

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
February 25, 2014
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 Sean Mahoney, Sergeant Craig Brown, Building Official Michael Crisafulle and City Clerk Jude Goudreau.

All parties were sworn in by Special Magistrate Mac Gibbon.

Case 13-38 Salit Zelekovitz 104 Windsor Court

Gadi Cohen was present on behalf of Salit Zelekovitz. It is the Order of the City of Atlantis Special Magistrate that the request for a fine reduction is granted. The fine amount shall be reduced to Four Hundred Dollars (\$400.00) to be paid on or before March 26, 2014 or the original, full lien amount shall be reinstated.

Case No. 14-0 Quest IRA 401 North Country Club Drive

VIOLATION: Home is below Minimum Property Standards Sections 4-61 (a) (1) (3) Roof is Dirty and Driveway is Dirty.

Sergeant Mahoney testified to the facts in the case. It is the Order of the Special Magistrate that a Fine in the amount of Four Hundred Fifty Dollars (\$450.00) is hereby assessed at a daily amount of Twenty-five Dollars (\$25.00) per day for the violations which existed on the property beginning from February 8, 2014 through February 25, 2014, a period of eighteen (18) days; and said fine shall continue to accrue at the rate of twenty-five dollars (\$25.00) per day until compliance is achieved. The Respondent shall be assessed One Hundred Two Dollars and Seventy-two Cents (\$102.72) for the administrative costs incurred in prosecuting the February 25, 2014 Violation Hearing.

Case No. 14-19 Heather Wells 214 Orange Tree Drive

VIOLATION: Home is below Minimum Property Standards Sections 4-61 (a) (1) (3) Roof is Dirty and Driveway is Dirty.

The respondent was not present. Sergeant Brown testified to the facts in the case. It is the Order of the Special Magistrate that a Fine in the amount of One Hundred Twenty-five Dollars (\$125.00) is hereby assessed at a daily amount of Twenty-five Dollars (\$25.00) per day for the violations which existed on the property beginning from February 8, 2014 through February 13, 2014, a period of five (5) days. The Respondent shall be assessed One Hundred and Two Dollars and Seventy-Two Cents (\$102.72) for the administrative costs incurred in prosecuting the February 25, 2014 Violation Hearing.

Case No. 14-46 Neal T. McDyer Estate 261 Gleneagles Drive

Violation: Section 105. 1. Of the Florida Building Code as adopted by Section 4-22 of the Code of Ordinances of the City of Atlantis. Work done without permit. Installation of satellite dish or satellite television antenna and/or pole without a permit. Section 15-10 (c) (1) Work done without permit. Installation of satellite dish or satellite television antenna and/or pole without a permit. Section 15-10 (c) (2) Work done without Architectural Committee Review. Installation of satellite dish or satellite antenna and/or pole without approval of the Architectural Review Committee. Section 15-6 (h) Satellite dish or satellite television antenna installed without permit and without Architectural Committee Review.

Installation of satellite dish or satellite antenna and/or pole without approval of the Architectural Review Committee.

The Respondent, Neal T. McDyer Estate, was represented by Shawn McDyer at the hearing and there was a finding of proper notice. Sergeant Mahoney testified to the facts in the case.

It is the Order of the Code Enforcement Special Magistrate that Respondent shall comply with Section 105.1 of the Florida Building Code as adopted by Section 4-22 of the Code of Ordinances of the City of Atlantis (Work done without Permit and Installation of Satellite Dish or Satellite Television Antenna and/or pole without a Permit), Section 15-10(c)(1) (Work done without Permit. Installation of Satellite Dish or Satellite Television Antenna and/or pole without a Permit), Section 15-10(c)(2) (Work done without Architectural Committee Review, Installation of Satellite Dish or Satellite Antenna and/or pole without approval of the Architectural Review Committee), Section 15-6(h) (Satellite Dish or Satellite Television installed without permit and without Architectural Committee Review, Installation of Satellite Dish or Satellite Antenna and/or pole without the approval of the Architectural Review Committee) of the Code of Ordinances of the City of Atlantis on or before the 13th day of March, 2014. If Respondent does not comply within the time specified, a fine of Twenty-five Dollars (\$25.00) per day shall be assessed for each day the violations continue to exist. The Respondent shall be assessed One Hundred Nine Dollars and Sixty-eight Cents (\$109.68) for the administrative costs incurred in prosecuting the February 25, 2014 Violation Hearing.

