

**CODE ENFORCEMENT MEETING
APRIL 17, 2019
MINUTES**

I. **CALL TO ORDER - Code Enforcement Special Magistrate Andrew Smith
Called the meeting to order at 3:00 P.M.**

II. **PLEDGE OF ALLEGIANCE**

At this time, anyone intending to offer testimony was sworn in.

III. **PUBLIC HEARINGS -**

A. **NEW CASES -**

**CASE #2019 – 442 - 723 NEW YORK AVE LAND TRUST, &
INVESTOR TRUSTEE SERVICES, LLC TR, Owner**

Location of Violation: 723 New York Avenue, St. Cloud, Florida

Violation: St. Cloud City Code sections 24-162(A)

Description of Violation: Failure to prohibit but rather allowed grass and weeds to be above the height of eight inches at this location.

Officer Pam Neal 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 the Respondent was not present. She noted it was the city's recommendation that the Respondent be found in violation of allowing the grass and weeds to be a height over eight inches and recommended that the Respondent pay the city for costs incurred in the amount of \$234.90.

Magistrate Smith found in favor of the city. He ordered the Respondent was in violation of the cited code of having grass and weeds over a height of eight inches and noted that the violation was cured after the time set in the Notice of Violation. He further ordered that the Respondent pay the city for administrative costs in the amount of \$234.90 to be paid within seven days of the Magistrate's written Order.

**CASE #2019 – 467 – STRATA TRUST COMPANY, Owner
JAMES DYESS, CEO
ROBERT SOUKUP, Tenant**

Location of Violation: 1001 Ohio Avenue, St. Cloud, Florida

Violation: 2015 Edition, International Property Maintenance Codes Section 302.4 and St. Cloud City Code, Section 10-33 Adopted IMPC Code

Description of Violation: Failure to prohibit but rather allowed high grass and weeds over a height of eight inches on improved property.

Officer Terry Sparkman 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 the property was inspected on April 17 and found to

be in compliance. She noted that the Respondent was not present. She noted it was the city's recommendation that the Respondent be found in violation of allowing the grass and weeds to be a height over eight inches on improved property and recommended that the Respondent pay the city for costs incurred in the amount of \$178.08.

Magistrate Smith found in favor of the city. He ordered the Respondent was in violation of the cited code of having grass and weeds over a height of eight inches and noted that the violation was cured prior to the hearing but after the time set in the Notice of Violation. He further ordered that the Respondent pay the city for administrative costs in the amount of \$78.08 to be paid within seven days of the Magistrate's written Order.

**CASE #2019 – 562 – RICHARD HOWARD, Owner
BILLIE JO RUSSELL, Tenant**

Location of Violation: 750 Plymouth Turtle Way, 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.

This case was Nolle Prosequi.

CASE #2019 – 570 – HOMEFIX SERVICES & SOLUTIONS LLC, Owner

Location of Violation: 1204 Michigan Avenue, St. Cloud, Florida

Violation: St. Cloud City Code, section 24-162 (A)

Description of Violation: Failure to prohibit but rather allowed high grass and weeds at this location.

Officer Terry Sparkman 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 allowing the grass and weeds to be a height over eight inches and recommended that the Respondent be allowed until April 30, 2019 to obtain compliance and that failure to comply would result in a daily fine of \$250.00. She also recommended that the Respondent pay the city for costs incurred in the amount of \$172.42

Magistrate Smith found in favor of the city. He ordered the Respondent was in violation of the cited code of having grass and weeds over a height of eight inches and ordered that the violation be cured on or before April 29, 2019. He ordered that if the violation is not cured by that date, a fine of \$250.00 per day shall accrue. He further ordered that the Respondent pay the city for administrative costs in the amount of \$172.42 to be paid within seven days of the Magistrate's written Order.

CASE #2019 – 641 – NOELLE MCELROY, Owner (REPEAT VIOLATION)

Location of Violation: 4211 Lavender Way, St. Cloud, Florida

Violation: St. Cloud City Code, section 24-162 (A)

Description of Violation: Failure to prohibit but rather allowed high grass and weeds above a height of eight inches at this location.

