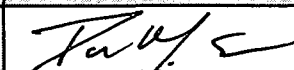


MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Gillian Amede Code Enforcement Case CE2006050565	TYPE AGENDA ITEM	Consent
DATE REQUESTED	February 22, 2011	DATE SUBMITTED/REVISED	February 9, 2011
BRIEFINGS? Who?	None Required	CONSEQUENCES IF DEFERRED	None
DEPARTMENT/DIVISION	Neighborhood Services Department/Code Enforcement Division	AUTHORIZED BY TITLE	Cheri Coryea, Director
CONTACT PERSON TELEPHONE/EXTENSION	Joe Fenton, Division Manager Ext. 6854	PRESENTER/TITLE TELEPHONE/EXTENSION	Joe Fenton, Division Manager, Ext. 6854
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Motion to reduce the fines for this case to a total of \$2,500.00, (as previously recommended by the Special Magistrate on December 8, 2010), subject to the following conditions:

1. The reduced fines shall be split up to be paid monthly at \$50.00 and the fines will not revert back to the original fine amount of \$6,400.00 for CE2006050565.
2. Recording fees need to be collected, which total \$20.00.
3. The Neighborhood Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

APPROVED IN OPEN SESSION

Section 162.09, Florida Statutes (2007) FEB 22 2011

BACKGROUND/DISCUSSION **BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

Below is a summary of Code Enforcement Case CE2006050565 – Gillian Amede, 5015 64th Drive West, Bradenton (DP#6147359308):

- On May 25, 2006, the zone officer was informed that the permit (#04080701) for the house under construction for this address had been voided and there was uncontained construction debris as well. The officer found the property to be in violation and cited this for Work Without a Permit and uncontained construction debris, trash and debris and unscreened outdoor storage, which is a violation of Section 512 (Building Permits), Section 703.2.20 (Screened Outdoor Storage), and Section 728.3.2 (Solid Waste Requirements) of the Manatee County Land Development Code.
- On May 26, 2006, property owner Gillian Amede was sent a Notice of Violation for the property in violation of Section 512 (Building Permits), Section 703.2.20 (Screened Outdoor Storage), and Section 728.3.2 (Solid Waste Requirements) of the Manatee County Land Development Code.

- On June 19, 2006, a second inspection was conducted. The property was still in violation and the officer scheduled this case for the July 26, 2006, Special Magistrate hearing. The notices had been sent to two addresses that staff had for the property owner and they were all returned unclaimed.
- On October 13, 2006, the Notice of Violation and Notice of Hearing were posted on the property because the zone officer was unable to get service by mail or hand delivery.
- On October 24, 2006, the zone officer received a letter from the owner's attorney, Mr. Derek A. DiPasquale requesting a continuance and to forward all future correspondence to his office.
- On January 12, 2007, staff received a letter from Attorney DiPasquale asking for a continuance since they would be contacting the Building Department about getting a new permit.
- On February 20, 2007, the zone officer made an entry about a trial date. The owner had filed a lawsuit in regards to if the building would need to be torn down or not. Staff put this case on hold until determination was given by the courts.
- On January 16, 2008 staff was informed by the attorney that the court case was complete and from this point forward we would need to deal with the owner directly. The case was scheduled to the February 27, 2008 Special Magistrate Hearing.
- On February 21, 2008, staff received a letter from the owner entering a plea of not in violation and this case was forwarded to the March Code Enforcement Board hearing.
- On February 24, 2008, the officer re-inspected the property and all the issues but Section 512 (Building Permits) had been brought into compliance. The owner has now been working with the Building Department to obtain a new permit for the structure. The owner applied for Permit #07080207 in September of 2007.
- On July 28, 2008, the Building Department voided the permit for no activity in over 180 days. Staff scheduled this to the August 2008 hearing. Again, the notices have been coming back to the county unclaimed.
- On November 20, 2008, the officer posted the property with the Notice of Violation and Notice of Hearing for the Code Enforcement Board Hearing on December 10, 2008.
- On December 10, 2008, the Code Enforcement Board found this property to be in violation of Section 512 (Building Permits) of the Manatee County Land Development Code and set a compliance date of June 5, 2009, or a minimum fine of \$150.00 and a daily fine of \$50.00 would be imposed.
- On June 8, 2009, a re-inspection was conducted and the property was found to still be in violation of Section 512, and the officer signed an Affidavit of Non-Compliance, imposing the fines as ordered.
- On October 7, 2010, staff received a letter from the owner requesting a possible fine reduction. Division Manager Joe Fenton researched the property and found that the structure had been demolished under Permit #09090369. The fine was stopped as of October 9, 2009, the date the Certificate of Completion was issued. The fine totaled \$6,400.00.
- On December 8, 2010, the Code Enforcement Board recommended that the fine be reduced to \$2,500.00 plus recording fees, totaling \$2,520.00. Staff cost is approximately \$2,500.00 for this case.
- In early January, 2010, staff met with the owner who claims that she is unable to pay this in one lump sum and has requested monthly payments of \$50.00 until paid off. Staff agrees with these terms.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER:

