

**MINUTES**  
**Code Enforcement Special Magistrate**  
**City of Lake Alfred**  
**City Hall**  
**October 21, 2021**  
**2:00 p.m.**

**Special Magistrate Mawhinney** called to order the Code Enforcement Special Magistrate meeting at 2:00 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 Official Mickey Madison, and City Clerk Linda Bourgeois.

**Special Magistrate Mawhinney** approved the September 16, 2021, Special Magistrate Code Enforcement meeting minutes.

**Special Magistrate Mawhinney** introduced the first case for consideration of a reduction in fines.

**FINE REDUCTIONS**

1. Case# 2020-00017  
Macedo, Francisco & Pineda, Eva  
635 E. Haines Blvd.  
Lake Alfred, Fl. 33850  
Parcel # 26-27-33-515510-000030

The respondent Eva Pineda was in attendance and Public Works Administrative Assistant Miriam Candelario was provided by the city staff as an interpreter.

**Community Development Director Bailey** provided the case details. She said the property issue had been resolved and was found to be in compliance. She said the staff's recommendation was for a 50% reduction in fines or a total of \$5,975 plus the total administrative costs of \$13.21 for today's hearing.

**Special Magistrate Mawhinney** asked what she would like for him to take into consideration.

**Eva Pineda** said through the translator that they did what they needed to comply. She said her son had been sick with ongoing cancer and they had a lot of medical bills.

A brief discussion ensued regarding the history of the case, the driveway being installed without a permit, the respondent working with city staff to achieve compliance, and the status of the driveway permit.

**Special Magistrate Mawhinney**, on Case No. 2020-00017 for Francisco Macedo and Eva Pineda, found the property in compliance. He reduced the fine by 90% for \$1,195 and assessed the city's administrative costs for this hearing of \$13.21. There were no outstanding administrative costs. The respondent was given thirty (30) days to pay \$1,208.21. If the total was not paid within thirty days, the fine reduction would be voided.

**Eva Pineda**, through the translator, asked if that was the final amount she needed to pay and also wanted to know if she could make payments on the fine.

**Community Development Director Bailey** said this was the conclusion of the violations but the permit was ready for her to pick up and it would still need to be closed out with an inspection. She said Ms. Pineda could make payments and explained the total amount must be paid within thirty (30) days.

#### SUPPLEMENTAL ORDER IMPOSING FINE

**Special Magistrate Mawhinney** introduced the next case.

2. Case # 2020-00018  
Jose Rodriguez  
325 E. Oak  
Lake Alfred, Fl. 33850  
Parcel # 26-27-32-502500-001010

#### Minimum Property Maintenance Code

- Section 106.3: Declaration of a nuisance; demand for correction
- Section 302.1: Sanitation and storage of materials
- Section 302.8: Motor Vehicles

#### Lake Alfred Code of Ordinances

- Section 54-92: Parking in designated zones prohibited, exceptions.

**Community Development Director Bailey** said the staff was agreeable to having the case postponed and shared the respondent had one more item to take care of before the property was to be found in compliance.

**Special Magistrate Mawhinney** said Case No. 2020-00018 would be continued until the October 27, 2021 hearing.

**Special Magistrate Mawhinney** introduced the next case.

3. Case # 2021-00025-R  
Cold FD Portfolio VII LLC  
DBA: Family Dollar Store  
225 S. Lake Shore Way  
Lake Alfred, Fl. 33850  
Parcel # 26-27-32-503000-042010

#### City Codes Cited:

#### Minimum Property Maintenance Code

- Section: 106.3 Declaration of nuisance; demand for correction

#### Lake Alfred Code of Ordinances

- Section 32-1 Nuisance declared

#### Unified Land Development Code

- Section 3.4.1.B.1 Outdoor storage prohibited

The respondent was not in attendance.

**Special Magistrate Mawhinney**, on Case No. 2021-00025-R, entered a Supplemental Order Imposing Fine for Cold FD Portfolio VII LLC. He certified the fines for one hundred and seven days (107) days at \$100.00 per day in the amount of \$10,700. For this hearing, he assessed the city's administrative costs of \$39.71 payable within thirty (30) days.

