

**DRAFT MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
August 27, 2019
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 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

No changes were made to the agenda.

2. APPROVE MINUTES

Magistrate Kardash approved the July 30, 2019 Minutes as written.

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate Kardash determined the following two (2) cases had come into compliance:

- C. Case No. 19-12- Brower- 1120 20th Ave W
- G. Case No. 19-16- Elizarraras- 1209 22nd Ave W

B. Case No. 19-11

June M. Adams
5336 20th Street Court East
Bradenton, FL 34203

Violation Location: 301 14th Street West, Palmetto, FL 34221

Codes Violated: Chapter 7, Section 7.181 (3-a,b) Unsafe fence; Chapter 16, Section 16.26(2)- Accumulation of Garbage; Section 16.26(3)- Overgrown Property

Code Enforcement Officer Kathy Riley reviewed details and photos pertaining to the case. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. The Respondent currently has outstanding code and utility liens in the amount of \$963.66 valid through August 31, 2019. The fence and the accumulation of debris remain in violation of City Code of Ordinances, however the yard had been recently mowed.

Neighbor Arthur Smith, living at 1403 3rd Avenue West, confirmed someone is mowing the lawn, but strangers keep dumping stuff at the property. He opined the owner is hesitant to go on the property allegedly because of an altercation with the gentleman that had intended to buy the property.

Mr. Torres entered the Chambers at 6:15 p.m. and wanted to speak. He has lived at this property for 7 years. He frequently cleans the property, and is trying to sell the property. Wife, June Adams Torres also spoke, stating they do not know who keeps dumping on the property.

STIPULATION: Magistrate Kardash deemed the Respondent was in violation of the City Code of Ordinances regarding the fence and the accumulation of debris, and will be given until September 23, 2019 to bring the property into compliance.

C. Case No. 19-12

Eric Brower
1120 20th Avenue West
Palmetto, FL 34221

Violation Location: 1120 20th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26(3)- Overgrown Property

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

D. Case No. 19-13

Ginger Vangemert
800 25th Avenue West
Palmetto, FL 34221

Violation Location: 608 17th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 15, Section 15.7(b)- Yard, Waste Cans & Bundles

Code Enforcement Officer Kathy Riley noted on June 17, 2019 that a large portion of a tree had fallen on the property. Multiple re-inspections revealed that no action to remove the dead tree had been taken. Photos and details were presented for the Magistrate's consideration and made a part of these minutes.

Ginger Vangemert stated she is unable to remove the oak tree limb by herself and she cannot afford a tree service to remove the large limb. She opined the tree is only on her property and not blocking anyone from moving around.

STIPULATION: Magistrate Kardash continued the case until September 24, 2019 giving the Respondent additional time to secure a contract to remove the tree.

E. Case No. 19-14

James E. Bonelli
PO Box 1883
Palmetto, FL 34220-1883

Violation Location: 1224 24th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26 (3)- Overgrown Property

Code Enforcement Officer Kathy Riley reviewed details and photos pertaining to the case. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. May 9, 2019, prior to this case, the lawn had gotten so overgrown the City cut the high grass. The unpaid debt became an outstanding code lien against the property totaling \$472.44 due August 31, 2019. June 24, 2019, the original site visit for this case revealed the property was overgrown again. Re-inspections revealed no action to maintain the lawn, especially in the rear yard, which created a problem with rats and snakes.

The City cannot charge the Respondent as a habitual offender because they were not formally charged with a violation of 16.26(3) the Code of Ordinances.

Mr. Bonelli stated he has a heart condition and a pacemaker. According to Mr. Bonelli, Carol Larison was working with a lawn service and has been taking care of the mail, however the PO Box has lapsed.

STIPULATION: Magistrate Kardash deemed the Respondent was in violation of the City Code of Ordinances and will be given until September 23, 2019 to bring the property into compliance.

