



**CITY OF OKEECHOBEE CODE ENFORCEMENT
CODE SPECIAL MAGISTRATE HEARING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FLORIDA 34974
OFFICIAL MINUTES
SEPTEMBER 8, 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 were all present, except Police Lieutenant Justin Bernst who was absent with consent.
- III. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH**
- Special Magistrate Azcona approved the September 8, 2020, Hearing minutes. Special Magistrate Azcona administered the Oath to Code Officer Fred Sterling, Forest Gainer, Mr. Kelly and Code Secretary Melissa Close
- City Attorney Carlyn Kowalsky stated for the record that the Code Enforcement Officer Sterling would be using appendix G of the Code of Ordinances to assess is fines.**
- 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 6th Street, Okeechobee, Florida 34974. (Chapter 30 Section 30-44 General Cleaning and Beautification); **Deferred until next scheduled hearing.**
- B. Case Number 200521014; Frank Prescott 1009 Southwest Park Street, Okeechobee, Florida 34974. (Chapter 1 Section 108. Secure Structure in the International Property Maintenance Code 2015); **Deferred until the next scheduled hearing.**
- C. Case Number 200710021; Baldemar and Maria Medrano 203 Northwest 6th Street, Okeechobee, Florida 34972. (Chapter 50 Section 54-51 Parking in Residential Neighborhood, (C) Industrial Equipment Prohibited in Residential Districts); **Deferred until next scheduled hearing.**
- V. OLD CASES AND FINE REDUCTION REQUESTS**
- A. Case Number 200128021; Forest Gainer 204 Northeast 8th Avenue, Okeechobee, Florida 34972. [RIVER RUN RESORT, Lot 24, Plat Book 6 Page 18] Officer Sterling was sworn in and testified that this case was deferred from the last Hearing and turned it over to Mr. Gainer. Mr. Gainer was sworn in and stated that the light fixture had been fixed, but he was having a hard time finding a contractor to pull a permit and do the drawings. Officer Sterling stated that he could pull an owner permit and do the drawing himself. Gainers said he had been in to see Gail at the Building Department and she had not told him that. Mr. Gainer stated he would go back and schedule an appointment with the City Building official Jeff Newell.
- Special Magistrate Azcona found that case #200128021, was in violation of Chapter 30 Section 30-43 Public Nuisance, Chapter 30 Section 30-44 General Cleaning and Beatification and Chapter 70 Section 70-251 Building Without a Permit. (City of Okeechobee Ordinances) Special Magistrate Azcona stated that due to Officers Sterling's testimony he had 10 days to get with the City of Okeechobee Building Official and get a permit for the work that had been done. If not resolved after the 10 days a \$100.00 per day fine would be imposed along with a \$50.00 Administrative Fee.**

B. Case Number 200226002; Doc's Auto Service Inc 805 North Parrott Avenue, Okeechobee, Florida 34972. [CITY OF OKEECHOBEE, Lots 1,2 and 3, Block 48] Officer Sterling was sworn in and testified that this case was continued from the last hearing and that nothing has been done to the property since. Sterling stated that we have been in communication with the owner's sister. She told us her brother had the virus and could not get the keys to the building. Sterling stated that they did not need to get into the building, they need to remove the old tires on the property and all the debris. He also stated that the old truck needs to be removed from the property as well. Sterling stated that the truck is a safety hazard as it is up on jacks and missing a tire. Sterling went on to say that they either need to get with us and let us know what is going on or impose a fine.

