



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
 CODE SPECIAL MAGISTRATE HEARING  
 55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FLORIDA 34974  
 OFFICIAL MINUTES  
 AUGUST 11, 2020  
 6:30 P.M.**

- I. **CALL TO ORDER**
  - A. Special Magistrate Roger Azcona called the Hearing to order at 6:30 P.M.
  - B. The Pledge of Allegiance was offered by Special Magistrate Azcona.
  
- II. **ATTENDANCE**

Code Enforcement Secretary Melissa Close called the roll. Special Magistrate Roger Azcona, Esquire, City Attorney Carlyn H. Kowalsky, Code Officer Fred Sterling and Police Lieutenant Justin Bernst, were all present.
  
- III. **APPROVAL OF MINUTES AND ADMINISTRATION OF OATH**

Special Magistrate Azcona approved the June 9, 2020, Hearing minutes.  
 Special Magistrate Azcona administered the Oath to Heidi Sherer, Lori Mixon, Code Officer Sterling, Forest Gainer, Sandra Galletto and Code Secretary Melissa Close
  
- IV. **CHANGES TO AGENDA**

There were (3) Three Cases that were deferred until the next scheduled hearing.

  - A. Case Number 200605007; Rebecca Boday & Chris Rutherford 501 Southeast 6<sup>th</sup> street, Okeechobee, Florida 34974. (Chapter 30 Section 30-44 General Cleaning and Beautification); **Deferred until next scheduled hearing.**
  
  - B. Case Number 200312002; Candias & Dwayne McCrory 604 Northeast 17<sup>th</sup> Street, Okeechobee, Florida 34972. (Chapter 30-41 Inoperable/Abandoned Vehicle); **Deferred until the next scheduled hearing.**
  
  - C. Case Number 200226002; Doc's Auto Parts Inc. 805 North Parrott Avenue, Okeechobee, Florida 34972. (Chapter 30 Section 30-41 Inoperable/Abandoned Vehicles, Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification); **Deferred until next scheduled hearing.**
  
- V. **OLD CASES AND FINE REDUCTION REQUESTS**
  - A. Case Number 190712014; Heidi Sherer 1115 Southeast 10<sup>th</sup> Street, Okeechobee, Florida 34974. [Lot 10, BRENTWOOD ESTATES, Plat Book 7, Page 31 Public Records of Okeechobee County, Florida]. Mrs. Sherer was sworn in and asked for a fine reduction on the above stated property. Special Magistrate looked at the violations and asked Mrs. Sherer if she had anything else that she would like to add into evidence as to why she was out of compliance for so long. Mrs. Sherer had a packet of paperwork as evidence and emailed to the Code Enforcement Secretary, for she could not leave the Hearing to make copies.
 

**Special Magistrate Azcona found that the property was in violation of Chapter 30 Section 30-43 Public Nuisance and Chapter 30 Section 30-44 General Cleaning and Beatification from January 13, 2020 and came into compliance on February 25, 2020. Azcona recommended that this case go to the City Council for approval of the fine being reduced from \$1,150.00 to \$115.00 which includes the \$50.00 Admin Fee.**
  
  - B. Case Number 08-173; Marie Fenton 700 Block Southeast 12<sup>th</sup> Avenue, Okeechobee, Florida 34974. [Lot 14 Block 23 Section 24 Township 37 South, Range 35 East, Plat Book 3 Page 15 of the public records of Okeechobee County, Florida] Mrs. Lori Mixon was sworn in and testified on behalf of Mrs. Fenton. Mrs. Mixon stated that Mrs. Fenton contacted her early March 2020 regarding selling the two parcels located at 700 block Southeast 12<sup>th</sup> Avenue. Mixon went on to state that Fenton is a front-line nurse that works in New York City and that she lives in New Jersey. Mixon went on to state that Mrs. Fenton contracted the Covid-19 virus March 29, 2020.

