

**MINUTES**  
**Code Enforcement Special Magistrate**  
**City of Lake Alfred**  
**City Hall**  
**March 17, 2022**  
**3:00 p.m.**

**Special Magistrate Mawhinney** called to order the Code Enforcement Special Magistrate meeting at 3:01 p.m., explained the general procedures, and conducted the swearing-in ceremony. All audience members and city staff in attendance took the oath.

**Staff in attendance:** Assistant City Attorney Seth Claytor, Community Development Director Ameer Bailey, Building Inspector Timothy Otte, Fire Chief Wallace Nix, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

**Special Magistrate Mawhinney** approved the February 17, 2022, Special Magistrate Code Enforcement meeting minutes.

**SUPPLEMENTAL ORDER IMPOSING FINE**

1. Case 2021-00020  
Sharon D Atkins  
625 S. Winona Ave.  
Parcel # 26-27-32-502800-000620

The respondent Sharon Atkins was in attendance.

**Code Enforcement Officer Watson** presented the case.

**Ms. Atkins** said the violations were not yet remedied. She said they were working on eliminating the issue but it is still not completed. Mrs. Watkins's son stated he could have it gone in three days except for the boat.

**Special Magistrate:** Approved the supplemental order of fines for \$18,200, and assessed the city's administrative costs of \$39.71 payable within thirty (30) days.

**ORDER IMPOSING FINE**

2. Case # 2021- 00027  
Lim La Properties  
725 S Lake Shore Way  
Parcel # 26-27-32-501000-007050

The respondent Christy Barnes in attendance. The respondent's attorney, Christine Berk, was in attendance.

**Code Enforcement Officer Watson** presented the case.

**Christy Barnes** said she had reached out to the Dollar General Corporate Offices and also the local management. She said they have not been responsive to her requests. She said they would go ahead and pull the permits for the fence and the screen enclosure and send them a bill.

**Special Magistrate:** Approved fines of \$12,200, and assessed the city's administrative costs of \$41.81 payable within thirty (30) days.

OLD BUSINESS:  
FINE REDUCTION

3. Case # 2021-00023  
Justin Ruiz Camacho  
635 Grapefruit Ave  
Parcel # 26-27-28-493500-004060

The respondent was not in attendance. His step-father **Alex Alejandro** was there to represent his son. He said his son did not understand he had to call for an inspection when the property was in compliance. He shared that the delay was due to covid and his son's wife was expecting. He said the yard was remediated the first week of December.

**Code Enforcement Officer Watson** said they had continued to make steady progress in cleaning up the property.

**Special Magistrate Mawhinney**, on Case No. 2021-00023 for Justin Ruiz Camacho, found the property in compliance. He reduced the fine to \$250.00 and assessed the city's administrative costs for this hearing of \$13.21. The fines and costs are payable within thirty (30) days, or the fine reduction will be voided.

NEW BUSINESS:  
ORDER FINDING VIOLATION  
FIRST OFFENSE

4. Case # 2021-00043  
Event Place at Lake Alfred LLC  
6441 Hwy. 17-92  
Parcel # 26-27-27-490100-000507

City Codes Cited:

Section: 32-1 (LAC) Nuisance declared  
Section: 32-2 (LAC) Property owner's duty to clear land and sidewalks  
Section: 106.3 (MPMC) Declaration of nuisance; demand for correction  
Section: 301.3 (MPMC) Vacant structures and land  
Section: 302.1 (MPMC) Sanitation and storage of materials  
Section: 302.4 (MPMC) Weeds and overgrowth  
Section: 309.1 (MPMC) Infestation

The respondent was not in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist and continue to exist, allow thirty (30) days for correction or a \$100 per day fine, and assess the city's administrative costs of \$74.87.

**Special Magistrate:** Found the property in violation. Allowed for thirty (30) days to bring the property into compliance or a \$100.00 per day fine will commence accruing. Assessed the city's administrative costs of \$74.87 payable within thirty (30) days.

5. Case #2021-00060

O & O Property Group LLC  
680 E. Haines Blvd.  
Parcel #: 26-27-33-516000-001140

City Codes Cited:

Section 106.3 Declaration of a nuisance; demand for correction  
Section 108.1.3 Structure unfit for human occupancy  
Section 108.1.5 (2), (6), (7), (9) Dangerous structure or premises.  
Section 108.8 Boarded up structures.  
Section 302.7 Accessory structures.

The respondent Omar Arroyo was in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist and continue to exist, allow thirty (30) days for correction or a \$100 per day fine, and assess the city's administrative costs of \$97.48.

**Omar Arroyo** said they were planning on fixing the property along with other projects but it has been difficult with the material shortage. He said they would do whatever they needed to do to make the city okay with it. He shared the home was structurally sound and spoke about the improvements they intended to make.

**Special Magistrate:** Found the property in violation. Allowed for Forty-Five (45) days to bring the property into compliance or a \$100.00 per day fine will commence accruing. Assessed the city's administrative costs of \$97.48 payable within thirty (30) days.

