

CODE ENFORCEMENT  
SPECIAL MAGISTRATE HEARING  
HELD IN THE COUNCIL CHAMBERS  
260 ORANGE TREE DRIVE  
ATLANTIS, FL 33462  
July 26, 2016  
9:30 am  
MINUTES

Special Magistrate B. Douglas MacGibbon presided over the hearing, which commenced at 9:30 a.m. In attendance were: City Attorney Jennifer Ashton, and City Clerk Kristen Puhalainen.

All parties were sworn in by Special Magistrate MacGibbon.

**Case No. 16-37**

**Bank of America**

**261 Gleneagles Drive**

**FINE ASSESSMENT HEARING**

Sections 4-61(a)(1)-(2) and (6)(a)-(e); and 8.5-6(4)(c) of the Code of Ordinances of the City of Atlantis: Roof is dirty; Pool is green; Mildew on patio; Screened patio in disrepair; Rust stains on walls; Lawn needs sod; Weeds in the planted area; Dead vegetation; Hedge in rear overgrown.

Ms. Ashton read the case number. Sgt. Sean Mahoney testified to the facts of the case. The respondent was represented by Millie Franco of Real Estate Home Sales. A Letter of Authorization from Bank of America for Ms. Franco was entered into the record. Ms. Franco testified to the status of the property. The Special Magistrate ordered that a fine in the amount of \$6,250.00 be assessed at a daily amount of \$250.00 per day from July 2, 2016 through July 26, 2016. The fine shall continue at \$250.00 per day until compliance is achieved. The respondent was also assessed \$130.96 for administrative costs for the June 21<sup>st</sup> hearing and \$104.23 for the July 26<sup>th</sup> hearing.

The Special Magistrate ordered that the City may immediately abate the violations that encompass the swimming pool and enclosure, and landscaping/vegetation by taking reasonable actions to abate the unsanitary lawn conditions (excessive overgrowth) and swimming pool and enclosure in order to alleviate the dangerous conditions that such issues may present to surrounding areas pursuant to legislative authority granted to the City by Section 162.09, *Florida Statutes*, and furthermore, such abatement will not create any liability against the City for any damages to the property as a result of such good faith repairs or actions. The City also may later request additional fines in order to recover the costs of these abatement activities, and such additional fines shall include the abatement costs and the City's administrative costs. The City may continue to abate the nuisances in the future whenever the vegetation becomes unsanitary or the pool appears to be unsecured, and/or infested with insects and algae growth in violation with the City Code of Ordinances. The Respondent is hereby ordered to continue to comply with the City's Code of Ordinances once abatement has been accomplished.

The hearing adjourned at 9:44 a.m.

Kristen Puhalainen  
City Clerk

NOTE: A mechanical recording has been made of the foregoing procedures of which these minutes are a part, and is on file in the office of the City Clerk.