



## CITY OF OKEECHOBEE CODE ENFORCEMENT JULY 11, 2023, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

### I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, July 11, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3<sup>rd</sup> Avenue (Ave), Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Special Magistrate Azcona.

### II. ATTENDANCE

Code Enforcement Officer Christina Curl called the roll: Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present. City Attorney John Fumero attended via Zoom.

### 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 dispensed with the reading and approved the June 13, 2023, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl, and Mr. Ben Purvis; all affirmed. Code Officers Smith and Curl 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. 190411010; Kemp Properties of Okeechobee c/o Ben Purvis, 909 South (S) Parrott Ave, Okeechobee [Legal Description: Unplatted land of the City Parcel 1: commencing at the Northeast (NE) corner of the NE quarter of the SE quarter of Section (SEC) 21, Township (TWP) 37 S, Range (RAN) 35 East (E) run thence S 0°0'58" West (W) along the E line of SEC 21 a distance of 611.6-feet (ft) to the point of beginning (POB); thence run S 89°52'39" W a distance of 357.16-ft, more or less, to the E right-of-way (ROW) line of U.S. Highway 441; thence run S 0°06'47" W along said ROW line a distance of 100-ft; thence run North (N) 89°52'39" E a distance of 357.4-ft, more or less, to the E line of SEC 21; thence run N 0°00'58" E along the E line of SEC 21, a distance of 100-ft to the POB. Note: the above-described tract is subject to a storm sewer easement with the Florida Department of Transportation which is across the Southern 7.5-ft of said tract, and more fully described in OR Book 241, at Page 1356, Okeechobee County public records. Parcel 2: being a parcel of land lying in SEC 21, TWP 37 S, RAN 35 E, CITY OF OKEECHOBEE, and being further bounded and described as follows: commence at the NE corner of the SE quarter of SEC 21; thence S 0°18'42" E along the Easterly boundary line of said SEC 21 a distance of 604.05-ft to a point; thence S 89°49'41" W a distance of 131.54-ft to the POB; thence continue S 89°49'41" W a distance of 225.00-ft to a point lying on the Easterly ROW line of S.R. 15 (US 441); thence N 0°10'19" W along said Easterly ROW line a distance of 30.00-ft; thence N 89°49'41" E a distance of 225.00-ft; thence S 0°10'19" E a distance of 30-ft to the POB. Parcel 3: commencing at the NE corner of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, run thence S 0°18'42" W along the E boundary line of said SEC 21, for a distance of 604.05-ft for POB.; thence run S 89°49'41" W for a distance of 356.54-ft to a point on the E ROW line of S.R. 15 (U.S. 441); thence run S 0°10'19" W along said ROW line for a distance of 7.50-ft; thence run N 89°49'41" E for a distance of 356.56-ft to a point on the aforesaid E boundary line of SEC 21; thence run N 0°18'42" E along the SEC line for a distance of 7.50-ft to the POB lying in and comprising a part of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, 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 August 13, 2019, where a fine in the amount of \$50.00 per day starting 30-days after the date of the Hearing, plus a one-time \$25.00 administrative fee was imposed. The imposed fine began accrual on September 27, 2019. The property was brought into compliance on September 21, 2022. Mr. Purvis submitted a request for a fine reduction on April 25, 2023. Mr. Purvis appeared before the Special Magistrate on May 9, 2023 and conveyed his explanations and reasonings for why the property remained in violation for an extended length of time and requested that the fine be reduced to zero due to the circumstances. Special Magistrate Azcona deferred ruling to the June 13, 2023 Hearing to allow the property owner time to provide documentation and to review the file. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) certified return receipt on May 10, 2023. The notice was received by Ben Purvis on May 13, 2023. Special Magistrate Azcona deferred ruling again to the July 11, 2023 Hearing to review the file. A SOV/NOH was mailed via USPS certified return receipt

## V. FINE REDUCTION REQUESTS CONTINUED

- A. Case No. 190411010; CONTINUED: on June 14, 2023. The notice was received by Ben Purvis on June 30, 2023. The City recommends a fine reduction of 60 percent, plus a \$25.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona ruled to reduce the fine by 60-percent reducing the fine to \$21,740.00, plus a \$25.00 administrative fee.**

## VI. NEW CASES

- A. Case No. 230524009; Angela D. Waldron, 114 Northwest (NW) 9<sup>th</sup> Street (St), Okeechobee [Legal Description: Lots 21, and 22 of Block 37, CITY OF OKEECHOBEE, Plat Book 1, Page 10, 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. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on May 9, 2023. The property was inspected and found to be non-compliant on May 23, 2023. A SOV/NOH was mailed via USPS certified return receipt on May 24, 2023. The notice was returned on June 28, 2023. The property was inspected and found to be non-compliant on June 14, 2023. A Notice to Appear was posted on the property and on the public notices board at City Hall on June 22, 2023. A SOV/NOH was mailed via USPS certified return receipt on June 28, 2023. The City has not received the SOV/NOH nor receipt of the signature card as of the date of this Hearing. The property was inspected and found to be non-compliant on July 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on July 11, 2023, 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. 230524009 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. 230526008; I Know Someone! LLC, whose business address is 1728 Southwest (SW) 8<sup>th</sup> St, Okeechobee.

