

MINUTES
CODE ENFORCEMENT HEARING

City Hall
516 8th Avenue West
Palmetto, FL 34221

Special Magistrate: Regina Kardash, Esq.
June 26, 2018
6:00 p.m.

Staff Present:

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

Special Magistrate Regina Kardash called the meeting to order at 6:01 p.m. followed by a moment of silence and the Pledge of Allegiance.

All people speaking during the Hearing were duly sworn. Ms. Kardash made two changes in the agenda, by adding the Resolution SM2018-01 and moving Case E to the second case, followed by the balance of the agenda.

2. APPROVE MINUTES

Ms. Kardash approved the Minutes from the May 29, 2018 Code Enforcement Board meeting.

Special Magistrate Kardash introduced Resolution SM2018-01 to revise the previous procedures for the Code Enforcement Board, to make them applicable to the Special Magistrate Proceedings. The only significant change was to write in the ability to reserve rulings. Ms. Kardash reiterated that she would make independent determinations based on the facts and evidence presented for each case on behalf of the City of Palmetto, but clarified she is not employed by the City.

3. PUBLIC HEARINGS

A. Case No. 18-06

Rushmore Loan Management Services
Safeguard Properties
Estate of Judy Dianne Matthews
15480 Laguna Canyon Road #100
Irvine, 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 of the details of the case including mention of an active foreclosure and outstanding code and utility liens against this address. The Respondent was given until April 24, 2018 to correct the majority of the listed violations and given until June 26, 2018 to replace the roof. Mrs. Riley re-inspected the property May 29th and found the property was still in violation, without consideration of repairs to the roof which were not due until June 26. The site visit June 26, 2018 showed the roof was still in disrepair and no permit application had been submitted. Mrs. Riley showed dated photos of the property which have been submitted and made a part of these minutes. She opined the property is still in violation of Section 304.1- Exterior Structure and Section 304.7- Roofs and Drainage.

Mr. William Nussbaum spoke on behalf of Rushmore Loan Management Services. Mr. Nussbaum opined his client is a management servicing company and is not currently the property owner so they are reluctant to replace the roof or pull permits until ownership has changed. His client is willing to retarp the roof. Mrs. Riley stated one shed was still there, but no permit was pulled for the second unsafe building to be demolished, although the debris is still there. Special Magistrate Kardash confirmed that notices have been mailed to Rushmore Loan Management Services, Safeguard Properties and also to the property address.

SETTLEMENT: Respondents Rushmore Loan Management Services, Safeguard Properties and the Estate of Judy Dianne Matthews have not brought the property into compliance as previously ordered by the Code Enforcement Board on March 27, 2018 for violation of Chapter 17, Section 17-28, Section 304.1 and Section 304.7 of the City Code of Ordinances. A fine is hereby imposed in the amount of \$20.00 per day beginning June 26, 2018 and terminating the day the property is found to be in compliance by the Code Enforcement Officer.

B. 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 Riley reviewed details of the case, and noted the property was in active foreclosure proceedings and had outstanding code and utility liens. Photographs were made a part of these minutes. The vehicle in violation in this case is registered to a different name than the property owner. Notice has been posted, as well as mailed to Nationstar Mortgage and Shellpoint Mortgage Servicing. Shellpoint stated someone is living in the home and until ownership is transferred, there was nothing Shellpoint could do.

SETTLEMENT: Respondent has not brought the property into compliance as previously ordered by the Board on May 29, 2018 for violation of Section 18.1 of the City Code of Ordinances. A fine is hereby imposed in the amount of \$30.00 per day beginning June 26, 2018 and terminating on the day the property is found to be in compliance by the Code Enforcement Officer. Assess administrative costs incurred by the City in the prosecution of this matter in the amount of \$341.00 plus any applicable recording fees.

C. 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 Kathy Riley reviewed the details of the case and after re-inspection, she found the property was completely renovated and opined it is the nicest property on the street.

SETTLEMENT: Special Magistrate determined the property was in compliance and the case was dismissed.

D. 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

Officer Kathy Riley provided details and photos of the previous site visit May 29, 2018 and property re-inspection June 26, 2018 which have been made a part of these minutes. During the May 29th Code Enforcement Board meeting, Mr. Saulo had requested just a couple days to bring property into compliance, but very little progress has been made this entire month. Mrs. Riley remarked there is a utility lien against this address.

SETTLEMENT: Special Magistrate Kardash determined that the Respondent had not brought the property into compliance as previously ordered by the Board on May 29, 2018 for violation of Section 16.26(2) and 16.26(3) of the City Code of Ordinances. A fine is hereby imposed in the amount of \$10.00 per day for each violation beginning June 26, 2018 and terminating on the day the property is found to be in compliance by the Code Enforcement Officer. Assess administrative costs incurred by the City in the prosecution of this matter in the amount of \$363.80 plus any applicable recording fees.

E. Case No. 18-24

Christopher A. Kohl
1209 21st Avenue West
Palmetto, FL 34221

Violation Location: 1209 21st Avenue West, Palmetto, FL 34221
Codes Violated: Article VI, Section 6.8- Accessory structures

Officer Daniel Bull reviewed the details of the case. The Respondent applied for a permit but it was denied due to setback violations. The canopy structure was tied to the fence on the property line. A permit was applied, but the denied due to setback. Re-inspection June 22, 2018 revealed the structure had been completely removed. Mr. Kohl asked for clarification regarding restrictions for a carport canopy.

STIPULATION: Special Magistrate Kardash determined the property was in compliance and the case was dismissed.

F. Case No. 18-25
Glen H. Marcum
2416 16th Street West
Palmetto, FL 34221

Violation Location: 2416 16th Street West, Palmetto, FL 34221
Codes Violated: Chapter 7 Section 7.182 - Fences
Dan Bull reviewed the events of the case and opined re-inspection on June 22, 2018 revealed the old fence had been removed and a new fence had been installed.

STIPULATION: Special Magistrate Kardash determined the property was in compliance and the case was dismissed.

4. OLD BUSINESS- Special Magistrate Kardash observed in City Code of Ordinances, Section 2-85, subsection B-2(a) "...in instances when the Violator has corrected the violation prior to the hearing, Special Magistrate shall include in its Administrative Order any findings of costs therein as an Order Imposing Fines and Costs. The administrative costs are not mandatory, and will not be imposed if the Code Enforcement Officers do not ask.

For the cases in foreclosure: Once the orders are recorded, the City of Palmetto may choose to file a Notice of Appearance to preserve the City's lien, but that is at the discretion of another body.

5. NEW BUSINESS
none

Special Magistrate Regina Kardash adjourned the meeting at 7:00 p.m.

Minutes approved: July 31, 2018

Regina A. Kardash
Regina Kardash, Special Magistrate