

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
July 12, 2013
9:30 am
MINUTES

Special Magistrate B. Douglas Mac Gibbon presided over the hearing, which commenced at 9:30 a.m. In attendance were: City Attorney Abby Jorandby, City Manager Mo Thornton, Sergeant William Amason, and City Clerk Jude Goudreau.

All parties were sworn in by Special Magistrate Mac Gibbon.

Case No. 13-27. Kelly Coughlin and Steven Kupiec 413 Muirfield Drive. The Respondents did not appear at the hearing. Sergeant William Amason testified to the facts in the case. Violation of Sections 4-61(a)(1)(6)(a)(b)(c)(d)(e) property below minimum property standards and 4-61(a)(3) weeds growing throughout driveway, lawn not mowed and hedges over allowable height of the Code of Ordinances of the City of Atlantis. Based on evidence it is hereby ordered by the Special Magistrate that the City of Atlantis may immediately abate the violations by taking reasonable actions concerning the height of the weeds and grass and excessive overgrowth in order to alleviate the dangerous conditions that such vegetation 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. Additionally, the City may continue to abate the nuisance in the future whenever the height of the vegetation again violates City Code as documented in the code enforcement files for the property. The City may also later request a fine assessment hearing on this matter in order to recover the costs of these abatement activities by the City. The Respondents shall be assessed One Hundred and Nine Dollars and Thirty-Five Cents (\$109.35) for the administrative costs incurred in prosecuting the July 12th, 2013 Abatement Hearing.

Case No.13-30 Gerald T Pressman, 104 Windsor Court. The Respondent did not appear at the hearing but was represented by his step-son Michael Fink and contractor representative Amos Shachar at the hearing. Sergeant Amason testified to the facts in the case. Based on evidence it is hereby ordered by the Special Magistrate that the Respondent immediately comply with Section 4-62 (1)(a)(b)(c)(e)(g)(h)(Pool is not maintained (green) and is exposed) of the Code of Ordinances of the City of Atlantis. It is the further order of the Special Magistrate that the City of Atlantis may immediately abate the violation of section 4-61(a)(b)(c)(e)(g)(h) (Pool is not maintained (green)) by taking reasonable actions concerning securing the pool to obstruct access thereto the pool access and the treatment of the pool due to the possibility of mosquito/insect infestation caused by pool water when left untreated in order to alleviate dangerous conditions that such pool issues may present to surrounding areas pursuant to legislative authority granted to the City by Section 162.09, *Florida Statutes*. 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. Additionally, the City may continue to abate the nuisance in the future whenever pool conditions again violate City Code as documented in the code enforcement files for the property. The City may also later request a fine assessment hearing on this matter in order to recover the costs of these abatement activities by the City. It is the further Order of the Special Magistrate that the Respondent comply with Sections 4-22.105.1 (work done without a permit), 4-61 (Property below minimum property standards), 4-61(a)(6)(a)(b)(c)(d)(e) (remove dead vegetation and debris and maintain landscaping in healthy condition) and 4-61(a)(6)(a) (Hedges are required to be trimmed below the maximum height of eight feet) on or before **22nd day of July, 2013**. If Respondent does not comply within the time specified, a fine of One Hundred Dollars (\$100.00) per day shall be assessed for each day the violations continue to exist.

The hearing adjourned at approximately 10:00 a.m.

Jude M. Goudreau, CMC
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.