



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
MARCH 09, 2021 SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, March 09, 2021, at 6:30 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> 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, Police Lieutenant Justin Bernst, Code Enforcement Officer Anthony Smith, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Fine Reduction Request Item VI.C. will be heard before Item VI.A. as requested by City Attorney Kowalsky.

**IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH**

A. Special Magistrate Azcona approved the January 12, 2021, Hearing minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Roger Azcona, Esquire collectively administered an Oath to: Code Officers Smith and Curl, Mr. David Feltenberger, Mrs. Lisa Feltenberger, Mr. Bill Rose, and Mr. Mark Rouer; all affirmed. Code Officer Smith 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. 210210008; Sam Lane, 800 block of Northwest 10<sup>th</sup> Street [Legal Description; Lots 1 and 2, Block 41, OKEECHOBEE, Plat Book 2, Page 17, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Section 30-44 General cleaning and beautification; **Deferred until next scheduled Hearing.**

B. Case No. 210112019; Zaben Omar Nafal, 1000 Blk of West North Park Street [Legal Description Northwest Addition Lots 15, 16, 17, 18, 19 and 20 Block 28, OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records], was found to be in compliance on March 9, 2021. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Section 30-43 Public nuisance, Section 30-44 General cleaning and beautification.

**VI. FINE REDUCTION REQUESTS**

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

City Attorney Carlyn Kowalsky testified this Case was currently in foreclosure but has recently been purchased. To date, the total fine accrued is \$7,425.00 with accrued attorney fees of \$3,217.50. David and Lisa Feltenberger, the new property owners, requested a fine reduction to ten percent of the total fine. The City recommended \$3,985.00, which is the ten percent of the accrued fine, attorney fees, and the administrative fee. The property owners contested the amount and argued the billing of the attorney fees was inaccurate based on the information provided. It was requested by both parties to defer the Case to the next Hearing to allow the City and property owners time to resolve the attorney fees issue. **Special Magistrate Azcona deferred Case No. 190215011 to the next scheduled Hearing.**



VI. FINE REDUCTIONS REQUESTS CONTINUED

- B. Case No. 200312003; Bella Rose Day Spa, 311 Northeast 2<sup>nd</sup> Street [Legal Description: Lots 11 and 12 of Block 143, 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 Smith testified a Courtesy Card was mailed on March 12, 2020, for violation of Chapter 30, Sections 30-43 and 30-44, and operating a business without a Business Tax Receipt. A Statement of Violation/Notice of Hearing was sent and signed for by Hailey M. The second Statement of Violation/Notice of Hearing was sent out on June 29, 2020, for the cancellation of the July Hearing due to illness; it was signed for by Amanda Markham. A third Statement of Violation/Notice of Hearing was mailed July 16, 2020, for the August Hearing and was signed for by Hailey M. This Case was found in violation on August 11, 2020. A fine of \$100.00 per day after 14 days proper notification and a \$50.00 administrative fee was imposed. The property was inspected and found to be non-compliant on August 19, 2020, and September 10, 2020. A Lien/Order was filed and mailed on September 22, 2020; it was signed for by Hailey M. on October 13, 2020, the fine began to accrue. A 90-day Letter was sent on January 15, 2021. Mrs. Rose submitted a request for a fine reduction on January 22, 2021. A fourth Statement of Violation/Notice of Hearing was hand delivered on March 5, 2021 after several attempts to contact Mr. Rose. The property was brought into compliance [insert date here], leaving an accrued fine of \$14,600.00. The City recommended a fifty-percent reduction plus a \$50.00 administrative fee. Mr. Rose requested that the Fine be reduced to \$0.00, as he was unaware of the violations until later in the Case. Based on the evidence provided, **Special Magistrate Azcona reserved ruling until the next day to review all evidence. Special Magistrate Azcona's report concluded that the fifty-percent reduction of the total fine was more than reasonable and fair under the facts and circumstances presented, and such reduction is in the best interest of the City of Okeechobee. All administrative fees previously assessed should remain. The Respondent should arrange a payment plan to pay the fines and fees within a reasonable time.**

- C. Case No. 17-040; Okeechobee Park Street, LLC, 100 Northwest Park Street [Legal Description: Lots 1 through 12 of Block 155, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification.

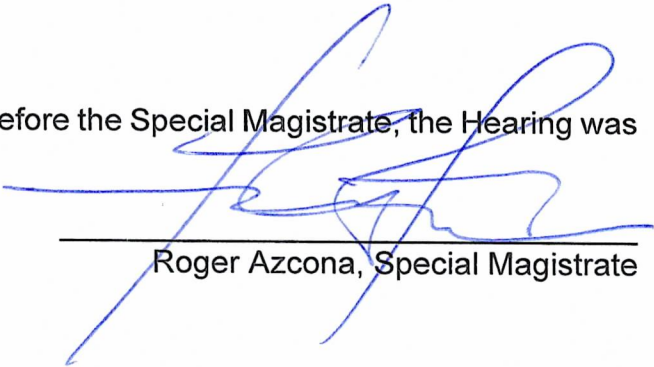
City Attorney Kowalsky testified the City and Walgreens have agreed to \$9,920.00 which is a reduction from the original fine that was due. Due to no response from the property owner, a demand letter with an attached complaint was sent. Mr. Mark Rouer, the Walgreens representative, agreed there was a breakdown in communication. Walgreens prides itself on being a good business partner with the City and has brought the grounds into compliance. Based on the evidence provided, **Special Magistrate Azcona ruled a settlement had been reached on Case No. 17-040.**

VII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:05 P.M.

ATTEST:

  
Christina Curl

  
Roger Azcona, Special Magistrate

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.