

TAB 2



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

November 28, 2007

Mr. Dennis Bradford
Genesis Development Partners, LLC
101 Riverfront Boulevard, Suite 610
Bradenton, Florida 34205

Re: Case No. 07-15/City of Palmetto, Petitioner, and Genesis Development
Partners, LLC, Respondent

Dear Mr. Bradford:

The Code Enforcement Board, at its November 27, 2007, meeting, approved unanimously a motion to continue Case No. 07-15 to a Public Hearing on January 22, 2007.

The Board also authorized the Code Enforcement Director to schedule a special meeting in the interim to hear the case should the need arise.

Sincerely,


Deanna Roberts
Clerk of the Board

/dr

cc: William Strollo, Code Enforcement Director
Charles W. Leonard, Chair, Code Enforcement Board
David S. Persson, Esq., Code Enforcement Board Attorney
Michele S. Hall, Esq., City Attorney



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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 07-15

Genesis Development Partners, LLC
101 Riverfront Boulevard, 610
Bradenton, Florida 34205

Respondent.

NOTICE OF HEARING

Address of Violation:
4009 11th Street Court West and
4111 10th Street West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 27th day of November, 2007 at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated October 5, 2007 and previously provided to you by Certified Mail/Return Receipt Requested on October 5, 2007. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the

testimony and evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you, as provided by law.** The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit A.


If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

PLEASE GOVERN YOURSELF ACCORDINGLY.

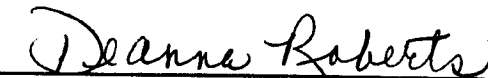
DATED: November 5, 2007

**CODE ENFORCEMENT BOARD OF THE
CITY OF PALMETTO, FLORIDA**



Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 5th day of November, 2007.



Deanna Roberts
Clerk of the Board

cc: Michele S. Hall, City Attorney
David P. Persson, Code Enforcement Board Attorney



EXHIBIT "A"

516 8th Avenue West
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CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
CERTIFIED MAIL NO. 7006 0100 0006 2638 6900 AND REGULAR MAIL

Genesis Development Partners, LLC
101 Riverfront Boulevard 610
Bradenton, Florida 34205

RE: City of Palmetto, Petitioner, v. Genesis Development Partners, LLC

Address of Violation: 4009 11th Street Court West & 4111 10th Street West, Palmetto, Florida

Legal Description: LOTS 10, 11, 12, 13 & A PORTION OF LOTS 14, 15, 7 & 8, TERRA-MANATEE HARBOUR (PB 8 PG 95) PRMCF, TOGETHER WITH THOSE LANDS LYING S OF THE SLY R/W LN OF THE "CUT-OFF RD" (ALSO KNOW AS 11TH ST CT W) AS SHOWN ON SD PLAT OF TERRA-MANA HARBOR, ALL BEING MORE PARTICULARLY DESC AS FOLLOWS: BEGIN AT THE NWLY COR OF SD LOT 10, TERRA-MANA HARBOR; TH N 35 DEG 39 MIN 36 SEC E, ALNG THE ELY LN OF THE WLY 145 FT OF SD LOT 8 & 7, A DIST OF 100.07 FT (AS MEASURED) TO A PT ON THE N LN OF SD LOT 7; TH S 55 DEG 33 MIN 37 SEC E, ALNG SD N LN, A DIST OF 5.25 FT TO THE COMMON COR OF SD LOTS 7, 14, 15 & 6 OF SD TERRA-MANA HARBOR; TH N 17 DEG 41 MIN 44 SEC E, ALNG THE WLY LN OF SD LOT 15, A DIST OF 49.90 FT TO THE PT OF INTERSEC OF SD WLY LN & THE SWLY R/W LN OF COUNTY RD NO. 43 (FORMALY SR NO.43 & A/K/A SNEAD ISLAND RD), SD PT BEING A PT ON A CURVE, CONCAVE TO THE SW, HAVING A RAD OF 1105.92 FT; TH SELY, ALNG THE ARC OF SD CURVE & SD R/W LN, THROUGH A C/A OF 00 DEG 40 MIN 41 SEC, A DIST OF 13.09 FT (CHORD = 13.09 FT; CHORD BEARING = S 31 DEG 48 MIN 21 SEC E) TO THE PT OF TANGENCY OF SD CURVE; TH S 31 DEG 28 MIN 01 SEC E, ALNG SD SWLY R/W LN, A DIST OF 212.73 FT TO THE PT OF INTERSEC OF SD SWLY R/W LN & THE ELY LN OF AFOREMENTIONED LOT 14; TH S 08 DEG 42 MIN 23 SEC E, ALNG SD ELY LN, A DIST OF 8.27 FT TO THE SELY COR OF SD LOT 14, ALSO BEING THE NELY COR OF AFORMENTIONED LOT 13; TH S 15 DEG 58 MIN 02 SEC E, ALNG

