

**MINUTES
CODE ENFORCEMENT HEARING**

**City Hall, 516 8th Avenue West, Palmetto, FL 34221
Special Magistrate: Regina Kardash, Esq.
September 26, 2023
3:00 p.m.**

Staff Present:

Ken Sexton, Code Enforcement Officer
Penny Johnston, Executive Assistant

Special Magistrate Regina Kardash called the meeting to order at 3:02 p.m., followed by the Pledge of Allegiance and a moment of silence. 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 and testimony presented.

All people wishing to speak were duly sworn.

1. ADDITIONS OR DELETIONS TO AGENDA

2. APPROVE MINUTES

Magistrate Kardash approved the June 27, 2023 Code Enforcement Hearing 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.

Officer Kenneth Sexton reviewed details of the case. Evidence was presented for the Magistrate's consideration and made a part of these minutes. The case came before the Magistrate June 27, 2023, evidence showed they were in violation, and Dollar General and other interested parties were given thirty (30) days to bring the property into compliance according to the Administrative Order mailed July 5, 2023. The August Hearing was continued to September 26, 2023, due to a State of Emergency issued for Manatee County.

Code Enforcement Officer Ken Sexton did a site visit today and issued an Affidavit of Compliance. He is not recommending any fines at this time.

Dollar General District Manager Frank Curnutte, residing at 11714 Hidden Forest Loop, Parrish, FL oversees 19 stores, and he has been with Dollar General for 5 years. He opined that Dollar General is a low-cost operator serving the underserved. He continued that no other store of the 242 stores in the region has received a complaint regarding their properties or trash. He opined that this location is in violation only because Ken Sexton is taking it personally. He faults the homeless people for the mess and the police department for not checking on the property.

Regina Kardash reprimanded Mr. Curnutte for accusing Mr. Sexton of taking this case personally and pointed out that Mr. Sexton deemed that the property was in compliance and he requested no fine. She continued that there was photo evidence of the violation and there was a date certain to come into compliance. The City was well within their rights to request a fine.

STATEMENT: Magistrate Kardash found the property in compliance and no further action is needed.

B. Case No. 23-03

T-Bolted, Inc.

Mary Anne MacDonald- Registered Agent

6601 36th Avenue Drive West

Bradenton, FL 34209

Violation Location: 313 9th Street Drive West, Palmetto, FL 34221

Codes Violated: Chapter 18, Section 18-7 Storage of abandoned vehicles on privately owned property.

Code Enforcement Officer Ken Sexton shared hardcopy of the evidence, photos and details which were submitted to the Magistrate for her consideration and made a part of these minutes. T-Bolted Inc. is the owner of this property, with Mary Anne MacDonald as the registered agent.

Mr. Sexton reviewed the details of the case. May 3, 2023, he contacted Mr. MacDonald asking for voluntary compliance by May 12, for the same violation that was cited in October 2022. May 30, 2023, the abandoned and inoperable boat was still in violation of City code. Notice of Violation was delivered June 5th asking for compliance by June 9th. Mr. MacDonald negotiated for additional time to June 12th. June 30th, the junked boat was still non-compliant. August 6, 2023, Mr. MacDonald was on site and stated he was still working to remove the boat. The August Hearing was continued to today due to a State of Emergency in Manatee County.

Mr. Sexton did a site visit on Friday, September 22, 2023, and the boat was still there. The site visit 4 days later revealed that the boat had been removed. Mr. Sexton requested a Finding of Fact, without fines.

Ms. Mary Anne MacDonald had no questions for Mr. Sexton.

STIPULATION: Magistrate Kardash deemed the violation had been corrected as of the date of this hearing.

4. OLD BUSINESS

Due to Hurricane Idalia, the August 29 Hearing was continued to September 26, 2023.

5. NEW BUSINESS

The next Code Enforcement Hearing will be scheduled for Tuesday, October 31, 2023.

Magistrate Kardash adjourned the hearing at 3:28 p.m.

Minutes approved: October 31, 2023

Regina A. Kardash

Regina A. Kardash, Magistrate