Code Officer Smith testified that the business is in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations for non-renewal of their local Business Tax Receipt (BTR) and engaging in business within the City without first procuring a local BTR. The respondent is not a repeat violator. A Delinquency Letter was mailed via USPS certified return receipt on March 14, 2023. The City has not received the Delinquency Letter nor receipt of the signature card as of the date of this Hearing. The respondent was found to be non-compliant on April 19, 2023 and May 25, 2023. A SOV/NOH and Delinquency Letter mailed via USPS certified return receipt on May 26, 2023. The notices were received by David Packard on June 2, 2023. The respondent was found to be non-compliant on July 5, 2023. To comply with City Ordinances the business owner needs to renew their BTR or provide a written notice to close the account. The City recommends a fine of \$125.00 per day to begin 21-days after the Special Magistrate Hearing on July 11, 2023, unless the business comes into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230526008 to be in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations and imposed a fine of \$125.00 per day plus a one-time administrative fee of \$50.00 should the business fail to come into compliance within 21-days after the date of this Hearing.**

## VII. REPEAT VIOLATORS

- A. Case No. 230621009; Grand Lake Investments Inc, NW 5<sup>th</sup> St, Okeechobee [Legal Description: Lots 20, 21, and W half of Lot 22 of Block 99, CITY OF OKEECHOBEE, Plat Book 5, Page 5, 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. The respondent is a repeat violator, prior Case No. 220601005. A SOV/NOH was mailed via USPS certified return receipt on June 21, 2023. The notice was received on June 26, 2023. A Notice to Appear was posted on the property and on the public notices board at City Hall on June 22, 2023. The property was inspected and found to be non-compliant on July 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic appearance of the property or adjacent properties. The City recommends a fine of \$150.00 per day, to begin 21-days after the Special Magistrate Hearing on July 11, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230621009 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 \$150.00 per day plus a one-time administrative fee of \$100.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

## VIII. COMPLIED CASES

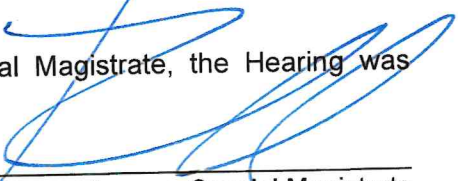
- A. Case No. 230515009; Alan P. Miller, 400 SE 7<sup>th</sup> St, Okeechobee [Legal Description: Lot 12, and E half of SE 4<sup>th</sup> Ave lying W of Lot 12, and N half of adjacent alley of Block K, CENTRAL PARK, AN ADDITION TO THE CITY OF OKEECHOBEE, Plat Book 2, Page 39, Okeechobee County public 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, the property was found to be in compliance on June 26, 2023, no Lien/Order recorded, no fine accrued.
- B. Case No. 230524012; Glenwood Park LLC c/o Frank M. Stephens, 309 NE 4<sup>th</sup> St, Okeechobee [Legal Description: Lots 1 to 12 inclusive, of Block 110, together with the vacated alley shown in Ordinance No. 1231 and recorded in Official Records File No. 2022003840, CITY OF OKEECHOBEE, Plat Book 1 and Plat Book 5, Page 10 and 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, the property was found to be in compliance on June 14, 2023, no Lien/Order recorded, no fine accrued.
- C. Case No. 230524013; Glenwood Park LLC c/o Frank M. Stephens, NE 4<sup>th</sup> St, Okeechobee [Legal Description: Lots 1 to 12 inclusive, of Block 121, together with the vacated alley shown in Ordinance No. 1232 and recorded in Official Records File No. 2022003841, CITY OF OKEECHOBEE, Plat Book 1 and Plat Book 5, Page 10 and 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, the property was found to be in compliance on June 14, 2023, no Lien/Order recorded, no fine accrued.
- D. Case No. 230526010; Lexon Insurance Company, whose business address is 11405 N Community House Road (Rd), Suite 600, Charlotte, NC, 28211. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on June 27, 2023, no Lien/Order recorded, no fine accrued.
- E. Case No. 230526011; MarkIV Consultants LLC, 608 NE 2<sup>nd</sup> Ave, Suite B, Okeechobee [Legal Description: Lots 3, 4, 5, and 6 of Block 78, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records].


VIII. COMPLIED CASES CONTINUED

- E. Case No. 230526011; CONTINUED: No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on June 21, 2023, no Lien/Order recorded, no fine accrued.
  
- F. Case No. 230526012; Mid State Fire Equipment Inc, whose business address is 1908 Chota Rd, Maryville, FL, 37803. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on June 12, 2023, no Lien/Order recorded, no fine accrued.
  
- G. Case No. 230526013; Middlesex Insurance Company, whose business address is 1800 N Point Drive, Stevens Point, WI. 54481. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 50, Sections 50-36 Issuance of local business tax, 50-43 Penalties for violation of local business tax regulations, the business was found to be in compliance on June 21, 2023, no Lien/Order recorded, no fine accrued.
  
- H. Case No. 230601009; Matthew Nesbitt, 509 SW 2<sup>nd</sup> Ave, Okeechobee [Legal Description: Lots 7, 8, 9, 10, 11, and 12 of Block 219, and that certain alleyway running E and W in Block 219. Said alleyway being located between Lots 7, 8, and 9 of said Block 219 on the N side thereof and between Lots 10, 11, and 12 of said Block 219 on the S side thereof, FIRST ADDITION TO OKEECHOBEE, Plat Book 1 and Plat Book 5, Page 11 and 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 Florida Building Code Chapter 1, Section 105 Permits, the property was found to be in compliance on June 9, 2023, no Lien/Order recorded, no fine accrued.
  
- I. Case No. 230621010; Nika's Investments of FL. Inc, 814 SE 8<sup>th</sup> St, Okeechobee [Legal Description: Lot 7 of Block 5, REVISED PLAT OF WILCOX SHORES, Plat Book 3, 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, the property was found to be in compliance on July 3, 2023, no Lien/Order recorded, no fine accrued.

IX. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:12 P.M.

  
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Roger Azcona, Special Magistrate

ATTEST:  
  
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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.