**Special Magistrate Mawhinney** introduced the next case.

4. Case # 2020-00029  
Sandra L. Bergman  
Estate of Theodore H. Bergman  
110 S. Winona Ave.  
Lake Alfred, Fl. 33850  
Parcel # 26-27-32-503000-029021

City Codes Cited:

Lake Alfred Minimum Property Maintenance Code

- Section:106.3 – Declaration of nuisance; demand for correction
- Section: 302.1 - Sanitation and storage of materials
- Section: 302.4 - Weeds and overgrowth

The respondent Sandra Bergman was in attendance.

**Community Development Director Bailey** presented the case details. She said the staff's recommendation was to find the property in compliance as of October 7, 2021, to finalize the fines at \$50.00 per day for ninety-eight (98) days in the amount of \$4,900. She requested for the administrative costs of \$39.71 to be payable within thirty (30) days.

**Sandra Bergman** said her property was in compliance since last March. She spoke about the code enforcement officer asking her to remove a sapling and her having it removed. She shared about Mike Summerfield helping her earlier this year with correcting the code violations.

A brief discussion ensued regarding the associated hearing case dates.

**Sandra Bergman** spoke about renting a lawnmower, the lawn and maintenance getting out of control after her husband had died on May 23, 2018, and her attempts to move out of Lake Alfred. She explained Mr. Summerfield had worked on the property so he could buy it and then she had an issue with theft. She said she could not get specific code violations that she needed to correct from the code enforcement officer.

**Special Magistrate Mawhinney**, on Case No. 2020-00029 entered a Supplemental Order of Imposing Fines for Sandra L. Bergman, Estate of Theodore H. Bergman. The property was found in compliance on October 7, 2021. He certified the fines for ninety-eight days (98) days at \$50.00 per day in the amount of \$4,900 and assessed the city's administrative costs of \$39.71 payable within thirty (30) days. He shared about the fine reduction program available to her.

**Sandra Bergman** asked what was the total amount of the fines and **Community Development Director Bailey** said it was \$10,550.

A brief discussion ensued about the respondent being in the hospital last week.

**Assistant City Attorney Claytor** explained the procedural process of the fine reduction program and said the Special Magistrate would take into consideration the totality of the circumstances when considering a reduction in fines.

#### DEMOLITION REQUEST

**Special Magistrate Mawhinney** introduced the next case.

5. Case # 2021-00012 DEMO  
Conner Hubert, Estate of  
380 W. Davis Ave.  
Lake Alfred, Fl. 33850  
Parcel # 26-28-05-524000-000910

City Codes Cited:

Lake Alfred Minimum Property Maintenance Code

- Section:106.3 – Declaration of nuisance; demand for correction
- Section:108.1.1 - Unsafe structures
- Section: 302.1 - Sanitation and storage of materials
- Section: 302.4 - Weeds and overgrowth
- Section: 302.7 - Accessory structures

The respondent was not in attendance.

**Community Development Director Bailey** reviewed the case details, said the process was handled according to Florida Law, and photographic evidence was presented for consideration. The property was advertised for four (4) consecutive weeks before this hearing. The appraised value of the home is \$45,955 and the costs of repairs exceed \$114,935. She said the staff's recommendation was for the authorization of abatement and demolition, and to award administrative costs of \$222.73 for this hearing.

**Special Magistrate Mawhinney** asked if there had been any communication with anyone associated with the property.

**Community Development Director Bailey** said the code enforcement officer looked and found a granddaughter of the family and they said they were not interested in the property but also did not have any rights to the property. They did understand the request for demolition and did not object to it.

**Assistant City Attorney Claytor** spoke about the noticing processes the city took prior to the hearing and requested for the building official to testify.

**Building Official Madison** introduced himself as the building official for the City of Lake Alfred.

**Assistant City Attorney Claytor** spoke about the letter the building official executed on October 20, 2021, and asked him if he physically had inspected the building.

**Building Official Madison** said yes he did.

**Assistant City Attorney Claytor** asked in his opinion, as a building official, if the structure was uninhabitable and a nuisance building.

**Building Official Madison** said yes, it is uninhabitable and unsafe.

**Assistant City Attorney Claytor** asked if it was a risk for the health, safety, and welfare of the public?

**Building Official Madison** replied yes it is.

**Assistant City Attorney Claytor** asked what were the current conditions of the building when he inspected it?

**Building Official Madison** said the pictures were accurate and the building was collapsing in the middle and on the east side of it. He said it is in bad shape.

