

**DRAFT MINUTES
CODE ENFORCEMENT HEARING**

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

**Special Magistrate: Regina Kardash, Esq.
August 30, 2022
6:00 p.m.**

Staff Present:

Sgt. Micah Mathews- Palmetto Police
Officer Madison Peters- Palmetto Police Marine Unit
Kenneth Sexton- City Code Enforcement Officer
Chief Scott Tyler- Palmetto Police
Cassi Bailey- Assistant City Clerk

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 26, 2022
- B. Minutes: Citation Appeal Hearing August 10, 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. The Administrative Order dated August 1, 2022 granted the Respondent, Mr. Johnson until August 25, 2022 to correct the sanitary nuisance violation and come into compliance with the City codes. August 12, 2022, Mr.

Johnson was notified during a site visit that abatement costs could exceed \$1000.00 per day, but the vendor would need to see the property prior to providing a written estimate. August 22, 2022, Code Enforcement Officer Sexton took photos during a site visit, showing items had been removed or relocated from the front yard, but the property had still not been brought into compliance, particularly in the carport area. August 25, 2022, Mr. Sexton and Mr. Lee Rose, abatement vendor Steri-Clean, took photos revealing the state of the property on the due date of voluntary compliance.

The neighbor Zack Baittinger shared that he witnessed many items were being relocated out of sight but he remained concerned that the items would return to the front yard over time.

SteriClean submitted an estimate of \$2500 - \$2750 for cleaning the property with a team of two, but it only included the items that could be seen from the front yard. Items on the side of the house or not visible behind the house would be an additional cost.

The site visit on August 30, 2022 revealed the property is still in violation. Mr. Sexton and Mr. Rose both offered their services to answer questions.

The Respondent, Mr. Johnson felt he could store tools and things in the carport because he does not have a garage. Ms. Kardash noted that there had been a considerable improvement from the first photos July 26, 2022, but multiple items still needed to be removed.

Mr. Baittinger stated that his property has been devalued by at least \$10,000 due to the unsightliness of his neighbor's property.

SETTLEMENT: Magistrate Kardash deemed the property was still in violation and assessed a fine of \$20 per day effective August 25, 2022, plus the ultimate cost of the City's remediation will be attached as an Exhibit to the Order. The case will be brought back for a final compliance hearing on September 27, 2022.

B. Case No. CE-1301

William T. Pfister
444 Kaiser Drive
Palmetto, FL 34221

Violation Location: North side of Manatee River, Palmetto, FL 34221
Moored between train trestle and Green Bridge
Codes Violated: Ordinance 2022-04, Section 10.1(1)

Officer Madison Peters, Palmetto Police Marine Unit, stated the vessel has been moved out of the City and is no longer subject to enforcement action.

SETTLEMENT: Magistrate Kardash found that the Respondent has come into compliance, no fine is due, and no further action is needed.

4. OLD BUSINESS

None

5. NEW BUSINESS

The next Code Enforcement Hearing will be scheduled for Tuesday, September 27, 2022.

Magistrate Kardash adjourned the meeting at 6:16 p.m.

Minutes approved:

Regina A. Kardash, Magistrate