



**CODE COMPLIANCE
SPECIAL MAGISTRATE HEARING**

Special Magistrate, Jack Bridges
Marathon Council Chambers
9805 Overseas Highway, Marathon
Wednesday, August 21, 2019 at 2:00 P.M.
Action Minutes

A. CALL TO ORDER

The Code Compliance Special Magistrate Hearing of August 21, 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

There were no members of the public present.

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

C. ADDITIONS/DELETIONS/CORRECTIONS/ANNOUNCEMENTS

DELETIONS:

The following cases were withdrawn by compliance:

- | | |
|---------------|---------------|
| 1. C2018-0429 | 5. C2019-0058 |
| 2. C2019-0036 | 6. C2019-0080 |
| 4. C2018-0418 | |

D. APPROVAL OF AGENDA AND MINUTES

- Special Magistrate Bridges approved the agenda and the minutes of June 19, 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

3. C2018-0432 (NON-COMPLIANCE)

Marathon H M A Inc. / C/O Altus Group
83rd St, Marathon (RE#00349020-000000)

This case was originally heard by the Special Magistrate on February 21, 2019; and an Order was entered giving the Respondent a compliance date of March 23, 2019. The Respondent has failed to mow/trim the property and maintain as needed.

An Affidavit of Non-Compliance was filed after a reinspection performed by Code Officer Cody Ward on July 24, 2019, and concluded that the violation was not corrected, and the Administrative Fee of Three Hundred Dollars (\$300) within thirty (30) days starting from the date of February 21, 2019 remained unpaid.

Exhibit A was 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.

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 March 23, 2019. 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 February 21, 2019; and an additional Administrative Fee of Three Hundred Dollars (\$300.00) for the hearing of non-compliance starting from the date of August 21, 2019. These violations were hereby declared a serious threat to public health, safety, and welfare; thereby, authorizing the City Manager to make necessary corrections to bring the Property into compliance.

Code Officer Patti Childress

7. C2019-0087 (NEW CASE)

Elite Sky Holdings LLC
Chen Ting Yee, Registered Agent
1100 Overseas Hwy., Marathon, FL (RE#00101780-000000)

Based on the evidence presented at the hearing, the Respondents have violated §22-24 and §18-28 of the City of Marathon Code, as set forth in the Notice of Violation/Notice of Hearing served upon the Respondent, by having the accumulation of trash and debris, including a fence in need of repairs.

On April 24, 2019, Code Compliance Officer Patti Childress performed an initial inspection followed by subsequent inspections and determined that the violations has not been corrected.

Exhibits A through D 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.

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 the Respondent to remove and properly dispose of all accumulated trash and debris, remove damage and fallen sections of fence, and apply for and obtain permits to replace the fence as required by the approved conditional use, within thirty (30) days starting from the date of August 22, 2019. These violations are hereby declared a serious threat to public health, safety, and welfare; thereby, authorizing the City Manager to make necessary corrections to bring the Property into compliance. The Respondent shall pay an Administrative Fee in the amount of Three Hundred Dollars (\$300.00) within thirty (30) days, starting from the date of August 22, 2019. In the event the violation(s) is/are not corrected by the date set for compliance, September 22, 2019 Respondent 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 - None

J. DISCUSSION ITEMS – Previously a discussion took place between Mr. Bridges and Mr. Lewis regarding a case that was not on the docket, and Mr. Bridges wanted to state for the record that there was nothing improper in making the discussion.

K. ADJOURNMENT - With no further business to come before the Special Magistrate, the meeting was adjourned 2:16 P.M.

The above represents a summary of the Code Compliance Hearing held August 21, 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



Date