



**CITY OF OKEECHOBEE CODE ENFORCEMENT
AUGUST 10, 2021, SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, August 10, 2021, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd 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, Police Lieutenant Justin Bernst 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

A. Special Magistrate Azcona approved the July 13, 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. Steve Dobbs; 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. COMPLIED CASES

A. Case No. 191115015; Blue Springs Holdings LLC, NE 9th Avenue [Legal Description: Unplatted lands of the City the Southwest (SW) quarter of the Northeast (NE) quarter and North half of the Northwest (NW) quarter of the Southeast (SE) quarter South of the Sal Railroad right-of-way (ROW); SW quarter of the NW quarter of the SE quarter; the SE quarter of the NW quarter of the SE quarter; North half of the NE quarter of the SW quarter; and the South half of the NE quarter of the SW quarter lying East of Taylor Creek; fractional NW quarter East of Taylor Creek and South of the Sal Railroad; and all that portion of land located in the NE quarter of the SW quarter and the SE quarter of NW quarter; South of the Sal Railroad in Section 15, Township 37 South, Range 35 East, that lies East of Taylor Creek improved channel as recorded in Plat Book 3, Page 29, public records of Okeechobee County, Florida less and except: a portion of the SE quarter and a portion of the SW quarter of Section 15, Township 37 South, Range 35 East, Okeechobee County, Florida and being described as follows: commencing at the quarter corner on the South line of said Section 15, bear North 00°10' 04" East along the quarter section line a distance of 1399.41-feet to the point of beginning thence bear North 89°25'18" East along a line 80.00-feet North of and parallel to the South line of the North half of the South half of said Section 15, a distance of 673.21-feet to the East line of the SW quarter of the NW quarter of the SE quarter of said Section 15; thence bear North 00°11'25" West along the aforesaid East line a distance of 450.00-feet; thence bear South 89°25'18" West a distance of 873.03-feet; thence bear South 00°10'04" East a distance of 83.36-feet thence bear South 89°25'18" West a distance of 119.60-feet to the Easterly shore line of Taylor Creek; thence bear the following courses in a Southerly direction along the Easterly shore line of Taylor Creek as follows: South 36°59'52" East a distance of 70.15-feet; South 26°01'09" East a distance of 49.01-feet; South 20°22'54" East a distance of 24.40-feet; South 09°48'57" East a distance of 23.52-feet; South 02°45'22" East a distance of 49.28-feet; South 0°20'24" East a distance of 49.34-feet; South 02°34'03" West a distance of 76.66-feet; South 00°53'25" West a distance of 44.65-feet; thence bear North 89°25'18" East a distance of 245.92-feet to the point of beginning and less the following parcel containing one acre, more or less:

V. COMPLIED CASES CONTINUED

- A. CONTINUED: a parcel of land lying in the NW quarter of the SE quarter of Section 15, Township 37 South, Range 35 East, Okeechobee County, Florida. being more particularly described as follows: commence at the SE corner of said NW quarter of the SE quarter of Section 15, thence proceed South 89°21'13" West along the South line of said NW quarter of the SE quarter a distance of 70.00-feet to the point of beginning; thence continue South 89°21'13" West along said South line a distance of 208.70-feet; thence departing said South line, run North 00°20'48" west along a line parallel with the East line of said NW quarter of the SE quarter a distance of 208.70-feet; thence departing said parallel line, run North 89°21'13" East, a distance of 208.70-feet; thence run South 00°20'48" East along a line parallel with and 70.00-feet West of (as measured at right angles to) the aforesaid East line of the NW quarter of the SE quarter of Section 15, a distance of 208.70-feet to the point of beginning].

Code Officer Smith testified that this was an old Case from 2019. Upon review of the file, it was discovered that the property owner did not receive proper notification of the Hearing date, nor of the recorded Lien/Order. Officer Smith reported that the property came into compliance on July 1, 2021. The City requests the Magistrate to order that, based on the facts presented concerning deficient notice, the fine be reduced to zero and for the property owner to pay the \$50.00 administrative fee. A Satisfaction of Lien will be recorded to close the Case. However, the City requests it be 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.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine to zero. The property owner will be charged the \$50.00 administrative fee. No further 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. 210127003; Georganna Hedges, 1901 SW 7th 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 reported that the property came into compliance on July 19, 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 90-81(d)(1)(c) Minimum code compliance review.
- C. Case No. 210317013; Be A Man Buy Land LLC, 1208 South Parrott Avenue [Legal Description; Lots 3 and 4 of Block 17, SOUTH OKEECHOBEE, Plat Book 5, Page 7, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification. Code Officer Smith reported that the property came into compliance on June 29, 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.

