a wrecked condition. Mr. Hunter Lee Morrow appears to be the occupant of the property, but Ms. Karla Ballard from Shell Point Mortgaging Services says Mr. Morrow is not living there. The vehicle tag was turned in because the vehicle was in an accident. The property owner is George Windunas. Administrative fees total \$301.00.

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 is in violation of Chapter 18, Section 18.1 of the City Code of Ordinances, and that the Respondent be given until June 25, 2018 to correct the violation by 1) removing the vehicle from the property or 2) placing the vehicle in an enclosed building.

D. Case No. 18-18
Star Pointe Capital, LLC
13014 North Dale Mabry Hwy #357
Tampa, FL 33618

Violation Location: 507 12th Street West, Palmetto, FL 34221
Codes Violated: Chapter 7, Section 7.182(g-1) – Fences; Chapter 16- Section 16.26(2)- Accumulation of Garbage; Chapter 17, Section 17-28, Section 304.1- Exterior Structure; Section 304.13- Window, skylight and door frames; Section 304.13.1- Glazing

Code Enforcement Officer Riley had been sworn and her credentials are on file. The initial site visit January 4, 2018 revealed the dilapidated fence, and accumulation of garbage, and a broken window. The property manager contacted Mrs. Riley to discuss the board on the doors and windows. Re-inspection May 29 revealed the property is going through a total interior and exterior overhaul. It has been repainted, the door and some of windows have been replaced, and the fence has been fixed, but the property is still out of compliance. They are waiting for the glass to arrive in order to finish the window repairs.

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 is in violation of Section 304.13 and Section 304.13.1 of the City Code of Ordinances, and that the Respondent be given until June 25, 2018 to correct the violation by removing boards and replacing the broken glass.

E. Case No. 18-19
Joseph and Heather Cucculelli
1300 4th Street West
Palmetto, FL 34221

Violation Location: 1300 4th Street West, Palmetto, FL 34221
Codes Violated: Chapter 28, Section 28.52- Commercial Vehicles

Code Enforcement Officer Kathy Riley reviewed details of the case. The Respondent has applied for a building permit for an RV Storage Garage, and as of May 29, 2018 the garage has been erected and is waiting for final approval.

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 is in compliance of Chapter 28, Section 28.52 of the City Code of Ordinances, and no further action is required.

F. Case No. 18-21
Andrew J. Saulo
320 8th Street West
Palmetto, FL 34221

Violation Location: 320 8th Street West, Palmetto, FL 34221
Codes Violated: Appendix B Article VI 6.5(a)- Parking of domestic and commercial vehicles and recreational vehicles; Chapter 16, section 16.26(2)- Accumulation of Garbage; Chapter 16, Section 16.26(3)- Overgrown Property; Chapter 18, Section 18.1- Junked, Wrecked, Abandoned Property

Code Enforcement Officer Kathy Riley reviewed photos and details of the case, including a utility lien in the amount of \$472.81 valid through June 15, 2018. The original site visit on April 9 revealed an accumulation of garbage, an occupied RV parked in the rear yard, and an overgrown yard. Re-inspection on April 23 showed that no improvements had been made. Re-inspection on May 11 showed the RV had been removed, but the trash and debris had not been moved, and the yard was still overgrown. Re-inspection on May 29 showed that some of the yard had been mowed and some of the debris had been removed. Andrew Saulo claimed he only had a 7-day window to clean up the property as the tenant had stopped the mail. Mr. Saulo said the tenant finally left on his own, and was requesting just 2-3 days to bring the property 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 Respondent in violation of Chapter 16, sections 16.26(2) and 16.26(3) of the City Code of Ordinances, and that the Respondent be given until June 25, 2018 to correct the violations by containing or removing the trash, debris and building materials; cutting the overgrown property and maintaining such on a regular basis.