CONTINUED FROM CASE B; Mixon stated that she has recovered but is still extremely weak and unable to work. On April 30, 2020 Mrs. Fenton contacted Mixon again and said that she really needs to sell the property, so she has something to live on. Mixon stated that she told Fenton she had to be realistic on the numbers, so she ran all the comps and came up with a price of \$55,000.00. They found a buyer for the two parcels and sold them both for \$50,000.00, but in the long run she lost \$40,00.00. Azcona asked Mixon why did Mrs. Fenton let the fines get so high? Mixon stated that she really did not know the answer to the questions, and that Fred has been good at keeping in communication with her. Mixon stated that Mr. Carns came out and cleaned up both parcels bringing them both into compliance.

**Special Magistrate Azcona stated that he would recommend the fine on this case go to the City Council for an approval of the reduction from \$6,975.00 to \$1,500.00.**

- C. Case Number 190325007; Marie Fenton 700 Block Southeast 12<sup>th</sup> Avenue, Okeechobee, Florida 34974. [Lot 14 Block 23 Section 24 Township 37 South, Range 35 East, Plat Book 3 Page 15 of the public records of Okeechobee County, Florida] Officer Sterling was sworn in and stated that the same apply to this case as case number 08-173. Sterling also stated that the first case made this case a repeat offender. Special Magistrate asked Sterling what he recommended for the fine to be reduced to. Officer Sterling stated that Mrs. Fenton has fallen on hard times, and he would recommend 20% of the fine plus the \$50.00 administrative Fee. City Attorney Carlyn Kowalsky stated that would bring the fine to \$180.00 plus the \$50.00 administrative fee for a total of \$230.00.

**Special Magistrate Azcona stated that he would find the property in violation of Chapter 30 Section 30-44 General Cleaning and Beautification, and in compliance as of May 28, 2020. Azcona stated that he recommends that this case go to the City Council for approval of the fine being reduced to \$230.00.**

- D. Case Number 17-39; Spirit CV Okeechobee FL LLC (CVS) 106 North Parrott Avenue, Okeechobee, Florida 34972. [Lots 1,2,3&6 Block 154 City of Okeechobee] Officer Sterling was sworn in and testified that this case has been a problem since 2017. He stated that they looked like they were out of business and the vegetation on the property was in dire need of being cleaned up and stuff newly planted. They were sent in front of the Code Enforcement Board back in February 2018. This property was found in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification, a fine was imposed of \$50.00 per day. As of 2019 the fine amount was at \$24,550.00. City Attorney Carlyn Kowalsky stated that she had been in communication with CVS attorneys and that they had agreed on paying 50% of the total amount due. She brought the agreement to the City Administrator and he agreed to settle with them a the 50% off. Kowalsky stated that she has received the signed stipulation between both parties recommends that it go to the City Council for approval at this time.

**Special Magistrate Azcona recommended that the case be brought to the City Council for them to approve the fine reduction to the 50% bringing the fine amount due to \$12,275.00.**

## VI. CASES COMPLIED OR CONTINUED OR AMENDED

- A. Case Number 191107027; Michele and Perry Johnson 1009 Southwest 11<sup>th</sup> Street, Okeechobee, Florida 34974. [Unplatted Lands of the City Beginning 208.7 Feet West of the Northeast Corner of Southwest ¼ of Southwest ¼ Run West 50 Feet Then Run South 158.7 Feet Then Run East 50 Feet and Run North 157.8 Feet to the Point of Beginning all Being in Section 21 Township 37 South Range 35 East of Okeechobee county, Plat Book 796 Page 847]

Officer Sterling was sworn in and testified that this property came into compliance on July 27, 2020. Sterling stated that he wanted this case to be found in violation from March 18, 2020 thru July 27, 2020. He also stated that if the property was to become in violation again they would-be repeat offenders.

