MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
May 18, 2023
3:00 p.m.

Special Magistrate Mawhinney called to order the Code Enforcement Special Magistrate meeting at 3:01 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 April 20, 2023, Special Magistrate Code Enforcement meeting minutes with one correction that was provided to the City Clerk.

SUPPLEMENTAL ORDER IMPOSING FINES

1. Case # 2021-00020 Abatement
   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.

Sharon Atkins said her son just got out of the hospital and cannot lift anything.

City Attorney Claytor asked if she would consent to have the City remove (abate) the items that have resulted in the violation.

Sharon Atkins said her son is a Junker who has become very ill and is not able to do anything.

City Attorney Claytor explained to her about the abatement process, compliance, and fine reduction process and Atkins replied that it sounded fair for the City to abate the property.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for $21,000 and assessed the city's administrative costs of $50.25 payable within thirty (30) days. The Special Magistrate authorized the City to abate the violation with the removal of the junk and debris.

3. Case # 2021-00032
   1792 BT LLC, SAMKIM LLC
   1850 and 1870 US 17/92
   Parcel # 26-27-27-490100-000301

The agent and representative of the stakeholders of the property, George David, was in attendance.

Code Enforcement Officer Watson presented the case.

George David reported that progress was being made to address the major issues such as the fire sprinkler system. One-half of the property has been completed for the distribution of the fire sprinkler system and they have started on the second half of the property. The third phase will be to tap into the water system to activate the fire suppression system, and the target date for completion is late June or early July. Furthermore, they have secured the dumpster permits for the enclosures on the site. He mentioned that Mr. Watson said there were internal issues with the fire barriers and separations and said those were cleared by Chief Nix before he retired. He requested the City to allow the existing tenants to straighten out their Business Tax Receipt issues once the fire system was completed.

Community Development Director Bailey said there was one violation case, and within that case, there are all of the different violations so to achieve compliance of the property they would have to come into compliance with all of the violations within that case. She spoke about the Business Tax Receipts and said she has spoken with the city staff and the tenants are not allowed to have any new or renewed business tax receipts until this property comes into compliance. She said she will consider revaluating that once the fire sprinkler system is completed.

Ralph Zasternic, representing his family's portion of the estate, said for the past year a lot has fallen through the cracks since his grandfather had gotten sick and recently passed away. He asked if that meant that the tenants can't legally operate a business in the City of Lake Alfred until all of the violations are corrected.

Community Development Director Bailey said the building was not compliant for occupancy.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for $38,500 and assessed the city's administrative costs of $56.05 payable within thirty (30) days.

2. Case ## 2022-00055 Roof & A/C
Pinnacle Investments & Development Inc.
940 S. Lake Shore Way
Parcel # 26-28-05-525000-003021

The Company President, Paul Campbell, was in attendance.

Code Enforcement Officer Watson presented the case.

Paul Campbell spoke about the violations and said the roof rack had to be fixed before the air conditioner units were addressed. He was told a commercial roofer had to repair the roof and that he needed to get an engineer to verify the building was structurally sound. He continued and said the roof rafter is about 8 feet long and had water rot so the only remedies are to sister the one rafter and then extend the roof joist out about eight feet. The legs are not into the roof just on the roof decking. He said as soon as he could get permission, he would have it done in a week and a half. After that, he can get the air conditioner permits with the correct costs and then we should be able to clear this up within the next two weeks.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for $9,100 and assessed the city's administrative costs of $48.15 payable within thirty (30) days.

ORDER FINDING VIOLATION - REPEAT CASE

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

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case.

Special Magistrate: Found this a repeat violation. Approved the fines of $3,300 and $50 per day fine until brought into compliance. He assessed the city's administrative costs of $81.25 payable within thirty (30) days.

NEW BUSINESS:

ORDER FINDING VIOLATION:

5. Case # 2023-00006 Junk & Debris
   Lake Alfred MHP LLC
   670 Alfred St.
   Parcel # 26-27-33-000000-033040

Codes Cited
Section 32-1. (a) - Nuisance declared - Lake Alfred Code of Ordinances
Section 302.1 - Sanitation and storage of materials - Lake Alfred Minimum Property Maintenance Code
Section 723.022 - Mobile home park owner's general obligations, Fl State Statue

The Operations Manager Joy Sprouse and Jennifer Matthews were in attendance.

Code Enforcement Officer Watson presented the case. He showed photos of Twin Oaks Drive lot number 83, lot 9 Twin Oaks Drive, lot 10 Twin Oaks Drive, Junk, debris, construction equipment and material stored on multiple lots within the park, and unlicensed or stored vehicles between lots 32-33 on Palm Circle Dr. He recommended thirty (30) days for compliance or a $250.00 a day fine.

