



## CITY OF OKEECHOBEE CODE ENFORCEMENT JULY 12, 2022, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

### I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, July 12, 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, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 May 10, 2022, Hearing Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, and Mrs. Jesenia Lopez Henao; 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. 220126008; Nika's Investments of FL Inc, 814 Southeast 8<sup>th</sup> Street [Legal Description: Lot 7 of Block 5, WILCOX SHORES, Plat Book 3, Page 5, Okeechobee County public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification on March 8, 2022, where a fine in the amount of \$50.00 per day starting 21-days after the date of the Hearing, plus a one-time \$50.00 administrative fee was imposed. The imposed fine began accrual on April 5, 2022. The property was brought into compliance on April 20, 2022. The City recommends a fine reduction of 75 percent, plus a \$50.00 administrative fee, totaling \$250.00.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 75 percent, plus a \$50.00 administrative fee to be paid within 60 days.**

### VI. COMPLIED CASES

A. Case No. 220519009; Donny R. Phillips, 203 Southeast 8<sup>th</sup> Street [Legal Description Lot 2 of TAYLOR COVE, Plat Book 5, Page 60, 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, 30-43 Public nuisances, 30-44 General cleaning and beautification.

B. Case No. 220329010; Tom Nguyen, 210 Southeast 3<sup>rd</sup> Street [Legal Description Lot 1 of Block 208, FIRST ADDITION TO OKEECHOBEE, Plat Book 5, Page 6, 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 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification.

### VII. NEW CASES

A. Case No. 220519008; Carl and Rebecca Maxwell, 315 Southwest 2<sup>nd</sup> Street [Legal Description Lots 4,5, and 6 of Block 175, CITY OF OKEECHOBEE, Plat Book 5, Page 5, 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 piles of debris down the fence line and in the back of the property, overgrown grass, and weeds. The respondent is not a repeat violator. A Courtesy Card was mailed via

**VII. NEW CASES CONTINUED**

- A. CONTINUED: USPS regular mail on April 21, 2022. The property was inspected and found to be non-compliant on May 11, 2022. A Statement of Violation/Notice of Hearing was mailed via USPS certified return receipt on May 19, 2022. The notice was received by Carl Maxwell on May 23, 2022. The property was inspected and found to be non-compliant on July 5, 2022 and July 6, 2022. To comply with City Ordinances the property owner needs to remove the piles of debris from the property and cut the overgrown grass and weeds. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on July 12, 2022, 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. 220519008 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. 220607003; Melyssa D. Lecrenier, 809 Southeast 10th Street [Legal Description: Lot 54, OKEECHOBEE ESTATES, Plat Book 3, Page 20, 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.

**VIII. ADJOURN MEETING**

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:36 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.