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
1. Photographs of Property (2) 2. Order Imposing Fine 3. Letters from Gillian Amede (2) 4. Certificate of Completion 5. Order of Referral	Please forward a stamped copy of agenda to the Code Enforcement Division following disposition. 2/23/11 <i>gg</i>
COST: None	SOURCE (ACCT # & NAME): N/A
COMMENTS: None	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) N/A

APPROVED IN OPEN SESSION

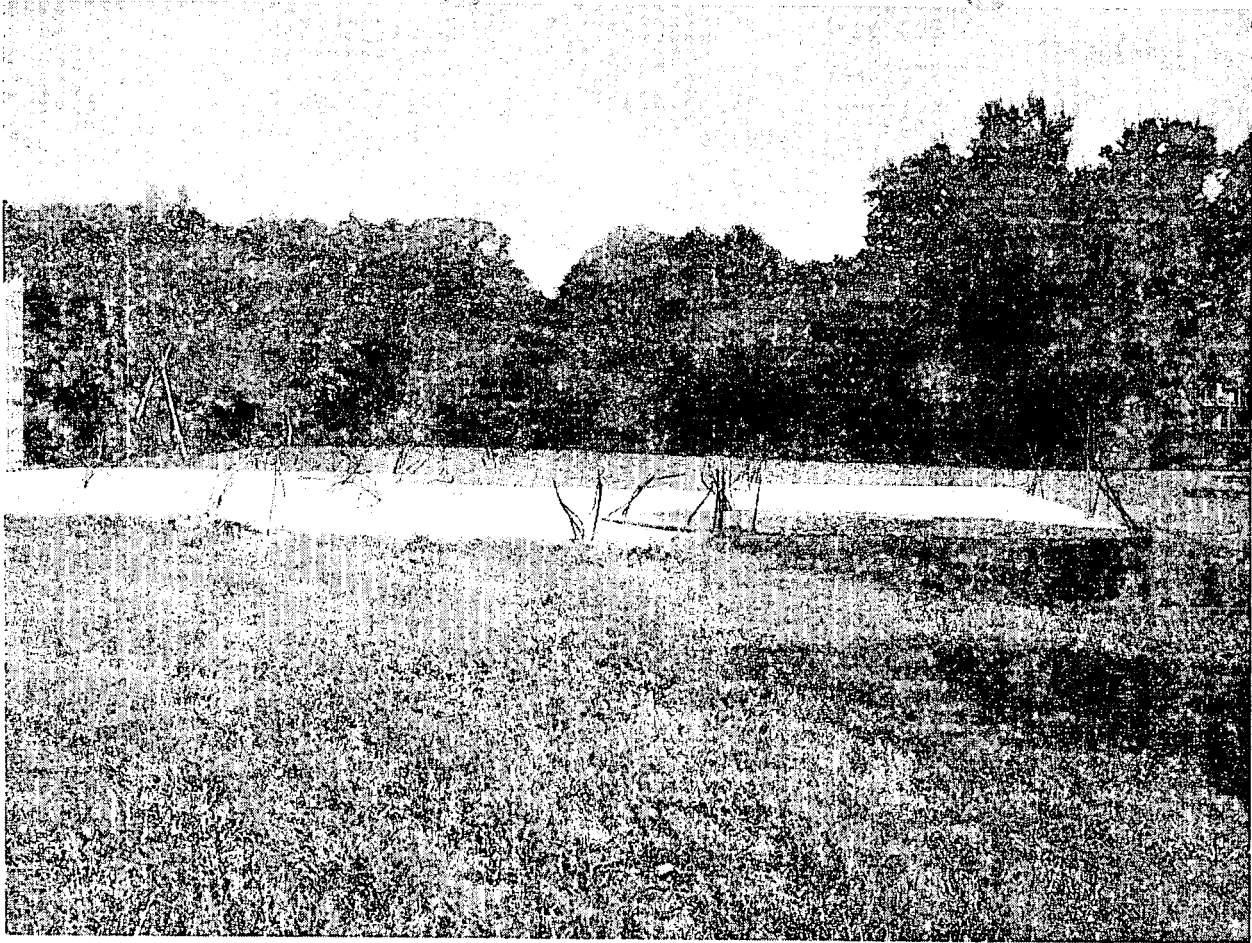
FEB 22 2011

BOARD OF COUNTY COMMISSIONERS
 MANATEE COUNTY, FLORIDA

CE2006050565
VIOLATION OF 512



5015 64th Dr. W., Bradenton



2006050565 10/4/10 CP



MANATEE COUNTY CODE ENFORCEMENT BOARD
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY, a political subdivision
of the State of Florida,
Petitioner,

Case No. CE200605056 2008 DEC 15 AM 7: 32

vs.

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

GILLIAN AMEDE,
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Board on December 10, 2008, and the Code Enforcement Board having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusion of Law and Order as follows:

FINDINGS OF FACT

1. That **Gillian Amede**, hereinafter referred to as Respondent is the owner of record of the subject property.
2. That notice was served on Respondent and Gillian Amede was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code **Section 512 (Building)** was made and served on Respondent by posting the property.
4. That the property located at **5015 64th Drive West, Bradenton, Florida, DP #6147359308**, is in violation of Manatee County Land Development Code **Section 512**, because a **structure (house) was erected without obtaining the required building permit.**
5. That Respondent is in violation of **Section 512**, for **erecting a structure (house) without obtaining the required building permit.**

CONCLUSIONS OF LAW