**THE ELY LN OF SD LOT 13, A DIST OF 78.47 FT TO THE NELY COR
OF AFOREMENTIONED LOT 12; TH
Parcel ID 2936300209**

Genesis Development Partners LLC:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of the City Code, and upon inspection by the undersigned, it has been determined that a violation of the City Code is occurring at the above-referenced property. The Code provisions that are in violation and the nature of the violations are as follows:

Palmetto Code of Ordinances, Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a)1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153 (b) (1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a) & (b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (b).

- Chapter 7, Article XI, Sec. 7-237(a)1. All deteriorated or damaged structural or decorative elements shall be repaired or replaced.
- Chapter 7, Article XI, Sec. 7-237(a)2. Every part of a structure visible from a public right-of-way shall be kept structurally sound.
- Chapter 7, Article XI, Sec. 7-237(a)3. Walls shall be repaired and painted to present a neat and clean appearance.
- Chapter 7, Article XI, Sec. 7-238(a)1. Every broken or missing window shall be repaired or replaced.
- Chapter 7, Article XI, Sec. 7-240(b). All roofs and existing gutters and downspouts shall be maintained to prevent damage to the structure and adjoining properties and the public.
- Chapter 7, Article VII, Sec. 7-151. Definitions. Abandoned and Dilapidated.
- Chapter 7, Article VII, Sec. 7-153 (b) (1-7) Unfit or unsafe dwellings or structures, declared nuisance.
- Chapter 16, Article II, Sec. 16-26. Nuisances defined.
- Chapter 16, Article II, Sec. 16-26(1). Low places upon any lot, tract of land, improved or unimproved, that may reasonably become a breeding place for mosquitoes, or otherwise threatens or endangers the public health, safety or welfare.
- Chapter 16, Article II, Sec. 16-26(2). The accumulation of trash, filth rubbish, garbage, improperly treated sewage or other materials in such a manner as to cause infestation, threatens or endangers the public health or is likely to adversely affect the economic welfare of adjacent property.
- Chapter 16, Article II, Sec. 16-26(4). Partition fences, buildings or other structures that have fallen into such a poor state of repair that they may reasonably become infested or inhabited by rodents, vermin or wild animals, or may threaten or endanger the public health, safety

or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.

- Chapter 16, Article II, Sec. 16-27(a) & (b). Nuisances are hereby prohibited. This article may be enforced against any violator, which may include the owner of the premises on which a nuisance exists or the person or persons generating the nuisance.
- Chapter 19, Article II, Sec. 19-26. No person shall engage in or manage any profession, business or occupation in the city without a city license.
- Chapter 19, Article II, Sec. 19-27(a). Each person shall make application to the City Clerk providing all information necessary for proper determination of the license tax due.
- Chapter 19, Article II, Sec. 19-28(a). Occupational licenses shall be issued by the city clerk on such date a person begins to initially conduct business in the city.
- Chapter 19, Article II, Sec. 19-29. Any person holding himself out to the public as providing goods, services or property to the public shall be liable for an occupational license.
- Chapter 19, Article II, Sec. 19-35. The burden of securing a license rests with the person who would own the license if secured.
- Chapter 19, Article II, Sec. 19-37. The Code Enforcement Board shall be responsible for enforcing this article.
- Chapter 19, Article II, Sec. 19-42. Each applicant shall be required to procure a separate license for each category which applies to his activities.
- Appendix B, Article III, Sec. 3.2. Open storage defined.
- Appendix B, Article VI, Sec. 6.6. Screening of Open Storage: (a) When open storage abuts a collector or arterial street, the method of screening shall consist of solid wooden or masonry walls...
- Sec. 6.6. Screening of Open Storage; (b) When an open storage area abuts a residentially zoned district, the method of screening shall consist of solid wooden or masonry walls...

