SPECIAL MAGISTRATE HEARING
DESTIN CITY HALL BOARDROOM
STEVEN HALL PRESIDING
MAY 21, 2019
5:30 P.M.

CALL TO ORDER

The hearing was called to order at 5:30 PM.

Staff Present
Rey Bailey, City Clerk
Louis Zunguze, Community Dev. Director
Joey Forgione, Code Compliance Manager
William Morales, Code Compliance Officer
Kimberly Kopp, Land Use Attorney

Case No. 19-000249

Respondent:	Gregory Marler
Property Address:	222 Sibert Avenue, Destin Fl 32541
Violation:	Violation of LDC 9.05.00 – Conserve established residential neighborhoods. Accumulation of trash and debris

The City Clerk sworn in the following individuals for testimony:

- William Morales, Code Compliance Officer
- Joey Forgione – Code Compliance Manager
- Gregory Marler - Respondent

Officer Morales provided the following testimony:

Name: William Morales
Position in the City: Code Compliance Officer
Description of the violation on the property: The respondent was in violation of accumulation of trash and debris. Notice of Violation was served on February 21, 2019. A Notice of Violation was again served on the property on March 25, 2019. A Notice of Hearing was posted on the property on May 8, 2019. Numerous pictures were taken by him showing the property is in violation. Exhibit 14 contained pictures of the property taken today which show the property is still in violation.

Following Officer Morales' testimony, the Special Magistrate asked the respondent Mr. Gregory Marler if he would like to question Officer Morales.

Mr. Marler replied he does not wish to question Office Morales.

The Land Use Attorney asked the Code Compliance Manager Joey Forgione which section of the code was specifically violated.

Officer Forgione noted that the respondent was in violation of LDC Section 9.05.00, and that trash and debris on the property are in violation of that specific provision.

The Land Use Attorney requested that the case packet with all the exhibits be entered into the record as Staff Exhibit A.

The Special Magistrate asked whether the respondent has any objections to the request by the Land Use Attorney; to which Mr. Marler replied "no."

At this time, the Special Magistrate asked Mr. Marler if he wants to provide a testimony.

Mr. Marler stated that he knows his yard "got out of hand." He does a lot of things in his yard to make a living. He has hired someone to help him clean it up. He would also like to request a permit from the city so he could build a fence around his yard and continue to do his work in his yard without disturbing anybody else.

The Special Magistrate asked Mr. Marler whether the pictures taken by the city truly depict the condition of his property; to which Mr. Marler replied affirmatively. However, he intends to take action to correct the violation.

The Special Magistrate asked Mr. Marler how much time he needed to correct the violation and come into compliance on his property. Mr. Marler asked to be given 30 days.

The Special Magistrate issued the following order:

1. The respondent is ordered to correct the cited violation by removing all trash and debris from the property within 30 days from receipt of this order. Failure to do so within that period will violate this order and the city may demand the respondent to face further legal proceedings.

2. The respondent is ordered to contact the city's Code Compliance Department to schedule an inspection of the property before expiration of the 30 days to verify compliance with this order.

3. In the event that city staff finds that the property is not in compliance by the established deadline, the respondent may be ordered to pay a fine not to exceed $50.00 per day until the property is determined to be in compliance.

4. An administrative fee of $250.00 is assessed against the respondent .

ADJOURNMENT

There being no further business, the hearing was adjourned.

Rey Bailey, City Clerk