



**CITY OF OKEECHOBEE CODE ENFORCEMENT
CODE SPECIAL MAGISTRATE HEARING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FLORIDA 34974
OFFICIAL MINUTES
JUNE 9, 2020
6:30 P.M.**

I. CALL TO ORDER

- A. Special Magistrate Roger Azcona called the Hearing to order at 6:30 P.M.
- B. The Pledge of Allegiance was offered by Special Magistrate Azcona.

II. ATTENDANCE

Code Enforcement Secretary Melissa Close called the roll. Special Magistrate Roger Azcona, Esquire, City Attorney Carlyn H. Kowalsky, and Code Officer Fred Sterling were present. Police Lieutenant Justin Bernst was absent with consent.

III. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

Special Magistrate Azcona approved the March 10, 2020, Hearing minutes.
Code Enforcement Secretary Close Administered the Oath to Code Officer Sterling and Mr. Leon Edouard.

IV. CHANGES TO AGENDA

There were (9) Nine Cases that were deferred until the next scheduled hearing.

- A. Case Number 191107027; Michele Watson and Perry Johnny, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- B. Case Number 191010006; Augustin Mendoza, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- C. Case Number 190904005; Manuela Pineda, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- D. Case Number 191115015; Blue Springs Holdings LLC, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- E. Case Number 191114002; Yvette Banner, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- F. Case Number 200128021; Forest Gainer, (Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- G. Case Number 200520004; Paula Garrard,(International Property Maintenance Codes- 108.1.1 Unsafe Structure, 108.1.3 Structure Unfit for Human Occupancy, 108.1.5 Dangerous Structure or Premises, 302.1 Sanitation 302.5 Rodent Harborage 304.1.1, Unsafe Conditions, 304.7 Roof Drainage, 305.4 Stairs or Walkway Surface, 308.1 Accumulation of Rubbish or Garbage and 309.1 Infestation).
- H. Case Number 200406017; Joseph Danna, (Chapter 30 Section 30-41 Inoperable/Abandoned Vehicle, Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.
- I. Case Number 190712014; Heidi Sherer, (Fine Reduction Request: Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification) City of Okeechobee Ordinances.

V. CASES COMPLIED, CONTINUED OR AMENDED

- A. Case Number 190712004; needs to be amended from the old lien which had the incorrect name and parcel number, per Code Officer Sterling. Per Special Magistrate Azcona the lien order was amended to the following: David Daniels R III and parcel number 3-15-37-35-0010-01700-0010.

- B.** Case Number 191202004; was found to be complying Due to Code Officer Sterling's Testimony of City Code of Ordinances Chapter 30, Section 30-44 General Cleaning and Beautification. The property owner and legal description is listed as follows: Raulerson & Raulerson 401 Southwest Park Street, Okeechobee, Florida [Legal: Lot 1, in block 166 of Okeechobee, Plat Book 5 at Page 5] of the Public Records of Okeechobee County, Florida.
- C.** Case Number 190925012 was found to be complying on June 8, 2020 Due to Code Officer Sterling's Testimony of City Code of Ordinances Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. The property owner and legal description is listed as follows: Morgan Family Holdings II, LLC Southwest Park Street, Okeechobee, Florida [Legal: A parcel of land lying in Section 21, Township 37 South, Range 35 East, Okeechobee County, Florida. Plat Book 788 Page 542]

VI.

There were no repeat violations scheduled to be heard.

VII.

