



## CITY OF OKEECHOBEE CODE ENFORCEMENT SEPTEMBER 13, 2022, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

### I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, September 13, 2022, at 6:00 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 August 9, 2022, Hearing Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, Mrs. Pamela Arnold, Mr. Vernon Arnold, Mrs. Selena Taylor, Mr. Perry S. Arnold, Jr., and Mr. Greg McKinless; 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. 211202009; Home Discounters LLC (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 was found in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification on February 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 March 9, 2022. The property was brought into compliance on August 17, 2022. Home Discounters LLC submitted a request for fine reduction on August 18, 2022. Home Discounters LLC requested that the fine be reduced by 90 percent as they brought the property into compliance immediately after they took possession of the property. The City recommends a fine reduction of 75 percent, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona reserved ruling until on or before the next Hearing to review all evidence.**

B. Case No. 220128007; Perry Sylvester Arnold, Jr., 620 Northeast 4<sup>th</sup> Avenue [Legal Description: Lots 5 and 6 of Block 80, CITY OF OKEECHOBEE, Okeechobee County public records].

Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification and Chapter 82, Section 82-124 Permits 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 July 26, 2022. Mrs. Selena Taylor submitted a request for a fine reduction on August 23, 2022. Mrs. Arnold requested that the fine be dismissed due to special circumstances. The City recommends a fine reduction of 75 percent, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona reserved ruling until on or before the next Hearing to review all evidence.**



**VI. COMPLIED 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]. 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. 220126008; Nika's Investments of Florida 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]. No action on this matter was requested but is noted for the record that the lien was paid in full, and the Release of Lien was recorded on August 9, 2022.

**VII. NEW CASES**

- A. Case No. 220812010; Robbie Lee Melear and Tammy Lynn Jordan, 1004 Northwest 6<sup>th</sup> Street [Legal Description: East half of Lot 15 and all of Lot 16 of Block 17, NORTHWEST ADDITION TO OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records].

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 and International Property Maintenance Code (IPMC) Chapter 3, Section 304.1.1 Unsafe conditions, for overgrown vegetation all over the property, the structure needs to be secured and the roof replaced. The respondent is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on July 28, 2022. The property was inspected and found to be non-compliant on August 11, 2022. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified returned receipt on August 12, 2022. The notice was returned/unable to forward on August 23, 2022. The property was inspected by Building Official Jeff Newell and A Notice of Condemnation was posted on August 22, 2022. A Notice to Appear was posted on the property and on the public notices board at City Hall on August 25, 2022. The property was inspected and found to be non-compliant on September 6, 2022. To comply with City Ordinances the property owner needs to remove all the overgrown vegetation, repair or replace the roof, secure the structure and general cleaning and maintenance of the structure and property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on September 13, 2022, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

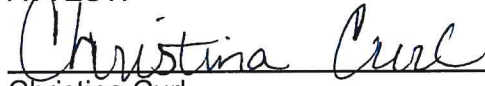
Based on the evidence provided, **Special Magistrate Azcona found Case No. 220812010 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and IPMC Chapter 3, Section 304.1.1 Unsafe conditions and imposed a fine of \$50.00 per 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. ADJOURN MEETING**

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:49 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.