

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**  
**COMMISSION CHAMBERS, CITY HALL**  
**AUGUST 20, 2020**  
**3:00 p.m.**

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**Call to Order: Magistrate J. Kemp Brinson**

**Explanation of Procedures / Swearing-in of Witnesses: Magistrate Brinson**

Staff in attendance: Assistant City Attorney Seth Claytor, Community Development Director Ameé Bailey, Code Enforcement Officer Carl Watson, Building Official Mickey Matison, and Building Inspector Ron Kilette.

**Assistant City Attorney Claytor** requested that the previous meeting minutes from February 20, 2020 and July 9, 2020 be approved at the next meeting since Magistrate Dawson was absent.

**Magistrate Brinson** granted the request and continued the minutes until the next Code Enforcement meeting.

**Magistrate Brinson** called the first case and asked if there was anyone present for the property.

Case # 201900004  
Parcel No. 262729-496500-000022  
Martin Family Trust  
295 E. Park Ln.

**Magistrate Brinson** stated that there was a request for a continuation from a representative of the property owner. He asked for the position of the City regarding the request.

**Assistant City Attorney Claytor** stated that the City received a request from the property owner's legal representation to continue the hearing. He stated that this hearing is for fine certification only. In addition, the property is currently in compliance. The violations were already found to exist and at the last hearing, it was made clear that the City would be moving forward with the fine certification at the next scheduled Code Enforcement Special Magistrate hearing. The City requested to move forward with the proceeding.

**Magistrate Brinson** stated that he saw the case in the meeting minutes for July 9. He agreed to move forward with the case.

**Code Enforcement Officer Watson** reviewed the case citing the case notices and code violation of ULDC Table of Land Uses 2.04.01(A) regarding occupancy. He explained that the violation was for the multi-family use in a single-family residence. He stated that the property was inspected on July 30 and was found to be in compliance.

**Director Bailey** provided a brief history of the case and the fine certification amount of \$12,950. She outlined the delays due to the property owner's appeal, which was dismissed. The current administrative cost totaled \$198.75.

**Magistrate Brinson** accepted the affidavits, certified the fines in the amount of \$12,950, and awarded the City the total administrative cost of \$198.75 payable within thirty (30) days.

**Magistrate Brinson** called the second case and asked if there was anyone present for the property.

Case No. 201900010  
Parcel No. 262732-499500-00012  
Denis, Marie L  
430 E. Haines Blvd

**Director Bailey** stated that Mr. Denis called to say he was unable to attend due to his work but was comfortable with the processing of the fine reduction.

**Code Enforcement Officer Watson** reviewed the case, citing the case notices and code violations of 302.1 Sanitation and Storage of Materials, 302.4 Weeds and Overgrowth, and 302.8 Motor Vehicles. The property was brought into compliance on February 7, 2020. The City's recommended reduced-fine is 10 percent of the original fine of \$5,800, plus the administrative cost of \$119.51.

**Magistrate Brinson** reduced the fine to \$580 and awarded the City the administrative cost of \$100.07, payable within thirty (30) days.

**Magistrate Brinson** called case number 202000007 and asked if there was anyone present for the property.

Case # 202000007  
Parcel No. 262732-498000-000051  
Insolvent Asset Acquisition Fund LLC  
355 E. Columbia St.

The new owner of the property, **Uvando Salazar**, was present as well as **Orlando Arjeaga**, tenant, who served as an interpreter.

**Director Bailey** stated that the property had recently been acquired, although it was cited under the previous ownership. The City has been working with the new owners regarding compliance.

**Magistrate Brinson** asked if **Mr. Salazar** was comfortable with **Mr. Arjeaga** translating for him. **Mr. Salazar** affirmed he was.

**Code Enforcement Officer Watson** reviewed the case notifications and code violation of 108.1.1 Unsafe Structure and 302.1 Sanitation and Storage of Materials. The City requested thirty (30) days for the new owners to bring the property into compliance, a \$100 per day fine if the property remains non-compliant, and the administrative cost of \$100.07. He also stated that the new owners are making a great effort to come into compliance.

**Magistrate Brinson** asked Mr. Salazar if he objected to Officer Watson entering presentation pictures into evidence. He did not object.