Special Magistrate Azcona stated that due to Officer Sterling's testimony he found case 200226002 to be in violation of Chapter 30 Section 30-41 Disabled Vehicle, Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. (City of Okeechobee Ordinances) Azcona imposed a fine of \$100.00 per day to start 10 days after proper notification. A \$50.00 administrative fee was to be added as well

VI. CASES COMPLIED OR CONTINUED OR AMENDED

VII. REPEAT VIOLATORS

VIII. NEW CASES

A. Case Number 190927020; Harry and Betty Schock 1805 Northwest 7th Avenue, Okeechobee, Florida 34972. [CONNERS HIGHLANDS, Lot 4 and North one half of Lot 5, Block 53, Plat Book 1, Page 2] Officer Sterling was sworn in and testified that this case, property owners were repeat offenders. Sterling went on to say this couple does not have very much income and that they are hoarders. Officer Sterling stated that we need to do something that will get their attention and possibly stop them from bringing in anymore items and get the place cleaned up.

Special Magistrate Azcona stated that due to Officer Sterling's testimony he found case 190927020 Harry and Betty Schock to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. (City of Okeechobee Ordinances) Azcona imposed a fine of \$100.00 per day to start 14 days after proper notification. A \$50.00 Administrative fee was to be included also.

B. Case Number 200521014 Frank Prescott 1009 Southwest Park Street, Okeechobee, Florida 34974. [SOUTHWEST ADDITION TO OKEECHOBEE, Lot 3 and West one half of Lot 2, Block 4, Plat Book 2, Page 7] **Officer Sterling was sworn in and testified that this property is all but 5% in compliance, and would like to defer until the next scheduled hearing.**

C. Case Number/Citation #0120 Kay's Lace Boutique 410 Southeast 2nd Avenue, Okeechobee, Florida 34974. [Lots 11 and 12, Block 216, Plat Books 1 and 5, Pages 11 and 6] Officer Sterling was sworn in and testified that Kay's Lace Boutique, owner Katelyn Shaw is running her business without a Business Tax Receipt. Sterling stated that he has spoken to her and told her she needed to go see Kim Barnes at the City Hall, Finance Department and get her BTR. Sterling stated that as of today's date she has done nothing. Sterling stated that according to our code we can impose a fine of \$125.00 per day.

Special Magistrate Azcona found that case/citation 0120 Kay's Lace Boutique is in violation of Chapter 50 Section 50-32 Operating a Business without a BTR. Azcona imposed a fine of \$125.00 per day to start 14 days after proper notification. A \$50.00 Administrative fee was also imposed.

D. Case Number 200623029 Joaquin Dominguez 217 Northwest 5th Avenue, Okeechobee, Florida 34972. [THE ESTATES AT TAYLOR CREEK, Lot 4, Plat Book 7, Page 33] Officer Sterling was sworn in and turned the table over to Mr. Kelly of Nation Star Mortgage Company. Mr. Kelly was sworn in and asked if the property was complying, and if not, what needed to be done. Officer Sterling stated that this property came into compliance on September 8, 2020.

