

MINUTES OF CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
JUNE 19, 2008

Special Magistrate Jennifer Hunecke presided over the hearing, which commenced at 10:00AM. Present were Vice Mayor Fred Furtado, City Attorney Keith Davis, City Manager Mo Thornton, Officer Rick Sluman, Sgt. Sean Mahoney and City Clerk Joan Cannata-Fox. Those testifying were sworn in.

Status/Fine Assessment:

The case to be presented was CE-08-027 – regarding the lawn overgrown, dead tree stumps, trees in rear of property too high and pool dirty at the residence on 524 Muirfield Drive, owned by Mr. & Mrs. Osvaldo Rosa.

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

Special Magistrate Hunecke found proper notice. Special Magistrate Hunecke ruled that the Respondents remain in violation and the fine from June 1, 2008 to the date of this hearing, June 19, 2008 is \$475.00. The fine will continue at \$25.00 per day until the date of compliance. The Special Magistrate assessed costs in the amount of \$131.64, which included \$72.28 for the previous hearing. These costs to be paid within ten days.

Violations:

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 strains 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, together with a letter from the property owner, Conrad Baker asking for an extension of time to do the work and bring the property into compliance.

Special Magistrate Hunecke ruled that Respondent is in violation and the repairs to the parking lot are to be made by July 21, 2008 or a fine of \$100.00 per day will be assessed against Respondent until compliance. The remaining issues are to be brought into compliance by July 14, 2008, or a fine of \$100.00 will be assessed until compliance. Costs in the amount of \$60.70 are assessed

against Respondent and are to be paid by June 30, 2008. A status/fine assessment hearing is scheduled for July 17, 2008, 2008 at 10am.

The next case to be presented was CE 08-031, for various violations including: roof and driveway are dirty; junk stored behind the building; fencing in disrepair; dead trees in planter; weeds and dead material in landscaping at the Citgo Station, 5965 S. Congress Avenue, owned by Mark Cornias/Aristo Olympys Enterprises.

Special Magistrate Hunecke found proper notice.

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

The Special Magistrate accepted the photographs and various exhibits into the record.

Mark Cornias presented his case and asked for time to do the necessary repairs, landscaping, etc.

The Special Magistrate ruled that respondent has made an effort to do some of the repairs, however he is in violation on the painting of a portion of the fence and the landscaping. The Respondent is to bring the property into compliance by June 30, 2008 or a fine of \$100.00 per day will be assessed against Respondent until compliance. Costs in the amount of \$53.86 are assessed against Respondent and are to be paid by June 30, 2008. A status/fine assessment hearing is scheduled for July 17, 2008, 2008 at 10 am.

The next case to be presented was CE 08-037, prohibited commercial use in residential zoning district, at 281 N. Country Club Drive, owned by ACT Development.

The City Presented its case and testimony by Officer Rick Sluman.

Special Magistrate Hunecke found proper notice. She accepted various photos and documents into the record.

The owner of the property, Mr. Allan Lewis presented his case and asked for a continuance to seek legal council. The City objected to the continuance.

The Special Magistrate granted the request for a continuance and this matter will be heard on July 17, 2008 at 10 am. The City reserves the right to re-present their entire case and any additional testimony or exhibits at that time.

The next case to be presented was CE 08-038, prohibited commercial use in residential zoning district, at 249 N. Country Club Drive, owned by Tania Gerst.

The Respondent's father, Rod Regan asked for a continuance of this matter to obtain legal council.

The City objected to the request for a continuance.

The Special Magistrate granted the request for a continuance and this matter will be heard on July 17, 2008 at 10 am.

The last case to be presented was CE 08-039, prohibited commercial use in residential zoning district, at 463 Pine Tree Court, owned by Tania Gerst.

The Respondent's father, Rod Regan asked for a continuance of this matter to obtain legal council.

The City objected to the request for a continuance.

The Special Magistrate granted the request for a continuance and this matter will be heard on July 17, 2008 at 10 am.

The hearing adjourned at 11:15 a.m.

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.