DESCRIPTION OF VIOLATION:

- A septic tank behind the two story units at Pelican Perch is leaking raw sewage onto the ground.
- An in-ground swimming pool at Terra Mana is full of stagnant water and is providing a breeding place for mosquitoes. In addition, many of the pool cage screens have been destroyed and no longer afford protection from insect infestation. In addition, due to the neglect of this pool cage, the filled pool lacks a child protective barrier and presents a serious child safety issue.
- One of the rental units at Pelican Perch has been destroyed by fire.
- Two of the units at Terra Mana, Apartments 3 & 5, are missing window glass and cannot be secured against unauthorized entry.
- The front window to Apartment 6 at Pelican Perch is broken. Apartments 3 & 5 at Terra Mana are missing window glass from the apartment windows.

- The property contains trash, debris and dead vegetation. A vehicle engine block has been abandoned in the parking lot at Terra Mana.
- You have been renting apartments at the locations known as (1) Pelican Perch, 4111 10th Street West and (2) Terra Mana, 4009 11th Street Court West without securing an occupational license from the City of Palmetto.
- Personal belongings including furniture, exercise equipment and storage boxes are located on the second floor balcony in front of Apartment 8, Pelican Perch.

TO REMEDY THESE VIOLATIONS, you must accomplish the following action within twenty (20) days of receipt of this Notice. The corrective action necessary is as follows:

- Repair and maintain your septic system.
- Repair and maintain the pool and pool cage, or remove the cage and fill in the pool.
- Repair or demolish the fire damaged unit.
- Replace all broken and missing window glass.
- Secure all vacant units against unauthorized entry.
- Remove all debris, garbage and dead vegetation from the property and properly maintain the property.
- Remove the abandoned property from this area.
- You must secure an occupational license to conduct business as noted above.
- Properly screen your open storage, or remove the items from the property.

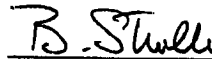
THIS IS NOTICE that a failure to accomplish corrective action and remedy the violations above within the time provided will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and a fine not to exceed Five Hundred Dollars (\$500.00) per day for a repeat violation, in addition to and including, all costs incurred by the City as a result of such enforcement action.

It is the intent of this Notice to assist you in correcting the violations and avoid the necessity of a hearing before the Code Enforcement Board. If you have any specific questions regarding the violations or the action necessary to remedy or correct the violations, please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED, this 5th day of October 2007.

CITY OF PALMETTO, FLORIDA



Bill Stollo
Code Enforcement Director

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
NOVEMBER 27, 2007

**Genesis Development Partners, LLC, 101 Riverfront Boulevard Suite 610,
Bradenton, Florida:**

The property that is the subject of this code enforcement action is located at 4009 11th Street Court West and 4111 10th Street West, Palmetto, Florida, Parcel ID # 2936300209.

The Respondents, Genesis Development Partners LLC, are identified as the owners of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites.

This is an annexed property, and prior issues from October 2006 involving garbage collection and loose trash were resolved when the property was billed for City garbage services. The present issues were brought to my attention on March 23, 2007 through Vicki Bagley of the State of Florida Department of Business and Professional Regulation. I met on site with Ms. Bagley and a representative of the property management firm at that time on March 27, 2007. An inspection of Pelican Perch and the Terra Mana Apartments revealed a sewer spill behind Pelican Perch from a broken sewer line, a burned apartment, broken and missing windows, improper storage, abandoned property and abandoned vessels.

