


COMMISSION AGENDA:

12.2.14 #14

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney 

SUBJECT: Authority for County Attorney to Initiate Litigation in Circuit Court to Obtain a
Permanent Injunction in the Case of Pinellas County v. Edward M. Potter

DATE: December 2, 2014

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO INITIATE LITIGATION IN THE ABOVE-STYLED CASE.

DISCUSSION: This authorization will include bringing suit against all defendants that may be, or become, necessary to fully litigate the claims.

Since 1997, Edward M. Potter has been cited more than thirty (30) times by Pinellas County Code Enforcement for accumulation of trash, zoning, housing, and open storage of inoperable vehicle violations. On October 24, 2014, Mr. Potter was sentenced to \$3,500 in fines as a result of his plea to seven (7) citations. Despite assistance from Code Enforcement and neighbors, Mr. Potter's property remains in violation of the Code. All efforts short of an injunction have been exhausted, including the imposition of a lien after hearing by a magistrate in 2008. A permanent injunction will be requested for the purpose of prohibiting any further violations on the property. Should Mr. Potter fail to abate all violations, an order will be requested granting permission for Pinellas County to effectuate bringing the property into compliance by removing all items that constitute violations, and thereafter impose a lien on the property for the cost incurred by Pinellas County in doing so.

JLB: KLL

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