



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Special Magistrate, Jack Bridges
Marathon Council Chambers
9805 Overseas Highway, Marathon
Wednesday, June 19, 2019 at 2:00 P.M.

Action Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of June 19, 2019, was called to Order by the Special Magistrate, Jack Bridges at 2:00 P.M., at the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida.

Staff Present:

Growth Management Director/Building Official Douglas Lewis
Code Compliance Officer Patti Childress
Paralegal/Code Officer Cody Ward

Also in attendance were members of the public.

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

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

DELETIONS:

The following cases were withdrawn by compliance:

2. C2018-0383
3. C2019-0065

D. APPROVAL OF AGENDA AND MINUTES

- Special Magistrate Bridges approved the agenda and the minutes of May 15, 2019 hearing.

E. SWEARING IN OF WITNESSES TO TESTIFY

- Special Magistrate Bridges 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, Cody Ward

1. **C2017-0081 (UNSAFE STRUCTURE/NON-COMPLIANCE)**
Coco Plum Investments LLC
12000 Overseas Hwy., Marathon, FL (RE# 00357470-000000)

This case was originally heard by the Special Magistrate on September 19, 2018; and an Order was entered giving the Respondent a compliance date of October 21, 2018. Permit (P2018-1883) to repair the structure was submitted on October 29, 2018 and issued shortly thereafter on November 7, 2018. The permit expired on May 6, 2019 without any inspections called or any apparent work completed. The expired permit is now null and void, and the Respondent has not applied for a new permit for all necessary repairs to make the structure safe for its intended use. The Respondent has failed to apply for a new permit to make all necessary repairs to the structure and bring the property into compliance,

An Affidavit of Non-Compliance was filed after an inspection performed by Code Officer Cody Ward on May 28, 2019, and concluded that the violation was not corrected, and by failing to pay the Administrative Fee previously Ordered, in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days from the date of September 20, 2018.

Exhibits A through C were entered and accepted into evidence by Special Magistrate Bridges.

The Respondent was not present at the hearing, but was properly noticed of the hearing by certified mail, and afforded the opportunity to appear and speak. Anthony Delillo spoke on behalf of his father and explained the delays were due to issues he was having with the contractor; however, he is willing to work with the City and bring the property into compliance.

RECOMMENDATION(S): The Special Magistrate heard the testimony and a Findings of Fact, Conclusion of Law and Order was entered, finding the property in non-compliance of the stated code and Ordered the Respondent to pay a Fine in the amount of One Hundred Dollars (\$100.00) per day, which shall accrue for each day the violation continues to exist past the date initially set for compliance October 21, 2018. 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; The Respondent shall pay the Administrative Fee of Three Hundred Dollars (\$300.00) previously Ordered by the Special Magistrate from the date of September 20, 2018; and an additional Administrative Fee of Three Hundred Dollars (\$300.00) for the hearing of non-compliance within thirty (30) days of the date of the Order, June 19, 2019. These violations are declared a serious threat to public health, safety, and welfare; ordering the immediate vacation of all tenants currently living in the unsafe structure and thereby, authorizing the City Manager to make necessary corrections to bring the Property into compliance.

H. OLD BUSINESS - None

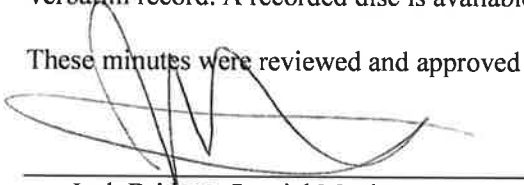
I. NEW BUSINESS - None

J. DISCUSSION ITEMS – None

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned 2:29 P.M.

The above represents a summary of the Code Compliance Hearing held June 19, 2019. This is not a verbatim record. A recorded disc is available upon request.

These minutes were reviewed and approved by Jack Bridges, Special Magistrate.



Jack Bridges, Special Magistrate

08/21/19

Date