1. That Respondent is in violation of **Section 512** of the Manatee County Land Development Code.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent correct the violation of **Section 512** of Manatee County Land Development Code.
2. THAT if this Order is not complied with on or before **June 5, 2009**. It is hereby ordered that Respondent shall pay a minimum fine of **\$150**, plus **\$50** per day for each and every day any violation described herein continues past **June 5, 2009**.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Board also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens, which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should (a) violation(s) exist(s) beyond the date set for compliance, the Code Enforcement Board shall impose a minimum fine of \$150.

Ordered December 10, 2008, and executed this 15th day of December 2008.

ATTEST: R. B. Shore
Clerk of Circuit Court

By: Susan E. Komare



Joseph Formella
Joseph Formella, Chairman
Manatee County Code Enforcement Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **Gillian Amede**, **P.O. BOX 10312, BRADENTON, FLORIDA 34282** by U.S. mail and to the Manatee County Code Enforcement Division, this 15th day of December 2008.

R. B. SHORE
Clerk of Circuit Court, Manatee County, Florida

By: Susan E. Komare
Deputy Clerk

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 11 day of June 2009

R.B. SHORE
Clerk of Circuit Court
By: Wendy E. Vallone

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, extension 6909 and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).

OR BOOK 02301 PAGES 7724 - 7724

MANATEE COUNTY CLERK COURT

1 PAGE(S)

RECORDED; 6/15/2009 3:28:42



RECEIVED
FEB 14 2008
CODE ENFORCEMENT

RECEIVED

OFFICE OF THE COUNTY CLERK
LABOR & EMPLOYMENT SERVICES

William AMEDE
P.O. BOX 10312
Bradenton FL

34282
FEB 14, 2008
(941) 855-0061

Manatee County
Code Enforcement.

TO WHOM IT MAY CONCERN:

I AM NOT IN VIOLATION OF ANY CODES. I COMPLIED WITH EVERY REQUEST.

