

**MINUTES**  
**Code Enforcement Special Magistrate**  
**City of Lake Alfred**  
**City Hall**  
**May 19, 2022**  
**3:00 p.m.**

**Special Magistrate Mawhinney** called to order the Code Enforcement Special Magistrate meeting at 3:03 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, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

**Special Magistrate Mawhinney** approved April 21, 2022, Special Magistrate Code Enforcement meeting minutes.

**SUPPLEMENTAL ORDER IMPOSING FINE**

1. Case #2020-00006  
Shakir Badmus  
740 S. Glencruiten Ave.  
Parcel # 26-27-33-000000-044070

The respondent was not in attendance.

**Special Magistrate:** Approved the supplemental order of fines for \$24,500, and assessed the city's administrative costs of \$48.11 payable within thirty (30) days.

**ORDER IMPOSING FINE**

2. Case # 2021-00033  
RY TY ONE LLC  
660 N. Buena Vista Dr.  
Parcel # 26-27-29-494000-000012

The respondent was not in attendance.

**Special Magistrate:** On case number 2021-00033 found the property in compliance. Approved fines of \$6,700 and assessed the city's administrative costs of \$41.81 payable within thirty (30) days.

Cases 3, 4, and 5 were moved to the end of the agenda.

6. 2022-00012-R  
Mc Cullough, Essie Mae Mc. Cullough Andre  
670 Lemon Ave.  
Parcel # 26-27-28-493500-005150

The respondent was not in attendance.

**Special Magistrate:** Approved fines of \$3,150 and assessed the city's administrative costs of

\$39.71 payable within thirty (30) days.

OLD BUSINESS:  
FINE REDUCTION

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

The respondent's attorney Kate Cooper from Mintzer Sarowitz Zeris Ledva & Meyers was in attendance.

**Code Enforcement Officer Watson** presented the case. The staff recommendation was for \$9,450 which is a 50% fine reduction of the total fine of \$18,900 and the city's total administrative costs of \$7.86 to be paid within thirty (30) days.

Attorney Cooper requested for the Magistrate to consider a reduction to a \$3,000 fine that would include the administrative costs of the City.

A brief discussion ensued that there were four years between the initial and repeat violations, the difficulty in getting the business to maintain the property, and the hope for better compliance in the future.

**Special Magistrate Mawhinney**, on Case No. 2021-00025-R for Cold FD Portfolio, found the property in compliance. He reduced the fine to \$2,832.54 and assessed the city's administrative costs for this hearing of \$167.46. The fines and costs are payable within thirty (30) days, or the fine reduction will be voided.

8. Case # 2021-00047  
Abrar Realstate LLC  
1155 S Lake Shore Way  
Parcel # 26-28-05-525500-007060

The respondent Amin Mohammad and his contractor Ralph Price were in attendance.

**Code Enforcement Officer Watson** presented the case. The staff recommendation was for \$1,250 which is a 50% fine reduction of the total fine of \$2,500 and the city's administrative costs of \$7.86 to be paid within thirty (30) days.

**Ralph Price** spoke about the shortage of construction materials and covid impacting his personnel.

**Special Magistrate Mawhinney**, on Case No. 2021-00047 for Abrar Realstate, found the property in compliance. He reduced the fine to \$500 and assessed the city's administrative costs for this hearing of \$7.86. The fines and costs are payable within thirty (30) days, or the fine reduction will be voided.

3. Case # 2021-00004  
Ash Street Group LLC  
670 E. Lake Alfred Dr.

Parcel # 26-27-33-000000-033040

**Attorney Daniel Fox** was in attendance on behalf of the respondent.

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

**Assistant City Attorney Claytor** asked if Attorney Fox had any objection to the Certification of Fines through April 27, 2022, to find that the property was brought into compliance for the closure of the case.

**Attorney Fox** said he did because he believed it was brought into compliance before that date. He provided an overview of the violations and meetings with the City officials. He claimed the violations were a moving target. He said he tried to coordinate a final inspection before April 27, 2022, and said he does not believe it was fair to his client to assess a fine per day even with the two weeks it took to get the final inspection.

He continued and said he did not think it was his client's burden to demand the inspection. While he respectfully requested the City to coordinate the inspection with him, he never told them that they were not allowed to go on the property. He said he did not have any evidence to provide to the Special Magistrate as to when the four-page list of violations was crossed off but he does not think it is fair to his client to assess a \$250 per day fine through April 27, 2022.

**Assistant City Attorney Claytor** said without competent substantial evidence to establish a date that would precede the inspection date, his information would be more relevant at a reduction hearing.

A discussion ensued about the City being generous, items still not in compliance with this violation, and the decision to release the case and bring back specific violations on just a couple of things.

**Community Development Director Bailey** disagreed about the statement that the staff could come onto the property. The City was specifically told they were not to access the property and they would call for an inspection. No calls or emails were coming from them to inspect the property.

**Attorney Fox** said the City was told they could not access the motel property because they did not have the authority to allow them on the motel property and in someone else's room. He then said the only competent substantial evidence today is that the property was not in compliance as of December 7, 2021. There is no other evidence after that date.

**Assistant City Attorney Claytor** said the testimony of the Code Enforcement Officer, as well as a signed affidavit, constitutes competent substantial evidence.

**Special Magistrate:** On case number 2021-00004 found the property in compliance. Approved fines of \$51,250 and assessed the city's administrative costs of \$65.37 payable within thirty (30) days.

4. Case # 2021-00036  
Ash Street Group LLC  
670 E. Lake Alfred Dr.  
Parcel # 26-27-33-000000-033040

**Code Enforcement Officer Watson** presented the case and said this was a compliance case.

**Attorney Fox** said he did had the same objection as above and spoke about how he believed they had complied with the code back in February when the pool was filled with water and no algae present. The equipment was replaced and the pool is fully functional.

A brief discussion ensued about the order amount being \$100 per day.

**Special Magistrate:** On case number 2021-000036 found the property in compliance. Approved fines of \$17,200 and assessed the city's administrative costs of \$65.37 payable within thirty (30) days.

5. Case # 2021-00039  
Ash Street Group LLC  
670 E. Lake Alfred Dr.  
Parcel # 26-27-33-000000-033040

**Code Enforcement Officer Watson** presented the case. He said the electrical service to lot sixteen has been restored. He showed photos taken at random locations where electrical safety hazards continue to exist and also showed a photo of a leaning power pole.

A discussion ensued about the opened electrical needing dead fronts, the danger of having the panels exposed, and the need for them to be custom made to fit. Further discussion surrounded the pole being a new violation and the City removed it from the consideration of the Special Magistrate for this case.

**Attorney Fox** said they were going to have the electrical boxes fixed.

**Code Enforcement Officer Watson** said the photos were a representation of the electrical violations throughout the entire park and they would need to call the City for an inspection when they were finished securing the boxes.

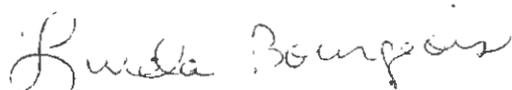
**Special Magistrate:** Found the violations exist and continue to exist. He approved fines of \$24,300 and assessed the city's administrative costs of \$65.37 payable within thirty (30) days.

#### OTHER BUSINESS

The next hearing date is scheduled for June 16, 2022, at 3:00 p.m.

The Code Enforcement Special Magistrate was adjourned at 3:58 p.m.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC, City Clerk