**Special Magistrate Azcona found that case 191107027 was in violation of Chapter 30 Section 30-43 Public Nuisance from March 18, 2020 thru July 27, 2020, and that if in violation again they would be repeat violators.**

- B. Case Number 200128021; Forest Gainer 204 Northeast 8th Avenue, Okeechobee, Florida 349742. [Lot 24, RIVER RUN RESORT, Unit 1, According to the Plat Thereof Recorded in Plat Book, 6 Page18, Public Record of Okeechobee County, Florida] Mr. Forest Gainer was sworn in and testified that the light is not on his property and that he had been renting out the trailer. He also stated that the renters demolished the property and that he was just fixing it back to its original state. Officer Sterling stated that the streetlight is on his property and that he needs to get a building permit for the construction that he is doing on the side of the trailer. Mr. Gainer stated he would remove the streetlight or replace the bulb. He also asked were he needed to go to get the building permit. Sterling stated he needed to go see Gail at the Building Department at the City Hall and gave him her phone number. Special Magistrate Azcona asked Mr. Gainer about how long he would need to bring the property into compliance. Mr. Gainer stated about a month to get the permit he needed and to finish the work.

**Special Magistrate Azcona found that case 200128021 to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. Azcona deferred case number 200128021 until the next scheduled hearing, giving Mr. Gainer time to comply.**

- C. Case Number 191010006; Agustin Mendoza 1011 Southwest 11<sup>th</sup> Street, Okeechobee, Florida 34974. [Unplatted Lands of the City of Okeechobee; Beginning 258.70 Feet West of the Northeast Corner of the Southwest Quarter of the Southwest Quarter; Run West 50 Feet; Thence South 158.7Feet; Thence East 50 Feet; Thence North 158.7 Feet to the Point of Beginning in Section 21, Township 37 South Range 35 East, Okeechobee County, Florida] Officer Sterling was sworn in and testified that the property came into compliance for the violation of Chapter 30 Section 30-44 General Cleaning and Beautification, for he mowed the property. Sterling stated that the building still needs to be secured.

**Special Magistrate Azcona found that the case 191010006 was in violation of Chapter 30 Section 30-43 Public Nuisance and imposed a fine of \$50.00 per days 14 days after proper notification, along with a \$50.00 Administrative Fee.**

- D. Case Number 200406017; Joseph Danna 505 Southeast 6<sup>th</sup> Avenue, Okeechobee, Florida 34974. [Tract 13 and the South 10 Feet of Tract 14, Unplatted Land of the City of Okeechobee. Plat Book 535, Page 794] Officer Sterling was sworn in and testified that the property is complying as of July 27, 2020. He stated that he would like the property to be found in violation from April 6, 2020 thru July 27, 2020 for Chapter 30 Section 30-41 Inoperable/Abandoned Vehicle, Section 30-44 General Cleaning and Beautification. Sterling stated that if we find them in violation from the time frame he stated, they would be repeat violators if the property becomes in violation again.

**Special Magistrate Azcona found case number 200406017 to be in violation for Chapter 30 Section 30-41 inoperable/Abandoned Vehicles and Section 30-44 General Cleaning and Beautification from April 6, 2020 to July 27,2020 due to Office Sterling’s testimony. He stated that if the property comes into violation again, they will be considered repeat violators.**

## VII. REPEAT VIOLATORS

- A. Case Number 190904005; Manuela Pineda 1124 Southwest 8<sup>th</sup> Street, Okeechobee, Florida 34974. [The South 50.5 Feet of Lot 11 and the West 33 Feet of the South 50.5 Feet of Lot 12, in Block 15, Southwest Addition of Okeechobee, According to the Plat Thereof as Recorded in Plat Book 2, Page 7, Public Records of Okeechobee County, Florida] Officer Sterling was sworn and testified that this property is a repeat offender. Sterling stated that this issue has been on going and he has talked to the husband on multiple occasions. The front of the house is immaculate, but the back yard is full of debris. He stated that they have all kinds of used air conditioner parts and miscellaneous materials. Sterling stated that all they must do is put up a privacy fence/green screen on the gates to the back yard, so the debris is not visible from the road.

