



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

**I. CALL TO ORDER**

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, April 13, 2021, at 6:35 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Complied Request Item VI.E. be moved to Item V.B. as requested by City Attorney Kowalsky.

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

A. Special Magistrate Azcona approved the March 9, 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, and Mr. Gregory Williams; 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. CASES COMPLIED, CONTINUED, OR AMENDED**

A. Case No. 190215011; Barbara Mills, 1206 Southwest 5<sup>th</sup> Avenue [Legal Description: Lot 3, REPOGLE SUBDIVISION, Plat Book 2, Page 87, Okeechobee County public records] has been satisfied and the settled fine reduction of \$3,667.00 was approved by City Council on April 6, 2021.

B. Case No. 200110013; Gregory and Sharon Williams, 501 Northwest 16<sup>th</sup> Street [Legal Description: Lot 26 and the East one-half of Lot 25 of Block 52, CONNERS HIGHLANDS, Plat Book 1, Page 21, Okeechobee County public records], Violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicle, Section 30-44 General cleaning, and beautification.

Code Officer Smith testified property in compliance as of today. On March 18, 2020, the owners were served with a Lien with a fine of \$25.00 per day after 14-days proper notification plus a \$25.00 administrative fee. Fines accumulated to more than \$9,000.00. The City recommended reducing the number of days the property was out of compliance to run from April 1, 2020 to October 15, 2020, totaling 197 days, due to COVID-19 and cancelled Hearings, reducing the outstanding fine to \$4,925.00. The City recommended a 50 percent fine reduction to \$2,462.50 plus a \$25.00 administrative fee. Mr. Williams submitted a fine reduction request form for the same amount as the City's recommendation as well as a request to make payments. **Special Magistrate Azcona agreed and ruled to recommend the City Council approve the fine reduction, plus administrative fee, and to grant payment arrangements.**

**VI. NEW CASES**

A. Case No. 200226002; Doc's Auto Service, Inc, 805 North Parrott Avenue [Legal Description: Lots 1,2, and 3 of Block 48, OKEECHOBEE, Plat Book 5, Page 5, 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.

Code Officer Smith testified this case started February 25, 2020, requiring tires to be removed, grass to be mowed, and an abandoned vehicle needed to be moved. Notice of Violation was mailed via certified USPS mail, and returned unclaimed.

## VI. NEW CASES CONTINUED

### A. Case No. 200226002 continued.

The property was posted on August 11, 2020. Property was inspected, still not in compliance as of July 27, 2020 but was deferred due to COVID-19. The property was posted again on August 31, 2020 for the September 8, 2020 Hearing, and continued to be out of compliance. On September 8, 2020, the property was found in violation and a fine of \$100.00 per day to be imposed after 10-days proper notification plus a \$50.00 administrative fee. A Lien/Order was recorded on October 13, 2020 and mailed on October 16, 2020.

As of December 31, 2020, the property continued to be out of compliance. A phone message was left on January 19, 2021 for a Michael Blackburn, due to no response, on March 2, 2021, a 90-Day Letter was mailed via certified USPS mail. On March 8, 2021 Code Enforcement received a phone call from Angela Waldron, Registered Agent and President of Doc's Auto Service. Staff explained to her what was required to bring the property into compliance. Once she notified them the property would be inspected, photos would be taken to document compliance and stop the fines. Then further she could request a fine reduction. On March 15, 2021, the property was still out of compliance, a Statement of Violation/Notice of Hearing was mailed via certified USPS mail for the April 13, 2021 Hearing. The Notice of Hearing was received in Code Enforcement on March 20, 2021, the signature was illegible. The property was inspected again on March 22, 2021, the abandoned vehicle was removed, the grass cut, however the tires were not removed. Code Enforcement received a call from Mrs. Waldron that she was unable to attend tonight's Hearing. She advised her husband would be mowing again and moving the tires today. However, she explained there were several bags of debris left on the property from the construction company who recently installed the traffic light at North 9<sup>th</sup> Street and Parrott Avenue. The property was inspected before Hearing and is still not in compliance. **Special Magistrate Azcona ruled that due to the property owner refusing to come into compliance, the amount of time given, and the nature of the violation continues to exist, he recommended the property be foreclosed.**

