



**CITY OF OKEECHOBEE CODE ENFORCEMENT
JANUARY 12, 2021 SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, January 12, 2021, at 6:30 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Magistrate Azcona.

II. ATTENDANCE

Assistant Code Enforcement Officer Christina Curl called the roll. Special Magistrate Roger Azcona, Esquire, City Attorney Carlyn Kowalsky, Code Enforcement Officer Fred Sterling, Code Enforcement Officer Anthony Smith, City Clerk Lane Gamiotea, and Deputy City Clerk Bobbie Jenkins were present.

III. CHANGES TO AGENDA

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; the order of the agenda was amended to hear Fine Reduction Request Item VIII.A. before New Cases as requested by City Attorney Kowalsky.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

A. Special Magistrate Azcona approved the December 8, 2020, Hearing minutes.

B. This being a Quasi-Judicial proceeding, Assistant Code Enforcement Officer Curl collectively administered an Oath to: Code Officers Sterling and Smith. Code Officer Sterling advised all events occurred within the corporate limits of the City of Okeechobee. The Officer's notes, testimony, photographs, and support documents were all entered as part of the official record.

V. CASES COMPLIED, CONTINUED, OR AMENDED

A. Case No. 20125013; Basher 104 LLC was found to be in compliance on December 24, 2020. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-44 General cleaning and beautification and 30-43 Public nuisance.

B. Case No. 200902008; Marilyn Frazier Revocable Trust was found to be in compliance on December 31, 2020. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 70, Section 70-251 Permit required.

VI. NEW CASES

A. Case No. 200902009; Cindy Bristol, 921 Northwest 13th Street [Legal Description: Lots 12 and 13 of Block 9, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Okeechobee County public records]. Violation of Code of Ordinances Chapter 66, Section 66-10 Construction design and improvement regulations.

Code Officer Smith testified the property was found to be in violation of Section 66-10 for failing to obtain the proper permitting for a shed. A courtesy card was mailed on September 2, 2020; a second notice of violation was mailed on September 11, 2020. On December 16, 2020, a Statement of Violation/Notice of Hearing was mailed. Officer Sterling spoke with the property owner on December 31, 2020, advising her to obtain a building permit. The property owner has failed to return a completed permit application. Staff recommends a fine of \$25.00 per day after 14 days with proper notification together with an administrative fee of \$50.00.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 200902009 to be in violation of Code of Ordinances Chapter 66, Section 66-10 Construction design and improvement regulations. A fine of \$25.00 per day plus a one-time administrative fee of \$50.00 will be imposed should the property owner fail to come into compliance within the 14-day grace period.**

VI. NEW CASES CONTINUED

- B. Case No. 200916039; Timothy and Tamera Higgins, 406 Southwest 2nd Street, [Legal Description: Lots 9 and 10 of Block 166, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, and 30-44 General cleaning and beautification.

Code Officer Sterling testified the property was found to be in violation of Sections 30-43 and 30-44 for trash and debris, overgrown weeds, grass, and shrubs. A notice of violation was issued on September 11, 2020. On December 16, 2020 Statement of Violation/Notice of Hearing was mailed and signed for by Tim Higgins. Prior to the meeting, Officer Sterling notified Mr. Danny Creech and informed him the property was in compliance, but wanted it noted for the record the property was not in compliance from September 11, 2020 to January 11, 2021. Should another case be opened for the same violations noted above, the property will be a repeat violator. City Attorney Kowalsky requested no further action on this case, but for the Magistrate to note the violation for the record.

Special Magistrate Azcona took no action on Case No. 200916039, but noted the violation for the record.

- C. Case No. 200616010; Okeechobee Old Church Regular Baptist, 201 Southwest 10th Avenue [Legal Description: commencing at the Southwest corner of Block 200, City of Okeechobee, Okeechobee County, Florida, run thence South along the East right-of-way (ROW) line of Pensacola Street for a distance of 180.00 feet for the point of beginning (POB). Thence continue South along the East ROW line of said Pensacola Street for a distance of 40.00 feet, thence run Easterly parallel with the South ROW line of Tuscaloosa Street for a distance of 100.00 feet, thence run North for a distance of 40.00 feet, thence run West for a distance of 110.00 feet to a POB. Also, commencing at the Southwest corner of Block 200, City of Okeechobee, run thence South along the East ROW line of Southwest 10th Avenue for a distance of 220.00 feet for POB; thence run East, parallel with the South boundary line of said Block 200 for a distance of 185.00 feet, thence run South, parallel with the East ROW line of Southwest 10th Avenue for a distance of 50.00 feet, thence run West, for a distance of 185.00 feet, to point on the East ROW line of the aforesaid Southwest 10th Avenue thence run North along the ROW line for a distance of 50.00 feet to POB. Also commencing at a point on the East line of Pensacola Street 345.00 feet South of the South line of South Park Street, run thence East along the South boundary line of Tuscaloosa Street and parallel with the South boundary of Block 200, City of Okeechobee, for a distance of 110.00 feet for POB, thence continue East for a distance of 75.00 feet, thence continue East for a distance of 75.00 feet, thence run South parallel with the East ROW line of the aforesaid Pensacola Street for a distance of 150.00 feet, thence run West for a distance of 75.00 feet, thence run North for a distance of 150.00 feet to POB, lying in and comprising a part of Section 21, Township 37 South, Range 35 East]. Violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, and 30-44 General cleaning and beautification.