F. Case No. 19-15
NABS Corporation
1518 8th Avenue West
Palmetto, FL 34221

Violation Location: 715 16th Street West, Palmetto, FL 34221
Codes Violated: Chapter 7, Section 7.181 (3-a, b) Unsafe fence
Code Enforcement Officer Kathy Riley 5/14 original site visit revealed a dilapidated fence. Mr. Sia Mollanazar is the owner of the property. Mr. Mollanazar stated the he and the neighbor, Mr. Powers had an agreement about the fence and the neighbor failed to fix the fence. Multiple re-inspections revealed the fence is still not in compliance of chapter 7, section 7.181(3a,b). Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes.

Mr. Sia Mollanazar stated he was a professional engineer, 20-year Palmetto resident, previous CRA Board member, and opined he cared about the City. He stated he felt the City is getting in the middle of a civil dispute between two neighbors. Mr. Mollanazar gave a history of his property and fence issues. He submitted photos R1 – R6 which have been made a part of these minutes.

Mr. Mollanazar stated that his neighbor is parking a trailer and truck on his property. He opined it was no coincidence that a week later he got a letter from Code Enforcement. Mr. Mollanazar explained the neighbors' violations at length. Mr. Mollanazar feels the fence is not unsafe. Magistrate Kardash stated she only has jurisdiction on the unsafe fence issue. The photos show evidence the fence is in need of repair.

STIPULATION: Magistrate Kardash deemed the Respondent was in violation of the City Code of Ordinances and will be given until October 28, 2019 to replace or repair the fence to bring the property into compliance. The case will be heard again October 29, 2019.

G. Case No. 19-16

Agustin Elizarraras
Evangelina Elizarraras
4930 Reflecting Pond Circle
Wimauma, FL 33598

Violation Location: 1209 22nd Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26 (3)- Overgrown Property; Chapter 7, Section 7.181 (3-a, b) Unsafe fence

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

4. OLD BUSINESS

H. Case No. 19-09

Jessie Lee Mays
1403 3rd Avenue West
Palmetto, FL 34221

Violation Location: 1403 3rd 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 Required; Chapter 15, Section 15.7 (b)- Yard, Waste Cans & Bundles; Chapter 16, Section 16.26 (2)- Accumulation of Garbage; Section 16.26 (6)- The unauthorized accumulation or maintenance of lumber, stone, concrete, sand or any other building or construction material on a lot

Code Enforcement Officer Kathy Riley reviewed details and photos pertaining to the case. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. Property Owner Jessie Lee Mays is deceased. The current occupant Arthur Smith is her grandson. Yard waste had been removed, however the building materials remained on the property. Re-inspection August 27, 2019 revealed Arthur Smith, along with another, was actively cleaning the yard at 10:00 a.m. The non-permitted shed is still there. Mrs. Riley opined the Respondent is in noncompliance of the aforementioned City Code of Ordinances.

Magistrate Kardash clarified the remaining three (3) violations. Chapter 15, yard waste has been resolved.

Arthur Smith referred back to the photos provided as evidence in this case and pointed out the debris in the neighbors' yard. Mr. Smith's brother had been living with the grandmother, but both have passed. He claimed the house was abandoned and now he was living there, cleaning up stuff that was not his. Magistrate Kardash clarified the presented evidence.

SETTLEMENT: No fine was imposed today. Magistrate Kardash deemed the case would be heard at the next hearing September 24, 2019, to review progress for each of the three (3) violations. At that hearing, the Respondent will be fined \$10.00 per day per violation for any remaining violations starting September 25, 2019. Prior to the September 24th Code Enforcement Hearing, Mr. Smith should send

any additional videos and pictures to be considered in the hearing to pjohnston@palmettofl.org.

5. NEW BUSINESS

The next Code Enforcement Hearing is scheduled for September 24, 2019. The remaining code meetings will be held on October 29, 2019 and December 3, 2019 this year. November and December meetings will be combined to December 3rd. January 2020 will resume the normal schedule on the last Tuesday of each month.

Magistrate Kardash adjourned the meeting at 7:25 p.m.

Minutes approved:

Regina A. Kardash, Special Magistrate