

TAB 12



City of Palmetto Agenda Item

Meeting Date

11/21/11

Presenter: Jim Freeman

Department: Code Enforcement

Title:

Appeal of Code Enforcement Lien by Field Asset Services.

The property that is the subject of this Commission review is located at 1610 14th Street West, Palmetto, Florida, Parcel ID# 28000.0170/9, Township 34 South, Range 17 East, Section 15. The violations considered by the Code Enforcement Board included nuisance issues of overgrowth and yard waste; in addition a deteriorated pool cage provided a breeding place for mosquitoes and posed a threat to public health and safety as there was no child safety barrier. Minimum maintenance standards for landscaping were additional overgrowth and yard waste violations. At the time of the Code Enforcement Board actions, Wanda Gordon was identified as the owner of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. The house was vacant, and a mortgage foreclosure filed by HSBC Bank was pending against Ms. Gordon at that time.

At the initial Code Enforcement Board Hearing on November 12, 2008 the Board assessed \$388.20 in administrative costs, established a date certain of November 22, 2008 to rectify the violations, and scheduled the second public hearing for December 30, 2008. The violations were not resolved at the time of the second hearing, and the Board issued an Order Imposing Fine And Lien on December 30, 2008 that imposed a \$25.00 per day fine commencing November 22, 2008 and continuing until the violations were corrected. On January 2, 2009 the Board issued a letter to Mayor Bryant advising of their concern regarding the pool full of water and the lack of a child safety barrier; all of the Board documents were forwarded as attachments to this letter. A copy of this complete document package was forwarded to HSBC Bank at that time.

On March 10, 2009, Chuck Hamilton of Field Asset Services contacted Bill Strollo to inquire regarding the pending code violations. All of the violations were discussed with Mr. Hamilton, and the Notice of Violation, the Administrative Order And Lien, and the Order Imposing Fine And Lien were Faxed to Mr. Hamilton. Mr. Hamilton was also advised that a daily fine of \$25.00 was accruing commencing November 22, 2008. Mr. Hamilton stated he would send a crew to remediate all of the code violations. On March 19, 2009 Mr. Strollo called Chuck Hamilton to advise the debris and overgrowth issues were resolved, but the unsecured pool remained a serious safety issue.

This child safety issue and infestation problem created by the accessible pool at a vacant house was not resolved until a Field Asset crew covered the pool with a wood and wire frame on July 8, 2009. Bill Strollo was present at the time the pool was covered, and he issued a Report of Compliance that stopped the fine accrual effective that date. The property has been maintained since that time.

Title to this property was awarded to HSBC Bank, USA National Association, on August 8, 2011 as per the Manatee County Property Appraiser's web site.

Total lien payoff on file as of November 1, 2011 is \$8,133.20; of that total, hard costs to the City amount to \$1,248.70.

Budgeted Amount:	<input type="text" value="\$0.00"/>	Budget Page No(s):	<input type="text"/>	Available Amount:	<input type="text" value="\$0.00"/>	Expenditure Amount:	<input type="text" value="\$0.00"/>
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Additional Budgetary Information:

