

MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
April 20, 2023
3:00 p.m.

Special Magistrate Mawhinney called to order the Code Enforcement Special Magistrate meeting at 3:00 PM, explained the general procedures, and conducted the swearing-in ceremony. Audience members and city staff in attendance took the oath. He shared that all materials in the agenda packet are a part of the record and said all city administrative costs are payable within thirty (30) days.

Staff in attendance: City Attorney Seth Claytor, Community Development Director Amee Bailey, Code Enforcement Officer Carl Watson, and Management Analyst Aubrey Fuller.

Special Magistrate Mawhinney approved March 23, 2023, Special Magistrate Code Enforcement meeting minutes.

There were four changes to the agenda.

The staff said the 290 Lakeshore Way property is for sale and two of the cases on this property were closed administratively so we will not need to hear them today. They are cases number two and four on the agenda. In addition, Case number Five requested more time, and then Case number 10 was added for 290 Lakeshore Way so we could file a reduction request to be heard.

There was not a need for the additional advertisement for 290 Lake Shore Way since it was advertised for hearing and it was a reduction request.

1. Case # 2022-00029
Aucaquizhpi Luis G Uzhca &
Natali Uzhca
228 S. Lake Shore Way
Parcel # 26-27-32-507000-000062

The respondent Luis Uzhca was in attendance.

Code Enforcement Officer Watson presented the case. He said the unpermitted building has been demolished.

Luis Uzhca said he said he was sorry and wanted to pay the fine.

Special Magistrate: Found the property in compliance. Approved the supplemental order of fines for \$2,500 and assessed the city's administrative costs of \$48.15 payable within thirty (30) days.

ORDER IMPOSING FINE

- ~~2. Case # 2018-00018
Carlos Valle
290 Lake Shore Way S.
Parcel # 26-27-32-503000-043030~~

3. Case # 2021-00046
Carlos Valle
290 Lake Shore Way S.
Parcel # 26-27-32-503000-043030

The respondent Carlos Valle and Demetrio Pitino were in attendance.

Code Enforcement Officer Watson presented the case.

Special Magistrate: Found the property in compliance. Approved the fines for \$2,400 and assessed the city's administrative costs of \$56.05 payable within thirty (30) days.

- ~~4. Case # 2022-00013-R
Carlos Valle
290 Lake Shore Way
Parcel # 26-27-32-503000-043030~~

ORDER FINDING VIOLATION - REPEAT CASE

- ~~5. Case # 2023-00012-R
Franz Momplaisir
555 Midway Ave.
Parcel # 26-27-28-493500-006030~~

6. Case# 2023-00015-R - Abate
Betty T. Conner
390 W Davis Ave.
Parcel # 26-28-05-524000-000900

The owner is deceased.

Code Enforcement Officer Watson presented the case.

Special Magistrate: Found the violation exists and is a repeat violation. Approved the fines for \$700.00, a \$50.00 per day fine will continue to accrue until the property is brought into compliance, assessed the city's administrative costs of \$79.15 payable within thirty (30) days, and allowed abatement of the nuisance for mowing, high weeds, and grass.

NEW BUSINESS: ORDER FINDING VIOLATION:

7. Case # 2022-00053
Douglas & Debra Gourley - Shed
340 Sierra Mike Blvd.
Parcel # 26-27-20-489400-000670

Codes Cited

- 106.3 – Declaration of a nuisance; demand for correction
- 108.0.1 - Unlawful Structure
- 14.22 – Permit Required
- Section 105 – Permit Required, Florida Building Code

The property owners Debra and Doug Gourley were in attendance.

Code Enforcement Officer Watson presented the case.

Debra Gourley said she was in the ICU for twenty-one days and was unable to get the measurements on how far the shed needed to be set back. There were inconsistencies in the information for the setback requirements relayed to her. She wanted to verify the distance before she moved the shed due to the associated costs. She said she has not been back to work since being in the ICU.

