

MINUTES OF CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
JULY 17, 2008

Special Magistrate Jennifer Hunecke presided over the hearing, which commenced at 10:03AM. Present were Vice Mayor Fred Furtado, City Attorney Keith Davis, City Manager Mo Thornton, Chief Robert Mangold, Sgt. Sean Mahoney, Officer Rick Sluman, Officer N. Raja, and City Clerk Joan Cannata-Fox. Those testifying were sworn in.

Status/Fine Assessment:

The first case to be presented was 08-020, unlawful business operations out of the home at 108 Turnberry Drive, owned by Alexander Gregory.

The City presented its case together with testimony by Officer Rick Sluman and Officer Raja. Other witnesses testifying on behalf of the City were: Mr. Clements, 208 Turnberry Drive, Mrs. Marianne Vellis, 192 Turnberry Court South and Lisa Bittner 196 Turnberry Court South. All testified to multiple vehicles being parked in the driveway on weekdays during normal business hours. Tom Vellis of 192 Turnberry Court South expressed his concern that he did not want a business operated out of his neighborhood.

Rev. V. Sande spoke at length about the relationship between herself and various other people, including family members who are in attendance at 108 Turnberry Court South to assist Mr. Gregory in personal matters.

The City stated that they felt that the Respondent was in violation of the Order issued April 17, 2008 and should be fined \$250 a day until the violation is brought into compliance and requested assessment of administrative costs.

After consideration, the Special Magistrate ruled that Rev. Sande, M's Reynolds and M's Lehman were assisting Mr. Gregory in personal matters. She further ruled that Mr. Gregory is not carrying on a business out of his home. The Special Magistrate acknowledged that the vehicles coming and going gave the appearance of a business operation which is disrupting to the neighbors but found no violation. No fine is assessed and the property is in compliance.

The next case to be presented was CE-08-030, for various violations including: tile roof overhangs dirty; potholes; no defined parking spaces; lines need to be repainted; broken curb stops; light pole bases need to be cleaned; rust stains on signs & walls; sidewalk facings have holes; fading dirty print on buildings; cracking fascia; dead spots in landscaping and weeds at the Shoppes of Atlantis located at 5825 N. Congress Avenue, owned by Conrad Baker and managed by Barbara Allen.

The City presented its case, together with testimony and photographs from Officer Sluman.

Special Magistrate Hunecke found proper notice and accepted the various photos and other exhibits into the record.

Barbara Allen presented her case, and a letter from Conrad Baker dated July 16, 2008 asking for an extension of time to get the necessary work on the parking lot completed.

Special Magistrate Hunecke ruled that Respondent is still in violation in certain aspects. She ordered that a fine of \$100 per day be imposed from July 15, 2008 until the property is brought into compliance. Costs in the amount of \$47.26 are assessed against Respondent and to be paid within ten days. The parking lot is to be brought into compliance by July 26th. If not in compliance by that date, a fine of \$100 per day will be assessed until compliance. A Status/Fine Assessment Hearing will be held on Thursday, August 21, 2008 at 10AM.

Violations:

The case to be presented was 08-035 no business tax receipt; party amusement equipment on property; lawn not properly maintained and property is not properly maintained at 421 N. Country Club Drive, owned by Kim Joyce.

The City presented its case together with testimony by Officer Rick Sluman.

The Special Magistrate ruled that there was proper notice.

The Respondent presented her case and asked for guidance in bringing the property into compliance as well as obtaining a business tax receipt.

The City is agreeable to granting the Respondent thirty days to bring the property into compliance and obtain a business tax receipt.

The Special Magistrate ruled that the Respondent is currently not in violation of Section 9-28, running a business out of her home. The Special Magistrate ruled that the Respondent was in violation of Sections 4-61(a)(1); 4-62 (a) a, e. and should bring the property into compliance by August 18, 2008. If the property is not brought into compliance by the time specified a fine of up to \$250.00 per day will be assessed for each day of non-compliance. The Special Magistrate further ruled that administrative costs in the amount of \$61.76 are assessed against Respondent and should be paid by July 28, 2008. This matter is set for a Status/Fine Assessment hearing on August 21, 2008 at 10AM.

Case No. 08-034, regarding 437 Pine Tree Court, owned by Rod Regan was removed from the agenda as the property is in compliance.

The hearing adjourned at 11:45 AM

Joan Cannata-Fox, 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.