Case No. 14-48

CSI Special Care

111 B John F Kennedy Drive

VIOLATION(S):

- 1) **Section 105. 1. Of the Florida Building Code as adopted by Section 4-22 of the Code of Ordinances of the City of Atlantis. Work done without permit.** Interior remodel including drywall done without permit.
- 2) **Section 15-10 (c) (1). Of the Code of Ordinances of the City of Atlantis. Work done without permit.** Interior remodel including drywall work done without permit.
- 3) **Sections 7-26 and 7-30. Of the Code of Ordinances of the City of Atlantis. Review of plans. Work done without permit.** Interior remodel including drywall work done without permit.
- 4) **Section 16.1.7.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis.** Maximum occupant load exceeded in some areas/rooms. A minimum of 35 sfpp is required for each area/room.
- 5) **Section 16.2.11.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis.** Windows for rescue not provided as required. Every room subject to client occupancy (except bathrooms) shall have not less than 1 outside window for emergency rescue.
- 6) **Section 16.3.2.1 (2) of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis.** Laundry room is not separated from the rest of the facility as required. Laundry rooms shall be separated by a minimum 1 hour rating AND have automatic fire extinguishing system.
- 7) **Section 16.3.4.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis.** Required Fire

Alarm System not installed. All Day Care Occupancies, other than those of consisting of 1 room, shall be provided with a fire alarm system.

- 8) Section 16.3.6 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis.** Corridor is not protected as required. Every interior corridor shall be constructed of walls having not less than a 1 hour fire rating.
- 9) Section 16.5.1.2 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis. All electrical outlets are not protected as required. Special covers shall be installed on all outlets.**

The Respondent, Trailer Haven Inc., was represented by Mrs. Lenora Zabick and her Attorney Lawrence Fuchs, Esq. The Tenant, CSI Special Care, was represented by Ellie Halperin, Esq., Maria Rodriguez and Allan Soderquist at the hearing and there was a finding of proper notice.

The City Code Inspector, Sergeant Sean Mahoney, Mrs. Lenora Zabick, City of Atlantis Building Official Michael Crisafulle and Fire Marshall Rick Lee testified on behalf of the City of Atlantis and produced documentation and photographs of the alleged violations. The City's Composite Exhibit File 1 was accepted into evidence. Maria Rodriguez and Allan Soderquist appeared and testified on behalf of the tenant CSI Special Care. The tenant's Exhibits 1, 2, 3 and 4 were accepted into evidence. It is the Order of the Code Enforcement Special Magistrate that Respondent shall comply with of Section 105.1 of the Florida Building Code as adopted by Section 4-22 of the Code of Ordinances of the City of Atlantis (Work done without Permit), Section 15-10(c)(1) of the Code of Ordinances of the City of Atlantis (Work done without Permit.), Sections 7-26 and 7-30 of Code of Ordinances of the City of Atlantis (Work done without a permit), Section 16.1.7.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (Maximum occupant load exceeded in some areas/rooms), Section 16.2.11.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (Windows for rescue not provided as required), Section 16.3.2.1. (2) of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (Laundry room is not separated from the rest of the facility as required), Section 16.3.4.1 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (Required Fire Alarm System not installed), Section 16.3.6 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (Corridor is not protected as required), and Section 16.5.1.2 of the NFPA 101, Life Safety Code, Chapter 16, New Day Care Occupancy. as adopted by Section 7-26 of the Code of Ordinances of the City of Atlantis (All electrical outlets are not protected as required.) by correcting all violations and obtaining all necessary permits and inspections prior to re-occupying the space. The Code Enforcement Special Magistrate reserved ruling on a fine amount. The Respondent shall be assessed One Hundred Thirty-Two Dollars and Seventy Cents (\$132.70) for the administrative costs incurred in prosecuting the February 25, 2014 Violation Hearing.

The hearing adjourned at approximately 11:00 a.m.

Jude M. Goudreau, CMC
City Clerk