Doug Gourley said the shed has been moved.

Special Magistrate: Found the violation did exist and the property is now in compliance. He assessed the city's administrative costs of \$89.95 payable within thirty (30) days.

Debra Gourley said she wished the Code Enforcement Officer would have contacted her rather than posting the notice in her yard and the City Attorney said per applicable Florida Law we have to provide due process pursuant to Statutes which is by certified mail and posting.

8. Case # 2022-00080 - Expired roof permit
Steven Smith & Robin Dodson
245 Rochelle Ave.
Parcel # 26-27-32-503000-044041

Codes Cited

- 106.3 – Declaration of a nuisance; demand for correction
- 14.22 – Permit Required

The roofing contractor David Shepherd was in attendance.

Code Enforcement Officer Watson presented the case. The Staff recommendation was to find the violation existed, allow for thirty (30) days for correction or a \$100.00 per day fine thereafter, and award administrative costs of \$85.75.

The installation of the roof has been completed and has not been inspected. A permit is required and has not been applied for.

David Shepherd was sworn in by the Special Magistrate. David Shepherd said he no longer had his license and was here representing Ms. Dodson. He spoke with the building official Mr. Matison and the building inspector Mr. Otte. He is going to pull a permit on the detached building. He got registered today with American Roofing and they are going to pull the permits. He will meet the building inspector there next week and whatever he asks us to do we will comply to get this resolved.

Special Magistrate: Found the property in violation of the cited code sections. Allowed for (30) days to bring the property into compliance or a \$100.00 per day fine will commence accruing. He assessed the city's administrative costs of \$85.75 payable within thirty (30) days.

OLD BUSINESS:

REDUCTION REQUEST:

9. Case # 2022-00029 Reduction
Aucaquizhpi Luis G Uzhca &
Natali Uzhca
228 S. Lake Shore Way
Parcel # 26-27-32-507000-000062

Code Enforcement Officer Watson presented the case. The Staff recommendation was to find the property in compliance. The total fine is \$7,300 and the Staff's request was for a 50% reduction (\$3,650) and award the administrative costs of \$136.20. The owners proceeded with demolition quickly after the violation was cited.

Luis G Uzhca said he knew he made a mistake and said he wanted to keep his business doors open. He asked to be spared as much as possible.

Special Magistrate: Case Number: #2022-00029, for Aucaquizhpi Luis G Uzhca, found the property in compliance. He reduced the daily fine to \$730.00 (10%) and assessed the City's total administrative costs of \$136.20 for a total of \$866.20. The costs are payable within thirty (30) days, or the fine reduction will be voided.

10. Case # 2021-00046
Carlos Valle
290 Lake Shore Way S.
Parcel # 26-27-32-503000-043030

The respondent Carlos Valle and Demetrio Pitino were in attendance.

Code Enforcement Officer Watson presented the case. The Staff recommendation was to find the property in compliance. The total fine is \$2,400 and the Staff's request was for a 50% reduction (\$1,200) and award the administrative costs of \$80.08. He said he recalled the owner did have a difficult time getting the trailer out of there because it was falling apart. There was equipment on the trailer that had to be unloaded first.

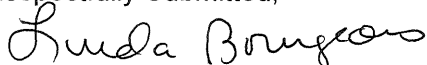
Carlos Valle said the trailer was there when they purchased the property and there were trees blocking the trailer. They did not know the trailer was there until they cleaned up the property. They cleaned up the trailer thinking they could sell it and they did their best.

Special Magistrate: Case Number: #2021-00046, for Carlos Valle, found the property in compliance. He reduced the daily fine to \$240.00 (10%) and assessed the City's total administrative costs of \$80.08 for a total of \$320.08. The costs are payable within thirty (30) days, or the fine reduction will be voided.

The next hearing date is scheduled for May 18, 2023, at 3:00 PM.

The Code Enforcement Special Magistrate meeting was adjourned at 3:43 PM.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC, ADAC
City Clerk