Code Officer Sterling testified the property was found to be in violation of Sections 30-43 and 30-44 for overgrown vegetation on December 16, 2020; a Statement of Violation/Notice of Hearing was mailed. On December 31, 2020, the property was posted with a Notice to Appear. Officer Sterling spoke with a church board member prior to the meeting, who explained the church had been dissolved and all assets have been transferred to the church headquarters in Kentucky. Staff recommends a fine of \$10.00 per day after 21 days with proper notification together with an administrative fee of \$50.00.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 200616010 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances and 30-44 General cleaning and beautification for overgrown vegetation. A fine of \$10.00 per day plus a one-time administrative fee of \$50.00 will be imposed should the property owner fail to come into compliance within the 21-day grace period.**

VII. REPEAT VIOLATORS

A. Case No. 200513010: Andrew Doe, 1410 Southwest 5th Avenue [Legal Description: a portion of Block D, OAK GROVE ADDITION TO OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 86, public records of Okeechobee County, Florida, being more particularly described as follows: commence at the Northwest corner of said Block D, bear South 00°15'09 West along the East ROW line of Southwest 7th Avenue, a distance of 100.00 feet for the POB; thence continue South 00°15'09 West along said East ROW line a distance of 106.07 feet; thence bear North 89°59'00 East to the intersection with the Arc of a curve concave to the Southeast, in the westerly ROW line of Southwest 5th Avenue, a distance of 297.74 feet, said curve having a radius of 816.33 feet, and a delta angle of 05°13'28; thence northeasterly along the Arc of said curve, a distance of 74.44 feet to the point of tangency of said curve; thence bear North 30°22'49 East along said westerly ROW line a distance of 46.66 feet; thence bear South 89°59'00 West a distance of 355.57 feet to the POB]. Violation of Code of Ordinances Chapter 54, Section 54-51(a)(2) Parking in residential neighborhoods.

Code Officer Sterling testified the property was found to be violation of Section 54-51(a)(2) for parking commercial vehicle(s) in a residential neighborhood along with Chapter 30, Section 30-44 for used tires stored on the property. On December 29, 2020, a Statement of Violation/Notice of Hearing was mailed. On December 31, 2020, a 90 Day Letter was mailed and the property was posted with the Notice to Appear. Staff recommended foreclosure. City Attorney Kowalsky recommended correcting the referenced Code section should there be an additional order as it is incorrect in correspondence that has occurred. The proper section is Chapter 54, Section 54-51(a)(2).

Based on the evidence provided, **Special Magistrate Azcona found Case No. 200513010 to be in violation of Code of Ordinances Chapter 54, Section 54-51(a)(2) Parking in residential neighborhoods together with Chapter 30, Section 30-44 General cleaning and beautification having used tires on the property. A fine of \$50.00 per day will accrue starting July 23, 2020, through December 16, 2020, which totals \$7,700.00 plus a one-time administrative fee of \$50.00. Should payment not be received after 90 days, the case will be heard as a foreclosure recommendation.**

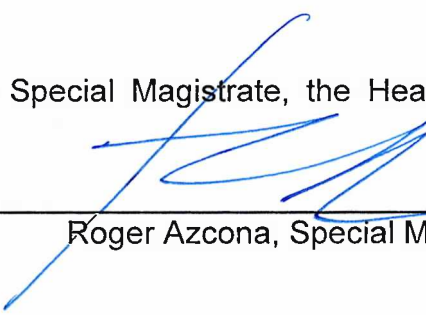
VIII. FINE REDUCTION REQUESTS

A. Case No. 190215011; Barbara Mills, 1206 Southwest 5th Avenue [Legal Description: Lot 3, REPLOGLE'S SUBDIVISION, Plat Book 2, Page 87, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, and 30-44 General cleaning and beautification.

City Attorney Kowalsky explained this Case has been heard by the Magistrate and is in the foreclosure process with the Circuit Court. She and the new property owner, David Feltenberger, spoke prior to the Hearing and it was determined that there are several issues that need to be discussed prior to moving forward with this request. **Special Magistrate Azcona removed this item from the agenda and noted it would be heard at a future hearing.**

IX. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:57 P.M.



Roger Azcona, Special Magistrate

ATTEST:



Christina Curl, Assistant Code Enforcement Officer

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 Hearing, 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. City Clerk media are for the sole purpose of backup for official records of the Clerk.