



CITY OF OKEECHOBEE CODE ENFORCEMENT APRIL 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, April 12, 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; Item VII.A, Case No 200616010; Okeechobee Church Old Regular was added to the agenda to be heard before Item V.A, Case No. 220112002; Straat Car Wash Property LLC.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

- A. Special Magistrate Azcona approved the March 8, 2022, Hearing Minutes.
- B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, and Mr. Warren Kelly; 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. 220112002; Straat Car Wash Property LLC, 906 South Parrott Avenue [Legal Description: Lots 3,4, and 5 of Block 6, SOUTH OKEECHOBEE, Plat Book 1, Page 12, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of International Property Maintenance Code Chapter 3, Section 304.1.1 Unsafe conditions and Florida Building Code Chapter 1, Section 105 Permits.

VI. NEW CASES

- A. Case No. 220222009; Freddie and Ruby Minton, 302 Northeast 8th Avenue [Legal Description: Lot 17, RIVER RUN RESORT Plat Book 6, Page 18, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles for multiple unregistered/inoperable vehicles on the property. The respondent is a repeat violator. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United States Postal Service (USPS) on February 22, 2022. The notice was received by Ruby Minton on February 26, 2022. The property was inspected and found to be non-compliant on March 23, 2022 and April 5, 2022. To comply with City Ordinances, the property owner needs to remove the disabled vehicles from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on April 12, 2022, unless the property owner brings the property into compliance before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 220222009 to be in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles and imposed a fine of \$50.00 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.**

- B. Case No. 220222010; Carole Rosenberg LLC, 822 Southeast 8th Street [Legal Description: Lot 9 of Block 5, WILCOX SHORES, Plat Book 3, Page 5, Okeechobee County public records].

VI. NEW CASES CONTINUED

B. CONTINUED: Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-44 General cleaning and beautification for untagged/disabled vehicle, and overgrown grass and weeds. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on February 7, 2022. The property was inspected and found to be non-compliant on February 22, 2022. A SOV/NOH was mailed via USPS certified return receipt on February 22, 2022. The notice was received by C. Rosenberg, COVID 19 on March 4, 2022. The property was inspected and found to be non-compliant on March 1, 2022, March 23, 2022, and April 5, 2022. To comply with City Ordinances, the property owner needs to cut the overgrown grass and weeds, properly register, and tag the vehicle or remove the vehicle from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the date of the Special Magistrate Hearing on April 12, 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 ruled to defer Case No. 220222010 to the next Special Magistrate Hearing and instructed the Code Enforcement Staff to post the property to ensure the property owners have been properly noticed.**

VII. FINE REDUCTION REQUESTS

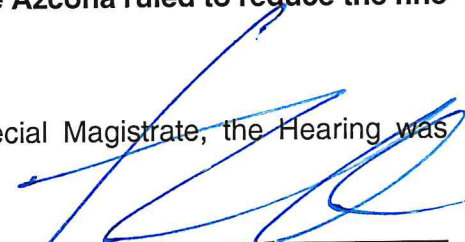
A. Case No. 200616010; Okeechobee Church Old Regular, 201 Southwest 10th Avenue [Legal Description: Commencing at the Southwest corner of Block 200, CITY OF OKEECHOBEE, Okeechobee County, Florida, run thence South along the East right of way (ROW) line of Pensacola Street for a distance of 180.00-feet for the point of beginning (POB). Thence continue South along the East ROW line of said Pensacola Street for a distance of 40.00-feet, thence run Easterly parallel with the South ROW line of Tuscaloosa Street for a distance of 100.00-feet, thence run North for a distance of 40.00-feet, thence run West for a distance of 110.00-feet to a POB. Commencing at the Southwest corner of Block 200, CITY OF OKEECHOBEE, run thence South along the East ROW line of Southwest 10th Avenue for a distance of 220.00-feet for POB; thence run East, parallel with the South boundary line of said Block 200 for a distance of 185.00-feet, thence run South, parallel with the East ROW line of said Southwest 10th Avenue for a distance of 50.00-feet, thence run West, for a distance of 185.00-feet, to point on the East ROW line of the aforesaid Southwest 10th Avenue thence run North along the ROW line for a distance of 50.00-feet to POB, commencing at point on the East line of Pensacola Street 345.00-feet South of the South line of South Park Street, run thence East along the South boundary line of Tuscaloosa Street and parallel with the South boundary of Block 200, CITY OF OKEECHOBEE, for a distance of 110.00-feet for POB; thence continue East for a distance of 75.00-feet, thence continue East for a distance of 75.00-feet, thence run South parallel with the East ROW line of the aforesaid Pensacola Street for a distance of 150.00-feet, thence run West for a distance of 75.00-feet, thence run North for a distance of 150.00-feet to POB, lying in and comprising a part of Section 21, Township 37 South, Range 35 East].

Code Officer Smith testified that the property was found in violation of the Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification on January 12, 2021, where a fine in the amount of \$10.00 per day starting 21 days after proper notification plus a one-time \$50.00 administrative fee was imposed. The imposed fine began accrual on June 8, 2021. The property was brought into compliance on April 4, 2022. The City recommends a fine reduction of 75 percent, plus a \$50.00 administrative fee, reducing the fine from \$2,990.00 to \$747.50 plus the \$50.00 administrative fee, totaling \$797.50.


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

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:31 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.