

**DRAFT MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
July 26, 2022
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 Pledge of Allegiance. Ms. Kardash explained that the 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 were duly sworn.

1. ADDITIONS OR DELETIONS TO AGENDA

No changes were made to the agenda.

2. APPROVE MINUTES

Magistrate Kardash approved the following minutes as written.

- A. Minutes: Code Enforcement Hearing July 27, 2021
- B. Minutes: Citation Appeal Hearing January 26, 2021
- C. Minutes: Citation Appeal Hearing March 29, 2022
- D. Minutes: Citation Appeal Hearing May 24, 2022

3. PUBLIC HEARINGS

A. Case No. 22-01

Stephen Johnson
1413 6th Street West
Palmetto, FL 34221

Violation Location: 1413 6th Street West, Palmetto, FL 34221
Codes Violated: Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, 16-28, Appendix B, 3.2.

Code Enforcement Officer Ken Sexton presented photos and evidence to the Magistrate for her consideration, which have been made a part of these minutes. Case history at this property revealed repeated violations of open storage, accumulation of garbage, and sanitary nuisance. However titled, the same violation has been a concern since 2013. Mr. Sexton demonstrated that there was a pattern of repeated regression. Mr. Sexton opened the most recent case on March 4, 2022. On the first site visit March 8, 2022, Mr. Sexton documented that there was a sanitary nuisance as well as unscreened debris. Mr. Sexton received additional complaints in March regarding this property. Mr. Sexton sent emails to Mr. Johnson on March 29th, April 8th, and then on April 11th copies of Administrative Orders from previous years of violations were emailed, but with no response from Mr. Johnson. The Notice of Opportunity was mailed May 10, 2022. Mr. Sexton stated that other neighbors continued to submit complaints. Mr. Johnson received the Notice of Violation May 27, 2022. Code Enforcement Officer Sexton stated that Mr. Johnson had been accommodating and non-adversarial during all interactions. Mr. Johnson

fully understood that there needed to be voluntary compliance by June 30, 2022. As of the date of this hearing, the property was still in violation of City codes as listed.

Magistrate Kardash asked if the City was requesting abatement or compliance. Mr. Sexton remarked it is important to provide relief for the neighbors. The City may have to take action to resolve a problem that has lasted over 8 years. Ms. Kardash opined that there may be community resources for psychological hoarding issues.

Mr. Johnson remarked he did not see the emails, but he was trying to clear things out. Magistrate Kardash stated this has been an ongoing problem, and acknowledged the items were somewhat organized in the most recent photo, but that did not bring them into compliance.

Zach Baittinger lives adjacent to Mr. Johnson. He stated the problem has continued since 2013. Mr. Baittinger stated his rights have been violated and the "stuff" could be dangerous during a storm, plus the value of his property has been decimated. Mr. Sexton shared Mr. Baittinger's photos dated May 16, 2022 of the neighbor's side and back yard at the request of Magistrate Kardash.

Mike Cookston spoke about Mr. Johnson's commitment to clean up the property. He opined there had been significant improvement, but agreed there was still work to do.

Magistrate Kardash recessed the Hearing for five (5) minutes and then provided the verbal Administrative Order. She reviewed Section 16-31 which provides for abatement by the City. She deemed a violation exists on the property and it needs to be remedied. She noted that infestation such as mosquitos and rats can carry state statutory penalties and the City is free to seek an inspection warrant or other remedies as provided by the state statute.

STIPULATION: Magistrate Kardash found the property in violation of the City Code of Ordinances as listed, and gave the Respondent thirty (30) days to complete the clean-up. She did not levy a fine at this date but gave the Respondent until August 25, 2022 to bring the property into compliance. The next Code Enforcement Hearing is scheduled for August 30, 2022 and if the clean up is not completed by August 30th, Magistrate Kardash will enter an order giving the City the right to go on the property to abate the nuisance and lien said property for the cost of such abatement. She requested that the City present evidence of the cost of abatement and provide proof of the cost of abatement to the Respondent prior to the August 30th Hearing date.

Ms. Stephanie Johnson asked to have the non-compliant items circled on the photos like the previous Code Enforcement Officer used to do. Magistrate Kardash felt that could be done. She repeated that the City is still able to get an inspection warrant for any other issues that may exist on the property.

4. OLD BUSINESS

There were no Code Enforcement Hearings required from August 2021 through June 2022.

5. NEW BUSINESS

The next Code Enforcement Hearing will be scheduled for August 30, 2022.

Magistrate Kardash adjourned the Hearing at 6:56 p.m.