Joy Sprouse said all of the mobile homes are not owned by them. They have attached the violations to them through their houses. She said they are homeowners and we can't go on their property without necessary documentation and final notices. She shared where they were within the eviction process of multiple homeowners, the writ of possession, and the intent to file abandonment. The process takes about seven weeks.

Community Development Director Bailey said these violations were representative of the Mobile Home Park and those presented were some of the worst lots. Some violations are in the common areas.

Joy Sprouse said they have seven other homes under eviction and have provided dumpsters throughout the park. We have done a lot and cleared out all of the motel rooms for renovation.

Community Development Director Bailey acknowledged they were continuing to make

progress and said we continue to get complaints.

A brief discussion ensued regarding the responsibility of the homeowners and/or the mobile home park being responsible to maintain the health standards within the park.

Joy Sprouse asked for consideration of sixty (60) days.

Special Magistrate: Found the violations exist and continue to exist on the property. Allowed for (60) days to bring the property into compliance or a $250.00 per day fine will commence accruing. He assessed the city's administrative costs of $96.25 payable within thirty (30) days.

6. Case # 2023-00008 unfit/unsafe
John Duran &
Lake Alfred MHP LLC 26 Palm Circle Dr.
Parcel # 26-27-33-000000-033040

City Codes Cited: Lake Alfred Minimum Property Maintenance Code (MPMC)
Fl State Statues (FSS)

Codes Cited
Section 106.3 Declaration of a nuisance; demand for correction (MPMC)
Section 108.2 Closing of vacant structures (MPMC)
Section 302.1 Sanitation and storage of materials. (MPMC)
Section 723.022 Mobile home park owner's general obligations, (FSS)

The Operations Manager Joy Sprouse was in attendance.

Code Enforcement Officer Watson presented the case and recommended thirty (30) days for compliance or a $250.00 a day fine.

Joy Sprouse said the property owner was evicted before they took over the Mobile Home Park and they filed for another eviction so they can obtain a writ of possession. They are in the ten-day window right now and still have to go through the abandonment process. Once they obtain the writ of possession, they can board up the unit so no one can access the unit but they cannot remove the unit until after the auction.

Special Magistrate: Found the violations exist and continue to exist on the property. Allowed for (60) days to bring the property into compliance or a $250.00 per day fine will commence accruing. He assessed the city's administrative costs of $111.55 payable within thirty (30) days.

Community Development Director Bailey said the next two cases were similar but did not have tangible property owners associated with the lots. The two cases were heard together.

7. Case # 2023-00009 unfit/ unsafe
Lake Alfred MHP LLC
80 Cypress Dr.
Parcel # 26-27-33-000000-033040

City Codes Cited: Lake Alfred Minimum Property Maintenance Code (MPMC)
Fl State Statues (FSS)

Codes Cited
Section 106.3 Declaration of a nuisance; demand for correction (MPMC)
Section 108.2 Closing of vacant structures (MPMC)
Section 302.1 Sanitation and storage of materials. (MPMC)
Section 723.022 Mobile home park owner's general obligations, (FSS)

8. Case # 2023-00010 unfit/unsafe
Lake Alfred MHP LLC
83 Twin Oaks
Parcel # 26-27-33-000000.033040

City Codes Cited: Lake Alfred Minimum Property Maintenance Code (MPMC)
Fl State Statues (FSS)

Codes Cited
Section 106.3 Declaration of a nuisance; demand for correction (MPMC)
Section 108.2 Closing of vacant structures (MPMC)
Section 302.1 Sanitation and storage of materials. (MPMC)
Section 723.022 Mobile home park owner's general obligations, (FSS)

Code Enforcement Officer Watson presented both cases and, in each case, recommended thirty (30) days for compliance or a $250 a day fine.

The Operations Manager Joy Sprouse was in attendance and said they were seeking a writ of possession on both of these properties as well.

Special Magistrate: In Case # 2023-00009, he found the violations exist and continue to exist on the property. Allowed for (60) days to bring the property into compliance or a $250.00 per day fine will commence accruing. He assessed the city's administrative costs of $94.15 payable within thirty (30) days.

Special Magistrate: In Case # 2023-00010, he found the violations exist and continue to exist on the property. Allowed for (60) days to bring the property into compliance or a $250.00 per day fine will commence accruing. He assessed the city's administrative costs of $94.15 payable within thirty (30) days.

The next hearing date is scheduled for July 20, 2023, at 3:00 PM.

City Attorney Claytor clarified for the record that in Case # 2023-00009 and Case # 2023-00010 the order was the same for both properties with (60) days for compliance or a $250.00 per day fine will commence accruing, plus the administrative costs of $94.15 for each case payable within thirty days. Special Magistrate Mawhinney replied and said that was correct.

The Code Enforcement Special Magistrate meeting was adjourned at 4:19 PM.

Respectfully Submitted,

Linda Bourgeois

Linda Bourgeois, BAS, MMC, ADAC
City Clerk