**Magistrate Brinson** found the property in violation. He provided the owners thirty (30) days to become compliant. If the property was still in violation after thirty (30) days, a fine of \$50 per day would be assessed until the violation had been corrected. He also awarded the administrative cost of \$100.07 to the City, payable within 30 days.

**Magistrate Brinson** called case number 202000006 and asked if there was anyone present for the property.

Case # 2020-00006  
Parcel No. 262733-000000-044070  
740 S. Glencruiten Ave.  
Angeanny, D.Prashad

Premnauth and Angeanny Prashad were present.

**Code Enforcement Officer Watson** reviewed the case, citing the notices and code violations of 108.1.1 Unsafe Structure and 302.1 Sanitation and Storage of Materials. The property was inspected several times. Officer Watson made contact with the property owners. The Prashads have stated that the property is within a loss management situation, but they are listed as the property owners. There has been some cleanup, but the roof is still caving in. The property has been posted, and the owners have been sent a notice. The property is still in violation. The City requests a finding of violation and thirty (30) day for compliance, a \$100 per day fine if the property remains in violation, and the administrative cost of \$100.07.

**Magistrate Brinson** asked the Prashads if they objected to Officer Watson entering presentation pictures into evidence. They did not object.

**Premnauth Prashad** stated that the home was foreclosed eight (8) months ago. He engaged a company to list the property and it was to be auctioned in May of 2020. Due to COVID-19, the auction was postponed. He stated that they are still listed as the owners though they surrendered the property to the bank and do not have access to the property. They have a new listing to sell the property.

**Magistrate Brinson** asked if Mr. Prashad disputed that the property was in violation or that the roof could cave in.

**Mr. Prashad** stated that he has not been to the property for a long time and the locks have been changed.

**Assistant City Attorney Seth Claytor** stated that, pursuant to Chapter 162, the administrative fine is attached to the property and can be enforced against the property owner. The fee title owner is responsible for the condition of the property.

**Building Official Matison** attested that the roof is sagging and caving. He stated that the building is unsafe and was posted as the same.

**Magistrate Brinson** stated that the evidence shows that a violation exists. The property owner will have thirty (30) days to bring the property in compliance. If the violation still exists after thirty (30) days a fine of \$100 per day will be imposed. He awarded the administrative cost of \$95.87 to the City, payable within thirty (30) days.

**Assistant City Attorney Seth Claytor** provided information on the next steps for an unsafe structure, and stated that the City could bring the property back for an abatement order. There would be a notice and advertisement. The abatement cost would be an assessment on and/or for the property.

**Magistrate Brinson** called case number 202000009 and asked if there was anyone present for the property.

Case # 202000009  
Parcel ID: 262805-525000-003021  
Pinnacle Investments & Developments, Inc.

DBA: Lake Shore Manor Apartments C  
940 S. Lake Shore Way

**Paul Campbell** was present as a representative of the property, stating that he is the president of the company that owns the property.

**Code Enforcement Officer Watson** reviewed the case notifications and code violations of 14-22, Permit Required. He stated that on June 6, 2020, he witnessed work being performed on the property. There was no permit on-site, Mr. Campbell was present and informed him that the work was an emergency installation. Mr. Campbell stated that he would ask the contractor to obtain a permit the next day. As of August 19, 2020, a permit has not been pulled. The property was posted on August 11, 2020 and is still in violation. He requested 15 days to correct the permit issue, the imposition of a \$100.00 per day fine thereafter, and administrative fees of \$48.75.

**Mr. Campbell** stated that the permit was pulled on July 17, 2020, by The AC Tech, a licensed contractor (Permit 202000238). He stated that he would schedule a final inspection by next week.

**Officer Watson** stated that no one had contacted him and he did not know a permit had been pulled.

**Assistant City Attorney Claytor** stated that the City is requesting fifteen (15) days for compliance, with the permit already in hand and with no fine requested, and the administrative cost of \$48.75, payable within thirty (30) days.

**Building Official Matison** stated that he checked with the Permit Tech, and the permit was applied for and granted on July 17, 2020. The state statute allows an air conditioning contractor 72 hours to obtain a permit in instances like this. From the timeframe submitted, it was not completed within a 72-hour period.

