

**DRAFT MINUTES
CODE ENFORCEMENT HEARING**

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

Special Magistrate: Regina Kardash, Esq.
October 25, 2022
6:00 p.m.

NO VIDEO RECORDING IS AVAILABLE FOR THIS HEARING.

Staff Present:

Jeff Bowman- Code Enforcement Officer
Ken Sexton- Code Enforcement Officer
Matthew Wilson- Palmetto Police Officer
Penny Johnston- Executive Assistant

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

2. APPROVE MINUTES

Magistrate Kardash approved the August 30, 2022 Code Enforcement Minutes as written.

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 Kenneth Sexton reviewed details of the case. On August 30, 2022 Magistrate Kardash had given remediation authority to the City, and imposed a \$20.00 fine per day, retroactive to August 25, 2022 until the property was brought into compliance. Additional site visits by Officer Sexton on September 17th and 18th revealed no movement toward compliance. September 20, 2022 Steri-Clean came to abate the property. Mr. Johnson paid Steri-clean \$2,500, the full cost of the abatement. At that date, the property was brought into compliance. Magistrate Kardash stated that the City would file the Administrative Order and the

Order of Compliance with Manatee County. No further administrative costs were imposed and Code Enforcement Officer Sexton asked to waive the \$20.00 daily fine that was established at the August 30, 2022 Hearing. Magistrate Kardash agreed to revise her original order.

SETTLEMENT: Magistrate Kardash deemed, that based on testimony and evidence presented, that the property had been brought into compliance and no further action is needed.

B. Case No. PC000217

Vanessa Perez
5625 36th Court East
Ellenton, FL 34222

Violation Location: Walmart, 508 10th Street West, Palmetto, FL 34221
Codes Violated: Section 28-54(A)(7) Parking in a designated handicap space without a permit

Palmetto Police Officer Matthew Wilson testified that at approximately 9:03 p.m. on August 22, 2022, he saw an unoccupied black Nissan parked in a handicap parking space without a parking placard displayed. He ran the license plate and did not see any permanent disability permit attached to the tag. The Respondent came out of the store with a child, but the father was not in the vehicle that evening.

Ms. Vanessa Perez admitted she was parked in the handicap spot. She added that her father had recently been released from the hospital and they had been to Publix that evening. However, she agreed that her father was not in the vehicle in the Walmart parking lot.

SETTLEMENT: Special Magistrate found the Respondent in violation of the City Codes as cited and she upheld the citation. The \$25.00 appeal fee that Ms. Perez paid previously would be credited to her citation leaving a balance due of \$175.00 if paid within 10 days of this order.

C. Case No. PC000227

James A. Oliveto
2913 13th Street West
Palmetto, FL 34221

Violation Location: Walmart, 508 10th Street West, Palmetto, FL 34221
Codes Violated: Section 28-54(A)(7) Parking in a designated handicap space without a permit

Palmetto Police Officer Matthew Wilson testified that at approximately 7:28 p.m. on October 8, 2022 he saw an unoccupied blue Chrysler minivan parked in a handicap parking space without a parking placard displayed. He ran the license plate through the ELVIS (Electronic License and Vehicle Information System) database and did not see any permanent disability permit attached to the tag.

Mr. James Oliveto stated the handicap tag was in the visor and he admittedly forgot to hang the permit appropriately. He provided a State of Washington handicap parking placard with a June 2023 expiration date, as well as a permanent Disability Parking Privilege card. Both items were submitted for the consideration of the Magistrate and made a part of these minutes.

SETTLEMENT: Magistrate Kardash dismissed the case, and no further action is needed. The City of Palmetto will refund the \$25.00 appeal fee.

4. OLD BUSINESS

September 27, 2022 Code Enforcement Hearing was postponed to October 25, 2022 due to Hurricane Ian.

5. NEW BUSINESS

The next Code Enforcement Hearing will be scheduled for Tuesday, November 29, 2022.

Magistrate Kardash adjourned the meeting at 6:21 p.m.