



## **CODE COMPLIANCE HEARING AGENDA**

Special Magistrate, Jack Bridges  
Marathon Council Chambers  
9805 Overseas Highway, Marathon  
Wednesday, April 17, 2019 at 2:00 P.M.

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS**
- D. APPROVAL OF AGENDA AND MINUTES**
- E. SWEARING IN OF WITNESSES TO TESTIFY**
- F. NOTICES**

This meeting is open to the public. Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Special Magistrate, with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, such record includes the testimony and evidence upon which the appeal is to be based.

Please be advised that the following cases on the agenda are quasi-judicial in nature. If you wish to testify in any of these cases, please inform the Code Compliance Recording Secretary by filling out the available sign-up form. If authorized by the Special Magistrate, third parties may testify in a case after the City and the Respondent have made their presentations. Third parties will not be permitted to cross-examine witnesses, but third parties may suggest questions for the Special Magistrate to ask the parties and witnesses. All testimony will be given under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony may not be considered. A copy of the rules for hearings before the Special Magistrate may be obtained from the Code Compliance Secretary.

### **NOTICE REGARDING EX-PARTE COMMUNICATIONS**

An ex-parte communication is defined as any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board or special magistrate, regarding matters which are to be heard and decided by said quasi-judicial board or special magistrate. Site visits and expert opinions are also considered ex-parte communications. In the event that someone contacts the Special Magistrate about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Special Magistrate, the Special Magistrate must state on the record the existence of any ex-parte communication, the nature of the communication, the party who originated the ex-parte communication and whether the ex-parte communication will affect the Special Magistrate's ability to impartially consider the evidence presented.

**G. CASES FOR PUBLIC HEARING:**

Code Officer, Patti Childress

- 1. Case No: C2018-0259 (NON-COMPLIANCE/UNSAFE STRUCTURE)**  
Respondent(s): Bank of New York Mellon C/O Shapiro  
Location: 11585 6<sup>th</sup> Ave, Marathon, FL (RE#00345950-000000)  
Violation(s): Unsafe Structure  
Code Section(s): Section 6-91 (a), (b) (1), (2), (c) (3), (5), (9), (d), (f), (g) "Unsafe Buildings or Systems"
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Code Officer, Patti Childress

- 2. Case No: C2018-0305 (NON-COMPLIANCE)**  
Respondent(s): Robert E Mowder Jr  
Location: 2207 Yellowtail Dr., Marathon, FL (RE# 00332130-000000)  
Violation(s): Unregistered boat trailers and an unregistered vessel  
Code Section(s): Section 103.18 "Abandoned vehicles"  
Section 103.19 "Abandoned Watercraft"
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Code Officer, Patti Childress

- 3. Case No: C2018-0381 (NEW CASE/UNSAFE STRUCTURE)**  
Respondent(s): Michael Flewwelin  
Location: 6407 Oceanview Ave., Marathon, FL (RE#00341770-000000)  
Violation(s): Unsafe Structure  
Code Section(s): Section 6-91 (a); (b) (1) (2) (5); (c) (1) (2) (3); (d), (f), (g) "Unsafe Buildings or Systems"
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Code Officer, Cody Ward

- 4. Case No: C2018-0030 (NEW CASE)**  
Respondent(s): Mark and Christine Craddock H/W  
Location: 125 Calle Ensueno, Marathon, FL (RE# 00357041-002000)  
Violation(s): The accumulation of building materials and evidence of interior remodeling, including dock boards indicating repairs/replacement of a dock without the benefit of a permit. A Stop Work Order posted on the property on January 27, 2018 for said work.  
Code Section(s): Section 6-52 (a) (1) b. "Building or Site Preparation Permits Required; Exceptions".
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Code Officer, Cody Ward

5. Case No: **C2018-0033 (NEW CASE)**  
Respondent(s): Sun Key Real Estate LLC  
John F Demarco Sr., Registered Agent  
Location: 181 109th St., Marathon, FL (RE#00343550-000000)  
Violation(s): Large interior renovations done without the benefit of building permits. A Stop Work Order was posted at the property on January 29, 2018.  
Code Section(s): Section 6-52 (1) b. "Building or Site Preparation Permits Required Exceptions"
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Code Officer, Cody Ward

6. Case No: **C2018-0426 (NEW CASE/UNSAFE STRUCTURE)**  
Respondent(s): Lisa Ann and David B Marciniak  
Location: 592 83rd St., Marathon FL (RE#00347630-000000)  
Violation(s): Unsafe Structure  
Code Section(s): Section 6-91 (a); (b) (1), (2); (c) (1), (3), (5), (9); (d), (f), (g) "Unsafe Buildings or Systems"
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Code Officer, Cody Ward

7. Case No: **C2019-0003 (NEW CASE/VACATION RENTAL)**  
Respondent(s): Capitana Realty LLC  
651 Orchard Street, STE 200  
New Bedford MA 02744  
  
Donald P Rodrigues, Registered Agent  
95 Man O War Dr.  
Marathon, FL 33050  
  
Location: 11095 5th Avenue, Marathon FL (RE#00343950-000000)  
Violation(s): Advertising of the property as a Vacation Rental without a valid license  
Code Section(s): Section 8-12 (a) (1) "Licenses required"  
Section 8-14 (16) "General Provisions"
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**H. OLD BUSINESS**

**I. NEW BUSINESS**

**J. DISCUSSION ITEMS**

**K. ADJOURNMENT**

In accordance with the Americans with Disabilities Act (ADA) and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation in order to participate in this proceeding should contact City Hall at (305)743-0033, no later than five (5) days prior to the hearing or meeting.