### B. Case No. 200824010; Yvette Banner, 913 Northwest 9<sup>th</sup> Street [Legal Description: Lot 7 of Block 43, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 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 August 25, 2020, for violation of Chapter 30 Section 30-43 and Section 30-44, abandoned boat, abandoned vehicle, overgrown weeds, trash, and debris in yard. Statement of Violation/Notice of Hearing was mailed via certified USPS mail on November 16, 2020. The Notice was received by Michael Grosman on November 21, 2020, he was given till November 30, 2020 to correct the violations. The property was posted on November 17, 2020 with Notice to Appear for the December 8, 2020 Hearing. Case was not heard at the December 8, 2020 Hearing. Statement of Violation/Notice of Hearing was mailed via certified USPS mail on December 16, 2020 for the January 12, 2021 Hearing. The Notice was received by Yvette Banner on December 21, 2020. Ms. Banner advised the Code Office that on December 31, 2020 a roll-off dumpster was being delivered on January 5, 2021. The Case was deferred to the February 9, 2021 Hearing as Ms. Banner was working with Waste Management. The February Hearing was cancelled. The property was inspected on March 3, 2021 and found not in compliance. Statement of Violation/Notice of Hearing was mailed via certified USPS mail on March 15, 2021 for the April 13, 2021 Hearing. The Notice was received by Kevin Clausell on March 18, 2021. The property was inspected on March 22, 2021 and found not in compliance as the abandoned vehicle is still there, overgrown grass and shrubs, debris, and trash in the yard.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 200824010 to be in violation of Code of Ordinances Chapter 30 Section 30-44 General cleaning a beautification and Section 30-43 Public nuisances 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 14-days after proper notification.**

## VI. NEW CASES CONTINUED

- C. Case No. 210127006; Agustin Mendoza and Melinda Hernandez, 901 Southwest 11<sup>th</sup> Avenue [Legal Description: Lots 9 and 10 of Block 20, SOUTHWEST ADDITION, Plat Book 2, 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 testified a courtesy card was mailed via regular USPS on January 27, 2021 for violation of Chapter 30 Section 30-44 General cleaning and beautification and Section 30-43 Public nuisance, active building permit required for the permanent structure that is in the process of being built, overgrown with grass and shrubs, debris, and trash on the property. The courtesy card provided for seven days to correct the violations; it was returned on February 18, 2021 with no mail receptacle/unable to forward. The property was inspected on March 4, 2021 and found not in compliance. Statement of Violation/Notice of Hearing mailed via certified USPS mail on March 15, 2021 for the April 13, 2021 Hearing. The Notice was returned on March 22, 2021 no mail receptacle/unable to forward. The property was inspected again on March 22, 2021, not in compliance, overgrown grass, unfinished structure, and debris. Assistant Code Officer Curl researched the property further and discovered a Post Office Box address related to the property owners. The Statement of Violation/Notice of Hearing was re-mailed on March 23, 2021. The property was posted on March 30, 2021 with a Notice to Appear for the April 13, 2021 Hearing. The property was inspected again on April 13, 2021, the overgrown grass was mowed, some of the debris was removed, the unfinished structure remains without a permit and overgrown weeds remained along the property facing Southwest 11<sup>th</sup> Avenue.

Based on the evidence provided, **Special Magistrate Azcona noted he would be more comfortable in imposing a fine in Case No. 210127006 as there is a factual basis for the allegations of violation of Chapter 30, Section 30-43, and Section 30-44 if it had been posted since January and all correspondences mailed had not been returned. The violation was noted in January, only the Notice to the Post Office Box was delivered to the owner and the property was posted less than two weeks from today. He ruled to defer the Case to the next hearing to allow more time for the owners to bring the property into compliance and instructed the Code Enforcement staff to make every attempt to obtain a mailing address to send the certified Notice. Whether or not the certified Notice is able to be mailed, he would be more comfortable imposing the fine at that time.**

- D. Case No. 191115015, Blue Springs Holdings, LLC, Northeast 9<sup>th</sup> Avenue [Legal Description: Unplatted lands of the City, the Southwest quarter of the Northeast quarter and North half of the Northwest quarter of the Southeast quarter South of the SAL Railroad right-of-way; Southwest quarter of the Northwest quarter of the Southeast quarter; the Southeast quarter of the Northwest quarter of the Southeast quarter; North half of the Northeast quarter of the Southwest quarter; and the South half of the Northeast quarter of the Southwest quarter lying East of Taylor Creek; fractional Northwest quarter East of Taylor Creek and South of the SAL Railroad; and all that portion of land located in the Northeast quarter of the Southwest quarter and the Southeast quarter of Northwest 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 Southeast quarter and a portion of the Southwest quarter of Section 15, Township 37 South, Range 35 East, Okeechobee County, Florida]. Violation of Code of Ordinances Chapter 30 Section 30-43 Public nuisances and Section 30-44 General cleaning and beautification.

