



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
JULY 13, 2021, SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, July 13, 2021, at 6:09 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 Special Magistrate Azcona.

**II. ATTENDANCE**

Assistant Code Enforcement Officer Christina Curl called the roll. Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present.

**III. CHANGES TO AGENDA**

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Case Number 210127003, was deferred to the August 2021 Code Enforcement Hearing as requested by Code Officer Smith. The order of the agenda was amended to hear New Cases Item VII.A. before Cases Complied as requested by Code Officer Smith.

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

A. Special Magistrate Azcona approved the May 11, 2021, Hearing minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, and Mr. Joe Vanover; all affirmed. Code Officer Smith stated for the record all events regarding the Cases to be discussed 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. NEW CASES**

A. Case No. 210519011; Freddie and Ruby Minton, 302 Northeast 8<sup>th</sup> Avenue [Legal Description: Lot 17, RIVER RUN RESORT, Plat Book 6, Page 18, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles and 30-32 Accumulations on real property.

Code Officer Smith testified the property owner is in violation of Chapter 30, Sections 30-41 Disabled vehicles and 30-32 Accumulations on real property for multiple disabled vehicles parked in the yard and driveway, and the general cleaning of the property. The property owner is not a repeat violator. Code Enforcement Staff corresponded with the property owner on four occasions from April 21 to July 7, 2021. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified mail on May 19, 2021, for the July 13, 2021 Hearing. The City has not received the certified return receipt back as of this Hearing. On June 25, 2021, the property was posted with a Notice to Appear (NTA) for the July 13, 2021 Hearing. Code Officer Smith also spoke with the son-in-law about the violations. Mr. Joe Vanover, Ms. Minton's brother, requested an extension as he did not think he would be able to get everything done by the Hearing date. Code Officer Smith advised Mr. Vanover to attend the Hearing to show the progress and ask for an extension. Mr. Vanover has been cooperative. The property was inspected on July 7, 2021. Code Officer Smith reported the property to be partially compliant as a disabled car remains on the carport. However, the property owner has made progress by removing the disabled RV and yard debris. The City recommends an extension to the next Hearing be approved to allow the property owner the opportunity to come into full compliance.

Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No 210519011 to the next Code Enforcement Hearing to allow the property owner more time to come into full compliance as progress has been made.**

## VI. CASES COMPLIED

- A. Case No. 210405013; Charles and Lucinda Miller, 805 Southeast 10<sup>th</sup> Street [Legal Description: Lot 51, OKEECHOBEE ESTATES, Plat Book 3, Page 20, Okeechobee County public records]. Code Officer Smith reported that the property came into compliance on May 17, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification.
- B. Case No. 210405012; Tina Bray, 1115 Northwest 7<sup>th</sup> Court [Legal Description: Lots 9 and 10 of Block 15, NORTHWEST ADDITION TO OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records]. Code Officer Smith reported that the property came into compliance on June 2, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification.
- C. Case No. 210503004; Fortex Holdings LLC, 510 East North Park Street [Legal Description: Begin at the Southeast corner of Block K, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, and run thence South 18°49'45" West, a distance of 179.50-feet to a point on the North boundary of Lot "R" of Block 252, Plat Book 2, Page 4, of the Okeechobee County public records, thence run West along the North boundary of said Lot "R" a distance of 106.98-feet to a point lying East, a distance of 135.00-feet from the Northwest corner of Lot "R", thence run North a distance of 312.03-feet to a point of intersection on the South right-of-way of State Road 70 (North Park Street) as now maintained and located; thence run South 87°50'47" East along the South right-of-way of State Road 70 (North Park Street as now maintained and located a distance of 165.6-feet to a point on the East boundary of Block "K", City of Okeechobee as aforesaid; thence run South along the East boundary of said Block "K", a distance of 135.78-feet to the Point of Beginning]. Code Officer Smith reported that the property came into compliance on May 28, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 30, Section 30-43 Public nuisance.
- D. Case No. 210503002; Juan and Lydia Almodovar, 1804 Northwest 7<sup>th</sup> Avenue [Legal Description: Lots 14 and North half of 15 of Block 52, CONNERS HIGHLANDS, Plat Book 1, Page 21, Okeechobee County public records]. Code Officer Smith reported that the property came into compliance on June 2, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles and 30-43 Public nuisance.
- E. Case No. 210318014; G-4 Land and Cattle Company, 2104 Southwest 2<sup>nd</sup> Avenue [Legal Description: Lots 1 and 2 of Block 2, ROYAL OAK ADDITION, Plat Book 1, Page 8, Okeechobee County public records]. Code Officer Smith reported that the property came into compliance on June 1, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 90, Section 90-83(a) Recreational Vehicles, and Chapter 30, Sections 30-43 Public nuisance, and 30-44 General cleaning and beautification.
- F. Case No. 210401009; Next Turn Okeechobee LLC (Zaxby's), 912 East North Park Street [Legal Description: Unplatted lands of the City a parcel of land lying in and comprising a part of Government Lot 2, Section 22, Township 37 South, Range 35 East, Okeechobee County, Florida, being more particularly described as follows: commence at the Northwest corner of the Northeast quarter of said Section 22, the same also being the Northwest corner of said U.S. Government Lot 2; thence South 00°20'11" East along the West boundary of said U.S. Government Lot 2, a distance of 22.97-feet to the South right-of-way line of State Road 70 (West North Park Street) and the point of beginning; thence North 89°54'49" East, along said South right-of-way line, a distance of 193.65-feet; thence departing said South right-of-way, South 00°20'11" East, and parallel with the West boundary of said U.S. Government Lot 2, a distance of 314.97-feet to a point on the South boundary of that certain parcel of land described in Official Records Book 209, Page 451 of the public records of Okeechobee County, Florida; thence South 89°56'18" West, along said South boundary, a distance of 193.65-feet to the West boundary of the aforesaid U.S. Government Lot 2; thence North 00°20'11" West, along said West boundary of U.S. Government Lot 2, a distance of 314.89-feet to the point of beginning]. Code Officer Smith reported that the property came into compliance on June 15, 2021. No action on this matter was requested but was noted for the record to have been in violation of Code of Ordinances Chapter 90, Sections 90-568 Prohibited Signs and 90-531 Generally.

