

MINUTES
CODE ENFORCEMENT HEARING

City Hall, 516 8th Avenue West, Palmetto, FL 34221

Special Magistrate: Regina Kardash, Esq.
October 30, 2018
6:00 p.m.

Special Magistrate Regina Kardash called the meeting to order at 6:00 p.m. followed by a moment of silence and the Pledge of Allegiance. She explained that the Code Enforcement Hearing was a quasi-judicial proceeding in which she would be making her legal decisions and findings of fact based on the relevant evidence presented during the hearing in accordance to the City Code of Ordinances.

All people wishing to speak during the Hearing were duly sworn.

1. ADDITIONS OR DELETIONS TO AGENDA

none

2. APPROVE MINUTES

A. Minutes: September 25, 2018

Special Magistrate Kardash approved the Minutes as presented.

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate heard cases that came into compliance after the 10/30/18 Agenda was posted.

Code Enforcement Officer Daniel Bull stated the property at 1508 12th Street Drive West had come into compliance and Magistrate Kardash issued an order that Case 18-34 was closed.

Special Magistrate Kardash also pointed out that the Trespass Case #18002968 originally scheduled for 10/30/18 was rescheduled to 11/07/18 at 3:00 p.m., at City Hall in Palmetto.

B. Case No. 18-33

Kevin R. Frazier
525 4th Street West
Palmetto, FL 34221

Violation Location: 525 4th Street West, Palmetto, FL 34221
Codes Violated: Article VI, Section 6.8- Accessory structures

Code Enforcement Officer Kathy Riley reviewed details of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. The original site visit was 07/25/18. Magistrate Kardash first heard the case 09/25/18, and determined the temporary structure was not subject to the grandfathering exception. The Respondent was given until 10/29/18 to submit a development permit application at no cost to the Respondent. Mrs. Riley stated that as late as 3:55 p.m. 10/30/18, the portable accessory structure was still on the property and no development permit had been submitted.

SETTLEMENT: The Respondent has not brought the property into compliance as previously ordered on September 25, 2018 for violation of Article VI, Section 6.8 17 of the City Code of Ordinances. A fine is hereby imposed in the amount of \$25.00 per day beginning October 29, 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 \$294.60 plus any applicable recording fees.

C. Case No. 18-34

Gerald Eddie Overstreet
1508 12th Street Drive West
Palmetto, FL 34221

Violation Location: 1508 12th Street Drive West, Palmetto, FL 34221
Codes Violated: Chapter 16 – Section 16.26(2) – Accumulation of Garbage

SETTLEMENT: The Respondent has brought the property into compliance, the case is closed and no further action is needed.

D. Case No. 18-35

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 Daniel Bull reviewed the details of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. Code Enforcement Officer Daniel Bull has previously dealt with this Respondent regarding the same issue. Mr. Bull had suggested taking steps such as a game camera to catch the people illegally dumping on his vacant, fenced property. The Respondent insists the trash is not his, and feels it is being dumped from a neighboring mobile home park. Code Enforcement Officer Bull sympathetically stated that although the garbage is not the Respondent's fault, it is still his responsibility.

STIPULATION: Respondent is in violation of Section 16.26(2) of the City Code of Ordinances, and is given until November 26, 2018 to bring the property into compliance.

E. Case No. 18-36

Chanhsy Chanthyasack
4760 72nd Avenue North
Pinellas Park, FL 33781

Violation Location: 1025 27th Avenue West, Palmetto, FL 34221
Codes Violated: Florida Building Code 6th Edition (2017) Building – Chapter 1, Scope and Administration, Part 1, Scope and Application- Section 105 Permits, A-105.1 Required Section 7-31 City Code of Ordinances.

Code Enforcement Officer Daniel Bull stated Building Inspector, Mr. Jimmy Strickland found significant structural violations, termite damage and rot. May 18, Dan also conducted site visit, revealing many structural concerns. Cease and Desist order not to do any other construction. Mr. Bull submitted photos as well as an email from Mr. Chanthyasack which have been made a part of these minutes. Magistrate Kardash opined the City Attorney should apply to courts for an inspection warrant to consider demolition. Special Magistrate determined the Notice of Violation was deficient, stating the codes violated must be cited to the City Code of Ordinances and needed to be resent. The case would be heard November 27, 2018. She also opined the City might want to remediate this property. Records show Mr. Chanthyasack paid \$47,000 for the house and lot. The house is in a flood zone, and renovations may far exceed FEMA 50% rule, as it applies to just the structure for repairs.

STIPULATION: Notice of Violation is deficient for a lack of reference to City Code of Ordinances. Code Enforcement Officer Bull will resend the Notice of Violation and Case 18-36 will be heard November 27, 2018.

4. OLD BUSINESS

none

5. NEW BUSINESS

none

Special Magistrate Regina Kardash adjourned the Hearing at 6:32 p.m.

Minutes approved: November 27, 2018

Regina A. Kardash

Regina A. Kardash, Special Magistrate