Funding Source(s):	<input type="text"/>	Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	<input type="text"/>
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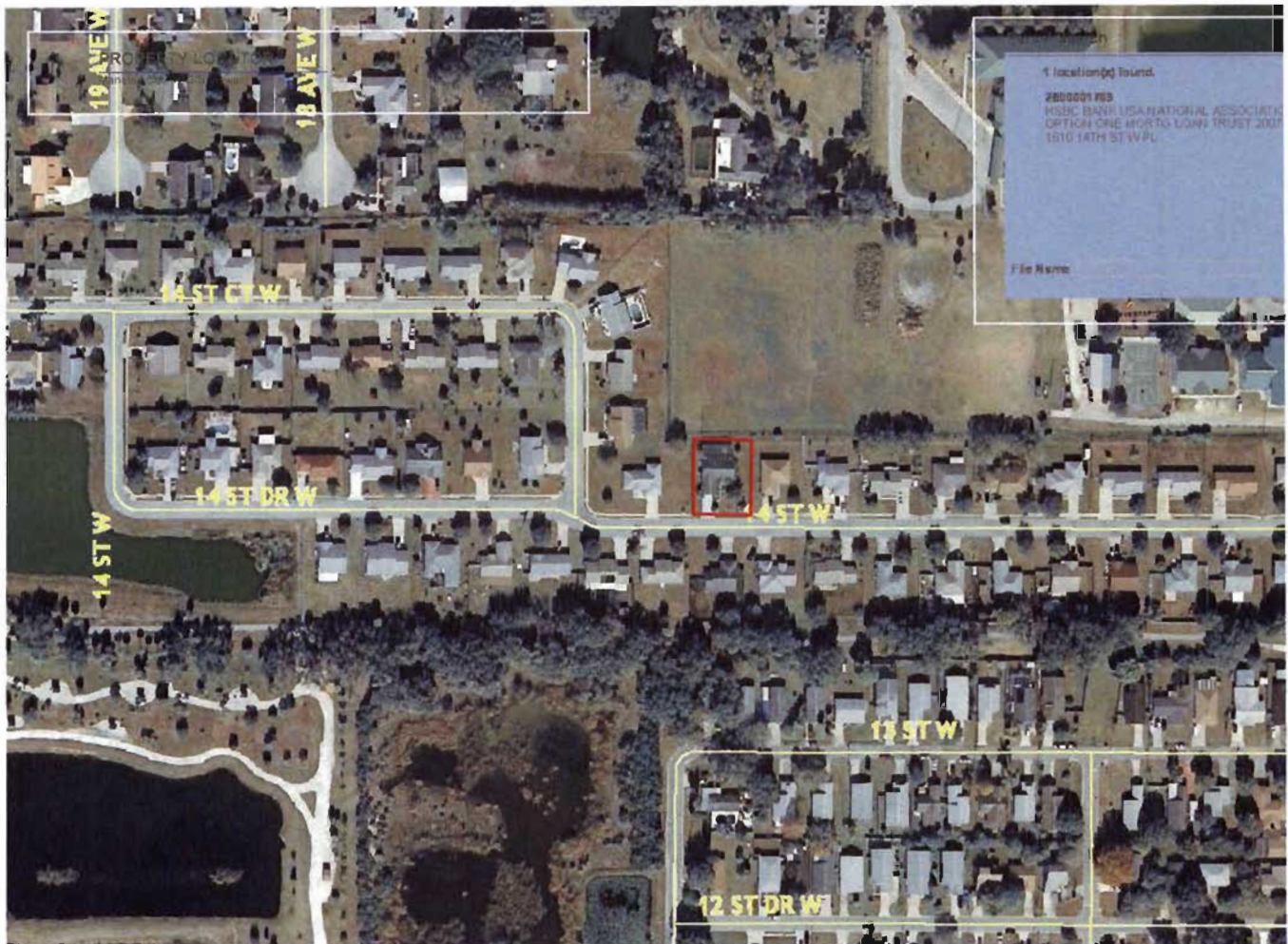
City Attorney Reviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text"/>
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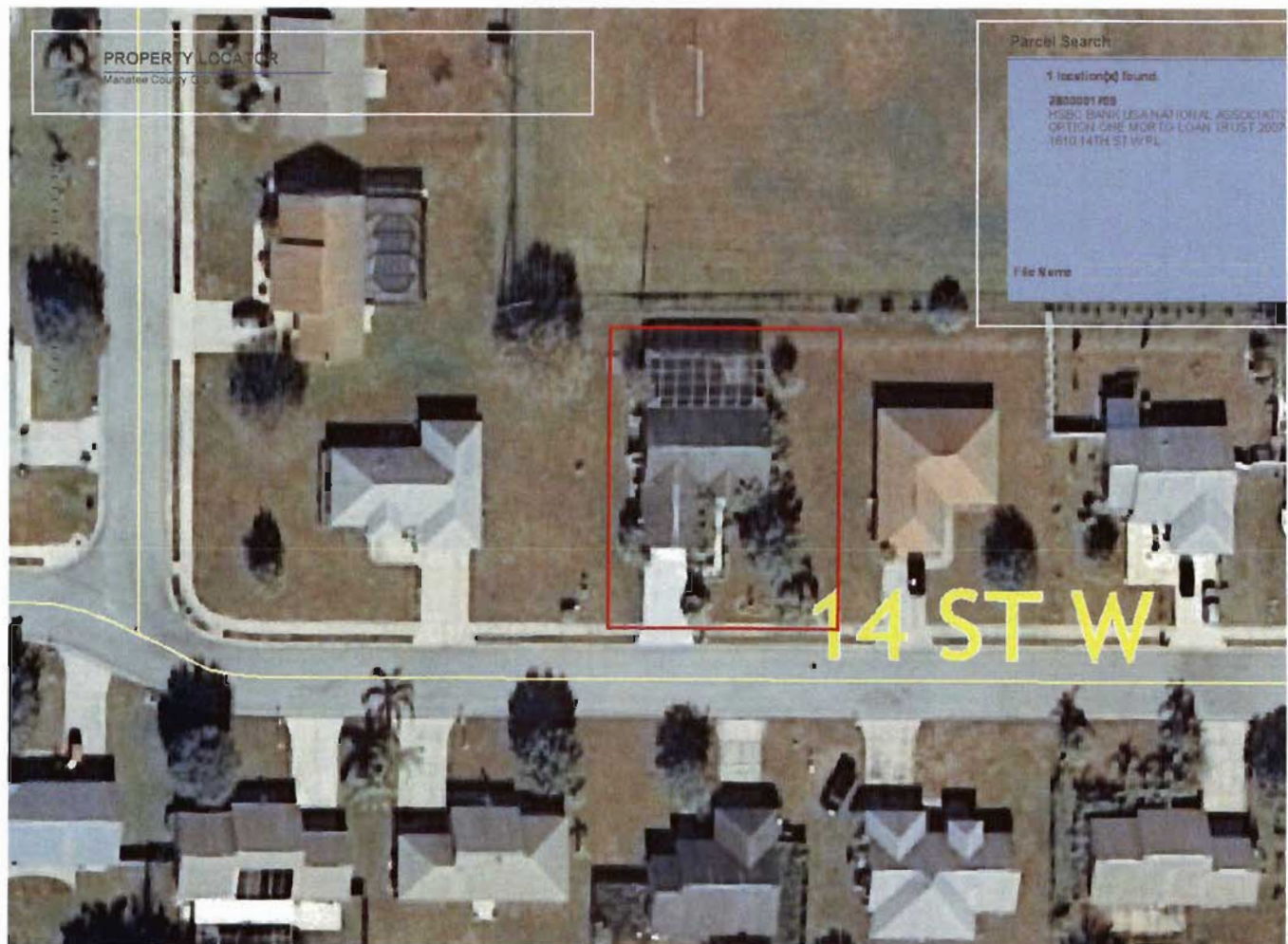
Potential Motion/Direction Requested:

