



CITY OF OKEECHOBEE CODE ENFORCEMENT MAY 11, 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, May 11, 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, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Case No. 210127003 was deferred to the June 8, 2021 Special Magistrate Hearing as requested by City Attorney Kowalsky.

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

A. Special Magistrate Azcona approved the April 13, 2021 minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officer Smith and Assistant Code Officer Curl; both affirmed. There were no respondents present. 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. 210127006; Agustin Mendoza and Melinda Hernandez, 901 Southwest 11th Avenue [Legal Description: Lots 9 and 10, SOUTHWEST ADDITION, Plat Book 2, Page 7, Okeechobee County public records], was found to be in compliance on April 27, 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, Sections 30-44 General cleaning and beautification and 30-43 Public nuisance.

VI. **NEW CASES**

A. Case No. 210318014; G-4 Land and Cattle Company, 2104 Southwest 2nd Avenue [Legal Description: Lots 1, and 2 of Block 2, ROYAL OAK ADDITION, Plat Book 1, Page 8, Okeechobee County public records]. Violation of Code of Ordinances Chapter 90, Section 90-83(a) Recreational vehicles; Chapter 30, Sections 30-41 Disabled vehicle, 30-43 Public nuisance, and 30-44 General cleaning and beautification.

Code Officer Smith testified the property is in violation of Chapter 90, Section 90-83(a) Recreational vehicles; Chapter 30, Sections 30-41 Disabled vehicle, 30-43 Public nuisance and 30-44 General cleaning and beautification for an RV being used as a residence, multiple disabled vehicles and debris on the side lot, overgrown grass and weeds in the back, and the exterior of the structure needs cleaning. The property is a repeat violator. The Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified mail on March 19, 2021. The return receipt for the SOV/NOH was returned on March 22, 2021 signed by Brad Goodbread. Code Enforcement Staff corresponded twice with the property owner between March 19, 2021 and May 10, 2021. The property was still non-compliant when inspected on April 14, 2021 and May 5, 2021 as the disabled vehicles were still there and the roof of the home needed to be cleaned.

VI. NEW CASES CONTINUED

ITEM A CONTINUED: Based on the evidence provided, **Special Magistrate Azcona found Case No. 210318014 in violation of Code of Ordinances Chapter 90, Section 90-83(a) Recreational vehicles, Chapter 30, Sections 30-41 Disabled vehicle, 30-43 Public nuisance and 30-44 General cleaning and beautification. A fine of \$100.00 per day plus a one-time administrative fee of \$50.00 will be imposed should the property owner fail to come into compliance within 21-days after the date of this Hearing. The property is also found to be a repeat violator.**

- B.** Case No. 210401010; Okeechobee YF LLC (Family Dollar), 930 Northeast 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 (NW) corner of the Northeast 1/4 of said Section 22, the same also being the NW 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 (FT) to the South right-of-way (ROW) line of State Road 70; thence North 89°54'49 East, along said South ROW line, a distance of 193.65-FT to the point of beginning (POB); thence continuing along said South ROW line North 89°54'49 East, a distance of 167.89-FT; thence South 45°11'19 East, still along the South ROW of State Road 70, a distance of 17.04-FT to the West ROW line of Southeast 10th Avenue (F/K/A Hancock Street); thence South 00°19'59 East, along said West ROW line, a distance of 303.02-FT to 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 179.89-FT; thence departing said South boundary, North 00°20'11 West and parallel with the aforementioned West boundary of U.S. Government Lot 2, a distance of 314.97-FT to the POB, Okeechobee County public records]. Violation of Code of Ordinances Chapter 30, Section 30-44 General cleaning and beautification.

Code Officer Smith testified the property is in violation of Chapter 30, Section 30-44 General cleaning and beautification for overgrown weeds, grass, bushes, shrubs, trash around the store and dumpster, and a broken fence around the property. A Courtesy Card was mailed via USPS regular mail on March 17, 2021. Code Enforcement Staff corresponded twice with the property owner between March 17, 2021 and May 10, 2021. The SOV/NOH was mailed via USPS certified mail/return receipt on April 1, 2021. The return receipt for the SOV/NOH was returned on April 8, 2021 signed by AEA C19. The property was still non-compliant when inspected on May 5, 2021, as the fence around the property remains broken.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210401010 to be in violation of Code of Ordinances Chapter 30, Section 30-44 General cleaning a 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.**

- C.** Case No. 210405015; Capital C Inc, 307 Southwest 3rd 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 Code (IPMC) Chapter 3, Sections 304.1.1 Unsafe conditions and 304.7 Roof and drainage.