**Special Magistrate Mawhinney** called for case number 9 to be heard next. This is a repeat offense case.

9. Case # 2022-00013-R  
Carlos Valle  
290 Lake Shore Way  
Parcel # 26-27-32-503000-043030

City Codes Cited:

106.3 Declaration of a nuisance; demand for correction  
302.1 Sanitation and storage of materials  
ULDC Section 3.9.9 Portable Storage Container

The respondent Carlos Valle was in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations did exist but were remedied prior to the hearing, certify the fine of \$225.00 and assess the city's administrative costs of \$62.81.

**Mr. Valle** said he had never given anyone permission to use his property, he recently signed an agreement with the Police Department to monitor the property, and he was going to request a permit from the city to install a fence.

**Special Magistrate:** Found the property in compliance. He certified a one-day fine of \$100.00 and assessed the city's administrative costs of \$62.81 payable within thirty (30) days.

6. Case# 2022-00002  
Betty T. Conner  
390 W Davis Ave.  
Parcel # 26-28-05-524000-000900

City Codes Cited:

Section 32-2. - Property owner's duty to clear land and sidewalks  
Section 106.3 Declaration of a nuisance; demand for correction  
Section 301.3 Vacant structures and land  
Section 302.4 Weeds and overgrowth

The respondent was not in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist and continue to exist, allow fifteen (15) days for correction or a \$50.00 per day fine, allow for abatement for high weeds and grass, and assess the city's administrative costs of \$74.87.

**Special Magistrate:** Found the property in violation. Allowed for fifteen (15) days to bring the property into compliance or a \$50.00 per day fine will commence accruing. He authorized the abatement of high weeds and grass and assessed the city's administrative costs of \$74.87 payable within thirty (30) days.

7. Case# 2022-00003  
Dan or Elida Shepard  
1118 Cross Ave.  
Parcel # 26-28-05-523500-000360

City Codes Cited:

Section 32-2. - Property owner's duty to clear land and sidewalks  
Section 106.3 Declaration of a nuisance; demand for correction  
Section 301.3 Vacant structures and land  
Section 302.4 Weeds and overgrowth

The respondent was not in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist and continue to exist, allow fifteen (15) days for correction or a \$50.00 per day fine, allow for abatement for high weeds, and grass and debris removal, and assess the city's administrative costs of \$74.87.

**Special Magistrate:** Found the property in violation. Allowed for fifteen (15) days to bring the property into compliance or a \$50.00 per day fine will commence accruing. He authorized the abatement of high weeds and grass, as well as abatement of debris, and assessed the city's administrative costs of \$74.87 payable within thirty (30) days.

ORDER FINDING VIOLATION - REPEAT OFFENSE

8. Case # 2022-00012-R

Essie Mae & Andre McCullough  
670 Lemon St  
Parcel # 26-27-28-493500-005150

City Codes Cited:  
Section 302.4 - Weeds and overgrowth

The respondent was not in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist and continue to exist, certify a fine of \$2,850, authorize abatement, and assess the city's administrative costs of \$64.91.

**Special Magistrate:** Found the property in violation. Approved the fine of \$50.00 per day for a total of \$2,850. He authorized the abatement of the high weeds and grass and assessed the city's administrative costs of \$64.91 payable within thirty (30) days.

#### OTHER BUSINESS

10. Case # 2010-0825-091; Case # 2011-0428-100; Case # 2013-1017-180; Case # 2014-09-151; Case # 2015-05-095; and Case # 2017-00049.

Keith Klingensmith  
485 Buena Vista Dr. N.  
Parcel # 26-27-32-503000-009110  
Settlement Agreement

**Assistant City Attorney Claytor** presented the case. He explained the components of the settlement agreement which would consolidate the pending code enforcement cases dating back to 2010. He spoke about the previous foreclosure authorization and the negotiation of the settlement agreement with the respondent's attorney. The process and conditions of the settlement agreement were communicated with the Special Magistrate. The agreement would be considered by the City Commission and recorded in the public records in and for Polk County, Florida.

**Special Magistrate Mawhinney** recapped his understanding of the agreement.

A brief discussion ensued regarding the settlement term being twenty-four (24) months with the associated costs being paid over the term of the agreement, the city is entitled to an ex-parte order if the costs are not paid, any award of damages, and attorney fees for nonpayment would be placed in an escrow fund, and the property outside the city being debt-free. Further discussion surrounded the agreement acting as a security instrument, the costs the city has expended on the foreclosure process were secured against the homestead property, the importance of recording the document, and between the two cases, there were over 1M in accrued fines.

**Special Magistrate Mawhinney** approved the settlement agreement as presented.

The next hearing date is scheduled for April 21, 2022, at 3:00 p.m.

The Code Enforcement Special Magistrate was adjourned at 4:24 p.m.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC, City Clerk