Staff Contact: Jim Freeman, Bill Strollo

Attachments:

E-mail to Field Asset Services, FAX cover sheets to Field Asset Services, CEB Letter to Mayor Bryant, OIF, AO, NOV pictures.







12/29/2008



12/29/2008



12/29/2008



12/29/2008

12/29/2008



07/08/2009



07/08/2009



William Strollo

From: William Strollo
Sent: Wednesday, October 19, 2011 3:12 PM
To: 'Chris Alberts'
Cc: jfreeman@palmettofl.com; Whitney Chapman; Cheryl Miller
Subject: RE: PropertyID #: 388949 1610 W 14TH ST PALMETTO, FL 34221-0000

Please be advised that in addition to overgrowth and yard waste, this property posed a serious child safety issue in that the in-ground pool was full of stagnant water, the pool cage screens were torn, and the pool cage doors were not secured. There was no protection barrier to inhibit a child from entering this pool at this vacant property. In addition, the standing water posed a further health issue by providing a breeding area for mosquitoes.

Chuck Hamilton of your organization contacted me on March 10, 2009 to inquire regarding the code violations at this address. I discussed all of the above violations with Mr. Hamilton at that time; in addition, I Faxed copies of the Notice of Violation dated August 14, 2008, the Administrative Order and Lien dated November 12, 2008 and the Order Imposing Fine and Lien dated December 30, 2008. Mr. Hamilton assured me that the violations would be corrected. On March 19, 2009 I telephoned Mr. Hamilton to advise the pool screens were still torn.

The overgrowth and yard waste issues were resolved by your company as you indicated. However, the serious child safety issue and the infestation problem created by this accessible pool was not corrected until your workers erected a wood and wire barrier over the pool on July 8, 2009. I was present when the workers covered the pool, and I issued a Report of Compliance effective on that date.

The Code Enforcement Board issued the Order Imposing Fine and Lien imposing a \$25.00 per day fine commencing November 22, 2008 and continuing until the violation was corrected; this did not occur until July 8, 2009.

You may appeal the fine imposed in this case by writing to Mr. James R. Freeman, City Clerk, City of Palmetto, 516 8th Avenue West, Palmetto, Florida 34221. The matter will be reviewed at a City Commission meeting where you may present your case for a fine reduction.

