

**DRAFT MINUTES
CODE ENFORCEMENT HEARING**

**City Hall, 516 8th Avenue West, Palmetto, FL 34221
June 27, 2023
3:00 p.m.**

Special Magistrate: Regina Kardash, Esq.

Staff present:

Kenneth Sexton- Code Enforcement Officer

Penny Johnston- Executive Assistant

Special Magistrate Regina Kardash called the meeting to order at 3:02 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 the 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

none

2. APPROVE MINUTES

Magistrate Kardash approved the October 25, 2022 Code Enforcement Minutes as written.

3. PUBLIC HEARINGS

A. Case No. 23-01

Alassio Properties LLC- owner

1990 Main Street #709-750

Sarasota, FL 34236

Violation Location: Dollar General #15177, 1001 10th Street West, Palmetto, FL 34221

Codes Violated: Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Enumeration of unlawful conditions or acts.

Code Enforcement Officer Kenneth Sexton reviewed details of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. The initial complaint came on April 21, 2022, in regard to the perpetual litter, trash, unkept landscape and the dirty ice machine at Dollar General. Code Officer Sexton scheduled his first site visit for May 11, 2022. He spoke with store manager Ken Norris, who stated corporate management does not provide enough man-hours to address daily litter. Follow-up visits on 05/16/22, 06/06/22, 06/27/22, and 07/28/22 revealed no improvement on litter or landscape. Mr. Sexton was in contact with John Bosshardt, property owner, who stated he is addressing the problem with Dollar General Management. Mr. Sexton reinspected the property on August 30, 2022, noticing some trimming done to the landscaping. October 5, 2022, the case was suspended due to some modest improvements and sympathy for the personal situation of property owner Mr. Bosshardt

April 27, 2023, the case was reopened due to another complaint about the conditions of the grounds and landscaping. The condition at Dollar General did not improve despite conversations with District Manager Frank Curnette and Store Manager Ken Norris. The landscape company only required to pick up a maximum of 5-gallon bucket of trash each visit.

Multiple site visits on 05/03/23, 05/15/23, 06/02/23 and 06/26/23 revealed no improvement. Officer Sexton stated the CRA has an incentive agreement that goes with the property which can be reduced or withheld for not complying with City Codes.

District Manager Frank Curnette, over 19 Dollar General locations, stated he has been sharing all the information with corporate offices. He opined that the property is large and there are a number of homeless people in the area. He continued that Dollar General is a low-cost operator, the store manager picks up litter from the lot each morning, and the landscape company picks up a 5-gallon bucket each visit. They have security cameras, and he says he has made complaints to Palmetto Police Department. He concluded that he cannot commit the man hours or make the decisions ... it is above his paygrade.

Store Manager Ken Norris says the store is open 7 days a week, and he is there 6 days each week. He agreed they need to change the lawn care service. Officer Ken Sexton confirmed that the law looks to the property owner and the tenant to comply with City codes.

Mr. Curnette acknowledged he has the ability to see cameras at any of his 19 locations, inside or outside. He apologized for the condition of the property, but said it is a change someone else is going to have to make.

STIPULATION: Magistrate Kardash found the property in violation of Section II, Section 16-26 of the City of Palmetto Code of Ordinances and gave Dollar General thirty (30) days to bring the property into compliance and have the debris removed. A fine is imposed as a lien on the property and can be up to \$250/day for a first-time violation. A second violation has a shorter procedure time and can carry a fine of up to \$500/day. If the problem is not resolved within thirty days, a fine will be set and continue to run until an affidavit of compliance is filed. The next hearing was set for August 29, 2023, at 3:00 p.m.

4. OLD BUSINESS

None

5. NEW BUSINESS

The next Code Enforcement Hearing will be scheduled for Tuesday, August 29, 2023.

Magistrate Kardash adjourned the meeting at 3:56 p.m.