An initial Notice of Violation was written on March 29, 2007, but this was informally e-mailed and later hand delivered to the representative of Genesis Development Partners, Dennis Bradford, on April 3 and 4, 2007 respectively. When I met with Dennis Bradford and the property management representative, Maria, on site on April 4, City garbage services were scheduled to commence, and that resolved the initial loose garbage issues. In addition, I received assurances from Maria that the broken and missing windows would be repaired, that a plumber had been scheduled to repair the broken septic line, and the tenants would be directed to remove their abandoned vessels and improperly stored possessions. Mr. Bradford indicated he would contact a demolition firm to secure and make safe the fire damaged unit.

In subsequent site visits on April 26 and May 16, 2007, I noted no substantive improvements to either complex. On June 11 and July 10 and 20, 2007 I noted an improvement with the improperly stored possessions and abandoned vessels.

On August 3, 2007, I received citizen complaints regarding loose yard waste, overgrown property and abandoned vehicles at both complexes. These issues were addressed with Mr. Bradford over the phone on that date, and he indicated he hired a new property management firm to maintain the property. He stated the new manager would be in contact with me. Upon my return to the site on August 14, 2007, I observed the grass had been cut but the initial issues and the loose yard waste remained unchanged.

On August 17, 2007 I received a complaint regarding missing windows in a vacant apartment. I visited the site on August 21, 2007; in addition to the previously referenced violations, several panes of jalousie window glass were missing from Apartment 5 – the result of someone removing a window air conditioning unit. Both doors to the apartment were unlocked, and the apartment could not be secured due to the opening in the window. I telephoned Dennis Bradford to report the overall condition of this property, and he advised his new property manager would be in contact with me.

On August 22, 2007 I returned to Terra Mana & Pelican Perch; all conditions remained unchanged. I received a telephone call from the residential property manager, Andrew Harrington, and met with him at the property on August 23, 2007. On that date we walked the entire property including the single family house and in-ground pool that was part of this parcel. Issues discussed included loose yard waste, the stagnant, unprotected swimming pool, the condition of the pool enclosure, missing and broken windows, the burned apartment, open storage and the continuing raw sewage spill. At my return visit of August 27, 2007 I noted the grounds around the buildings better maintained, but no improvement in other areas of concern.

On September 13, 18 and 26, 2007, I re-visited Terra Mana and Pelican Perch. Although the grounds were better maintained, the major violations were becoming worse – the removal of the A/C unit from the window to Apartment 3 left a large, uncovered opening in that window; the front window to Apartment 6 was broken. Also, one former tenant reported inoperative toilets in the Pelican Perch units, and he reported those tenants using the facilities in the vacant Terra Mana apartments. On October 2 and 3, 2007, additional visits were performed, and there were no improvements to the site.

On October 5, 2007 a Notice of Violation was forwarded to the Respondents, both certified and regular mail, allowing twenty days for the remediation of the property. Follow-up site visits on October 15 and 23, 2007 and November 5, 2007 revealed no improvements to the property. A Notice of Hearing announcing a Public Hearing on this matter before the Code Enforcement Board on November 27, 2007 was forwarded to the Respondent on November 5, 2007, both certified and regular mail. ***(Proofs of Service of the Notice of Violation and the Notice of Hearing are submitted for the record.)***

Recommendation:

It is recommended the Respondents be found in violation of City of Palmetto Code of Ordinances, and that they be directed to bring their property into compliance within ten (10) days. It is further recommended that the City's administrative costs for processing this case, plus any applicable recording fees, be assessed against the Respondents.

Total Costs To City as of November 20, 2007:

Code Enforcement Officers	Twenty-two hours @ \$40.00/hour = \$880.00
Administration costs	One hour @ \$35.00/hour = 35.00
Total Costs	\$915.00