



**CITY OF OKEECHOBEE CODE ENFORCEMENT  
FEBRUARY 8, 2022, SPECIAL MAGISTRATE HEARING  
OFFICIAL MINUTES**

- I. **CALL TO ORDER**  
Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, February 8, 2022, at 6:05 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, City Attorney Greg Hyden, Police Lieutenant Bettye Taylor 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Item VII.D, Case No. 220112002; Straat Car Wash Property was withdrawn from agenda.
  
- IV. **APPROVAL OF MINUTES AND ADMINISTRATION OF OATH**
  - A. Special Magistrate Azcona approved the December 14, 2021, Hearing Minutes.
  
  - B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, Mr. Aaron Kinty and Mr. Glenn Prescott; 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. **FINE REDUCTION REQUESTS**
  - A. Case No. 200303022; Aaron A. Kinty and Caroline Bullen, 911 Northwest 11<sup>th</sup> Street [Legal Description: Lots 4 and 5 of Block 25, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records].  
  
Code Officer Smith testified that the property was found in violation of Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification on September 8, 2020, where a fine in the amount of \$250.00 per day starting 10 days after proper notification plus a one-time \$50.00 administrative fee was imposed. The imposed fine began accrual on October 26, 2020. The property was brought into compliance December 13, 2021, leaving an accrued fine of \$103,300.00. The City recommended a 90 percent reduction plus a \$50.00 administrative fee. Mr. Kinty requested that the fine be reduced to \$1,000.00, as he was unaware that the lien had accrued to such a point as the documents were being sent to Mr. Charles Wadlington. Based on the evidence provided, **Special Magistrate Azcona reserved ruling until the end of the week to review all evidence. Special Magistrate Azcona's report concluded that the fine be reduced to \$2,500.00, plus administrative fees, under the facts and circumstances presented, was reasonable and fair, and that such reduction is in the best interest of the City of Okeechobee.**
  
- VI. **COMPLIED CASES**
  - A. Case No. 211110003; Deborah Conner, 301 Northwest 5<sup>th</sup> Street [Legal Description: Lots 1, 2, and 3 of Block 106, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records]. 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 30-43 Public nuisances, 30-44 General cleaning and beautification.
  
  - B. Case No. 211214004; Bowden Residences Central LLC, 1040 Southeast 21<sup>st</sup> Street [Legal Description: Lot 70, BLUE HERON GOLF AND COUNTRY CLUB, PHASE II, Plat Book 6, Pages 59 and 60, Okeechobee County public records].



## VI. COMPLIED CASES CONTINUED

- B. CONTINUED: 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 30-44 General cleaning and beautification, Chapter 58, Section 58-729(a) Use of public sewers required and Chapter 10, Section 10-8 Public nuisance.
- C. Case No. 211020009; Eight 12 Twenty Nine LLC, 911 Northwest 9<sup>th</sup> Street [Legal Description: Lots 5 and 6 of Block 43, CITY OF OKEECHOBEE, Plat Book 1, Page 10, Okeechobee County public records]. 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 30-41 Disabled vehicles, 30-44 General cleaning and beautification.

## VII. NEW CASES

- A. Case No. 210125007; Glenn Frank Prescott, 1009 Southwest Park St [Legal Description: Lot 3 and West half of Lot 2 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of the Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification for an unsecured house, house in need of being cleaned, overgrown grass, weeds, trees, bushes and shrubs. The property is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on January 25, 2021. The property was inspected and found to be non-compliant on March 4, 2021, June 25, 2021, and October 1, 2021. A Statement of Violation/Notice of Hearing (SOV/NOH) was hand delivered to Mr. Prescott on November 3, 2021. The January 11<sup>th</sup> Hearing was cancelled, case was postponed to February. A SOV/NOH and Public Notice of Hearing Cancellation was hand delivered to Mr. Prescott on January 10, 2022. The property was inspected and found to be non-compliant on February 2, 2022. To comply with the City's Code of Ordinances, all the overgrown vegetation on the property needs to be cut and the home needs to be cleaned and secured. The City recommends a fine of \$25.00 per day, to begin 21 days after the date of this Hearing, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 210125007 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, but will withhold the imposed fine for 30 days to allow more time for the violations to be corrected.**

- B. Case No. 211202009; Melissa Dee Harden, 1008 Southwest 2<sup>nd</sup> Street [Legal Description: Lot 17 and East half of Lot 16 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification for furniture, lawnmowers and a generator being in the middle of the yard, overgrown grass, and weeds that have grown up through the debris in the yard. The property is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on November 17, 2021. The property was inspected and found to be non-compliant on December 2, 2021. A SOV/NOH was mailed via USPS certified return receipt on December 2, 2021. The notice was returned, unclaimed. The property was inspected and found to be non-compliant on December 28, 2021. A Notice to Appear (NTA) was posted on the property and on public notices board at City Hall on December 28, 2021. The property was inspected and found to be non-compliant on January 4, 2022. The January 11<sup>th</sup> Hearing was cancelled, this case was postponed to February. A SOV/NOH and Public Notice of Hearing Cancellation was mailed via USPS certified return receipt on January 7, 2022. The City has not received anything back as of the date of this Hearing. A NTA and Public Notice of Hearing Cancellation was posted on the property and on the public notices board at City Hall on January 10, 2022.



VII. NEW CASES CONTINUED

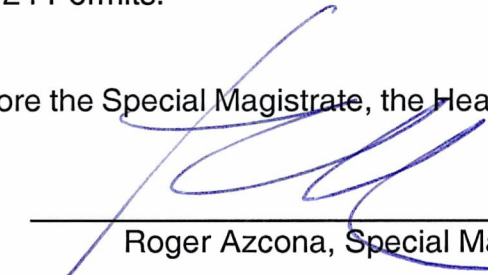
B. CONTINUED: The property was inspected and found to be non-compliant on February 2, 2022. To comply with City Ordinances all the overgrown vegetation needs to be cut and remove all the trash and debris from the property. The City recommends a fine of \$50.00 per day, to begin 21 days after the date of this hearing, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 211202009 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances 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 fail to come into compliance within 21 days after the date of this Hearing.**

C. Case No. 211228009; Randy Goulette, 702 Southeast 9<sup>th</sup> Avenue [Legal Description: Unplatted lands of the City a portion of government Lot 6 from the Southeast corner of said Lot run North along East line thereof a distance of 221.23-feet for a point of boundary (POB) thence run West at right angles a distance of 338-feet thence run North and parting line to East line of said Lot 128.8-feet run East to the line of this parcel described aforesaid 338-feet to the intersection with the East line of Lot 6 run South along the East line of government Lot 6 128.8-feet to POB 22 37S 35E one acre and WRIGHT'S 2ND ADDITION Lot 1 and the fractional part of Lot 2, Block I lying North of the extension of the North line of Lot 1, Block 4, WILCOX SHORES FIRST REVISED PLAT to the West right-of-way of Southeast 9th Avenue]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 82, Section 82-124 Permits.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:56 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.