

Okeechobee County Code Enforcement Special Magistrate Hearing

April 18, 2017 Minutes

The hearing of the Okeechobee County Code Enforcement Special Magistrate, Deborah Hooker, took place at the Okeechobee County Health Department Auditorium and was called to order at 2:03 p.m. on Tuesday, April 18, 2017.

The following county staff members were present:

Beth Albert, Code Enforcement Officer
Rollo Ridley, Code Enforcement Officer
Jennifer Kinard, Code Enforcement Officer
Brandi Cowing, Secretary to the Special Magistrate
Laura McCall, County Attorney

After the Pledge of Allegiance and a brief introduction statement, Magistrate Hooker swore in the Code Officers.

Code Officers stated the following cases are in compliance.

New Business: Bobby Howard and Ellen Renee Howard Case number: 1701-0055

Special Magistrate Hooker approved and signed the minutes from the March 21, 2017 hearing.

IMPOSITION OF FINE:

Case number 1608-0072 for Carmen A Seals and Tony Seals was called.

Case called early due to presence of party. Brandie Tindall, attorney, was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 3257 Highway 441 N which was heard during the March 21, 2017 hearing and originally cited for unsafe structure, 8.00.00G 108.1.1, due to a fire. Property remains in violation. Ms. Tindall represents her own interests in the case. Ms. Tindall states she reached out for estimates for demolition of the building. She also states the property owner has agreed to sign a deed in lieu of foreclosure. Ms. Tindall believes they can have the permit by next compliance date as long as Mrs. Seals signs the deed.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 8.00.00G 108.1.1 and ordered the Respondent to comply by obtaining a demolition permit by May 11, 2017.

NEW BUSINESS:

Case number 1608-0037 for James Turley was called.

Case called early due to presence of party. James Turley was present for this case and sworn for testimony.

Officer Jennifer Kinard presented the case for the property located at 6640 Highway 441 SE which was cited for inoperable/abandoned vehicles, 10.02.02B, parking and use of certain vehicles, 2.07.00A, outdoor storage, 10.02.02L, trash and debris, 10.02.02D, unsafe structure, 8.00.00G 108.1.1, stagnant water in container, 10.02.02G, overgrowth, 10.02.02K, violation of minimum housing standards, 10.02.02O, condition which constitutes a safety hazard, 10.02.02E and unsafe conditions, 8.00.00G 304.1.112. Some compliance has been achieved. Electric repairs, repairs on Mr. Turley's home and the removal of the demolition debris all need to be completed.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B, 10.02.02L, 10.02.02D, 10.02.02K, 10.02.02G, 10.02.02O, 10.02.02E, 2.07.00A, 8.00.00G 108.1.1 and 8.00.00G 304.1.1(12) and ordered the Respondent to comply by July 13, 2017 and to provide a status update on June 20, 2017.

IMPOSITION OF FINE:

Case number 1506-0062 for David Slay and Joey Mohanna was called.

Case was called early due to presence of party. Joey Mohanna was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 32175 NE 3rd Drive which was heard during the March 21, 2017 hearing and originally cited for construction without a permit, 13.01.00. Progress has been made. Engineer completed report. Electric rough in was completed and approved. Respondent states she needs at least another month.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 13.01.00 and ordered Respondent to be in full compliance by June 15, 2017 and to provide a status report on May 16, 2017.

NEW BUSINESS:

Case number 1603-0056 for Terry D White and Carolyn D White was called.

Case called early due to presence of party. Terry White was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 444 NE 64th Avenue which was cited for unauthorized occupancy of RV, 7.08.05 and accessory use without primary structure, 2.04.04C1. Carolyn D White has passed away. Mr. White testifies that he believes the violations are due to a fire that was caused by neighborhood children setting off fireworks. Mr. White states he has priced trailers and expressed his financial strain. Mr. White agreed to go to the bank to look into loans. He states he will have the RV removed.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 7.08.05 and 2.04.04C1 and ordered the Respondent to comply by May 11, 2017.

REQUEST FOR REDUCTION OF FINE:

Case number 1507-0070 for Joseph Z Gazza (Be a Man Buy Land LLC), current owner, and Joseph T Anderson and Cherith L Anderson, previous owners, was called.

Joseph Z Gazza (Zach Gazza), was present for this case and sworn for testimony.

Officer Rollo Ridley presented the case for the property located at 3525 SW 22nd Street, which was originally cited for trash and debris, 10.02.02D and overgrowth, 10.02.02K. The property was found to be in violation and a lien was placed on the property, along with a daily fine of \$30.00, on May 18, 2016. It continued to be in violation for a total of 313 days accruing the fine to \$9,390.00. Mr. Gazza bought the property on March 16, 2017. Mr. Gazza is requesting the fine be reduced from \$9,390.00 to \$330.00 as he brought the property into compliance on March 27, 2017. The property was in violation for a total of 11 days while owned by Mr. Gazza. There should be tax surplus money to be obtained by the county.

Officer Ridley offered several supporting documents into evidence.

Magistrate Hooker recommended there be no reduction, but Respondent be responsible to pay \$330.00 of it. The remaining fine will be obtained through the tax surplus. This recommendation will be presented to the Board of County Commissioners for their consideration. Once it is approved by the Board of County Commissioners, Respondent will have to pay his part of the fine by 5pm, 30 days after the BOCC meeting on May 25, 2017.

Case number 2309-0009A for Aline Norman was called.

This case was called early due to presence of party. Priscilla Gonzalez, a realtor working for Ms. Norman, was present for this case and sworn for testimony.