G. 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 Daniel Bull reviewed the case and stated that initial site visit December 14, 2017 revealed the property had a pool cage that was missing several screens and the screen door that appeared to be broken. After multiple re-inspections and notices to the property owner, Mr. Bull found that on April 4, 2018 the screens had been repaired, the door was fixed or replaced and the property was in 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 has brought the property into compliance in accordance with the previous order entered by this Board on March 29, 2018 and no further action is needed.

H. 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 Daniel Bull reviewed details of the case and said the initial site visit on January 23, 2018 revealed a pool with a fence that was in disrepair and falling down. Subsequent re-inspections showed the pool had been removed but the fence was still dilapidated. The most recent re-inspection on April 6, 2018 revealed that the old fence had been removed and a new fence was reinstalled.

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 has brought the property into compliance in accordance with the previous order entered by this Board on March 29, 2018 and no further action is needed.

I. 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 reviewed details of the case and showed photos from the site visits. The grass has been mowed but the roof and the windows are still in need of repair. Mrs. Riley spoke with Mr. Dixon, Administrator of the Masonic Lodge on May 23 and he informed her of their intent to transfer ownership of the property by a quit claim deed in the near future. After that event, the new owners would make the needed repairs to restore the building. The yard shows that it is being maintained.

MOTION: Mr. Rotondo moved, Mr. Longpre seconded, and the motion passed 5-0 to continue Case No. 18-12 until July 31, 2018.

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J. Case No. 18-20
WD-CEM Holdings, LLC
4618 Bayshore Blvd NE
St. Petersburg, FL 33703

Violation Location: 115 10th Street West (Lot 5A), Palmetto, FL 34221
Codes Violated: Chapter 17, Article II, Section 304.1- Exterior Structure; Section 304.4- Structural Members, Section 304.6- Exterior Walls

Code Enforcement Officer Daniel Bull reviewed the details and photos of the case. Mr. Woodrow Dulan is the owner of WD-CEM Holdings, and owns the property in question. Mr. Frank O'Neal occupies and owns the building. This particular property was a co-op, so both parties received the Notice of Violation. The first site visit January 18, 2018 revealed considerable structural damage and an expired license plate for the mobile home. Subsequent re-inspections showed that there had been no permit application, and no construction or repairs had been done. The Lone Oak property owner eventually took the building owner to court and the court awarded Lone Oak Park ownership of both the building and the property. Re-inspection May 29 showed the siding had been peeled off revealing the extent of the damage. Marshall, the Manager of Lone Oak stated the owner will be on site next week to determine if the property should be repaired or demolished.

MOTION: Mr. Tanner moved, Mr. Rotondo seconded, and the motion carried unanimously to continue the case until July 31, 2018.

K. Case No. 18-22
Louis P. Thomas III Family
PO Box 906
Palmetto, FL 34220-0906

Violation Location: 400 11th Street Drive West, Units E & F, Palmetto, FL 34221
Codes Violated: Section 16.26- Nuisance Defined; 16.26(12)- Nuisance; 16-27(a, b & c)- Prohibition and enforcement; Section 17-28, 301.2- Responsibility; 17-28, 304.1.1(8)- Unsafe conditions; 17-28, 304.2- Protective treatment; 17-28, 304.7- Roofs and Drainage; 17-28, 304.13.2- Openable windows; 17-28, 304.14- Insect screens; 17-28, 402.2- Common halls and stairways

Code Enforcement Officer Kathy Riley explained this property is unique in that one property ID #2631600000 covers multiple locations, including twenty-nine (29) separate buildings and each building has 2-3 separate addresses. The area is known as Thomas Estates. February 24, 2017 Mrs. Riley walked through the grounds with Mr. Keith P. Thomas, Kera Hill from the City Building Department and Joe, the property manager. Mr. Thomas has been very cooperative, and in March 2017 he gave Mrs. Riley notarized authorization to enter the property as needed. Photographs submitted during this Code Enforcement Board Meeting were a typical representation of each of the buildings within the parcel ID number. The windows do not open, most buildings show mold and graffiti, screening is rotted, roofs need repair, and fascia and soffit are deteriorated. Sidewalks present tripping hazards, and there is excessive debris. Re-inspection in 2018, multiple re-inspection revealed all buildings have been repainted, boards have been removed, and AC units are being supplied. Three windows are waiting replacement, sidewalks have been repaired and grass is being maintained. Some roofs still need repair. The property was still out of compliance because of the lack of identifying numbers/ letters on the doors; the need for window repair; and multiple roofs still need to be replaced. Attorney Regina Kardash noted that Case 18-22 and 18-23 are for the same PID number and should be treated as one case utilizing all the evidence and testimony for both.