**Special Magistrate Azcona found that case 190904005 to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. He also found the property owners to be repeat offenders, due to Sterling's testimony. Azcona imposed a fine of \$100.00 per day to start immediately, along with a \$50.00 Administrative fee.**

- B. Case Number 200615021; Aaron and Karla Parriott 201 Southwest 5<sup>th</sup> Avenue, Okeechobee, Florida 34974. [Lots 5 and 6, Block 176, Okeechobee According to the Plat Thereof Recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property is a repeat offender. The property has a fenced in are on the backside of the property that has debris and is overgrown. He also stated that in the parking lot there is a huge pothole that needs to be filled in. Sterling stated that the day before the hearing he went to check the property and found a vehicle without a tag parked on the property.

**Special Magistrate Azcona found that case 200615021 to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. He also found the property owners to be repeat offenders. Azcona imposed a fine of \$100.00 a day to start immediately. As to Chapter 30 Section 30-41 Inoperable/Abandoned Vehicle, Not having a tag Azcona imposed a fine of \$25.00 per day to start 14 days after proper notification, along with a \$50.00 Administrative fee.**

## VIII. NEW CASES

- A. Case Number 200605007; Rebecca Bodey and Chris Rutherford 501 Southeast 6<sup>th</sup> Street, Okeechobee, Florida 34974. [Property is in Probate, No Images] Officer Sterling was sworn in and testified that Mrs. Bodey has been in contact with us and has had the grass mowed. We are giving her some more time to comply with the pool and the roof. She is waiting on a few estimates. Sterling asked that this case be deferred until the next regular scheduled hearing.

**Due to Sterling's testimony, Special Magistrate Azcona deferred case 200605007 until the next scheduled hearing.**

- B. Case Number 200312002; Candias and Dwayne McCrory 604 Northwest 17<sup>th</sup> Street, Okeechobee, Florida 34972. [Lot 8 and the East ½ of Lot 9, Block 52, CONNERS HIGHLANDS, According to the Plat Thereof Recorded in Plat Book 1, Page 21, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that we had the incorrect day for the hearing on the Statement of Violation Notice of Hearing.

**Special Magistrate Azcona stated due to the incorrect date we would defer this case until the next scheduled hearing.**

- C. Case Number 200624003; Guelff Family Limited Partners South Parrott Avenue, Okeechobee, Florida 34974. [The North 100 Feet of the South 210 Feet of that Parcel of Land Lying in the Southeast  $\frac{1}{4}$  of Section 21, Township 37 South, Range 35 East, as Recorded in O.R Book 172, Page 663, of the Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property came into compliance on July 30, 2020. Sterling stated that he wanted this case to be found in violation from April 24, 2020 thru July 30, 2020. He also stated that if the property was to become in violation again the would-be repeat offenders.

**Special Magistrate Azcona found that case 191107027 was in violation of Chapter 30 Section 30-43 Public Nuisance from April 24, 2020 thru July 30, 2020, and that if in violation again they would be repeat violators.**

- D. Case Number 200713005; Pop Rentals LLC 204 Northeast 9<sup>th</sup> Street, Okeechobee, Florida 34972. [Lots 1 Through 7 and the North 40 Feet of Lots 20 Through 26, inclusive, in Block 49, City of Okeechobee, according to the Plat Thereof Recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property came into compliance on August 4, 2020. Sterling stated that he wanted this case to be found in violation from July 13, 2020 thru August 4, 2020. He also stated that if the property was to become in violation again the would-be repeat offenders.

**Special Magistrate Azcona found that case 191107027 was in violation of Chapter 30 Section 30-43 Public Nuisance from July 13, 2020 thru August 4, 2020, and that if in violation again they would be repeat violators.**

- E. Case Number 200226002; Doc's Auto Service Inc 805 North Parrott Avenue, Okeechobee, Florida 34972. [Lots 1, 2 and 3, Block 48, Township of Okeechobee, According to Plat Thereof Recorded in Plat Book 2, Page 17, Public Records of St. Lucie County, Florida, of Which Okeechobee County was Formerly a Part, Together with all Improvements Thereon] Officer Sterling was sworn in and testified that the owner of the property has the COVID 19 virus and cant get out to take care of the violations. Due to the issues with the owner Sterling asked to defer this case until the next scheduled hearing.