Code Officer Smith testified the property is in violation of IPMC Chapter 3, Sections 304.1.1 and 304.7 for lack of roof, windows, and doors on the building which prevents building security, in addition to weeds growing inside the building. A Courtesy Card was mailed via USPS regular mail on March 11, 2021. Code Enforcement Staff corresponded twice with the property owner between March 11, 2021 and May 10, 2021. The SOV/NOH was mailed via USPS certified mail/return receipt on April 5, 2021. The return receipt for the SOV/NOH was returned on April 8, 2021 signed by C19. The property was still non-compliant when inspected on April 27, 2021 and May 5, 2021, as the property was in the same condition as the first inspection.

VI. NEW CASES CONTINUED

ITEM C CONTIUED: Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 210405015 to the next Hearing and instructed the Code Enforcement Staff to post the property to ensure the property owners have been properly noticed.**

VII. REPEAT VIOLATORS

- A. Case No. 210405013; Charles and Lucinda Miller, 805 Southeast 10th Street [Legal Description: Lot 51, OKEECHOBEE ESTATES ADDITION, Plat Book 3, Page 20, 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 the property is in violation of Chapter 30, Sections 30-43 and 30-44 for overgrown vegetation, junk, and debris on all four sides of the home and carport. The property is a repeat violator. Code Enforcement Staff corresponded with the property owner once between April 5, 2021 and May 10, 2021. The SOV/NOH was mailed via USPS certified mail on April 5, 2021. The return receipt for the SOV/NOH was returned on April 12, 2021 unsigned. The property was still non-complaint when inspected on April 20, 2021 and May 5, 2021 as it was in the same condition as the first inspection.

Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 210405013 to the next Hearing and instructed the Code Enforcement Staff to post the property to ensure the property owners have been properly noticed.**

- B. Case No. 210323005; Omar Nafal Zaben (La Placita Super Market), 1002 Northwest Park Street [Legal Description: Lots 15,16,17,18,19 and 20, Block 28, NORTHWEST ADDITION, Plat Book 1, Page 25, 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 the property is in violation of Chapter 30, Sections 30-43 and 30-44 for a vehicle being parked in the right-of-way on the back side of the property, urine odor coming from the fence line, with trash and debris scattered all over the property and by the dumpster. The property is a repeat violator. Code Enforcement Staff corresponded with the property owner once between March 23, 2021 and May 10, 2021. The SOV/NOH was mailed via USPS certified mail on March 23, 2021. The return receipt for the SOV/NOH was returned on March 25, 2021 signed by Omar Zaben. The property was still non-compliant when inspected on April 27, 2021 and May 5, 2021 as there was trash all over the property, shopping carts left out, and beer bottles along the back fence line.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210323005 in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisance and 30-44 General cleaning and beautification 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. The property was also found to be a repeat violator.**

- C. Case No. 210405012, Tina Bray, 1115 Northwest 7th Court [Legal Description: Lots 9 and 10, Block 15, NORTHWEST ADDITION, Plat Book 1, Page 25, 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 the property is in violation of Chapter 30, Sections 30-43 and 30-44 for trash, broken toys, junk, debris, and tires stacked up against the house. The property is a repeat violator. The SOV/NOH was mailed via USPS certified mail on April 5, 2021. The return receipt for the SOV/NOH has not been returned as of the Hearing date. The property was still non-compliant when inspected on April 27, 2021 and May 5, 2021 as trash and debris remain strewn all over the property.

VII. REPEAT VIOLATORS CONTINUED

ITEM C CONTINUED: Based on the evidence provided, **Special Magistrate Azcona ruled to defer Case No. 210405012 to the next Hearing and instructed the Code Enforcement Staff to post the property to ensure the property owners have been properly noticed.**

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:09 P.M.

Roger Azcona, Special Magistrate

ATTEST:

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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