

MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
November 18, 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 Code Enforcement Officer Carl Watson.

Special Magistrate Mawhinney approved the October 27, 2021, Special Magistrate Code Enforcement meeting minutes.

Modifications to agenda: Case No. 10 was continued indefinitely dependent upon a sufficient permit application.

Attorney Daniel Fox objected to the continuance on Case No. 6.

Assistant City Attorney Claytor said the Fire Chief was not in attendance to provide testimony related to the Fire Prevention Code which constitutes competent substantial evidence.

Community Development Director said the city would withdraw the case and **Attorney Fox** was amenable to the recommendation to close the case.

The case was dismissed without prejudice by the Special Magistrate and was removed from the agenda.

All the assessed city's costs on each order are payable within thirty (30) days.

SUPPLEMENTAL ORDER IMPOSING FINE

1. Case # 2021-00001
Linda P. Melendez or Estate of Javier Melendez
230 W. Cummings St.

The respondent was not in attendance.

Special Magistrate: Approved fines of \$9,100, allowed for abatement, and assessed the city's costs of \$39.71.

SUPPLEMENT ORDER FOR COMPLIANCE

2. Case # 2021-00010
Robinson, Freddie Mae
675 E Lemon Ave

3. Case #2021-00011
Robinson, Freddie Mae

0000 E Lemon Ave.

Respondent Freddie Mae Robinson was in attendance.

Special Magistrate: Case #2021-00010: Found the property in compliance as of September 27, 2021. Certified the fines for \$1,250 and assessed the City's costs of \$41.81.

Special Magistrate: Case #2021-00011: Found the property in compliance as of September 27, 2021. Certified the fines for \$1,250 and assessed the City's costs of \$41.81.

ORDER IMPOSING FINE / FINE CERTIFICATION

4. Case #2021-00019

Jorge L. Moreira
300 E. Alfred St.

Respondent Jorge Moreira was in attendance.

Special Magistrate: Found the property in compliance as of October 20, 2021. Certified the fines for \$2,000 and assessed the city's costs of \$39.71.

OLD BUSINESS:

FINE REDUCTION:

5. Case # 2021-00018

Jose E. Rodriguez
325 E. Oaks St.

Respondent Jose Rodriguez was in attendance.

Staff recommended a 90% fine reduction.

Jose Rodriguez said it cost him \$3,500 to get the tenant removed from the property. The tenant went over ten months without paying rent. He said as soon as he found out he started the process to get the house in order and his hands were tied without any legal authority to enter the property.

Special Magistrate: Reduced the daily fine to zero (0) and assessed the city's cost of \$55.12.

ORDER FINDING VIOLATION - FIRST OFFENSE

~~6. Case # 2021-00037~~

~~Ash Street Group LLC
670 E. Lake Alfred Dr.~~

This case was dismissed.

NEW BUSINESS: ORDER FINDING VIOLATION - FIRST OFFENSE:

7. Case # 2021- 00040

Andrea Basdeo
150 Nekoma St.

The respondent Andrea Basdeo was in attendance.

City Codes Cited

Section 106.3 Declaration of a nuisance; demand for correction (MPMC)
Section 108.1.5 Dangerous structure or premises (MPMC)
Section 302.1 Sanitation and storage of materials (MPMC)
Section 302.4 302.4 Weeds and overgrowth (MPMC)
Section 302.9 Defacement of property (302.9)
Section 304.3 Premises Identification (MPMC)
Section 304.5 Foundation walls (MPMC)
Section 304.13 Window, skylight and door frames (MPMC)
Section 304.14 Insect screens (MPMC)
Section 309.1 Infestation (MPMC)
Section 309.4 Multiple occupancy (MPMC)
Section 604.3 Electrical system hazards (MPMC)
Sec. 32-1. - Nuisance declared (LAC)

Code Enforcement Officer Watson presented the case. Progress has been made and the violations remain. The property has a bee infestation with secured windows and appears to be vacant. It has not had a water/sewer account since 2012.

The city's recommendation is to allow thirty (30) days for correction or a \$100 per day fine, assess the city's costs of \$72.77, and allow for the securing of the property.

Owner Andrea Basdeo and her husband the building manager Kameshwar Persaud were in attendance.

Andres Basedo said the beekeepers of central Florida came out and took care of the bees. She continued and said the windows have been repaired.

Kameshwar Persaud said the bees were finally removed after the first attempt at their removal failed. He said he took out a vent and sealed it off. Screens were installed on all the windows that open upward and he will screen the remainder of the windows.

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. The city is authorized to secure and abate the property, if necessary, after 30 days. Assessed the city's fines of \$72.77.

8. Case # 2021-00045
Melissa D. Levin
495 N. Echo Dr.

The respondent Melissa Levin was in attendance.

City Codes Cited

Section 32-1 Nuisance declared (LAC)
Section 302.1 Sanitation and storage of materials (MPMC)
Section 302.4 Weeds and overgrowth (MPMC)

Code Enforcement Officer Watson presented the case.

The city's recommendation was to allow twenty (20) days for correction or a \$50 per day fine and assess the city's costs of \$74.87.

Melissa Levin said it was compliant on November the 8th and she was waiting on the Code Enforcement Officer to come back and take pictures. She said the property was now in compliance and had pictures to present. She submitted the photos as evidence.

Special Magistrate: Found the property in violation. Allowed for twenty (20) days to bring the property into compliance or a \$50.00 per day fine will commence accruing. Assessed the city's fines of \$74.87.

9. Case # 2021-00046
Carlos Valle
290 S Lake Shore Way

The respondent Carlos Valle was in attendance.

City's Codes Cited:
106.3 Declaration of a nuisance; demand for correction (MPMC)
302.1 Sanitation and storage of materials (MPMC)
ULDC Section 3.9.9 Portable Storage Container (MPMC)

Code Enforcement Officer Watson presented the case.

The city's recommendation was to allow 10 days for correction or a \$100.00 per day fine and assess the city's costs of \$70.67.

Carlos Valle said agreed with the complaint. He said he has started moving the equipment and asked to have 30 days to take away the container.

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 fines of \$70.67.

Carlos Valle spoke about the damaged ground and asked if the city could help with people trespassing and parking on his property. He said the trailer would be off of the property before the thirty days were over.

Community Development Director Bailey directed him to speak with the Police Department to issue no trespassing signs and to enter into an agreement with him to monitor the property.

~~10. Case # 2021-00044
Raymond E. Wendle, Deborah Roberts
490 W. Alfred St.~~

There were no repeat offenses. The next hearing date is scheduled for December 16, 2021, and there will be no meeting in January. The meetings will be held at 3:00 p.m. beginning in February.

The Code Enforcement Special Magistrate was adjourned at 3:12 p.m.

Respectfully submitted,

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

Linda Bourgeois, BAS, MMC, City Clerk