

CITY OF MARATHON



CODE COMPLIANCE DEPARTMENT

9805 Overseas Highway, Marathon, Florida 33050
Phone: (305) 289-4116 Fax: (305) 289-4131

MINUTES

Code Compliance Board

Hearing Agenda

March 10, 2010

City of Marathon Fire Station
8900 Overseas Highway
Marathon, Florida 33050

Call Hearing to Order:

Code Board attorney, Tom Wright called the meeting to order at 6:01 p.m., Wednesday, March 10, 2010.

The Pledge of Allegiance was performed.

Roll Called:

Board Members Present: Steve Pearson, John Repetto, David Grego, John Keller, Steven Britske, William Mathews and Vito V. Giglio. All present.

Welcome to all new Code Board members.

Select Chairman:

Steve Pearson made the motion to select John Repetto as Chairman. No other nominations.

Steven Britske seconded the motion.

Unanimous

Steven Britske made the motion to select Steve Pearson as Vice Chair. No other nominations.

John Repetto seconded the motion.

Unanimous

Also Present: Marc Maison, Security; Cynthia J. McPherson, Inspector; Joe Jimenez, City Attorney; Tom Wright, Board Attorney; and Connie Faast, Recording Secretary.

Approval of Minutes:

Steve Pearson made the motion to approve the January 13, 2010 Minutes.

John Keller seconded the motion.

All agreed.

John Repetto, Board Chairman called for the Witness to be sworn and administered the Oath to the following:

- Cynthia J. McPherson

Reading of the Notices

HEARING ON AFFIDAVIT OF NON-COMPLIANCE

Inspector Cynthia J. McPherson

1. Karen Edwards

Case Number C2009-0487

10 Perimeter Summmit Blvd., NE Apt. 4321

Atlanta, GA 30319

Location of Violations: 555 70th Street Gulf, Marathon, Florida 33050

Inspector McPherson presented the case for hearing on non-compliance and the Board shall determine whether the violator has complied with the Order and whether the fine is applicable, and the appropriate amount.

- **Exhibit A** Notice of Hearing on Affidavit on Non-Compliance, Affidavit of Posting and Posting Notice

Inspector McPherson gave a case summary. Compliance due February 4, 2010, and the property remains in non-compliance and administrative fee due February 19, 2010, remains unpaid.

City's recommendation.

Exhibit A entered and accepted into evidence. Reviewed penalties previously ordered by the Board.

For the record – no one present on behalf of respondents.

Motion:

Steve Pearson made the motion to find the property in violation.

Steven Britske seconded the motion

All agreed.

Board Attorney, Tom Wright discussed two separate motions or to combine motion to include: “to follow City’s recommendations, etc., the property is a serious threat to public health, safety, and welfare, etc. and to impose the daily fine and the administrative fee for the hearing of non-compliance.”

Rescind the previous motion.

Motion:

Steve Pearson made the motion to find the property in non-compliance and to follow all City’s recommendations and to continue with fine as previously ordered retroactive to compliance date of February 4, 2010 and impose the Administrative Fee for this hearing.

Steven Britske seconded the motion.

All agreed.

Inspector Cynthia J. McPherson

**2. Diana Lucia Geren and
Carl G. Geren, Owners**
5409 Overseas Hwy. Unit 224
Marathon, FL 33050

Case Number C2009-0503

Location of Violations: 1197 73rd Street Ocean, Marathon, Florida 33050

Inspector McPherson presented the case for hearing on non-compliance and the Board shall determine whether the violator has complied with the Order and whether the fine is applicable, and the appropriate amount.

- **Exhibit A** Notice of Hearing on Affidavit on Non-Compliance, Affidavit of Posting, Posting Notice

Inspector McPherson gave a case summary. Compliance was due January 30, 2010 and the property remains in non-compliance and the administrative fee was due on February 19, 2010 and remains unpaid.

City’s recommendations.

Exhibit A was entered and accepted into evidence. Reviewed penalties previously ordered by the Board.

For the record – no one present on behalf of respondents.

Motion:

Steve Pearson made the motion to find the property in non-compliance and to follow all City’s recommendations and to continue with fine as previously ordered retroactive to compliance date of January 30, 2010 and impose the Administrative Fee for this hearing.

John Keller seconded the motion.

All agreed.

New Business

Chairman Repetto discussed:

- To take a couple minutes prior to the next meeting to have a workshop for the discussion regarding one or two motions
- Using less paper
- City shall clean properties

City Attorney, Joe Jimenez, stated the Board is not given that authority by the code.

Inspector McPherson stated every property previous to tonight which has gone forward, has been cleaned up. It was clarified, the manager may clean, not shall clean.....

City Attorney described the process.... a fine may run until the City Manager is able to obtain a contractor and get the property cleaned. Once cleaned the daily fine will stop running which brings the property into partial compliance. A lien will be placed on the property for the cost of repairs, possible fines, and administrative fees.

City Attorney also mentioned the property owner may come before the Board for a fine reduction, however, the administrative fees and the cost for clean up still apply.

- Chairman Repetto discussed a City ordinance for another municipality which gave the Code Department and the City manager the authority to clean the property/mow lawns without going to hearing. The City cleaned the property right away then came before the Board after the fact for fines and fees. Expedited the process.

Discussion on procedures done in other municipalities using staff to board up and mow - not sure of mechanism.

Hearing Adjourned – 6:35 pm

I certify the above represents an accurate summary of the Code Compliance hearing held March 10, 2010

Connie Faast, Recording Secretary