

MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
September 22, 2022
3:00 p.m.

Special Magistrate Mawhinney called to order the Code Enforcement Special Magistrate meeting at 3:00 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 the August 18, 2022, Special Magistrate Code Enforcement meeting minutes as amended. He said 6. Case # 2021-00033 for RY TY ONE LLC has been removed from the agenda.

Consent Agenda

SUPPLEMENTAL ORDER IMPOSING FINE

1. Case # 2020-00014
Navarro Jacinto, Maria
340 W. Pierce
Parcel # 26-27-32-513200-000020

The respondent Jacinto Navarro was in attendance.

Code Enforcement Officer Watson presented the case.

Jacinto Navarro said his house did not cost as much as the fines. He said he spoke to the Code Enforcement Officer when the addition was built but he did not come out to the property.

A brief discussion ensued regarding the property having multiple violations, all the violations were not corrected to conduct an inspection for compliance, getting the permit issues resolved, and the process of a fine reduction hearing after compliance was achieved.

Jacinto Navarro said he had submitted photos of similar violations in the city.

City Attorney Claytor explained the code enforcement complaint process and deferred him to speak with the Community Development Director after the meeting.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for \$46,100 and assessed the city's administrative costs of \$50.74 payable within thirty (30) days.

2. Case # 2020-00016
Herlong, John C. Jr.
923 Charmil Ave.
Parcel # 26-28-05-526010-000081

The respondent John Herlong was in attendance.

Code Enforcement Officer Watson presented the case.

John Herlong shared about the insurance taking a long time to get his roof repaired. He said the insurance company hindered him in getting the property into compliance.

Special Magistrate: Found the property in compliance. Approved the supplemental order of fines for \$56,200 and assessed the city's administrative costs of \$61.24 payable within thirty (30) days.

3. Case # 2022-000023
Nicholas & Holly Comney
0 US 17/92
Parcel # 26-27-27-490100-000520

The respondent was not in attendance. His father Nicholas Comney was in attendance as his representative.

Code Enforcement Officer Watson presented the case.

Nicholas Comney said they had installed a temporary fence to deter people from dumping construction debris on his property. He said there were nails and roofing shingles all over the property. He concluded by saying this was a bad situation that came out of nowhere.

Special Magistrate: Found the property in compliance. He approved the supplemental order of fines for \$800.00 and assessed the city's administrative costs of \$42.34 payable within thirty (30) days.

ORDER IMPOSING FINE

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

The respondent Luz Velez was in attendance.

Code Enforcement Officer Watson presented the case. He said after the last hearing they were successful in hiring someone who was able to remove the recreational vehicle from the property.

A brief discussion ensued regarding the process of the fine certification having to be ordered prior to hearing a fine reduction on this case.

Luz Velez asked the Special Magistrate for mercy.

Special Magistrate: Approved the fines for \$1,900 and assessed the city's administrative costs of \$ 42.91 payable within thirty (30) days.

FINE REDUCTION

5. Case #2021-00050

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

The respondent Luz Velez was in attendance.

Code Enforcement Officer Watson presented the case. The staff recommendation was for a 50% fine reduction and the administrative costs for this hearing of \$42.91.

A discussion ensued regarding extenuating circumstances and the removal of the recreational vehicle took less than thirty days to remedy after the last hearing.

Special Magistrate: on Case No. 2021-00050 for MSR Investments Mohammed S. & Frauzia Mirza, found the property in compliance. He reduced the fine to \$300.00 and assessed the City's administrative costs for this hearing of \$42.91. The fines and costs are payable within thirty (30) days, or the fine reduction will be voided.

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

NEW BUSINESS
ORDER FINDING VIOLATION

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

City Codes Cited:

Section: 106.3 (MPMC) Declaration of nuisance; demand for correction
Section: 14-22 (LAC) Permit Required
Section: 32-1 (LAC) Nuisance Declared
Section: 105 (FBC) Permit Required

The respondent Luis Aucaquizhpi was in attendance.

Code Enforcement Officer Watson presented the case. The city's recommendation is to find the violations exist and continue to exist, allow thirty (30) days for correction or a \$100.00 per day fine, and assess the city's administrative costs of \$116.75.

Luis Aucaquizhpi said he made a mistake by building the patio. He shared about how the plans were to build an outside area for customers during the pandemic. He said he was planning to fix the parking area but needed time.

Community Development Director Bailey read into the record the letter sent from the Building Official, the subsequent email, and the July 2019 variance request. The structure was not a part of the variance.

Robert "Bob" Arnold, the architect, spoke about working with the building official and the timeframes it would take for engineering and a response from the water management district. He said it may take 30 days for surveying and said 90 days may be possible.

A discussion ensued regarding a realistic timeframe and that 120 days would be fair.

Special Magistrate: Found the property in violation. Allowed for one hundred and twenty (120) days to bring the property into compliance or a \$100.00 per day fine will commence accruing. Assessed the city's administrative costs of \$116.75 payable within thirty (30) days.

8. Case # 2022-00032
Christina & Toney & Patricia Miller
585 Pennsylvania Ave.
Parcel # 26-27-32-503700-000021

City Codes Cited:

Section: 106.3 (MPMC) Declaration of nuisance; demand for correction

Section: 302.1 (MPMC) Sanitation and storage of materials

Section: 302-8 (MPMC) Motor Vehicles

Section: 304.3 (MPMC) Premise Identification

The respondent was not in attendance. Her son Mr. Lisben was in attendance. Mr. Lisben submitted photos into the record that appeared to show the property in compliance.

There were no objections, and the photos were accepted as evidence.

A brief discussion ensued regarding a physical inspection.

Code Enforcement Officer Watson presented the case. The city's recommendation is to find the violations exist and continue to exist, allow thirty (30) days for correction or a \$100.00 per day fine, and assess the city's administrative costs of \$78.03.

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 administrative costs of \$78.03 payable within thirty (30) days.

The next hearing date is scheduled for October 20, 2022, at 3:00 p.m.

The Code Enforcement Special Magistrate was adjourned at 4:10 p.m.

Respectfully Submitted,



Linda Bourgeois, BAS, MMC,
City Clerk