

MINUTES OF CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
NOVEMBER 20, 2008

Special Magistrate Jennifer Hunecke presided over the hearing, which commenced at 10:05 AM. Present were City Attorney Keith Davis, City Manager Mo Thornton, Detective Marvin Jenne, Sgt. William Amazon and City Clerk Joan Cannata-Fox. Those testifying were sworn in.

Repeat Violations:

The first case to be presented was 08-071, which was a repeat violation at 265 N. Country Club Drive, owned by Steven Jankun & John Gwynn.

The Special Magistrate found that there was proper notice and accepted the documents into the record.

The City presented its case together with testimony and photographs by Sgt. William Amazon.

Mr. Stephen Jankun presented his case.

The City is asking for a finding of repeat violation and a fine of \$100.00 per day from October 25 to November 19, 2008, plus costs in the amount of \$52.48.

Special Magistrate Hunecke ruled that a repeat violation existed and assessed a fine of \$50.00 per day from October 25, 2008 until November 19, 2008, together with administrative costs in the amount of \$52.48.

The next case to be presented was CE-08-072 – regarding an unlawful business operation out of the home at 108 Turnberry Drive, owned by Alexander Gregory.

The City presented its case, together with testimony by Sgt. Amazon, City Clerk Cannata-Fox, and Detective Marvin Jenne who reported on his investigation. Other witnesses were Maryanne Vellis, 192 Turnberry Court South; Thomas Davidoff, 209 Turnberry Court North; Thomas Vellis, 192 Turnberry Court South who testified to the traffic at 108 Turnberry Court, and Terry Wilt.

The Special Magistrate accepted the City's Exhibits A through K and also found that there was proper notice.

Mr. David "Terry" Wilt testified that he was employed by Federated Home & Mortgage and Mr. Alexander Gregory from 1992-1994 and then 1999 to 2007. He testified that the company moved to Florida in 2004 and to Atlantis in October 2007. He further testified that since moving to Atlantis, business was conducted out of 108 Turnberry Drive as was still being conducted as of November 2008.

Mr. George Gregory and Feline Lehman testified on behalf of the Respondents stating that only personal business and business relating to the late Mr. Alexander Gregory's estate were being conducted out of the home. There was no Federated Home & Mortgage business conducted.

After Mr. Davis summary, the City is asking for a finding of repeat violation, a fine of \$500.00 per day until compliance, together with administrative costs in the amount of \$1,152.22

Special Magistrate Hunecke ruled that a repeat violation exists from July 18, 2008 until the present and until the property is brought into compliance at a fine of \$250.00 per day. The Respondent should cease all business operations out of 108 Turnberry Drive. The Special Magistrate ruled that costs in the amount of \$1,152.22 are assessed against Respondents.

The hearing adjourned at 12:30 PM.

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.