VI. CASES COMPLIED CONTINUED

G. Case No. 210317014; Spirit CV Okeechobee FL LLC (CVS), 106 North Parrott Ave [Legal Description: Lots 1, 2, 3, 6, and 7 through 12, and the East to West alley between U.S. Highway 441 on the West and Northeast 2<sup>nd</sup> Avenue on the East and lying South of and adjacent to the South Line of Lots 1, 2, 3 and 6 and the South line of North/South alley located in said Block 154 and North of and adjacent to the North line of Lots 7, 8, 9, 10, 11 and 12 of Block 154, CITY OF OKEECHOBEE, according to plat thereof recorded in Plat Book 5, Page 5, less and except that portion of said Lots 7 and 8 taken for right of way by order of taking recorded in Official Records Book 334, Page 1449, public records of Okeechobee County, Florida]. Code Officer Smith reported that the property came into compliance on June 21, 2021. The City requested the lien in the amount of \$4,900.00 be paid and it be noted for the record to have been in violation of Code of Ordinances Chapter 30, Section 30-44 General cleaning and beautification. The City will provide an update at the next Hearing.

VII. CASES CONTINUED

A. Case No. 210127003; Georganna Hedges, 1901 Southwest 7<sup>th</sup> Avenue [Legal Description: Lots 4, 5, and 6 and West 35.00-feet of Lot 3 of Block 42, MCMULLIN'S WOODLAND PARK, Plat Book 2, Page 23, Okeechobee County public records]. Violation of Code of Ordinances Chapter 90, Section 90-81(d)(1)(c) Minimum code compliance review. Code Officer Smith requested that the Case be deferred until the next Hearing.

**Special Magistrate Azcona deferred Case No. 210127003 to the next Special Magistrate Hearing.**

B. Case No. 210405015; Capital C Inc, 307 Southwest 3<sup>rd</sup> Street [Legal Description: Lots 3 and 4 of Block 182, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Okeechobee County public records]. Violation of International Property Maintenance (IPMC) Code Chapter 3, Sections 304.1.1 Unsafe conditions and 304.7 Roof and drainage.

Code Officer Smith testified the property owner is in violation of IPMC Chapter 3, Sections 304.1.1 Unsafe conditions and 304.7 Roof and drainage for having no windows, doors or roof on the building, no way to secure the building, and there are weeds growing inside of the building. A Courtesy Card was mailed via regular USPS mail on March 11, 2021. Code Enforcement Staff corresponded with the property owner on seven occasions from March 11 to June 8, 2021. A SOV/NOH was mailed via USPS certified mail on June 8, 2021, for the July 13, 2021 Hearing. The Notice was received by Alexandra Bello on June 11, 2021. The property was inspected on March 25, April 27, May 5, June 1, and July 7, 2021. Code Officer Smith reported that the property was found to be non-compliant each time as the property was in the same condition as the first inspection.

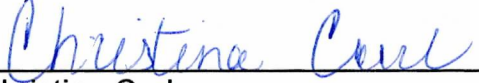
Based on the evidence provided, **Special Magistrate Azcona found Case No. 210405015 to be in of violation of IPMC Chapter 3, Sections 304.1.1 Unsafe Conditions and 304.7 Roof and drainage and imposed a fine of \$100.00 per day plus a one-time administrative fee of \$50.00 should the property owner fail to come into compliance within 21 days after the date of this Hearing.**

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:46 P.M.

  
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Roger Azcona, Special Magistrate

ATTEST:

  
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Christina Curl

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.