**Special Magistrate Azcona stated that due to Sterling's testimony this case would be deferred until the next scheduled hearing.**

- F. Case Number 200323018; Daniel Lus Torres 921 Northwest 12<sup>th</sup> Street, Okeechobee, Florida 34974. [Lot 13 and the W  $\frac{1}{2}$  of Lot 12, Block 24, Less the South 2  $\frac{1}{2}$  Feet of Said Lot 13, Plat Book 5, Page 5, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property came into compliance on July 27, 2020. Sterling stated that he wanted this case to be found in violation from March 23, 2020 thru July 27, 2020. He also stated that if the property was to become in violation again they would-be repeat offenders.

**Special Magistrate Azcona found that case 200323018 was in violation of Chapter 30 Section 30-43 Public Nuisance from March 23, 2020 thru July 27, 2020, and that if in violation again they would be repeat violators.**

- G. Case Number 200710022; Peter and Suzanne Wally 214 Northwest 10<sup>th</sup> Street, Okeechobee, Florida 34972. [Lot 17, and the West  $\frac{1}{2}$  of Lot 18 in Block 14, Okeechobee, According to the Plat Thereof Recorded in Plat Book 2, Page 17, Public Records of St. Lucie County, Florida, A Copy of Said Plat Being Also Recorded in Plat Book 1, Page 10, Public Records of Okeechobee County, Florida.

**Officer Sterling was sworn in and testified that this case was Closed and turned over to the Okeechobee Health Department and Further Investigations.**

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- H. Case Number 200309038; Sam Lane 800 Northeast 8<sup>th</sup> Avenue, Okeechobee, Florida 34972. [Lots 1 and 2, Block 41, City of Okeechobee, According to Plat Book 2, Page 17, Public Records of St. Lucie County, Florida] Officer Sterling was sworn in and testified that this property came into compliance on July 24, 2020. Sterling stated that he wanted this case to be found in violation from March 9, 2020 thru July 24, 2020. He also stated that if the property was to become in violation again they would-be repeat offenders.

**Special Magistrate Azcona found that case 191107027 was in violation of Chapter 30 Section 30-43 Public Nuisance from March 9, 2020 thru July 24, 2020, and that if in violation again they would be repeat violators.**

- I. Case Number 20030943; Richard Verrochi 209 Northeast 8<sup>th</sup> Avenue, Okeechobee, Florida 34972. [Lots 11 and 12, RIVER RUN RESORT, According to the Plat Thereof Recorded in Plat Book 6, Page 18, of the Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that the property is full of vehicles with out tags and multiple trailer's full of debris. Sterling stated that he has many complaints from the neighbors and has talked to the owner.

**Special Magistrate Azcona found Case 20030943 to be in violation of Chapter 30 Section 30-41 Inoperable/Abandoned Vehicles and imposed a fine of \$25.00 per day start 14 days after proper notification, along with a \$50.00 Administrative Fee.**

- J. Case Number 200226009; Erma & Parker Kinney 209 Northeast 6<sup>th</sup> Street, Okeechobee, Florida 34972. [Lots 11 and 12, Block 78, City of Okeechobee, According to the Plat Thereof Recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property came into compliance on August 10, 2020. Sterling stated that he wanted this case to be found in violation from July 20, 2020 thru August 10, 2020. He also stated that if the property was to become in violation again the would-be repeat offenders.

**Special Magistrate Azcona found that case 191107027 was in violation of Chapter 30 Section 30-43 Public Nuisance from July 20, 2020 thru August 10, 2020, and that if in violation again they would be repeat violators.**

