



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Marathon Council Chambers
9805 Overseas Highway, Marathon
Thursday, November 18, 2021, at 2:00 P.M.

Action Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of November 18, 2021 was called to Order by Special Magistrate, Jeff D. Vastola, Esq. at 2:00 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

Staff Present:

Code Director Theodore Lozier
City Attorney Steven Williams
Code Administrative Assistant Maria Thorley
Code Compliance Officer Don Law
Code Compliance Officer Matt Salata

Members of the public present.

B. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was recited.

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

1. C-21-79 withdrawn by compliance

D. APPROVAL OF MINUTES

- Minutes of October 21, 2021 hearing was approved by Special Magistrate Dirk Smits, who was presiding at the time of the October hearing.

E. SWEARING IN OF WITNESSES TO TESTIFY

- Special Magistrate Vastola called for witnesses to be sworn in and administered the Oath.

F. NOTICES

- Notices were read into the record.
- There were no Ex-Parte Communications.

G. CASES FOR PUBLIC HEARING:

CODE OFFICER, DON LAW

2. **C-21-24 (New Case)**
Sally Ann Mishmash
620 99th St., Marathon (RE#00351990-000000)

The Respondent(s) was present at the hearing, was sworn in, was properly noticed of the hearing by certified mail and afforded the opportunity to appear and speak.

An initial inspection conducted of the subject property on January 27, 2021, and a re-inspection of the property on June 21, 2021, revealed multiple Recreational Vehicles (RV's), parking of travel trailers, trailers and trucks in residential districts, cargo trailer parked in right-of-way, including yard waste/debris and noxious material.

Exhibits A through E were entered and accepted into evidence by Special Master Vastola.

The Respondent was given an opportunity to be heard and ask questions. The Respondent stipulated to the allegations brought against her and expressed a genuine desire to rectify the code violations and come into compliance. It was thereafter agreed to by the parties that the Respondent would be given ninety (90) days to do come into compliance before any fines would be levied, other than the costs of the hearing.

Based on the evidence and testimony presented at the hearing, it is determined that the violation of §103.22 and §22-20 of the City of Marathon Code as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent(s) has not been corrected.

RECOMMENDATION(S): The Special Magistrate heard the testimony, and a Findings of Fact, Conclusion of Law and Order was entered finding the property in violation of the stated code and Ordered Respondent(s) to remove multiple Recreational Vehicles (RV's), parking of travel trailers, trailers and trucks in residential districts, cargo trailer parked in right-of-way, including yard waste/debris and noxious materials and maintain as needed, within ninety (90) days from the date of the hearing November 18, 2021. Respondent(s) shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of November 18, 2021. In the event the violation(s) is/are not corrected by the date set for compliance, February 17, 2022, Respondent(s) shall pay a fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation(s) continues to exist past the compliance date set forth herein. This fine is calculated by taking into consideration: the gravity of the violation; the steps taken by the Respondent to correct the violation; and any previous violations, pursuant to Chapter 162.09 (2) (b) (1) - (3), F.S.

H. OLD BUSINESS - None

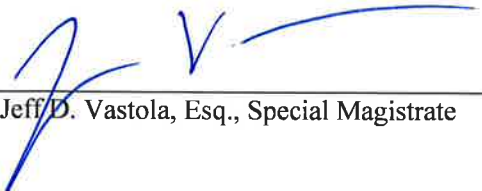
I. NEW BUSINESS - Next Special Magistrate meeting December 16, 2021 at 2:00pm.

J. DISCUSSION ITEMS - None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned at 2:17P.M.

The above represents a summary of the Code Compliance Hearing held November 18, 2021. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by Jeff D. Vastola, Esq., Special Magistrate.



Jeff D. Vastola, Esq., Special Magistrate



Date