Bill Strollo
Director, Code Enforcement
City of Palmetto

From: Chris Alberts [<mailto:Chris.Alberts@fieldassets.com>]
Sent: Wednesday, October 19, 2011 10:49 AM
To: William Strollo
Cc: jfreeman@palmettofl.com
Subject: PropertyID #: 388949 1610 W 14TH ST PALMETTO, FL 34221-0000

Hello,

I am in receipt of the attached invoice which details the charges against the above property.

Field Asset Services is a field service provider for the Trustee of the aforementioned property.

For invoice 407054487 (Charge Dates 2/1/2009-7/8/2009, totaling \$3,950.00) FAS was actively maintaining the property from 3/24/2009 through the compliance date of 7/8/2009. We performed recuts on the following dates: 3/24/09, 4/7/09, 4/22/09, 5/4/09, 5/18/09, 6/1/09, 6/15/09, 6/29/09, 7/12/09.

Please advise what paperwork we would need to submit to have these fines waived. Thank you for your time and help in this matter.

Chris Alberts

Code Compliance

Email: chris.alberts@fieldassets.com

800.468.1743 x 7244

512.609.7244 Direct Line & Fax



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516 8th Avenue West, Palmetto, FL 34221

**City of Palmetto
Code Enforcement
941-723-4570**

Fax

To: Chuck Hamilton

From: Bill Strollo

Fax: 866-802-6836

Pages: 2

Phone:

Date: 7/9/2009

Re: Wanda Gordon, 1610 14th Street West,

CC:

Palmetto, Florida 34221

☐ **Urgent**

☒ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

Attached, please find the Report of Compliance for the above referenced property.

PALMETTO

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

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

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

Wanda Gordon
1610 14th Street West
Palmetto, Florida 34221

Case No. CEB – 08-12

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, and to the Order Imposing Fine And Lien issued by the Code Enforcement Board on December 30, 2008, the violation of the Palmetto City Code in this matter was corrected effective July 8, 2009.



Director, Code Enforcement

cc: Wanda Gordon (FAX to Field Asset Services)



516 8TH AVENUE WEST
PALMETTO, FL 34221
PHONE: (941)723-4570
FAX: (941)723-4576

www.palmettofl.org

FACSIMILE TRANSMITTAL SHEET

TO: CHUCK HAMILTON

FROM: BILL STROLLO

COMPANY: FIELD ASSET SERVICES

DATE: MARCH 10, 2009

FAX NUMBER: 866 - 802 - 6836 PAGES: 8

PHONE NUMBER: 800 - 468 - 1743 X 4155

RE: GORDON, CEB 08-12, 1610 14TH STREET WEST, PALMETTO, FLORIDA

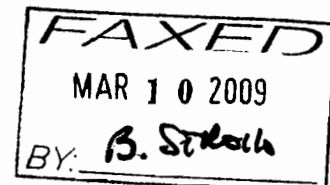
☐ URGENT

☐ INFORMATION ONLY

☐ PLEASE REPLY

NOTES/COMMENTS:

ORDER IMPOSING FINE & LIEU
ADMINISTRATIVE ORDER
NOTICE OF VIOLATION





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

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



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

**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

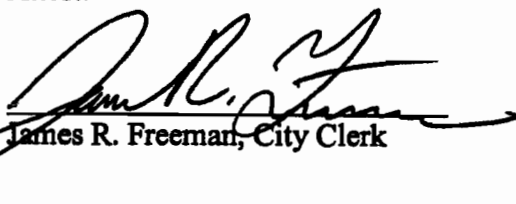
Based on the foregoing, the Code Enforcement Board imposes a fine of \$25.00 per day commencing November 22, 2008, and continuing until the violation is corrected. The Board will refer the case to the City Commission for immediate appropriate action due to the safety hazard presented by the full and 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.**

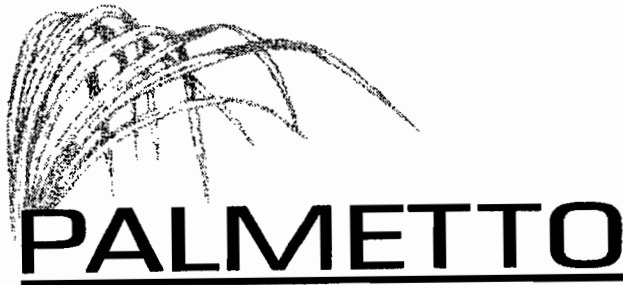
Date: December 30, 2008



Charles W. Leonard, Chair
Code Enforcement Board

Attest:


