

**MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
November 27, 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 the 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

Magistrate Kardash moved item I up in order to follow item B as there were people in attendance in the Chambers to hear those cases.

2. APPROVE MINUTES

A. Minutes: October 30, 2018 approved

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate determined the following cases had come into compliance.

- C. Case 18-35- Mancera
- F. Case 18-38- Rodriguez
- G. Case 18-39- Linda Evans
- H. Case 18-40- Marlin Investments (Winn-Dixie)

B. 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
405 11th Street Drive West, Units A, B, & C, Palmetto, FL 34221

Codes Violated: Chapter 17, Section 17-28, Chapter 3, Sections 304.7 – Roofs; 304.14 – Insect screens; 304.18.2 – Windows

Code Enforcement Officer Kathy Riley reviewed the details of the case, explaining the Respondent had been given several months to bring the property into compliance. The Respondent was first found to be in violation of the City Code of Ordinances at the Code Enforcement Meeting on May 29, 2018. The Respondent was given until July 30 to correct the violations. Special Magistrate Kardash heard the case July 31, 2018 and the case was continued until September 25, 2018 and continued again to November 27, 2018 in an effort to bring the property into compliance. Re-inspection November 27, 2018 revealed that the broken windows had all been replaced, but screens were not yet complete and seven roofs still needed to be replaced. The seven remaining roof permits will expire February 3, 2019.

Jose Mancillos, Property Supervisor for Thomas Estates explained the roofing is just not in the budget but opined the shingles should be completed in 120 - 150 days. He stated the contractor CZR had pulled the permits.

SETTLEMENT: The Respondent has not brought the property into compliance as previously ordered on May 29, 2018 for violations of the City Code of Ordinances as listed above regarding roofs and insect screens. A fine is hereby imposed in the amount of \$815.00 for administrative costs incurred by the City in the prosecution of this matter. Also, a fine is imposed of \$20.00 per day, per roof beginning February 3, 2019 (the day the permits expire) and terminating on the day the property is found to be in compliance by the Code Enforcement Officer. The fine will be imposed on incomplete roofs regardless of the whether or not there is an extension of the permits. Additional costs and recording fees may be assessed in the future.

C. 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

SETTLEMENT: Special Magistrate Kardash determined the property was in compliance and no further action was needed.

D. 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: Article III, Section 7-31, Florida Building Code 6th Edition (2017) Building – Chapter 1, Scope and Administration, Part 1, Scope and Application-Section 105 Permits, A-105.1 Required

Code Enforcement Officer Daniel Bull reviewed the details of the case beginning May 7, 2018, presenting evidence for the Magistrate's consideration and made a part of these minutes. Mr. Jimmy Strickland, Building Official performed a site visit and noted foundation and structural concerns, and stated he needed to meet with the Respondent to view the inside of the structure to determine what was necessary to bring the property into compliance. August 15, 2018, Mr. Strickland notified the Respondent that he needed to meet him at the property. Owner agreed but stated he was out of town, but would contact Mr. Strickland when he returned. The Respondent sent an email August 17, 2018, which has been made a part of the minutes. A Cease and Desist Order, a Notice of Violation and Notice of Hearing were all posted on the property. Development Services Director Karla Owens contacted the Building Official and City Attorney about possible condemnation after acquiring access to go inside.

STIPULATION: Special Magistrate Kardash continued the case until January 29, 2019, with no finding and the opportunity to present additional evidence.

E. Case No. 18-37

Carolyn B. Goodman, TC
5134 Lescot Lane
Orlando, FL 32811

Violation Location: 1108 3rd Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 15, Section 15.7(b) – Yard, Waste Cans & Bundles

Code Enforcement Officer Daniel Bull submitted details and photos of the case, which have been made a part of these minutes. The original site visit on October 10, 2018 revealed a pile of tree branches and limbs and assorted yard waste on the property. Multiple subsequent re-inspection visits showed the yard waste had not been removed. Records show there are other liens against the property. Magistrate Kardash discussed the names attached to Tenants in Common only showing Carolyn B. Goodman, as listed by Property Appraiser.

STIPULATION: Respondent is still in violation of Chapter 15, Section 15.7(b) of the city code of Ordinances, and the Respondent is given until December 13, 2018 to bring the property into compliance. The case will be heard again January 29, 2019. If the property is not in compliance by the date of the hearing, the fines will be retroactive to December 13, 2018, the date ordered to come into compliance.

F. Case No. 18-38

Edilma Garsia Rodriguez
1216 Dr. Martin Luther King Jr. Place
Palmetto, FL 34221

Violation Location: 1216 Dr. Martin Luther King Jr. Place, Palmetto, FL 34221
Codes Violated: Article III, Section 7-31 – Florida Building Code 6th Edition (2017) Building, Chapter 1, Scope and Administration, Part 1, Scope and Application-Section 105 Permits, A-105.1 Required

SETTLEMENT: Special Magistrate Kardash determined the property was in compliance and no further action was needed.

G. Case No. 18-39

Linda E. Evans
1500 7th Street West
Palmetto, FL 34221

Violation Location: 1500 7th Street West, Palmetto, FL 34221
Codes Violated: Article VI, Section 6.8- Accessory structures

SETTLEMENT: Special Magistrate Kardash determined the property was in compliance and no further action was needed.

H. Case No. 18-40

Marlin Investments, LLC
1102 18th Avenue South
Nashville, TN 37212

Violation Location: 515 7th Street West, Palmetto, FL 34221
Codes Violated: Chapter 19, Section 19-2- Retention or collection of shopping carts

SETTLEMENT: Special Magistrate Kardash determined the property was in compliance and no further action was needed.

I. Case No. 18-41

Amba Estates Palmetto FL, LLC
30 Compass Isle
Fort Lauderdale, FL 33308

Violation Location: 945 8th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 19, Section 19.220- Portable storage container, Section 19.222 (3)- duration of time allowed

Code Enforcement Officer Kathy Riley reviewed the details of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. Landlord, Mr. Gupta stated the POD and storage truck would be removed within two weeks.

David Retherford, CVS store manager stated arrangements had been made for the POD to be removed Friday, November 30, 2018. He also stated the truck will be removed Wednesday, December 5th, but Magistrate Kardash said the truck is not part of the Hearing. The City is not asking for administrative costs.

STIPULATION: Respondent is in violation of Chapter 19, Section 19.220 and Section 19.222 of the City Code of Ordinances, and is given until December 13, 2018 to bring the property into compliance. The case will be heard January 29, 2019.

4. OLD BUSINESS

J. Case No. 18-12

Masonic Lodge #487
2603 7th Avenue East
Palmetto, FL 34221

Magistrate Kardash recommended this be sent to the City attorney to consider for foreclosure. The fines continued to accrue for more than three (3) months with no payments or action toward compliance.

5. NEW BUSINESS

None.

Special Magistrate Kardash adjourned the Hearing at 6:55 p.m. The next meeting will be January 29, 2019.

Minutes approved: January 29, 2019

Regina A. Kardash

Regina A. Kardash, Special Magistrate