



CITY OF OKEECHOBEE CODE ENFORCEMENT MAY 10, 2022, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, May 10, 2022, at 6:15 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, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

A. Special Magistrate Azcona approved the April 12, 2022, Hearing Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl; 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. CONTINUED CASES

A. Case No. 220222010; Carole Rosenberg LLC, 822 Southeast (SE) 8th Street [Legal Description: Lot 9 of Block 5, WILCOX SHORES, Plat Book (PB) 3, Page (PG) 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 30-41 Disabled vehicles, 30-44 General cleaning and beautification.

VI. NEW CASES

A. Case No. 220104005; Clifford Earl and Vicki Lynn Joiner, 309 SE 11th Avenue [Legal Description: Lots 22 thru 27, inclusive of Block C, OKEECHOBEE DEVELOPMENT COMPANY'S ADDITION TO OKEECHOBEE, according to the plat thereof recorded in PB 1, PG 6, public records of Okeechobee County, FL, also: the West-half of the vacated alley lying adjacent to said Lots 22 thru 27. Together with the following: being a portion of Lots 1 thru 9 of said Block C; also: the East-half of the vacated alley lying adjacent to said Lots 1 thru 9, and projected North to the Hopkins Meander Line of said Block C; also: the vacated alley lying between a portion of said Lot 1 and the said Hopkins Meander Line, and being more particularly described as follows: commence at the Southwest (SW) corner of Lot 15, of said Block C, said corner being also the SE corner of a vacated alley lying in said Block C, and lying also on the North right-of-way (ROW) line of SE 4th Street; thence bear South 89°34'43" West, along said North ROW Line, for a distance of 10.00-feet to the centerline of said vacated alley; thence bear North 00°06'32" West, along said centerline, for a distance of 150.00-feet to the point of beginning (POB); thence continue North 00°06'32" West, along said centerline and projected North, for a distance of 251.40-feet to the intersection with said Hopkins Meander Line; thence bear South 72°07'03" East, along said Hopkins Meander Line, for a distance of 45.50-feet to a point; thence bear South 06°23'00" West for a distance of 228.75-feet to a point; thence bear South 02°32'33" West for a distance of 10.00-feet to the intersection with the South boundary line of Lot 9; thence bear South 89°37'49" West, along said South boundary line and projected across said alley or alleyway for a distance of 16.95-feet to the POB].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification for overgrown weeds, grass, trees, bushes, or shrubs. The respondent is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on December 16, 2021. The property was inspected and found to be non-compliant on January 3, 2022. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on January 4, 2022. The City has not received a notice of delivery as of the date of this hearing. The property was inspected and found to be non-compliant on January 25, 2022, February 16, 2022, and March 1, 2022. A SOV/NOH was mailed via USPS certified return receipt on March 29, 2022. The notice was received by Vicki Joiner on April 6, 2022. The property was inspected and found to be non-compliant on April 27, 2022 and May 3, 2022. To comply with City Ordinances, the property owner needs to cut the overgrown trees, bushes, and shrubs. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on May 10, 2022, unless the property owner brings the property into compliance before that date, plus a \$50.00 administrative fee.

VI. NEW CASES CONTINUED

- A. CONTINUED: Based on the evidence provided, **Special Magistrate Azcona found Case No. 220104005 to be in violation of Code of Ordinances Chapter 30, Sections 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.**
- B. Case No. 220329010; Tom Nguyen, 210 SE 3rd Street [Legal Description: Lot 1 of Block 208, FIRST ADDITION TO OKEECHOBEE, PB 1 and 5, PG 11 and 6, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification for disabled riding lawnmowers, untagged/disabled RV, and overgrown vegetation, piles of wood and the front of the home and roof in need of cleaning. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on March 14, 2022. The property was inspected and found to be non-compliant on March 22, 2022 and March 29, 2022. A SOV/NOH was mailed via USPS certified return receipt on March 29, 2022. The notice was received by Tom Nguyen on April 5, 2022. The property was inspected and found to be non-compliant on April 27, 2022, and May 3, 2022. To comply with City Ordinances, the property owner needs to clean up and/or remove junk and debris from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on May 10, 2022, 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. 220329010 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 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.**

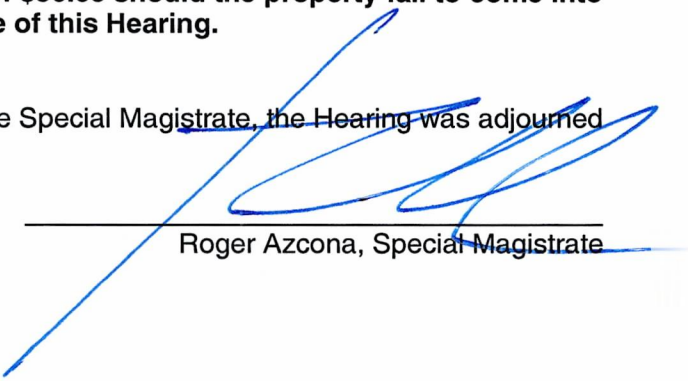
- C. Case No. 220405015; Mary Alice McCormack, 904 Northwest 5th Street [Legal Description: Lot 24 and West half of Lot 25 of Block 99, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of the Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification for having junk all over the property, overgrown grass, weeds, and trash and/or debris all over the front and side of the property. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on March 17, 2022. The property was inspected and found to be non-compliant on April 5, 2022. A SOV/NOH was mailed via USPS certified return receipt on April 5, 2022. The notice was received by Walter Piscatelli on April 13, 2022. The property was inspected and found to be non-compliant on April 27, 2022 and May 3, 2022. To comply with City Ordinances the property owner needs to clean up and/or remove debris from the front and side of the property and cut the overgrown vegetation. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on May 10, 2022, 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. 220405015 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.**

VII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:43 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.