James R. Freeman, City Clerk



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

**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
Respondent

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

Legal Description: LOT 14 LAMP POST PLACE PH 1
Township 34S, Range 17E, Section 15

Parcel ID #: 28000.0170/9

ADMINISTRATIVE ORDER IMPOSING LIEN

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on November 12, 2008, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

1. The Code Enforcement Board of the City of Palmetto finds as a matter of fact that the Respondent's property contains untended growth of weeds and brush; the property is overgrown. The in-ground swimming pool is full of stagnant water and is providing a breeding ground for mosquitoes. In addition, the pool cage screen has been damaged and can no longer afford protection from infestation. The neglect of this pool cage and the filled pool presents a serious child safety issue.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondent has violated Palmetto Code of Ordinances Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (3) & (4), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites.

ORDER

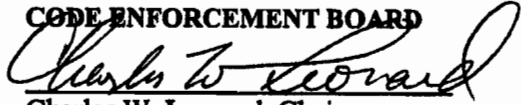
The Respondent, Wanda Gordon, is found in violation of the Palmetto Code of Ordinances as noticed, and given until November 22, 2008, to comply with the Palmetto Code of Ordinances cited above, by mowing, trimming and maintaining the property, repairing the pool cage, and draining, cleaning and maintaining, or covering the pool to eliminate infestation and child safety issues. If the aforementioned action is not taken by November 22, 2008, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on December 30, 2008, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$388.20, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 12th day of November, 2008.

**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


Charles W. Leonard, Chairman

Attest:


James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order Imposing Lien has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 13th day of November, 2008.


Deanna Roberts, Clerk of the Board

PALMETTO

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

CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
CERTIFIED MAIL NO.7008 0150 0002 2794 5936 and Regular Mail

Wanda Gordon
1610 14th Street West
Palmetto, Florida 34221

RE: City of Palmetto, Petitioner, v. Wanda Gordon

Address of Violation: 1610 14th Street West, Palmetto, Florida 34221
Legal Description: LOT 14 LAMP POST PLACE PH 1
PI#28000.0170/9
Township 34S, Range 17E, Section 15.

Wanda Gordon:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of 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 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (3) & (4), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites:

- Sec. 16-26. Nuisances defined.
- Sec. 16-26(1). Tract or parcel of land is or may reasonably become a breeding place for mosquitoes, or may reasonably cause disease, or otherwise threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- Sec. 16-26(3). The existence of excessive accumulation or untended growth of weeds and undergrowth.

- Sec. 16-26(4). Buildings or other structures which have fallen into such a poor state of repair as to threaten or endanger public health or likely to adversely affect economic welfare of adjacent property.
- Sec. 16-27(a) & (b). Nuisances are prohibited and may be enforced against any violator.
- Sec. 16-27(c). This article shall be enforced as provided by Florida law.
- Sec. 7-243(a). *Landscaping*. All areas shall be kept free of overgrowth, weeds, trash and debris.

DESCRIPTION OF VIOLATION:

- The above noted property contains untended growth of weeds and brush. The property is overgrown.
- The in-ground swimming pool is full of stagnant water and is providing a breeding ground for mosquitoes. In addition, the pool cage screen has been damaged and can no longer afford protection from infestation. The neglect of this pool cage and the filled pool presents a serious child safety issue.

TO REMEDY THESE VIOLATIONS, you must accomplish the following action within fifteen (15) days of receipt of this Notice. The corrective action necessary is as follows:

- You must mow, trim and maintain this property.
- You must repair the pool cage.
- Drain, clean and maintain, or cover pool to eliminate infestation and child safety issues.

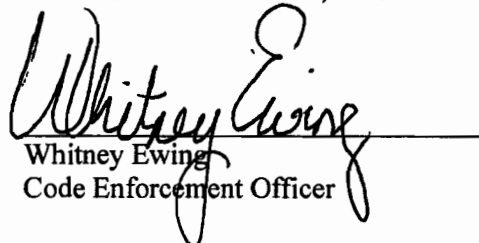
THIS IS NOTICE that a failure to accomplish corrective action and remedy the violations above within the time provided will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations 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.

If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 106.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED, this 14th day of August 2008

CITY OF PALMETTO, FLORIDA


Whitney Ewing
Code Enforcement Officer