

MARGO DEAL ANDERSON
MAYOR
VICKY GAINER
CITY MANAGER
ADAM ALL
CITY ATTORNEY



COMMISSIONERS:
DAN RUSSELL
JUDY TINDER
PAT PERNO
BRANDON ALDRIDGE

Code Enforcement Magistrate / Board Hearing Wednesday, November 20th 2019 – 10:00 A.M.

AGENDA

1. Call to order.
2. Swearing – in of Officers
3. Case # 19-06-02 – City of Lynn Haven vs. Madhusudhan Sabole 501 Ohio Ave
4. Case # 19-06-43 – City of Lynn Haven vs. Richard Register 310 e 6th St
5. Case # 19-07-05 – City of Lynn Haven vs. Creative Revivals LLC 1301 Michigan Ave
6. Case # 19-07-52 – City of Lynn Haven vs. Matthew Todd Alberts 1104 Michigan Ave
7. Case # 19-07-68 – City of Lynn Haven vs Chad L Raffield 1105 Indiana Ave
8. Case # 19-07-177 – City of Lynn Haven vs Sharon L Holland 1909 Geralo Ln
9. Case # 19-08-20 – City of Lynn Haven vs Matthew & Christi Richardson 504 e 3rd St
10. Case # 19-08-71 – City of Lynn Haven vs Jeffery Speers 404 Kentucky Ave
11. Case # 19-08-68 – City of Lynn Haven vs Margo Coram 804 Tennessee Ave
12. Case # 19-08-100 – City of Lynn Haven vs The Open-Door Holiness Church 1408 Wisconsin Ave
13. Case # 19-08-146 – City of Lynn Haven vs Susan Rivera 607 Amy St
14. Case # 19-08-127 – City of Lynn Haven vs Jimmie Kemp 1503 Iowa Ave
15. Case # 19-08-101 – City of Lynn Haven vs Vanessa Mc Cathern 1507 Iowa Ave
16. Case # 19-08-34 – City of Lynn Haven vs Sydney & Georgia Kinne 2502 Country Club Dr
17. Adjournment

*THE CITY WILL FIRST PRESENT ITS CASE TO THE MAGISTRATE. THE RESPONDENT WILL THEN BE GIVEN TIME TO PRESENT A REBUTTAL TO THE MAGISTRATE (RESPONDENT WILL BE SWORN-IN PRIOR TO PRESENTATION). ON THE PREROGATIVE OF THE MAGISTRATE, PUBLIC COMMENTS PERTINENT TO THE CASE MAY BE HEARD. (PERSONS GIVING TESTIMONY / COMMENTS WILL BE SWORN-IN PRIOR TO MAKING TESTIMONY / COMMENTS). THE MAGISTRATE WILL THEN GIVE HIS RULING ON THE CASE. FLORIDA STATE STATUTE 162

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH; THE APPEAL IS BASED. FLORIDA STATE STATUTE 286.0105.

***IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTES, 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE LYNN HAVEN PLANNING DEPARTMENT NO LATER THAN 48 HOURS PRIOR TO THE PROCEEDING AT TELEPHONE 850-265-2961 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.

Notice

These guidelines are provided to you for informational purposes only. You should not rely upon these guidelines. To understand your rights and duties, see Florida Statutes Chapter 162, the City of Lynn Haven Municipal Code, and/or consult an attorney.

General Information

1. You have been cited with a violation(s) of the Municipal Codes and/or Unified Land Development Code of the City of Lynn Haven.
2. You are hereby summoned to appear before the Code Enforcement Magistrate who will hear evidence in regards to the violation(s).
3. Your summons tells you the date, time and place for the hearing. You may have an attorney represent you before the Magistrate.
4. Witnesses will be sworn in by the Magistrate.
5. Thereafter, the City will present its case.
6. If you choose to present your case, you will be sworn in by the Magistrate. Then you may present your case. Any witnesses you may call will also be sworn in by the Magistrate.
7. All testimony will be given under oath and will be recorded.
8. If the City prevails in the case hearing, you may be assessed the administrative costs (\$200.00) of the proceeding. **[Lynn Haven Municipal Code Section 2-97] [Florida Statutes 162.07]**
9. The Magistrate may order a time for completion of the abatement of the violation(s).
10. The Magistrate has the authority to impose fines up to \$250.00 per day against you for non-compliance of the Magistrate orders to abate the violation(s). **[L.H. M. C. Sec. 2-98][F.S.162.09]**
11. If the Magistrate finds that the violation(s) to be irreparable or irreversible in nature, the Magistrate may impose a fine up to \$5,000.00. **[L.H. M. C. Sec. 2-98] [F.S.162.09]**

12. If the violation(s) is (are) not abated in the time ordered, the Magistrate may order the City to complete the abatement. The costs of this abatement will be assessed to you. **[L.H. M. C. Sec. 2-98] [F.S.162.09]**
13. If you fail to pay the hearing and abatement costs and any fines accrued within thirty (30) days of the abatement of the violation(s), the City may place a municipal lien upon your property which will bear interest at the rate of ten percent (10%) per annum. **[L.H. M. C. Sec. 26-56] [F.S.162.09]**
14. Failure to pay such lien may result in the City filing for foreclosure on your property. **[L.H. M. C. Sec. 2-98] [F.S.162.09]**

An aggrieved party, including the city, may appeal a final administrative order of the enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the enforcement board. The appeal provided for in this section shall be filed within 30 days of the execution of the order to be appealed. **[L.H. M. C. Sec. 2-101] [F.S.162.11]**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. **[FLORIDA STATE STATUTE 286.0105].**