



CITY OF OKEECHOBEE CODE ENFORCEMENT AUGUST 9, 2022, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, August 9, 2022, at 6:00 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, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 July 12, 2022, Hearing Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, and Ms. Ruby Minton; 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. 220222009; Freddie L. and Ruby L. Minton, 302 Northeast (NE) 8th Avenue (Ave) [Legal Description: Lot 17, RIVER RUN RESORT, Plat Book (PB) 6, Page (PG) 18, Okeechobee County (CO) public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, on April 12, 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 \$100.00 administrative fee was imposed. The imposed fine began accrual on May 3, 2022. The property was brought into compliance on May 23, 2022. Ms. Minton submitted a request for fine reduction on June 8, 2022. The City recommends a fine reduction of 50 percent, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 50 percent and an additional \$200.00, plus a \$100.00 administrative fee. A payment plan of \$50.00 a month due on the 5th of each month was granted.**

VI. COMPLIED CASES

A. Case No. 220601006; Yolanda Maby Cuevas, 704 Southwest (SW) 6th Street (St) [Legal Description: commencing at the NE corner of Block 191, OKEECHOBEE, according to the plat thereof recorded in PB 5, PG 5, public records of Okeechobee CO, Florida (FL), thence run South (S) along the East (E) Boundary Line (BL) of said Block 191 and the West (W) right-of-way (ROW) line of SW 7th Ave (Okeechobee Ave) for a distance of 300.10-feet (ft) to a point on an extension (POE) W of SW 6th St (3rd St); thence run W along said extension of SW 6th St for a distance of 200.00-ft for a point of beginning (POB); thence continue W along the North (N) BL of SW 6th St a distance of 50.00-ft; thence run N parallel with the W ROW line of SW 7th Ave a distance of 76.17-ft; thence run E parallel with the N ROW line of SW 6th St a distance of 50.00-ft; thence run S a distance of 76.17-ft to the POB lying in and comprising a part of the abandoned FL E Coast Railroad (RR) ROW and S Curve St, and commencing at the NE corner of Block 191, according to the plat thereof recorded in PB 5, PG 5, thence run S along the E BL of said Block 191 and the W ROW line of SW 7th Ave for a distance of 223.93-ft for POB; thence continue South along said E BL of Block 191 and the W ROW line of SW 7th Ave for a distance of 76.17-ft to a POE W of SW 6th St; thence run W along said extension of SW 6th St for a distance of 200.00-ft; thence run N parallel with the W ROW line of said SW 7th Ave for a distance of 76.17-ft; thence run E for a distance of 200.00-ft to the POB. Lying in and comprising a part of the abandoned FL E Coast RR ROW and N Curve St]. 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. 220601005; Grand Lake Investments Inc, NW 5th St [Legal Description: Lots 20,21, and W half of Lot 22 of Block 99, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee CO 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 a vacant lot with overgrown grass, and weeds. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on May 11, 2022. The property was inspected and found to be non-compliant on May 31, 2022. A Statement of Violation/Notice of Hearing was mailed via USPS certified return receipt on June 1, 2022. The notice was returned unclaimed/unable to forward on June 27, 2022. A Notice to Appear was posted on the property and on the public notices board at City Hall on June 28, 2022. The property was inspected and found to be non-compliant on June 28, 2022, July 18, 2022, and August 2, 2022. To comply with City Ordinances the property owner needs to 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 August 9, 2022, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

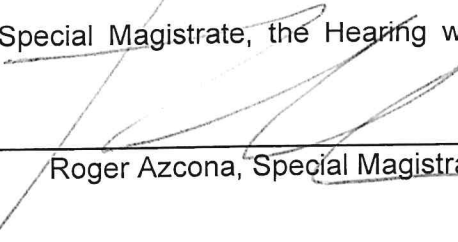
Based on the evidence provided, **Special Magistrate Azcona found Case No. 220601005 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

VIII. DELINQUENT BUSINESS TAX RECEIPTS

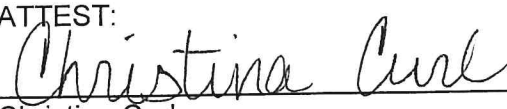
- A. Case No. 220630012; Rene Rimes, 105 SW 3rd Ave [Legal Description: Lots 4,5,6 of Block 168, OKEECHOBEE, PB 5, PG 5, Okeechobee CO public records]. No action on this matter was requested but is noted for the record to have been, in violation of Code of Ordinances Chapter 50, Section 50-43 Delinquent Business Tax Receipt.

IX. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:35 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.