NEW CASES

- A.** Case Number 190927004; Omar Abuaita 300 Block Northwest 9th Street, Okeechobee, Florida [Legal: Lots 17,18,19,20,21,22,23,24,25 and 26 of Block 39, City of Okeechobee, Florida, Plat Book 5, Page 5, public records of Okeechobee County, Florida]. Was found in violation of Chapter 30 Section 30-43 Public Nuisance, Due to Officer Sterling's Testimony. Sterling's stated that the property has a fence around a retention pond, and it looks like a vehicle has hit the fence to cause damage. Special Magistrate asked Code Officer Sterling if they had been notified? Office Sterling stated that they have received the green card and have not bothered to communicate with us. Magistrate Azcona imposed a fine of \$50.00 per day 15 days after proper notification along with a \$50.00 Administrative Fee.
- B.** Case Number 20031003; Ma C Cervantes and Lara Herlinda 209 Southwest 7th Avenue, Okeechobee, Florida [Legal: Lots 6 and 7, Block 178, Town of Okeechobee, Plat Book 5, Page 5, Public Records of Okeechobee County Florida]. Was found in violation of Chapter 30-43 Public Nuisance, Due to Code Officer Sterling's Testimony. Sterling stated that the property has a bunch of mattresses and household debris in the back yard. He stated that when he went to check the property before the hearing, they had moved the mattresses to the side of the road and that the other debris remained where it was originally. Due to Officer Sterling's Testimony Special Magistrate Azcona imposed a fine of \$50.00 per day to start 15 days after proper notification with a \$50.00 Administrative Fee.
- C.** Case Number 191107023; David Altman 1105 Southwest 11th Drive, Okeechobee, Florida [Legal: Lot 5, Block 3, Okeechobee Heights, Plat Book 1, Page 12, Public Records of Okeechobee County, Florida]. Was found to be in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification, Due to Code Officer Sterling's Testimony. Sterling stated that the property basically needs general cleaning. Special Magistrate asked if the violation was just the tree debris at the side of the road? Officer Sterling stated that they also have multiple dog pens that are falling apart and need to be removed or repaired. Special Magistrate Azcona imposed a fine of \$10.00 per day to start 15 days after proper notification along with a \$50.00 Administrative Fee.
- D.** Case Number 200423009; Okeechobee Lake Corporation 1100 South Parrott Avenue, Okeechobee, Florida [Legal: Lots 1,2,3,7,8 and 9, Block 16 Less the West 15 Feet of Lots 7,8 and 9, South Okeechobee, Plat Book 5, Page 7, Public Record of Okeechobee County, Florida]. Was found in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. Officer Sterling Testified that the property needs mowing and has debris that needs to be removed. Sterling also stated that he has had multiple phone calls from Okeechobee Utility Authority that the grease pit on the back side of the property is wide open. He stated that this is extremely dangerous not only for children to fall into but animals. Special Magistrate asked if we had any contact

with the owners. Sterling stated that he had been in touch with Century 21, the realtor and that they were going to try to get in touch with the owners of the property. Magistrate Azcona imposed a fine of \$50.00 per day 7 days after proper notification for the grease pit to be covered. Pertaining to the rest of the property Azcona imposed a fine of \$25.00 per day 30 days after proper notification and if at that time they were still in violation a fine of \$75.00 per day was to be imposed. He stated that a \$50.00 Administrative fee was also to be include.

E.

Case Number 200413005; Graciela Segura 1104 Southwest 10th Street, Okeechobee, Florida [Legal: Lots 16 and 17, Block 19, Southwest Addition to Okeechobee, Plat Book 2, Page 7, Public Records of Okeechobee County, Florida]. Was found in violation of Chapter 30 Section 30-43 Public Nuisance and Section 30-44 General Cleaning and Beautification. Officer Sterling Testified that the property is being rented and that they had people living in a out building along with a R.V. He stated that the R.V. is gone now and that the property is full of debris and has a pig in a pen. Officer Sterling stated that he has had multiple complaints from the neighbors regarding the smell. He also stated that our codes state that you can have animals but can have no odor or noise in relations to them. Special Magistrate Azcona asked how many pigs are in the pen on the property. Sterling stated that we did not know, for we are not allowed on the property. Azcona imposed a fine of \$50.00 per day to start 14 days after proper notification with a \$50.00 Administrative Fee.

F.

Case Number 200513010; Andrew Doe 1410 Southwest 5th Avenue, Okeechobee, Florida [Legal: Portion of Block D, Oak Grove Addition to City of Okeechobee, Plat Book 2, Page 86, Public Records of Okeechobee County]. Was found in violation of Chapter 30 Section 30-43 Public Nuisance, Section 30-44 General Cleaning and Beautification, Chapter 50 Section 50-41 Commercial Vehicle in Residential Neighborhood. Officer Sterling testified that Mr. Doe bought the property sometime last year. He stated that Mr. Doe is running a wrecker type of business on the property, parking a low boy trailer and the cab with a service truck on the property. Sterling stated that we have had multiple calls from the neighbors complaining. He also stated that our codes state that residential areas cannot park semi-trucks on the property unless loading or unloading for 1 hour in a 24-hour period. Special Magistrate Azcona asked Code Officer sterling if he has had any communication with Mr. Doe? Sterling stated that he had, and Mr. Doe was to move the vehicles. To date nothing has been done, per Sterling. Special Magistrate Azcona imposed a fine of \$50.00 per day to start 14 days after proper notification with a \$50.00 Administrative Fee.

G.

