

**MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
October 29, 2019
6:00 p.m.**

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. She explained the quasi-judicial procedures in effect during the hearing. She disclosed two matters with Code Enforcement Officer Riley pertaining to 1) CEH 19-09- but she had made her ruling and the case was closed prior to the conversation so it was of no affect. 2) CEH 19-20- about the issuance of a permit from the Building Department, which will be a part of the minutes when the case is heard.

1. ADDITIONS OR DELETIONS TO AGENDA

No changes were made to the agenda.

2. APPROVE MINUTES

Magistrate Kardash approved the September 24, 2019 Minutes as written.

3. PUBLIC HEARINGS

A. Compliance Cases

The following case(s) came into compliance after the 10/29/19 Agenda was posted.

B. Case No. 19-22 – Davis; 1402 14th Street West

B. Case No. 19-22

Lemanthus Davis
8078 Country Run Parkway
Orlando, FL 32818

Violation Location: 1402 14th Street West, Palmetto, FL 34221

Codes Violated: Chapter 15, Section 15-2 – Separation of refuse and yard trash required

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

C. Case No. 19-23

Katherine A. Funk Frandanisa
8624 Artillery Road
Manassas, VA 20110

Violation Location: 505 and 507 14th Avenue West, Palmetto, FL 34221

Codes Violated: Chapter 7, Section 7.181 (1, 3- a, b) Definitions; Chapter 16, Article II- Nuisances, Section 16-27 (a, b, c) – Prohibition and enforcement

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. Respondent has two utility liens totaling \$3,525.35 valid through October 31, 2019. Mrs. Riley submitted a written offer that was sent to the Respondent from Public Works to remove the stone fence for no more than \$800. Shrubs hanging over the sidewalk were cut by the City. There has been no action by the Respondent to repair the wall. Magistrate Kardash confirmed the Hearing was only about the condition of the fence.

STIPULATION: The Respondent was given until November 29, 2019 to repair, replace or remove the fence.

D. Case No. 19-24

Nicholas Joseph Florio
1409 7th Street West
Palmetto, FL 34221

Violation Location: 1409 7th Street 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 Permits, A-105.1- Required

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. October 3, 2019, Respondent came in to Public Works to inquire about the permit.

Mr. Florio bought the shed at Lowe's, where they indicated he only needed a permit if shed is more than 120 sq. ft. Officer Riley clarified Manatee County rules are different than the City of Palmetto code. Respondent has all the paperwork, and understands the windload and permit procedures.

STIPULATION: Magistrate Kardash continued this case to December 3, 2019.

4. OLD BUSINESS

E. 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. At the September 24th Hearing, the Respondent was given until October 10, 2019 to come into compliance. Mrs. Riley opined Mary Masterson and Paul Wolfe offered a number of excuses but were not willing to comply with City Ordinances. She continued, although there had

been some improvements on the Mercury, the vehicle and motor home still appeared inoperable.

SETTLEMENT: Magistrate Kardash deemed the motor home is not in compliance and imposed a fine of \$10 per day beginning October 10, 2019 until the motor home is brought into compliance. She also imposed a fine of \$5 per day beginning October 10, 2019 until the Mercury is shown to be operable. Administrative costs incurred in the processing of the case were assessed in the amount of \$345.00, including lien filing fees.

F. 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. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes.

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

G. 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. Respondent was given until October 10, 2019 to repair the Ford Expedition, fix flat

tires, register the trailer and remove the rooster from the premises.

SETTLEMENT: Magistrate Kardash found the Respondent in compliance for the Ford Expedition, but not in compliance with respect to the trailer. A retroactive fine was imposed for \$5.00 per day beginning October 10, 2019 until the trailer is brought into compliance of the City of Palmetto Code of Ordinances. Administrative costs were assessed in the amount of \$345.00 which includes lien filing fees.

H. 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

Magistrate Kardash and Officer Riley spoke the day after the last hearing about requirements for building permits, specifically the engineering report and engineering opinion since it was a self-built shed. The Respondents were given until October 24, 2019 to correct violations. Building materials were removed, application for permit. The Building Inspector did not approve the permit, still needing an engineer's report with windload requirements.

SETTLEMENT: Magistrate Kardash deemed the Respondents are not in compliance in regard to an approved building permit for the shed. The Magistrate imposed a fine of \$5.00 per day effective October 24, 2019, until they receive an approved permit or the shed has been removed. Administrative costs were assessed in the amount of \$275.00 which include lien filing fees.

I. 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 and photos pertaining to the case. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. Officer Riley stated the case first came before the Magistrate on August 27, 2019 and was continued to September 24th. The fallen tree was still laying in the yard, and Respondent was given until October 24, 2019 to remove tree. Re-inspection October 24th and again today revealed the tree has not been removed.

SETTLEMENT: Magistrate Kardash deemed the Respondent is not in compliance and imposed a fine of \$25.00 per day retroactive to October 24, 2019. Administrative costs were assessed in the amount of \$355.00 including lien filing fees.

J. 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 reviewed details and photos pertaining to the case. Evidence was presented to Magistrate Kardash for her consideration and made a part of these minutes. Officer Riley recalled the Respondent first appeared before the Magistrate August 27, 2019 and was given until October 28, 2019 to repair or remove their fence. Mrs. Riley stated that as of today, the fence has been repaired.

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

5. NEW BUSINESS

The next Code Enforcement Hearing is scheduled for Tuesday, December 3, 2019.

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

Minutes approved: December 3, 2019

Regina A. Kardash

Regina A. Kardash, Magistrate