Officer Beth Albert presented the case for the property located at 6502 E Center Street, which was originally cited for housing codes 8.00.00F, unsafe structure 10.02.00E, unlicensed vehicles 10.02.02J and 2.07.00A, farm animals 2.04.04, care of premises 307.4 and overgrowth 10.02.02K. On April 19, 2004 a daily fine was imposed of \$50.00 per day beginning April 20, 2007. The property includes multiple trailers and it was determined that the property was in full compliance on July 7, 2017 resulting in a fine of \$13,150. A breakdown of the fine was calculated as: Trailer 1 was in violation for 34 days (\$1700), trailer 8 was in violation for 51 days (\$2550), trailer 9 was in violation for 50 days (\$2500), trailer 10 was in violation for 50 days (\$2500) and trailer 11 was in violation for 78 days (\$3900). The sum of these amounts comes to \$13,150. A motion was granted to discuss the liens on Ms. Norman's other properties. Property identified as parcel ID# 1-20-37-36-0010-00000-0020, with case number 2309-0049, was sold as a tax sale in 2016 and is currently not in compliance. This property has an accruing daily fine. Property identified as parcel ID# 1-17-37-36-0A00-00003-024E, with case number 2312-0036, was sold to a third party in 2005 and is in compliance. The daily fine is no longer accruing, but the outstanding balance remains. Ms. Norman no longer possesses these properties or controls them in any manner. When discussing an amount Ms. Norman would be able to pay, Ms. Gonzalez stated she should be able to afford \$6,500.00.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker recommended the fine associated with case number 2309-0009A be reduced to \$6,500.00 from \$13,150.00. Magistrate Hooker also recommended that the Respondent be released from the liens associated with case number 2309-0049 and case number 2312-0036 as she is no longer in possession of the associated properties. This recommendation will be presented to the Board of County Commissioners for their consideration. Once it is approved by the Board of County Commissioners, Respondent will have to pay his part of the fine by 5pm, 30 days after the BOCC meeting on May 25, 2017.

NEW BUSINESS:

Case number 1701-0060 for Kenneth W Wofford and Gennifer L Peleaz was called.

No party was present for this case.

Officer Rollo Ridley presented the case for the property located at 4211 SW 28th Street which was cited for inoperable/abandoned vehicles, 10.02.02B, parking and use of certain vehicles, 2.07.00A and outdoor storage, 10.02.02L. No compliance has been made.

Officer Ridley offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B, 2.07.00A and 10.02.02L and ordered the Respondent to comply by May 11, 2017.

Case number 1702-0035 for Jessica Sanchez Olvera was called.

No party was present for this case.

Officer Jennifer Kinard presented the case for the property located at 7798 NW 82nd Court which was cited for unauthorized farm animals, 10-7A. Compliance was achieved, however the property remained in violation from February 15, 2017 to April 17, 2017.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in compliance, but was in violation of section 10-7A from February 15, 2017 to April 17, 2017.

Case number 1608-0013 for Steven W Hull and Deborah M Hull was called.

No party was present for this case.

Officer Rollo Ridley presented the case for the property located at 685 SE 14th Avenue which was cited for inoperable/abandoned vehicles, 10.02.02B, trash and debris, 10.02.02D, overgrowth, 10.02.02K and outdoor storage, 10.02.02L. No compliance has been made.

Officer Ridley offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 10.02.02B, 2.07.00A and 10.02.02L and ordered the Respondent to comply by May 11, 2017.

Case number 1702-0010 for Gregory Scott and Pamela Scott was called.

No party was present for this case.

Respondent, Mr. Scott, had called before the meeting and stated he broke down on his way to the meeting and requested a continuance.

Magistrate Hooker continued this case to May 16, 2017.

OLD BUSINESS:

Case number 1603-0145 for Denver McPeak was called.

No party was present for this case.

Officer Jennifer Kinard presented the case for the property located at 7355 NE 7th Street which was heard during the March 21, 2017 hearing and originally cited for roof deterioration, 10.04.00E. Douglas McPeak, the property

owner's son, is still interested in obtaining the property. US Bank told Mr. McPeak the property was not in their database. He is still attempting to find out who is responsible for the property.

Officer Kinard offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 10.04.00E and ordered the Respondent to comply by May 11, 2017.

Case number 1507-0059 for Carl and Rebecca Maxwell and Douglas and Jane Reising was called.

No party was present for this case.

Officer Rollo Ridley presented the case for the property located at 3633 NW 21st Street which was heard during the January 16, 2017 hearing and originally cited for unsafe structure, 8.00.00G 108.1.1, structure unfit for human occupancy, 8.00.00G 108.1.3 and overgrowth, 10.02.02K. Demolition permit was applied for and issued. Full compliance has not yet been achieved.

Officer Ridley offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of sections 8.00.00G 108.1.1 and 8.00.00G 108.1.3 and ordered the Respondent to comply by May 11, 2017.

Case number 1606-0096 for John and Megan Louthan was called.

No party was present for this case.

Officer Beth Albert presented the case for the property located at 1637 SW 67th Drive which was heard during the March 21, 2017 hearing and originally cited for no pool enclosure, 8.00.00G 303.2. The permit has been issued and Respondent is nearly finished with the work.

Officer Albert offered several supporting documents into evidence.

Magistrate Hooker found the Respondent to be in violation of section 8.00.00G 303.2 and ordered Respondent to be in full compliance by May 11, 2017.

Magistrate Hooker found the Respondent to be in violation of section 13.01.00 and ordered Respondent to be in full compliance by April 13, 2017.

Before the hearing's adjournment, Magistrate Hooker and County staff reviewed future Magistrate hearing dates. Magistrate Hooker determined that there will be no meeting in August 2017.

There being no further business, the meeting was adjourned.

Brandi Cowing, Secretary to Special Magistrate

Date

Deborah M. Hooker, Special Magistrate

Date