Case Number 200526012; Ruiz Investments LLC 625 Northwest Park Street, Okeechobee, Florida [Legal: Lots 11 and 12 and the East One Half of Lot 10, Block 149, City of Okeechobee, Plat Book 5, Page 5, Public Records of Okeechobee County, Florida]. Was found in violation of Chapter 30 Section 30-43 Public Nuisance. Code Officer Sterling testified that the neighbors next to the property have been calling regarding the buzzards. Upon his inspection Officer Sterling noticed that the dumpsters were over full, and the lids were wide open. He also testified to multiple issues on the property by the dumpster area. Sterling stated that there was trash everywhere and that they also had paint or oil containers along the fence line. Sterling noted that the grease was so bad, you could see it had staturated the ground. Special Magistrate Azcona asked if he had contact with the owners of the property, and Sterling stated that he had spoken to the managers on multiple occasions. Sterling also stated that he mentioned to them that they should get ahold of waste management to see if they could get more frequent garbage pickups. Officer Sterling went and checked the property prior to the hearing, and nothing had been done. Special Magistrate Azcona imposed a fine of \$100.00 per day to start 7 days after proper notification, after 14 days if nothing has been done on the property to comply the fine is to increase to \$250.00 per day. A \$50.00 Administrative fee is to be included.

VIII.

There was (1) One Fine Reduction Request Case:

- A.** Case Number 190626010; Leon and Tisha Edouard 903 Southeast 8th Avenue, Okeechobee, Florida [Legal: Lot 25 of Okeechobee Estates, Plat Book 3, Page 20, Public Records of Okeechobee, Florida]. Was found to be in violation of International Property Maintenance Codes, Section 108.1.1, 108.1.3 and 108.1.5 As well as City of Okeechobee Ordinances Chapter 30 Section 30-43 Public Nuisance and Florida Building Code Section 202. This property was fined \$50.00 starting August 28, 2019 and ran for a total of 195 days. The total amount due is \$9,775.00. Mr. Edouard was sworn in, and Special Magistrate Azcona asked if he was here to request a fine reduction on the property at 903 Southeast 8th Avenue? Mr. Edouard stated that yes, he was. Mr. Edouard went on to state that the roof was bad, and he had to get a contractor to fix the violation. He stated that the last time he was in front of the Magistrate he was given 2 weeks to get the work completed and signed off by the City Inspector. Officer Sterling stated that this property has been an issue for a few years and that they are repeat offenders. Sterling stated that he would recommend a reduction of 30% of the total amount due, that would make it a 70% reduction. Azcona asked City Attorney if there was anything that she would like to add? City Attorney Kowalsky stated No but explained to Mr. Edouard that the process would be to recommend the fine reduction request to the City Council, and that whatever the Magistrate recommended would be brought Infront of them at the next scheduled meeting. Special Magistrate Azcona asked Mr. Edouard, is this something you will be able to pay if approved? Mr. Edouard said no not at this time, but whatever the City Council decided he would have to take care of it. Azcona asked what the amount would be if the reduction was approved at 30%. Code Enforcement Secretary Melissa Close stated the amount would be brought down to \$2,932.50, 30% of the \$9,775.00. Azcona asked Mr. Edouard what would he be willing or able to do? Edouard stated that he could not do much, but he could do nothing about the decision. Azcona asked Edouard if he could possibly do a payment plan and how much could he do? Mr. Edouard stated that he would do whatever they decided and would just have to make it work. Azcona asked Edouard if he could pay \$500.00 down and \$200.00 per month until reduction amount was payed off? Mr. Edouard stated that yes, he could do that. Azcona stated that if he pays the payments consistently, we could revisit the case next year and see if we could do away with the final amount owed.

IX.

ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:18 P.M.

ATTEST:

Roger Azcona, Special Magistrate

Melissa Close, Secretary

PLEASE TAKE NOTICE AND BE ADVISED that if any person desires to appeal any decision made by the Special Magistrate with respect to any matter considered at this proceeding, such interested person will need a record of the proceeding, and for such purpose may need to ensure 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 recordings are for the sole purpose of backup for official records of the Clerk. In accordance with the Americans with Disabilities Act (ADA), any person with a disability as defined by the ADA, that needs special accommodation to participate in this proceeding, contact the Code Enforcement Secretary no later than two business days prior to proceeding, 863-763-3372 ext. 9802.

BE ADVISED that should you intend to show any document, picture, video, or item to the Council in support or opposition to any item on the agenda; a copy of the document, picture, video, or item must be provided to the Board Secretary for the City's records.