MOTION: Mr. Longpre moved, Mr. Rotondo seconded, and the motion passed 5-0 to combine cases 18-22 and 18-23, and that based on the sworn testimony and evidence presented, the Board finds the Respondent in violation the City Code of Ordinances as stated, and that the Respondent be given until July 30, 2018 to correct the violations. This case will be heard at the July 31, 2018 Code Enforcement Board meeting beginning at 6:00 p.m. to determine if the order has been complied with and whether a fine should be imposed.

L. Case No. 18-23

Louis P. Thomas III Family
PO Box 906
Palmetto, FL 34220-0906

Violation Location: 405 11th Street Drive West, Units A, B & C, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26- Nuisance Defined; 16.26(12)- Nuisance, 16-27(a, b & c)- Prohibition and enforcement; Chapter 17, Section 17-28, Chapter 3, Section 302.3- Sidewalks and driveways; 17-28, Chapter 3, Section 304.1- Exterior structure; 17-28, Chapter 3, Section 304.2- Protective treatment; 17-28, Chapter 3, Section 304.7- Roofs and Drainage; 17-28, Chapter 3, Section 304.13.2- Openable windows; 17-28, Chapter 3, Section 304.14- Insect screens; Chapter 18, Section 18-1 Definitions- Abandoned motor vehicle or vessel

See above - CASE WAS COMBINED WITH Case No. 18-22

5. OLD BUSINESS

M. Case No. 11-06

Stacy E. and Neil L. Stinton
1315 6th Street West
Palmetto, FL 34221

Violation Location: 1315 6th Street West, Palmetto, FL 34221
Codes Violated: Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (2) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned property, Section 18-1 and 18-3.

Mrs. Johnston, Clerk of the Board asked to review old cases to clarify that the properties were in compliance and that the files could be closed. Code Enforcement Officer Kathy Riley submitted additional information in regard to when the properties had been declared in compliance.

Case no. 11-06 closed on June 27th, 2011 as compliant.

N. Case No. 11-13

Stacy E. and Neil L. Stinton
1315 6th Street West
Palmetto, FL 34221

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Violation Location: 1315 6th Street West, Palmetto, FL 34221
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, section 16-26, Section 16-26 (12) and Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned property, Section 18-1 and 18-3.

Case no. 11-13 closed January 31, 2012 as compliant.

O. Case No. 11-08

Leodegario Martinez
920 18th Avenue Drive West
Palmetto, FL 34221

Violation Location: 920 18th Avenue Drive West, Palmetto, FL 34221
Codes Violated: Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(12), Section 16-27(a), (b), & (c); Chapter 18 Junked, Wrecked, Abandoned Property, Section 18-1 and 18-3

Case no. 11-08 closed June 24, 2011 as compliant.

MOTION: Mr. Rotondo moved, Mr. Longpre seconded, and the motion carried unanimously that cases 11-06, 11-08, and 11-13 be closed administratively.

P. Case No. 18-02

T-Bolted, Inc.
5711 17th Street East
Bradenton, FL 34203

Violation Location: 313 9th Street Drive 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 Required

Affidavit of compliance was mailed and the case was closed. No action needed.

6. NEW BUSINESS

None

Mr. Charlie Leonard adjourned the meeting at 8:11

Minutes approved: June 26, 2018


Regina Kardash, Special Magistrate