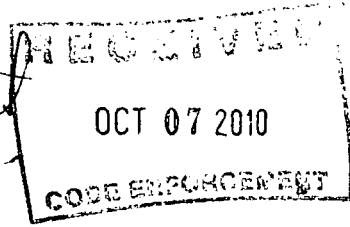
LAST REQUEST - FENCE PROPERTY I DID THAT.

I have done everything in my power.

MY ATTORNEYS BLALOK + WALTERS TOLD ME THAT CODE ENFORCEMENT NEEDS A FENCE AROUND THE PROPERTY, THAT WAS THE LAST REQUEST - WHICH WAS DONE. I AM NOT GUILTY.

William Amede

Manatee County
CODE Enforcement
Board
CE 2006050565
5015 64TH DR NW



P.O. Box 10312
Bradenton
FL
34282
10/4/10

RE: BOCC AGENDA

Dear C/I / Joe Feuter.

As per our conversation today I am writing to ask for a hearing before the BOCC. I did not know that I was in violation. After my hearing I ~~caught~~ hired an engineer, I had a lawyer they told me that they were having meetings with the board. Plans were in for permitting I also paid an extension for the permit that was already there. It was my understanding that I had to initiate a solution to remedy the building, which I did. No one told me "The building must

Be torn down.

Fred Jones the engineer claimed he spoke with the Building Dept Code enforcement and weighting was fine. Also Mark Cahill was in contact too, I May of last year My sister passed away and I was away, but Mark Cahill took care of the County affairs along with the engineer + Architect. However I am at a loss for words pertaining to the fine.

On the issue of the Mowing of the property. I am willing to pay those bills, now, please let me know how I thank you for your understanding in this delicate matter.

Sincerely
Gillian
Cahill



Manatee County, Florida
Building Department
1112 Manatee Avenue West, Bradenton, Florida 34205

Certificate of Completion

Certificate of Completion number: 09090369

Date: 10/14/2009

This Certificate of Completion is issued for the address shown below. Under the conditions and restrictions set forth in the building permit and the Code of Ordinances of Manatee County, Florida.

Issue Date: 10/9/2009

Project
Address: 6016 61TH DRIVE WEST
Parcel ID: 6147359308

Owner: AMEDE, GILLIAN

Permit Type: DEMOLITION

Contractor: FORRISTALL ENTERPRISES, INC.
License: CGC058110

Building Department of Manatee County, Florida
Copy generated by: IVR

Representative of:
Carroll J. Dupre, CBO
County Building Official

MANATEE COUNTY CODE ENFORCEMENT BOARD
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY, a political
subdivision of the State of
Florida,

2010 DEC 10 AM 11:27

Petitioner,

Case No. CE2006050565

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

vs.

GILLIAN AMEDE,

Respondent,

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

By letter dated May 26, 2006, the Code Enforcement Officer informed the Respondent Gillian Amede, hereinafter referred to as Respondent, of having a violation of **Section 512 (Building Permits)**, of the Manatee County Land Development Code.

The Code Enforcement Inspector advised the Code Enforcement Board on December 10, 2008, that the Respondent had neither corrected the violation nor brought the subject of the violation into compliance with the Manatee County Code.

Consequently, by Order dated December 10, 2008, the Code Enforcement Board assessed a minimum fine of **\$150** in addition to a daily fine of **\$50** for each day the violation was present.

At the hearing on November 10, 2010, the Code Enforcement Inspector advised the Code Enforcement Board that such directives have been complied.

IT IS HEREBY ORDERED by the Code Enforcement Board:

1. That as of December 8, 2010, fines imposed against the Respondent total **\$6,400**, for which a notice of lien has been recorded in the public record of Manatee County, Florida against Respondent.
2. That justification exists for this case to be referred to the Manatee County Board of County Commissioners for a recommended fine reduction to \$2,520 to include recording cost.

Ordered December 8, 2010, and executed this 10th day of December, 2010.


Manatee County Code Enforcement Board
Vice-Chairman

R. B. SHORE
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **GILLIAN AMEDE, P.O. BOX 10312, BRADENTON, FLORIDA 34282** by U.S. mail, and to the Manatee County Code Enforcement Division, this 13th day of December, 2010.

R.B. Shore
Clerk of Circuit Court
Manatee County, Florida

By: 
Deputy Clerk