

**MARCH 20, 2019
CODE ENFORCEMENT MINUTES**

I. **CALL TO ORDER - Code Enforcement Special Magistrate Andrew Smith III, called the meeting to Order at 3:00 P.M.**

II. **PLEDGE OF ALLEGIANCE**

At this time anyone intending on providing testimony was sworn in.

III. **PUBLIC HEARINGS -**

A. **NEW CASES -**

**CASE #2018 – 2014 - CHIA-HSIEN CHU, Owner
AI-TI PAN, Owner**

Location of Violation: 1112 12th Street, St. Cloud, Florida

Violation: 2015 International Property Maintenance Code, Sections 108.1.1, 108.1.2, 108.1.3, 108.1.5, 301.2, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 301.10, 304.13, 304.13.2, 304.14, 305.1, 305.2, 305.3, 305.4, 305.6, 501.2, 502.1, 504.1, 504.3, 505.4, 506.1, 506.2, 601.2, 603.1, 604.1, 604.2, 604.3, 604.3.1, 604.3.1.1, 605.1, 605.2, 701.2, & 704.2 adopted by St. Cloud City Code Section 10-33

Description of Violation: Failure to prohibit but rather allowed an unsafe residential structure to not meet minimum living standards that is dangerous to the life, safety and health of the public.

Officer Pam Neal presented the case for Officer Melissa Howes. She presented the case in narrative form and provided an evidence packet and a Power Point presentation. At the conclusion of her presentation, she noted that it was the city’s recommendation that the Respondent be found in violation of having an unsafe residential structure not meeting the minimum living standards and that it is dangerous to the life safety and health of the public including all codes listed on the Statement of Violation and Notice of Hearing. She recommended that the demolition permit or the building permit be obtained by April 10, 2019 and work commence within thirty calendar days from April 10, 2019 and that failure to comply would result in a daily fine of \$250.00 until compliance is met. She further recommended that the Respondent pay the city for administrative costs in the amount of \$222.48 to be paid within seven days of the Magistrate’s written Order.

Mr. IT Pan offered testimony. He noted that he was one of the owners of the property.

There was discussion involving the city attorney regarding time frame for work to commence.

Magistrate Smith found in favor of the city and ordered the Respondent to apply for all necessary permits to conduct the necessary repairs to the structure or apply

for the necessary permits to demolish the structure on or before April 19, 2019. He further ordered that work shall commence to repair the structure or demolish the structure in accordance with issued permits within thirty days from the date such permits are applied for and that failure to comply would result in a daily fine of \$250.00 to accrue until compliance is met. He further ordered the Respondent to pay the city for administrative costs in the amount of \$222.48 to be paid within seven days of the Magistrate's written Order.

CASE #2019 – 421 – AKSHAR KUNJ, LLC, Owner

Location of Violation: 4002 13TH Street, St. Cloud, Florida

Violation: St. Cloud City Code, section 40-136 **(REPEAT VIOLATION)**

Description of Violation: Failure to prohibit but rather allowed the operating of renting U-Hauls at this location.

Officer Pam Neal presented the case for Officer Melissa Howes. She presented the case in narrative form and provided an evidence packet and a Power Point presentation. At the conclusion of her presentation, she noted that it was the city's recommendation that the Respondent be found in a repeat violation of renting U-Hauls at the location prior to obtaining a local business tax receipt. She recommended that the Respondent pay the city a flat fine of \$1,000 due to the repeat violation and to have all U-Hauls removed from the property by March 29, 2019 and that failure to comply would result in a daily fine \$100.00 to begin accruing retroactive to December 2, 2018. She further recommended that the Respondent pay the city for administrative costs in the amount of \$316.30 to be paid within seven days of the Magistrate's written Order.

Magistrate Smith found in favor of the city. He ordered the Respondent to pay a flat fine of \$1,000 due to the repeat violation. He further ordered the Respondent to cease operation of any U-Haul rental activity on the property without proper permits and authorizations and shall remove all U-Hauls from the property on or before March 29, 2019 and that failure to comply shall result in additional fines of \$500.00 per day beginning March 30, 2019 and accruing until compliance is met. He further ordered that the Respondent pay the city for administrative costs in the amount of \$316.30 to be paid within seven days of the Magistrate's written Order.

CASE #2019 – 427 – JAMES JOHNSON, Owner

IRENE TERESA JOHNSON, Owner

Location of Violation: 5803 Sweetgum Street, St. Cloud, Florida

Violation: St. Cloud City Code, section 24-52 (A)

Description of Violation: Failure to prohibit but rather allowed an abandoned vehicle at this location.

Officer Pam Neal presented the case for Officer Melissa Howes. She presented the case in narrative form and provided an evidence packet and a Power Point presentation. At the conclusion of her presentation, she noted that it was the city's recommendation that the Respondent be found in violation of having an abandoned vehicle at the location and to have the vehicle operable or removed from the property by March 29, 2019 and that failure to comply would result in a daily fine of \$100.00 until compliance is met. She further recommended that the Respondent pay the city for administrative costs in the amount of \$191.48 to be paid within seven days of the Magistrate's written Order.

Magistrate Smith found in favor of the city. He ordered the Respondent to have the vehicle operable with current tags or removed from the property by March 29, 2019 and that failure to comply would result in a daily fine of \$100.00 that shall accrue until compliance is met. He further ordered that the Respondent pay the city for administrative costs in the amount of \$191.48 to be paid within seven days of the Magistrate's written Order.

IV. UNFINISHED BUSINESS -

None

V. NEW BUSINESS – REQUEST FOR REDUCTION OF FINE/LIEN LESS THAN \$50,000

CASE #2017-1972 – JONI CEBALLOS, Owner

Location of Violation: 1 Paquin Drive, St. Cloud, Florida

Description of Violation: St. Cloud City Code, Sections 24-162(A) and 24-52(A)

Original Hearing Date: October 18, 2017

A summation was offered by City Attorney, Jack Morgeson.

Joni Ceballos, property owner offered testimony.

Magistrate Smith ordered that the Respondent shall pay to the city, the amount for administrative costs plus a fine of \$250.00.

VI. NEXT SCHEDULED MEETING - APRIL 17, 2019

VII. ADJOURNMENT – Magistrate Smith adjourned the meeting at 3:46 P.M.

Submitted by _____ Date _____
 Deb Clark, Clerk to the Special Magistrate