Code Officer Smith testified this case started November 18, 2019. It is approximately 50 acres of vacant land [located East of Taylor Creek, North and East of River Run Mobile Home Park, West of Northeast 12<sup>th</sup> Avenue, South of the railroad, and North of East North Park Street (State Road 70)]. It is extremely overgrown, needs to be cleared and cleaned. Notice of Violation was mailed certified USPS on November 18, 2019, property was mowed and cleaned. However, the debris was collected into large piles throughout the property. On April 28, 2020, an email was received from Fire Chief Smith to Code Enforcement that the County burn-ban had been lifted.

## VI. NEW CASES CONTINUED

### D. Case No. 191115015 continued.

On May 1, 2020, a resident contacted Code Enforcement to report the property still had not been cleaned. Code Officer Sterling spoke with the property owner, Mr. Gad, on May 5, 2020 in reference to the burn-ban being lifted. On May 6, 2020, a Statement of Violation and Notice of Hearing was mailed via certified USPS mail. It was returned unclaimed. Mr. Gad contacted Code Officer Sterling and requested that he contact Mr. Philip Baughman of B and B Site Development to inquire when the debris piles would be burned. Code Enforcement Secretary Close contacted Mr. Baughman who advised he could not obtain a burn permit due to the wind and he did not want to rent an \$6,000.00 air curtain destructor to be able to burn in windy conditions. Mr. Baughman was asked to keep Code Enforcement updated on the status of this project. The property was inspected several times and continues to be out of compliance.

The Case was found in violation of Chapter 30 Section 30-43 Public nuisance and Section 30-44 General cleaning and beautification on September 8, 2020. A fine of \$100.00 per day, beginning 14-days after proper notification, plus a \$50.00 administrative fee was imposed. The fine has accumulated to \$16,400.00 plus the \$50.00 administrative fee. The City recommends foreclosure. **Special Magistrate Azcona ruled, despite the attempts to resolve the matter with the owner, seeing no progress being made, recommend foreclosure.**

### E. Case No. 210210008, Sam Lane, 800 block Northwest 10<sup>th</sup> Street, [Legal Description: Lots 1 and 2 of Block 41, OKEECHOBEE, Plat Book 1, Page 10, Okeechobee County public records]. Violation of Code of Ordinances, Chapter 30 Section 30-44 General cleaning and beautification and Section 30-41 Disabled vehicles.

These vacant lots are located at Northwest 10<sup>th</sup> Street and 8<sup>th</sup> Avenue, have two abandoned vehicles parked on the property. A courtesy card was mailed on February 10, 2021, giving 10-days to correct the violations. The property inspected on March 3, 2021, not in compliance. However, the car had been removed, the RV remained, and the grass needed to be mowed. On March 4, 2021, a Statement of Violation and Notice of Hearing mailed certified USPS; and received by the owner, Mr. Lane on March 5, 2021. Mr. Lane contacted Code Officer Smith on March 22, 2021 inquiring as to best method of removing the abandoned RV. He was advised to contact a local junk yard. On April 13, 2021, the property was not in compliance due to overgrown grass; the RV had been removed.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210210008 to be in violation of Chapter 30 Section 30-44 General cleaning and beautification and Section 30-41 Disabled vehicles 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 the 14-days after proper notification.**

## VII. REPEAT VIOLATORS

### A. Case No. 210317014, Spirit CV Okeechobee FL LLC (CVS), 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 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]. Violation of Code of Ordinances, Chapter 30 Section 30-44 General cleaning and beautification.

The Violation was Noticed on March 17, 2021 as a repeat violator of Chapter 30 Section 30-44 General cleaning and beautification, dead vegetation that needs to be replaced. Given 7-days to correct. Statement of Violation and Notice of Hearing was mailed certified USPS mail on March 17, 2021 to the Corporate Office and signed by Fosiy and COVID-19. The property was inspected on March 24, 2021, March 31, 2021, and April 13, 2021, found not in compliance and in the same condition as on March 17, 2021. No attempts have been made to correct the violation. The property is located within the main business corridor of the City, the landscaping should be maintained.

**VII. REPEAT VIOLATORS CONTINUED**

**A.** Case No. 210317014 Continued.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210317014 in violation of Chapter 30 Section 30-44 General cleaning and beautification and imposed a fine of \$100.00 per day, plus a one-time administrative fee of \$100.00 should the property owner fail to come into compliance within 14-days after proper notification.**

**VIII. ADJOURN MEETING**

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:40 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.

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