

TAB 5



516 8th Avenue West
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Palmetto, Florida 34220-1209
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**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF PALMETTO, FLORIDA**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

Kenneth J. Rea
P.O. Box 213
Palmetto, Florida 34220-0213

Case No. CEB – 08-10

Respondent.

REPORT OF COMPLIANCE

This is notice that pursuant to the Administrative Order of the Code Enforcement Board of the City of Palmetto dated November 12, 2008, the violation of the Palmetto City Code in this matter was corrected effective December 30, 2008.

Director, Code Enforcement

cc: (property owner)



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

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

CITY OF PALMETTO
A political subdivision of the
State of Florida
Petitioner

vs.

Case No. CEB 08-12

Wanda Gordon
1211 Florida Avenue
Clewiston, Florida 33440-5659

Respondents:

ORDER IMPOSING FINE AND LIEN

Violation Location: 1610 14th Street West
Palmetto, Florida 34221

On November 12, 2008, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regard to the above Respondent. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondent was found in violation of the City of Palmetto Code of Ordinances at a hearing held on November 12, 2008. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by November 22, 2008. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on November 13, 2008 and posted on the property and at City Hall beginning November 17, 2008.
3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on December 30, 2008, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for December 30, 2008, was posted at Palmetto City Hall.
4. At the December 30, 2008, Hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the Respondent had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated November 12, 2008.

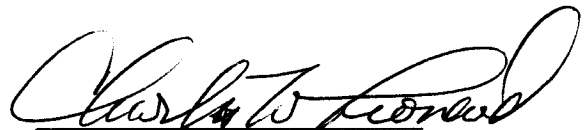
CONCLUSIONS OF LAW

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 of the Code of Ordinances states that:
 - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation;
 - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated November 12, 2008, was not complied with by the date set forth in the Administrative Order.
4. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

ORDER

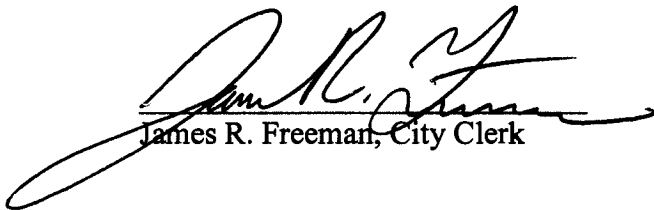
Based on the foregoing, the Code Enforcement Board imposes a fine of \$25.00 per day commencing November 22, 2008, and continuing until the violation is corrected. The Board will refer the case to the City Commission for immediate appropriate action due to the safety hazard presented by the full and unsecured pool. If the Respondent has not complied with this Order by January 29, 2009, a certified copy of this Order shall be recorded in the Public Records of Manatee County and any other county within the State of Florida where the Respondent has real or personal property and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue with interest accruing until the violator comes into compliance, or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: December 30, 2008



Charles W. Leonard, Chair
Code Enforcement Board

Attest:



James R. Freeman, City Clerk



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January 2, 2008

The Honorable Shirley Groover Bryant
Mayor of Palmetto
516 8th Avenue West
Palmetto, Florida 34221

Re: CEB Case No. 08-12/Wanda Gordon

Dear Mayor Bryant:

The above mentioned case first came to the attention of the Code Enforcement Board at a hearing on November 12, 2008, after a Notice of Violation was issued on August 14, 2008. The house is vacant, and the owner is the subject of a foreclosure on this property. An Administrative Order was handed down by the Board on November 12, 2008, followed by an Order Imposing Fine and Lien on December 30, 2008. Copies of all documents are attached for your review.

The Code Enforcement Board feels that the violation concerning the full, stagnant, in-ground pool and deteriorated pool cage is so serious that it has directed me, as Chair, to send this appeal to you and the City Commission. The Board finds that the property poses a serious threat to the public health, safety and welfare of this community and asks that the City, pursuant to *Florida Statutes 162.06(4)* and *162.09(1)*, direct staff to take immediate action to abate the violations. Possible abatement measures might consist of placing a temporary fence around the pool cage area, or repairing the screens of the pool cage. Costs of abatement would then be passed on to the Respondent in this case.

If you need further information regarding this case, please feel free to contact me, or Code Enforcement Director Bill Strollo.

Sincerely,



Charles W. Leonard, Chair
Code Enforcement Board

CWL/dr

Attachments

cc: City Commission
Code Enforcement Board
Bill Strollo, Code Enforcement Director
Mark Barnebey, Esq., City Attorney
Andy Cohen, Esq., Code Enforcement Board Attorney