- E. Case Number 200318009; Daniel Meara 905 Southwest 3rd Avenue, Okeechobee, Florida 34974. [SOUTH OKEECHOBEE, Lot 9, Block 5, Plat Book 1 and 5, Page 12 and 7] **This case was skipped for some reason. Code Secretary Melissa Close will have this case on the October 21, 2020 Hearing.**
- F. Case Number 200601018; Joseph Billie Freeman 811 Southeast 12th Street, Okeechobee, Florida 34974. [THE FIRST ADDITION TO OKEECHOBEE ESTATES, AN ADDITION TO OKEECHOBEE, Lot 98, Plat Book 3, Page 23] Officer Sterling was sworn in and testified that this property look like is has been abandoned. The grass is knee high and need to be cleaned up. Sterling stated that he wanted to do some research on the property to see who the owner is and if they have a mortgage. Sterling stated that this property has been vacant for the last few months.
- Special Magistrate Azcona stated that due to Officer Sterling's testimony, he found case 200601018 in violation of Chapter 30 Section 30-44 General Cleaning and Beautification and imposed a fine of \$100.00 per day 14 days after proper notification, with a \$50.00 Administrative Fee.**
- G. Case Number 200528024; Kevin and Melissa Deese 1612 Northwest 7th Avenue, Okeechobee, Florida 3497. [CONNERS HIGHLANDS, Lot 11 and North one half of Lot 12, Block 76, Plat Book 1, Page 21] Officer Sterling was sworn in and testified that the property is in need of mowing and debris needs to be cleaned up. Sterling stated that the grass is 8-9" in highest spots and tons of debris from household items to gardening tools. He also stated that these property/owners are repeat violator and we do not have to give them any notice.
- Special Magistrate Azcona found case 200528024 to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification due to Officer Sterling's testimony. Azcona imposed a fine of \$200.00 per day to start 10 days after proper notification, with a \$50. Administration Fee.**
- H. Case Number 200303022; Aaron Kinty and Charles Waldington 911 Northwest 11th Street, Okeechobee, Florida 34972. [CITY OF OKEECHOBEE, Lots 4 and 5, Block 25] Officer Sterling was sworn in and testified that these property/owners are repeat violators. He stated this is two lots together and they have not been mowed. Sterling stated that this property has been a problem for the City for the last 10-15 year. Sterling stated that this property is still overgrown to date not only the grass, but the vines are taking over all the trees on the property.
- Special Magistrate Azcona found that case 200303022 to be in violation of Chapter 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification due to Officer Sterling's testimony. Azcona imposed a fine of \$250.00 per day to start 10 days after proper notification, with a \$50.00 Administration Fee.**
- I. Case Number 200710021; Baldemar and Maria Medrano 203 Northwest 6th Street, Okeechobee, Florida 34972. [CITY OF OKEECHOBEE, Lots 4,5 and 6, Block 92] **Officer Sterling was sworn in and testified that Mrs. Medrano called and told him they had a place out in the county they were going to move the heavy equipment to and asked to give her a month to get this done. Sterling asked that this case be deferred until the next scheduled hearing.**

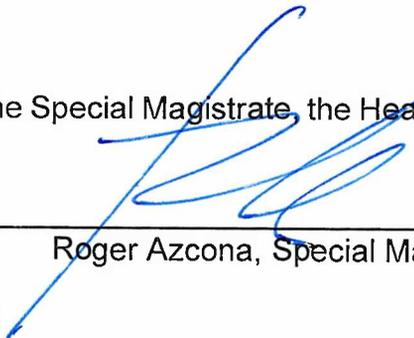
J. Case Number 191115015; Blue Springs Holdings LLC Northeast 9th Court, Okeechobee, Florida 34972 [UNPLATTED LANDS OF THE CITY THE SOUTHWEST ¼ OF THE NORTHEAST ¼ ANS NORTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ SOUTH OF THE SAL RAILROAD R] Officer Sterling was sworn in and testified that this piece of property is behind RIVER RUN RESORT and is 50.19 acres and runs all the way North up to 9th street at the industrial park. He stated this case has been going on for quite a while now. Have had contact with the contractor that was hired to clear the property and it has been one thing or another. Sterling stated that this cannot be put off any longer. The neighbors are complaining about all the pile of debris due to rodents and snakes. And the grass is extremely high.

Special Magistrate Azcona found that case 191115015 be found in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification due to Officer sterling's testimony. Azcona imposed a fine of \$100.00 per day to start 14 days after proper notification, with a \$50.00 Administrative Fee.

K. Case Number 200717010 Hugo Manresa 1006 Southeast 14th Court, Okeechobee, Florida 34974. [BLUE HERON GOLF AND COUNTRY CLUB, PHASE 4A, Lots 218 and 219, Plat Book 6, Pages 66 and 69] **Officer Sterling was sworn in and testified that this case was now in compliance.**

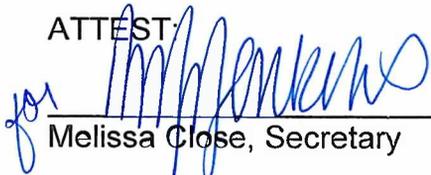
IX. **ADJOURN MEETING**

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:26 P.M.



Roger Azcona, Special Magistrate

ATTEST:



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.