VI. CONTINUED CASES

- A. Case No. 210317014; Spirit CV Okeechobee, 106 North Parrott Avenue [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 NE 2nd 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, Okeechobee County public records]. No action on this matter was requested but was noted for the record that the lien in the amount of \$4,900.00 was paid on August 3, 2021, and the Release of Lien was recorded.

VI. CONTINUED CASES CONTINUED

- B. Case No. 210519011; Freddie and Ruby Minton, 302 NW 8th 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 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 30, Sections 30-41 Disabled vehicles and 30-32 Accumulations on real property.

VII. NEW CASES

- A. Case No. 210125009; Barry and Denise Parow, 101 SW 11th Avenue [Legal Description: Lots 11, 12, 13, and 14 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles and 30-44 General cleaning and beautification.

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles and 30-44 General cleaning and beautification for inoperable vehicles and car parts all over the yard and carport. The property is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on January 25, 2021. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on March 15, 2021, for the April 13, 2021, Hearing. The City has not received the certified return receipt back as of this Hearing. Assistant Code Officer Curl spoke with Mrs. Denise Parow on March 25, 2021, who advised that they will be cleaning up the yard and removing the vehicles next week. The property was inspected on April 5, 2021, April 27, 2021, and July 1, 2021. Code Officer Smith reported the property to be partially compliant as the carport still needed to be cleaned/organized. However, the property owner has made progress by removing the large pile of debris and the inoperable vehicles. A SOV/NOH was mailed via USPS certified return receipt on July 2, 2021, for the August 10, 2021, Hearing. It was returned unclaimed on July 28, 2021. The property was posted on July 27, 2021, with a Notice to Appear (NTA) for the August 10, 2021, Hearing. Assistant Code Officer Curl spoke with Samantha Parow on July 27, 2021, who advised that they had received the posting in the yard and will be cleaning up the carport. Code Officer Smith inspected the property on August 4, 2021 and reported it to be partially compliant as the carport still needed to be cleaned/organized. Assistant Code Officer Curl spoke with Denise Parow on August 6, 2021, who advised they are still cleaning up the carport but needed more time. The City recommends an extension to the next Hearing be approved to allow the property owner the opportunity to come into full compliance.

Special Magistrate Azcona deferred Case No. 210125009 to the next Special Magistrate Hearing to allow the property owner more time to come into full compliance as progress has been made.

- B. Case No. 210125011; Sheila and Frederick Bradley, 204 SW 11th Avenue [Legal Description: Lots 1 and 2, East half of Lot 3 of Block 6, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisance and 30-44 General cleaning and beautification.

Code Officer Smith testified that the property owner is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisance and 30-44 General cleaning and beautification for a trailer that is disabled in the City's ROW, a kitchen stove in the middle of the yard, trash, yard debris and junk all over the yard and carport. The property is a repeat violator. A Courtesy Card was mailed via USPS regular mail on January 25, 2021. Code Officer Smith spoke with Mr. Bradley on March 15, 2021, who stated that he would have the property in compliance by Monday. A SOV/NOH was mailed via USPS certified return receipt on March 23, 2021, for the May 11, 2021, Hearing. The City has not received the certified return receipt back as of the date of this Hearing.

VII. NEW CASES CONTINUED

- B. CONTINUED: A SOV/NOH was mailed via USPS certified return receipt on July 2, 2021, for the August 10, 2021, Hearing. The notice was received by Mrs. Sheila Bradley on July 7, 2021. The property was still non-compliant when inspected on August 4, 2021, as the debris/junk in the yard remains and the carport still needs to be cleaned/organized. The City recommends a fine of \$50.00 per day, to begin 21 days after the date of this Hearing, unless the property owner brings the property into compliance before that date, plus a \$50.00 administrative fee

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210125011 to be in violation of Code of Ordinances Chapter 30, Sections 30-41-Disabled vehicles, 30-43 Public nuisance and 30-44 General cleaning and beautification and imposed a fine of \$50.00 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. This property was also found to be a repeat violator.**

- C. Case No. 210318010; Charlie Merry, 404 NE 8th Avenue [Legal Description: Lot 12, RIVER RUN RESORT SUBDIVISION, PHASE II, Plat Book 6, Page 33, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification. Code Officer Smith reported that the property came into compliance on July 30, 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.
- D. Case No. 210421006; Jose and Maria Cisneros, 608 SE 10th Avenue [Legal Description: Lots 8, 9, and 12 of Block 12, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, Plat Book 1, Page 13, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Sections 30-32 Accumulations on real property and 30-43 Public nuisance.

