

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
November 23, 2014
9:00 am
MINUTES

Special Magistrate B. Douglas MacGibbon presided over the hearing, which commenced at 9:05 a.m. In attendance were: City Attorney Keith Davis, Sergeant Sean Mahoney, and City Clerk Kristen Puhalainen.

All parties were sworn in by Special Magistrate MacGibbon.

Case No. 14-95 Wells Fargo Bank NA 265 N. Country Club Dr.

VIOLATIONS: Section 4-61(a); 4-62; 8.5-7(h) of the Code of Ordinances of the City of Atlantis: Dirty roof; Dirty driveway; Clutter and debris left on front porch; Lawn not maintained or mowed; Vegetation and hedges overgrown and not maintained; Weeds and overgrowth in flower beds; Green/improperly maintained swimming pool; Insects and rodents living around pool area.

Mr. Davis read the file documents submitted. Sergeant Mahoney testified to the facts in the case. Jared Schopper, a Real Estate ® broker representing Wells Fargo confirmed the evidence and explained the bank's process in fixing up properties. It is the Order of the Special Magistrate that Respondent shall comply with Section 4-61(a); 4-62; 8.5-7(h) of the Code of Ordinances of the City of Atlantis by December 2, 2014 or face a fine of \$250.00 per day until it is in compliance. In addition, the Respondent is assessed the City's administrative costs in the amount of \$103.68.

Case No. 14-93 Jerome B. Vincente, M.D. et al. 115 JFK Dr.

FINE REDUCTION HEARING: Order finding repeat violation and imposing fine was issued September 23, 2014 in the amount of \$3,800 plus administrative costs. Dr. Vincente submitted a letter dated September 23 2014 requesting a reduction of the fine. Sgt. Mahoney testified that the property is now in compliance. Dr. Vincente testified. It is the Order of the Special Magistrate that the fine is reduced from \$100 per day to \$50 for an amount of \$1,900, plus administrative costs in the amount of \$190.41, for a total of \$2,090.41 to be paid by December 15, 2014.

Case No. 14-91 Neal McDyer Estate 261 Gleneagles Dr.

FINE ASSESSMENT HEARING: Lawn needs to be mowed, Section 4-61 (a) (6) (c) (e) of the Code of Ordinances of the City of Atlantis. Roof needs to be cleaned, Section 4-61 (a) (1).

Mr. Davis read the file documents submitted. Sergeant Brown testified to the facts in the case. The lawn is now in compliance; the roof is not. The respondent was not present. On November 25, 2014 an Order Finding Violation was issued. It is the Order of the Special Magistrate that a Fine in the amount of \$425.00 is assessed at a daily amount of \$25.00 per day for the violations which existed on the property from November 8 through November 25 2014 and shall continue to accrue at \$25.00 per day until property is in compliance. In addition, the Respondent is assessed a total of \$199.08 in administrative costs.

VIOLATIONS: Section 4-61(a); 4-62; 8.3-4; 8.3-7; 8.5-7(h); 13-4(d) of the Code of Ordinances of the City of Atlantis: Dirty roof; Window covered with plywood; Gutters filled with vegetative debris; Dirty driveway; trailer illegally parked in driveway; Tent illegally pitched in driveway; Clutter left on front porch; Driveway filled with clutter and debris; Vegetative debris left in driveway; Window shutters and storm shutters stored outside/leaning against exterior walls; Mailbox post broken and mailbox covered in mold; Lawn not maintained or mowed; Trees and shrubbery not maintained; Weeds and overgrowth in front planter; Uprooted tree on side of residence; Dilapidated palm tree in front yard; Illegal storage bin on east side of residence; Garbage cans and recycling bins stored improperly; Green/improperly maintained swimming pool.

Mr. Davis read the file documents submitted. Sgt. Mahoney testified to the facts of the case. The property is in compliance with Sections 8.3-4, 8.3-7 and 13-4(d); it is not in compliance with Sections 4-61(a), 4-62, and 8.5-7(h). The Respondent was not present. It is the Order of the Special Magistrate that the Respondent continue to comply with Sections 8.3-4, 8.3-7 and 13-4(d); and ordered to comply with Sections 4-61(a), 4-62, and 8.5-7(h) by November 30th, 2014 or face a Fine of \$250.00 per day until in compliance. In addition, the Respondent assessed \$104.19 in administrative costs.

The hearing adjourned at 9:42 a.m.

Kristen Puhalainen
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.