**Magistrate Brinson** stated that he would enter a finding that a violation did exist and that the violation has been corrected. Administrative fees were awarded in the amount of \$48.75, payable within 30 days. The permit will need to have an inspection and be closed out.

**Magistrate Brinson** called case number 202000010 and asked if there was anyone present for the property.

Case # 202000010  
Parcel No. 262732-501700-000160  
Colyer, Brandon Lee  
285 E. Thelma St.

**Mr. Colyer** was present.

**Code Enforcement Officer Watson** reviewed the case notifications and the code violations of 108.1.4 Unlawful Structure, 14-22 Permit required, and 105.1 Florida Building Code. A stop-work order was posted on May 13, 2020. The certified mail was returned as unclaimed. A permit was applied for on May 21, 2020. The permit application was denied on May 22, 2020, and on July 20, 2020. As of August 13, 2020, there has been no further submission. The City is requesting thirty (30) days for compliance, and, if the property is still in violation, the imposition of a \$50 per day fine until the violation is corrected. The City also requested the administrative cost of \$95.87.

**Magistrate Brinson** asked Mr. Colyer if he objected to Officer Watson entering the presentation pictures into evidence. He did not object.

**Mr. Colyer** stated that he has hired an engineer and submitted the engineer's plans, but the City rejected them. The engineer corrected the plans, and the City rejected them a second time. He acknowledged the partial construction of the structure and even offered to demolish the project in order to resolve the issue.

**Department Director Bailey and Building Official Matison** both stated that a permit would not be required to demolish a structure that does not legally exist.

**Magistrate Brinson** entered a finding of a violation. The property owner was given thirty (30) days to correct the violation or a fine of \$50 per day thereafter would be imposed. He also awarded the City the administrative cost of \$95.87, payable in thirty (30) days.

**Magistrate Brinson** called case number 202000004 and asked if there was anyone present for the property.

Case # 202000004  
Parcel No. 262728-493500-011021  
Wagy, Chandra Chaney  
615 N. 3rd St.

Mrs. and Mr. Wagy were present.

**Code Enforcement Officer Watson** reviewed the case notifications and code violations of:

FBC 105.1 – Permits Required  
FBC 105.4.1 - Expired Permit  
Minimum Property Maintenance Code:  
106.3 – Declaration of nuisance; demand for correction.  
108.1.3 – Structure unfit for human occupancy  
108.1.4 – Unlawful structure  
108.1.5 – Dangerous structure or premises –  
    (1) Stairways at front and rear doors  
    (5) Faulty construction – sheathing not nailed per code  
304.2 - Protective treatment  
304.3 – Premises identification – None posted -911 address not assigned to property  
304.6 – Exterior walls  
307.1 – Handrails for exterior stairs not installed

A stop-work order was posted on April 4, 2020. CESM 14-11-185 was administratively closed. The last activity was in 2015 for the same citations. The City recommends that the Magistrate find current violations, allow 5 days to correct the violations, and impose a fine of \$100.00 per day thereafter. The City also requested that the Magistrate award the City's administrative cost.

**Assistant City Attorney Claytor** stated that there was a prior case on the property, Case # 14-11-185, that dated back to 2015. The order finding violation was issued, however no certification of fines have been heard from then to the present. The City is administratively closing Case # 14-11-185 and opening the current case. The violations have been treated as a new case rather than a repeat case. The City will proceed to prosecute this case and have the administrative fines accrue if an order is entered finding violations exist. The City will bring back before the Magistrate a separate hearing for abatement of the current violations, which will be advertised in the newspaper of general circulation. The 2014 case will be utilized as evidence related to the history and duration of code violations for the subject property.

**Magistrate Brinson** asked what it was about the 2015 case that warrants closure.

**Assistant City Attorney Claytor** stated that the case is still open and accruing administrative costs; however, there has never been a fine certification hearing.

**Code Enforcement Officer Watson** continued discussing the nature of the violations and communications with Mr. Wagy. Mr. Wagy stated that he planned on hiring a General Contractor. Staff is requesting a finding of violation, and requesting five (5) days for Mr. Wagy to bring the property into compliance. If the violation continues to exist, staff requests the imposition of a \$100 per day fine thereafter. Staff also requests the administrative cost for \$97.97.

