



**CITY OF OKEECHOBEE CODE ENFORCEMENT
MARCH 8, 2022, SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, March 8, 2022, at 6:01 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, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 February 8, 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. COMPLIED CASES

A. Case No. 200824010; Yvette Banner, 913 Northwest 9th Street [Legal Description: Lot 7 of Block 43, 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 that the evidence gathered, and the lien/order recorded on this case was filed on the incorrect address. A Release of Lien was recorded on February 14, 2022, releasing the property of all sanctions.

VI. CONTINUED CASES

A. Case No. 210125007; Glenn Frank Prescott, 1009 Southwest Park Street [Legal Description: Lot 3 and West half of Lot 2 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, 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 for an unsecured house, house in need of being cleaned, overgrown grass, weeds, trees, bushes, and shrubs. A Statement of Violation/Notice of Hearing (SOV/NOH) was hand delivered to Mr. Prescott on February 16, 2022. Code Officer Smith met with Mr. Prescott at the property to advise him on what needed to be done to bring the property into compliance on February 17, 2022. The property was inspected and found to be non-compliant on March 1, 2022. To comply with City Ordinances, the property owner needs to cut all the overgrown vegetation, clean and secure the home. The City recommends a fine of \$25.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on March 8, 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. 210125007 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 \$25.00 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. NEW CASES

A. Case No. 220126008; Nika's Investments of FL, 814 Southeast 8th Street [Legal Description: Lot 7 of Block 5, REVISED PLAT OF WILCOX SHORES, Plat Book 3, Page 5, Okeechobee County public records].

VII. NEW CASES CONTINUED

- A.** CONTINUED: 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 trash and debris in the rear and on the sides of the property. The property is not a repeat violator. A Courtesy Card was via United States Postal Service (USPS) on January 3, 2022. The property was inspected and found to be non-compliant on January 25, 2022. A SOV/NOH was mailed via USPS certified return receipt on January 26, 2022. The notice was received on January 29, 2022; however, the return receipt was unsigned. The property was inspected and found to be non-compliant on February 14, 2022. A Notice to Appear was posted on the property and on the public notices board at City Hall on February 22, 2022. The property was inspected and found to be non-compliant on March 1, 2022. To comply with the City's Code of Ordinances, the property owner needs to remove all trash and debris and clean up the toys by placing them neatly against the building. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of this Hearing, 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. 220126008 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.**

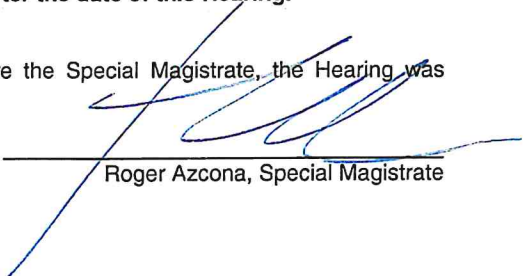
- B.** Case No. 220128007; Perry Sylvester Arnold, Jr., 620 Northeast 4th Avenue [Legal Description: Lots 5 and 6 of Block 80, OKEECHOBEE, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 82, Section 82-124 Permits for an untagged vehicle, junk and debris covering the entire property, exterior of home in need of cleaning, stacks of lumber and tires and electrical cords all over the yard and two unpermitted structures. The respondent is not a repeat violator. A SOV/NOH was mailed via USPS certified return receipt on January 28, 2022. The notice was received by Perry Sylvester Arnold on February 2, 2022. The property was inspected and found to be non-compliant on February 14, 2022, and March 1, 2022. To comply with City Ordinances, the property owner needs to remove the untagged vehicle, all the junk and debris from the property, obtain permits for the two structures and clean the exterior of the home. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on March 8, 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. 220128007 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances 30-44 General cleaning and beautification, Chapter 82, Section 82-124 Permits 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 6:23 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.