

MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
August 18, 2022
3:00 p.m.

Special Magistrate Mawhinney called to order the Code Enforcement Special Magistrate meeting at 3:04 p.m., explained the general procedures, and conducted the swearing-in ceremony. Audience members and city staff in attendance took the oath.

Staff in attendance: Assistant City Attorney Seth Claytor, Community Development Director Ameer Bailey, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

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

SUPPLEMENTAL ORDER IMPOSING FINE

1. Case # 2021-00001
Linda P. Melendez or Estate of Javier Melendez
230 W. Cummings St.
Parcel Details: 26-27-32-500000-001141

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case. The city is requesting abatement.

A brief discussion ensued regarding the abatement of the vehicle.

City Attorney Claytor said the city has a separate procedure for derelict, dilapidated, or inoperable vehicles and recommended bringing back the request for abatement of the vehicle at a separate hearing.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for \$11,900 and assessed the city's administrative costs of \$42.34 payable within thirty (30) days. He authorized the nuisance abatement for the sanitation and storage of materials and the high weeds and overgrowth.

ORDER IMPOSING FINE

2. Case # 2022-00001
Linda P. Melendez or Estate of Javier Melendez
230 W. Cummings St.
Parcel #:26-27-32-500000-001141

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case. He said it appears as if a stick-built shed collapsed in the backyard and was unable to access the property due to a fence.

A brief discussion ensued and it was determined that the shed is considered an accessory structure.

City Attorney Claytor said he did not know if abatement would be appropriate when the City is unable to physically assess the structure. Currently, based on the testimony of Code Officer Watson, the City is unable to access to the property in order to determine the extent or scope of the violation. He recommended noticing an abatement hearing and giving the property owner four (4) consecutive weeks' notice of same in order to provide for adequate due process.

Special Magistrate: Approved the fines for \$6,100 and assessed the city's administrative costs of \$ 46.54 payable within thirty (30) days. The abatement issue will be noticed for a hearing at a later date.

3. Case# 2022-00002
Betty T. Conner
390 W Davis Ave.
Parcel # 26-28-05-524000-000900

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case. He said the city believes the respondent is deceased.

Special Magistrate: Approved the fines for \$6,200, and assessed the city's administrative costs of \$42.34 payable within thirty (30) days. He authorized the nuisance abatement for the high weeds, grass, and debris on the property.

Community Development Director Bailey read the vacant structures and land section of the Minimum Property Maintenance Code (301.3) into the record. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

4. Case # 2022-00004
Estate of Alva Mae Crudup
540 E. Tangerine Ave.
Parcel # 26-27-28-493500-008150

The respondent Anthony Williams was in attendance.

Code Enforcement Officer Watson presented the case. He said the van in the backyard has not been removed but the high weeds and overgrowth have been addressed.

Anthony Williams, heir of the property said he would remove the vehicle. He said he had misunderstood the fines and assured the Magistrate it would be gone by next week. He said it was a Dodge heavy-duty van with a new motor.

City Attorney Claytor recommended bringing back the City's request for vehicle abatement at a separate hearing.

A discussion ensued about the property still being in the name of the estate, the house just being passed down through the family, and it is just Mr. Willams and his stepson living in the house.

Special Magistrate: Found the violations continue to exist. Approved the fines for \$ 3,650.00 and assessed the city's administrative costs of \$42.34 payable within thirty (30) days.

5. Case # 2021-00050
MSR Investments,
Mohammed S. & Frauzia Mirza
1005 E. Alfred Dr.
Parcel # 26-27-33-517500-000011

The respondents, Mohammed S. & Frauzia Mirza, were not in attendance. The tenants of the respondents, Luz and Manuel Velez, were in attendance.

Code Enforcement Officer Watson presented the case. He said the City is requesting abatement with regard to the recreational vehicle (RV) in the back of the property.

City Attorney Claytor said his recommendation would be to remain consistent and bring the abatement request back separately for an abatement hearing.

Luz Velez said they were renters of the property for almost four years, they have an RV in the back, and said it is not for living in but for the storage of appliance parts. She submitted photos for the record.

A discussion ensued about the recreational vehicles behind her property being lived in and located in the County, recreational vehicles not being allowed on City property that is not associated with the sale or storage of recreational vehicles, and there was already a previous finding that there was a violation on the property.

City Attorney Claytor explained the primary purpose of code enforcement is to achieve compliance. City Attorney Claytor informed the respondents of the reduction procedure after the property is in compliance and said that the fines would continue to run until the recreational vehicle is removed from the property.

Luz Velez said the city never told her there would be a fine and that they had never received the first notice. She spoke about the recent increase in her rent, not being able to pay the fine, and that they do not want to close their business.

Justine Rosario of the Utility Billing division interpreted for Ms. Luz. Mrs. Luz said that they have called to have the recreational vehicle removed for one year and nobody is doing anything about it. They are just renting.

Special Magistrate Mawhinney asked who owned the recreational vehicle. The response was that it is garbage and they want to get rid of it but the junkyard doesn't want to take it. They do not have any papers on it.

Special Magistrate Mawhinney asked when you started the lease on the property was the RV already there, and the answer was yes. Mrs. Luz said they have paid money to clean the back but no one will take the vehicle.

It was determined that the violation on the property needed to be remedied and the city's only focus is to bring the property into compliance. The vehicle has to be removed from the property.

A brief discussion ensued regarding the tenant-landlord relationship to the recreational vehicle, the fines would stop after the vehicle is removed, and a courtesy notice was given to them regarding this hearing.

Special Magistrate: Approved the fines for \$20,100 and assessed the city's administrative costs of \$42.34 payable within thirty (30) days.

FINE REDUCTION

~~6. Case # 2021-00033
RY TY ONE LLC
660 N. Buena Vista Dr.
Parcel # 26-27-29-494000-000012~~

This case was removed from the agenda.

OTHER BUSINESS

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

The respondent was not in attendance.

Community Development Director Bailey presented the case. She said this case was previously presented on May 19th and the order had certified the fines and found the property in compliance. They had not communicated with the staff and the building inspector had gone out earlier and found the property in compliance. We wanted to acknowledge the earlier compliance date so rather than the compliance date being May 5th we want to change the compliance date to November 10, 2021. That would reduce the fines from \$24,500 to \$6,900. It was an administrative error.

Special Magistrate: Authorized the city to prepare an amended supplemental order correcting the date of compliance from May 5, 2022, to November 10, 2021. There will be no administrative charges for this hearing.

The next hearing date is scheduled for September 22, 2022, at 3:00 p.m.

The Code Enforcement Special Magistrate was adjourned at 4:13 p.m.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC,
City Clerk