- K. Case Number 200714004; Sandra Galletto (Thirsty Cow) 202 - 205 Northeast 2<sup>nd</sup> Avenue, Okeechobee, Florida 34972. [Lots 7,8,9,10,11 and 12, Block 142, Okeechobee, According to the map or Plat Thereof as recorded on Plat Book 5, Page(s) 5, Public Records of Okeechobee County, Florida] Sandra Galletto Owner of Thirsty Cow was sworn and testified that this was all her fault. She stated that she thought she could get away with putting the signs out on the weekend and pick them up on Sunday nights while Office Sterling was not at work. She stated that she has only done this a few times and that the men in the rooms should feel lucky they can run a business while women have a hard time. Code Enforcement Secretary Melissa Close was sworn in and testified that the signs have been out every weekend for the past three months and most of the times still out on Mondays. Mrs. Galletto agreed and said that was her fault, she was just wanting to get more business due to the COVID 19 virus. She asked what the law was when it came to picking up the signs and if she could get them back. Sterling stated that she has gotten most of them back and that we had a few at the office. He also stated that according to the law, we could throw them away. Special Magistrate Azcona asked Mrs. Galletto what it would take to fix the problem. Galletto stated, I guess I just can put them out anymore. Officer Sterling stated that we should get an agreement with Mrs. Galletto that if she puts any more signs out then her fine will start immediately.

**Special Magistrate Azcona found Case 200714004 to be in violation of Chapter 90 Section 90-68, (16), (18) and (23) of the Okeechobee city Ordinances. Azcona stated that she was not getting a fine today, but if she puts anymore signs out, she will be a repeat offender and a fine of \$50.00 per day will start immediately.**

L. Case Number 200312003; Bella Rose Day Spa 311 Northeast 2<sup>nd</sup> Street, Okeechobee, Florida 34972. [Lots 11 and 12, Block 143, Okeechobee, according to the Plat Thereof Recorded in Plat Book 5, Page 5, Public Records of Okeechobee County, Florida] Officer Sterling was sworn in and testified that this property is a day spa/salon. In the back of the property they look like they are running a plumbing business. He stated that we investigated them having a BTR, and nothing was found for any other business on this property. Sterling stated that we have sent them courtesy cards with picture and Notice of Violations explaining what needs to be fixed to be complying. Officer Sterling stated that they have old hot water heaters, old tubs, stacks of pallets and multiple boxes of walk in showers and tubs. Sterling presented many photos to support his findings.

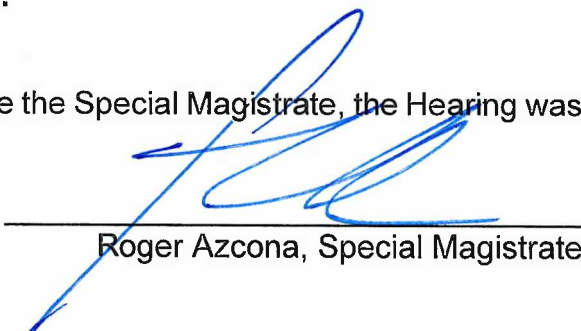
**Special Magistrate Azcona found case 200312003 to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification due to Sterling's testimony. Azcona imposed a fine of \$100.00 per day to start 14 days after proper notification, along with a \$50.00 fee for Administrative Fees.**


M. Case Number 200515016; Iva Pearl Godwin Trustee 1003 Southwest 14<sup>th</sup> Street, Okeechobee, Florida 34974. [Lots 1 to 4, Block 8, Plat Book 5, Page 5] Officer Sterling was sworn in and testified that this property came into compliance on August 10, 2020. Sterling stated that he wanted this case to be found in violation from May 15, 2020 thru August 10, 2020. He also stated that if the property was to become in violation again they would-be repeat offenders.

**Special Magistrate Azcona found that case 200515016 was in violation of Chapter 30 Section 30-43 Public Nuisance, Section 30-35 Containers Required for Garbage and Trash, Section 30-36 Dumping, Depositing, Leaving in or Near Street as well as Section 30-82 Specific Noises Prohibited, from May 15, 2020 thru August 10, 2020, and that if in violation again they would be repeat violators.**

IX. **ADJOURN MEETING**

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 8:20 P.M.

  
\_\_\_\_\_  
Roger Azcona, Special Magistrate

ATTEST:  
  
\_\_\_\_\_  
for Melissa Close, Secretary

**Please take notice and be advised** that when a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Code Enforcement Secretary media are for the sole purpose of backup for official records of the Clerk.