

**MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
September 24, 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 the quasi-judicial procedures in effect during the hearing. All people wishing to speak were duly sworn.

1. ADDITIONS OR DELETIONS TO AGENDA

No changes were made to the agenda.

2. APPROVE MINUTES

Magistrate Kardash approved the August 27, 2019 Minutes as written.

3. PUBLIC HEARINGS

A. Compliance Cases

Magistrate Kardash determined the following case had come into compliance:

F. Case 19-21- Estate of Penny Rosenthal- 1607 10th Street West, Palmetto

B. Case No. 19-17

Paul N. Wolfe
1222 12th Avenue West
Palmetto, FL 34221

Violation Location: 1222 12th Avenue West, Palmetto, FL 34221

Codes Violated: Chapter 18, Section 18-1- Definitions; Section 18-3- Abandoned personal property, motor vehicles and vessels declared nuisances; Section 18-7- Storage of abandoned motor vehicles or vehicles on privately owned property; Section 18-8- Evidence; Section 18-9- Enforcement and responsibility for disposition; Appendix B, Article VI, Section 6.3- Repair of automobile or motor vehicle in residential districts

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. Initial site visit May 18, 2019 was in response to a phone complaint. After multiple site visits, re-inspections and extended deadlines Ms. Riley stated the Respondent is still non-compliant. Magistrate Kardash clarified the two violations.

STIPULATION: Respondent was given 15 days to correct the matter and the case would be heard again at the Code Enforcement Hearing October 29, 2019.

C. Case No. 19-18
Oscar C. Randolph
Michelle A. Randolph
1903 5th Avenue West
Palmetto, FL 34221

Violation Location: 1903 5th Avenue West, Palmetto, FL 34221
Codes Violated: Chapter 16, Section 16.26 (3)- Overgrown Property; Chapter 18, Section 18-1- Definitions; Section 18-3- Abandoned personal property, motor vehicles and vessels declared nuisances; disposal; Section 18-6- Immunity of city personnel; Section 18-7- Storage of abandoned motor vehicles or vehicles on privately owned property; Section 18-8- Evidence; Section 18-9- Enforcement and responsibility for disposition

Code Enforcement Officer Kathy Riley reviewed details and photos pertaining to the case. She noted clerical errors in labeling the photos. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. Initial site visit July 29, 2019 revealed code violations, specifically overgrowth and an inoperable vehicle. After multiple site visits, Ms. Riley stated the grass had been mowed, but the vehicle was still non-compliant.

The Respondents were not in attendance. Magistrate Kardash read code section 18-8 to specifically address the violation.

STIPULATION: Respondent was in violation of Section 18-8 of the City Code of Ordinances and was given 15 days to come into compliance by providing current registration of the vehicle or proof that the vehicle is immediately operable. Case will be heard again at the October 29, 2019 Code Enforcement Hearing.

D. Case No. 19-19
Gabriel Betancourt
Cornelia Betancourt
702 12th Street Drive West
Palmetto, FL 34221

Violation Location: 702 12th Street Drive West, Palmetto, FL 34221
Codes Violated: Chapter 6, Section 6.31- Chickens on residential property; Chapter 16, Section 16.26 (2)- Accumulation of Garbage; Chapter 18, Section 18-1- Definitions; Section 18-3- Abandoned personal property, motor vehicles and vessels declared nuisances; Section 18-6- Immunity of city personnel; Section 18-7- Storage of abandoned motor vehicles or vehicles on privately owned property; Section 18-8- Evidence; Section 18-9- Enforcement and responsibility for disposition

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. Details of the case included a rooster in the front yard, boarded windows, trailer on blocks and an inoperable white Ford SUV on the property. Mrs. Riley noted the clerical error on the photos for the Power Point. The accumulation of garbage has been removed. No representatives for the property were in attendance at the Hearing.

STIPULATION: Respondents were found in violation of the City Code of Ordinances and given 15 days to correct violations for each vehicle and since the Respondent had claimed the rooster was not their property, after 15 days Magistrate Kardash authorized the City to remove the bird. This case would be heard at the next hearing.

E. Case No. 19-20

Linda F. Lopez
Jose R. Alvarez-Lopez
1901 5th Avenue West
Palmetto, FL 34221

Violation Location: 1901 5th 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; Article VI, Section 6.8- Accessory structures; Chapter 16, Section 16.26 (6)- Unauthorized storage of construction materials

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 initial site visit August 5, 2019 revealed an accessory structure had been erected with no permit. One shed remains in violation and needs to be permitted.

Linda Lopez did not understand a permit was needed. Magistrate Kardash explained to the Respondent what needed to be done.

STIPULATION: Respondents were found in violation and given 30 days to come into compliance, and the case will be heard again during the October 29, 2019 Code Enforcement Hearing.

F. Case No. 19-21

Estate of Penny M. Rosenthal
1607 10th Street West
Palmetto, FL 34221

Violation Location: 1607 10th Street West, Palmetto, FL 34221
Codes Violated: Chapter 15, Section 15.7 (b)- Yard, Waste Cans & Bundles; Chapter 16, Section 16.26 (3)- Overgrown Property; Chapter 18, Section 18-1-Definitions; Section 18-3- Abandoned personal property, motor vehicles and vessels declared nuisances; Section 18-7- Storage of abandoned motor vehicles or vehicles on privately owned property; Section 18-8- Evidence; Section 18-9- Enforcement and responsibility for disposition

STIPULATION: Magistrate Kardash determined the property is in compliance and no further action is needed.

4. OLD BUSINESS

G. 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. Mrs. Riley noted there were outstanding liens against the property for at least \$963.66 and the Respondent had been given until September 23, 2019 to come into compliance. Site visit 9/23/19 revealed the fence was repaired and the debris cannot be seen from the road.

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

H. 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 reviewed details of the case, continued from August 27, 2019 and re-inspection September 24, 2019 revealed tree removal had not been completed. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes.

Mrs. VanGemert opined the fallen tree should be removed by the City because it was on the City easement.

STIPULATION: Respondent was found in violation of Chapter 15, Section 15.7 (b) in the City Code of Ordinances and was given thirty (30) days to dispose the fallen tree. The case will be heard at the October 29, 2019 Code Enforcement Hearing.

I. 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.

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

J. 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. Mrs. Riley noted the Respondent is deceased but the current occupant Arthur Smith was given until August 26, 2019, and then given additional time at the August 27, 2019 Hearing to bring the property into compliance. Re-inspection September 24, 2019 revealed property was still in violation.

There was a power outage at 7:00 p.m., so the Magistrate called for a 5-minute break.

Magistrate Kardash reviewed the photo details. Mr. Arthur Smith spoke about the overwhelming circumstances that prevented him from fixing the property violations. Bricks, hot tub, and sheds remain on the property. Magistrate Kardash reviewed the two violations.

SETTLEMENT: The property was found in violation of the building permit and accumulation of garbage and will be fined \$10.00 per day per violation effective September 25, 2019.

5. NEW BUSINESS

The next Code Enforcement Hearing is scheduled for October 29, 2019. November and December hearings will be consolidated to be heard on Tuesday, December 3, 2019.

Magistrate Kardash adjourned the meeting at 7:23 p.m.

Minutes approved: October 29, 2019

Regina A. Kardash

Regina A. Kardash, Magistrate