**Assistant City Attorney Claytor** asked what was the date of inspection?

**Building Official Madison** said he was there on Tuesday, October 19, 2021.

A brief discussion ensued regarding the photographs from April of 2021 and October of 2021, and the overgrowth that is now so bad there was no longer access to the other side of the building.

**Assistant City Attorney Claytor** asked that the photos be submitted into the record as evidence and thanked the Building Official.

**Special Magistrate Mawhinney** admitted the photos as evidence to be made a part of the permanent record. On Case No. 2021-00012-DEMO for the Estate of Conner Hubert, for property located at 380 W. Davis Avenue, he entered an Order authorizing the abatement and demolition of the property. He assessed the administrative costs of \$222.73 for this hearing.

**Special Magistrate Mawhinney** introduced the next case.

6. Case # 2021-00015 DEMO  
Mary E. Sharett  
1120 Cross Ave.  
Lake Alfred, Fl. 33850  
Parcel # 26-28-05-523500-000290

City Codes Cited:

Lake Alfred Minimum Property Maintenance Code

- Section: 106.3 – Declaration of nuisance; demand for correction
- Section: 302.1 - Sanitation and storage of materials
- Section: 302.4 - Weeds and overgrowth

- Section: 302.7 - Accessory structures
- Section 304.7 – Roof and drainage

The respondent was not in attendance.

**Community Development Director Bailey** reviewed the case details and the staff's recommendation. She said the code enforcement officer had reached out in a multitude of ways attempting to locate anyone associated with this property and said he was unsuccessful. She presented photographic evidence and said the roof is sheathing on the north, the house is sagging, and there is evident water damage. She continued and said the roof overhang is rotted in many places and the property is located entirely within the flood zone. It has had flood damage in the past.

She reviewed the site postings, mailers, and legal advertisements saying the ad was published in the newspaper for four (4) consecutive weeks. The appraised value of the home is \$28,719 and the costs of repairs exceed \$124,564. The associated cost for this hearing is \$222.73 payable within thirty (30) days. The staff is requesting the authorization of abatement and demolition, and the administrative costs to be assessed.

**Assistant City Attorney Claytor** asked to qualify the building official and to have the qualifying apply to both cases. He asked the building official to state his name for the record.

**Building Official Mickey Madison** stated his name and said he was a certified Building Official through the State of Florida since about the year 2000, was a licensed General Contractor in the State of Florida as well as a Building Inspector and Plans Examiner.

**Assistant City Attorney Claytor** asked how long he has held the title of Building Inspector and Plans Examiner.

**Building Official Madison** said the first Building Inspector license he received was in 1998 and the Plans Examiner tickets followed about every six months after that.

**Assistant City Attorney Claytor** asked if he had more than twenty (20) years of experience in the field.

**Building Official Madison** replied yes.

**Assistant City Attorney Claytor** said he had a letter dated October 20, 2021, in which the building official stated he had visually inspected the property. He asked is it your expert opinion that this building is uninhabitable?

**Building Official Madison** said it is uninhabitable.

**Assistant City Attorney Claytor** asked if this current condition posed a significant risk to health, safety, and welfare to the general public?

**Building Official Madison** said yes.

**Special Magistrate Mawhinney** said he will be recognized and qualified as an expert, and his testimony is accepted accordingly for both cases.

**Special Magistrate Mawhinney**, on Case No. 2021-00015-DEMO for Mary E. Sharett, assessed the administrative costs of \$222.73 payable within (30) days. He authorized the city to proceed with the abatement and demolition of the property. He said this was in light of the fact of the testimony of the un-habitability and the unsafeness of the structure. He said he was also taking into consideration the value of the property versus the value to repair.

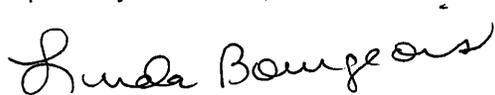
**Assistant City Attorney Claytor** requested for the pictures provided by staff be entered as evidence.

**Special Magistrate Mawhinney** accepted the photos as evidence.

The next Special Magistrate Hearing is scheduled for October 27, 2021, at 10:00 a.m.

At 2:42 p.m., the Special Magistrate Hearing was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Linda Bourgeois".

Linda Bourgeois, BAS, MMC,  
City Clerk