**Code Enforcement Officer Watson** stated that the property was first cited for this case on March 3, 2020, and was given till March 25, 2020, for compliance. The vehicles were moved, and the yard was cleaned up by that time.

**Mr. Wagy** stated that he did not know what he was required to do to bring the property into compliance.

**Magistrate Brinson** stated that he would like for the Wagys to have a detailed list of items that are out of compliance.

**Building Official Matison** read, reviewed and explained each of the cited violations.

**Director Bailey** stated that both she and the Building Official had explained-with a list-what would be required to bring the property into compliance to Mr. Wagy and the contractor. Staff has supplied Mr. Wagy all the property's documents as part of a Public Records request. Staff worked with 9-1-1 addressing to assign the property a new address since the property had been previously sub-divided. Staff has provided a variety of options to bring the property into compliance such as demolition, reconstruction, remodeling and the associated department costs. Staff has also spoken with the Wagys' contractor, Mr. Willis, regarding these options and costs.

**Mr. Wagy** stated that the water and electricity had been disconnected without notification.

**Director Bailey** stated that the property is a nuisance because the water and electricity were disconnected in association with the 2014 case. The property has not since been connected to the sanitary sewer system. However, it was once connected to a shared septic system. Currently, there is no sanitary service to the structure. In addition, the power connection was pulled by TECO and they will not re-connect power without the City's authorization. Additionally, the structure is unsafe and occasionally occupied by vagrants.

**Mrs. Wagy** stated that they installed a new septic system with a permit and that she has never been notified of people living in the structure. They stated that they still do not understand what is needed to receive a permit. They were told that the contractor would provide that information.

Discussion ensued, including with the Building Official, regarding what would be required to bring the structure into compliance. Staff read several code provisions into the record.

**Building Official Matison** stated that the applicant could pull a building permit at any time for review by the City. Both the property owner and Mr. Willis were provided with the list of violations. Mr. Willis will then decide how to address the issues.

**Director Bailey** stated that no one from the Community Development Department had entered the structure. The list of violations were based on observations from the outside, however there may be additional violations that exist in the interior.

**Sergeant Adam Leatherberry** of the Lake Alfred Police Department stated that the police department had notified the person maintaining the property of the vagrants. He also stated that he and other officers had entered the structure and that several items have been added or changed such as the foundation, windows, doors, and walls.

**Magistrate Brinson** asked the Wagys if they objected to Officer Watson entering presentation pictures into evidence. They did not object. He asked if they agreed that violations existed on the property and they agreed.

**Magistrate Brinson** entered a finding that violations exist, that the property is unfit for human occupancy, that the structure is in a state of disrepair, that the sheathing is not protected, that there are problems with the existing sheathing, that the property lacks address numbers, that windows and doors, along with other construction work, have been installed without a permit, and that the property is not connected to water, power or proper sanitary services. He did not find for violations with code sections 302.4 or 302.8.

He gave the Wagys thirty (30) days to bring the property into compliance. If the issues are not brought into compliance within the thirty (30) days, there will be a fine of \$100 per day until compliance is achieved. He will also award the City the administrative cost of \$97.97, payable within thirty (30) days. He stated that the violations he found today do not indicate that these are the only ones that exist on this property. There may be other issues. The issues will be listed to take care of this citation.

**Mrs. Wagy** asked about the ability to get water and make repairs.

**Magistrate Brinson** stated that a contractor is well versed in the process of providing utilities to a structure during the construction process. This order will state the items that need to be addressed to bring the property into compliance with these violations; however, it may not list all the items that need to be addressed to bring the property into compliance with the City's codes.

**Code Enforcement Officer Watson** further explained the permitting process in relation to code enforcement procedures and that the goal to bring the property into compliance.

**Assistant City Attorney Claytor** stated that the issuance of a building permit would not stay the code enforcement proceedings or the administrative fines that accrue until the property is in compliance.

With no further business, **Magistrate Brinson** adjourned the meeting at 5:16 pm.

Respectfully submitted,



Felicia Hutchinson,  
City Planner.