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-32 Accumulations on real property and 30-43 Public nuisance for large piles of debris and an unsecured building that all the windows are broken out of, and no front door. The property is a repeat violator. A SOV/NOH was mailed via USPS certified return receipt on April 21, 2021, for the June 8, 2021, Hearing. The noticed was received by Jose Cisneros on April 23, 2021. Code Officer Smith received a call from Mr. Cisneros on May 5, 2021, who stated the debris had been put out to the road for Waste Management to pick up and the building would be demolished as soon as he had the permit to do so. A SOV/NOH was mailed via USPS certified return receipt on July 1, 2021, for the August 10, 2021, Hearing. The notice was received by Jose Cisneros on July 6, 2021. The property was inspected on August 4, 2021. Code Officer Smith reported the property to be partially compliant as the building remains unsecured, no door and broken out windows. However, the property owner has made progress by mowing the grass and removing the yard debris. The City recommends an extension to the next Hearing be approved to allow the property owner to come into full compliance.

Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 210421006 to the next Special Magistrate Hearing to allow the property owner more time to come into full compliance as progress has been made.**

- E. Case No. 210628005; Salry RR C/O CSX Corp, Highway 441 North [Legal Description: All of the Railroad as now lying and located within the City of Okeechobee]. Violation of Code of Ordinances Chapter 30, Sections 30-33 Owner to control excessive growths and unsanitary ponds and swimming pools and 30-43 Public nuisance. Code Officer Smith reported that the property came into compliance on August 4, 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 30-33 Owner to control excessive growths and unsanitary ponds and swimming pools and 30-43 Public nuisance.

VII. NEW CASES CONTINUED

- F. Case No. 210701012; Joseph Perretta (Coastal Limbs and Brace), 710 West North Park Street [Legal Description: The West 50-feet of Lots 5 and 6, of Block 161, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, and beginning at the SW corner of Lot 6 of Block 161, OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, thence run North along the West boundary of said Block 161 to the NW corner of Lot 4 of said Block 161; thence run West, along the Westerly extension of the North boundary line of said Lot 4, a distance of 50-feet to the East ROW line of the former Florida East Coast Railway of North Park Street; thence run East, along said North ROW line, a distance of 50-feet to the point of beginning, lying in Section 16, Township 37 South, Range 35 East, and being a part of that certain 50-foot strip of land designated as "Reserved" on the plat of Okeechobee, Plat Book 5, Page 5 Okeechobee County public records]. Violation of International Property Maintenance Code (IPMC) Chapter 3, Sections 304.6 Exterior walls and 304.7 Roof and drainage.

Code Officer Smith testified the property is in violation of IPMC Chapter 3, Sections 304.6 Exterior walls and 304.7 Roof and drainage for the roof and exterior walls needing maintenance and cleaning. The property is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on March 17, 2021. Code Officer Smith spoke with Mr. Perretta on March 22, 2021, who was advised on what needed to be done to bring the property into compliance. Assistant Code Officer Curl spoke with Mr. Perretta on March 25, 2021, who stated he was working with Donna at Big Lake Pressure Cleaning and Painting to pressure wash the roof and paint the building. A SOV/NOH was mailed via USPS certified return receipt on July 2, 2021, for the August 10, 2021, Hearing. The notice was received by Joseph Perretta on July 8, 2021. Code Officer Smith spoke with Mr. Perretta on July 8, 2021 and was advised that the painting needed to be completed and the windows uncovered along Park Street. Code Officer Smith spoke with Mr. Perretta on July 27, 2021, who advised that the same company would be pressure washing the exterior of the building next week and painting it the week after. Assistant Code Officer Curl spoke with Mr. Perretta on August 5, 2021, who advised that the building had been pressure washed and should be painted next week. Code Officer Smith reported the property to be partially compliant as the exterior of the building still needed to be painted. However, the property owner has made progress by pressure washing the building and roof and painting the roof. The City recommends an extension to the next Hearing be approved to allow the property owner the opportunity to come into full compliance.

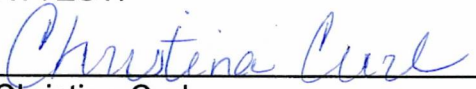
Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 210701012 to the next Special Magistrate Hearing to allow the property owner more time to come into full compliance as progress has been made.**

VIII. PUBLIC COMMENTS: none were offered.

IX. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:45 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.