This case was Nolle Prosequi.

CASE #2019 – 711 – OSCAR J. ELENES, Owner (REPEAT VIOLATION)

Location of Violation: 334 Carolina Avenue, St. Cloud, Florida

Violation: St. Cloud City Code, section 24-162 (A)

Description of Violation: Failure to prohibit but rather allowed high grass and weeds above a height of eight inches at this location.

Officer Dianna Durbin presented the case in narrative form and provided an evidence packet and a Power Point presentation. She noted it was a repeat violation and that the previous case was heard on September 19, 2018 and found guilty. At the conclusion of her presentation, she noted that the Respondent was not present. She noted it was the city's recommendation that the Respondent be found in a repeat violation of allowing the grass and weeds to be a height over eight inches and recommended that the Respondent pay a fine of \$500.00 per day beginning March 6, 2019 until compliance is met. She further recommended that the Respondent pay the city for costs incurred in the amount of \$187.48.

Magistrate Smith found in favor of the city. He ordered the Respondent to pay a daily fine in the amount of \$500.00 back dated to March 6, 2019 and will accrue until compliance is met. He further ordered that the Respondent pay the city for administrative costs in the amount of \$187.48 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

CE CASE #2015 – 549 - HAROLD STALLWORTH and LEATHA STALLWORTH, Owner

Location of Violation: 1410 River Road, St. Cloud, Florida

Description of Violation: International Property Maintenance Code, Sections 301.2, 301.3, 302.1, 302.5, 108.1, 108.1.1, 108.1.3, 108.1.5, 108.2, 108.6, 109.2, 109.4, 109.5, 109.6, 110.1, 110.3, 304.1, 304.1.1, 305.1, 308.1 (Failure to prohibit but rather allowed an unsafe residential dwelling at this location)

Original Hearing Date: March 18, 2015

City Attorney, Jack Morgeson offered a summation of the case.

Mr. Stallworth, who identified himself as the owner of the property, offered testimony.

Magistrate Smith approved the lien settlement agreement which was a settlement amount of \$500.00 including administrative costs, to be paid within sixty days of the Magistrate's written Order.

CE CASE #2017-2092 – MARY ANN NORTH, Owner

Location of Violation: 1724 Connecticut Avenue, St. Cloud, Florida

Description of Violation: St. Cloud City Code, Section 24-162(A) and the 2015 Property Maintenance Code, Section 302.1 . (Failure to prohibit but rather allowed high grass over a height of eight inches and allowed the exterior of the property to not be maintained in a clean and sanitary condition).

Original Hearing Date: October 18, 2017

City Attorney, Jack Morgeson offered a summation of the case
Magistrate Smith approved the lien settlement agreement which was a settlement amount of \$1,189.84 including administrative costs, to be paid within thirty days of the Magistrate’s written Order.

CE CASE #2017-2093 – MARY ANN NORTH, Owner

Location of Violation: 1726 Connecticut Avenue, St. Cloud, Florida

Description of Violation: St. Cloud City Code, Section 24-162(A) and the 2015 Property Maintenance Code, Section 302.1. (Failure to prohibit but rather allowed high grass over a height of eight inches and allowed the exterior of the property to not be maintained in a clean and sanitary condition).

Original Hearing Date: October 18, 2017

City Attorney, Jack Morgeson offered a summation of the case
Magistrate Smith approved the lien settlement agreement which was a settlement amount of \$1,204.84 including administrative costs, to be paid within thirty days of the Magistrate’s written Order

CE CASE #2018-1240 – MARY ANN NORTH, Owner

Location of Violation: 1726 Connecticut Avenue, St. Cloud, Florida

Description of Violation: International Property Maintenance Code, Section 308.1 (allowing trash and rubbish on the Subject Property = violation was cured prior to hearing) , and St. Cloud Land Development Code, Sections 3.3.1 and 13.3 (conducting construction work to close in a garage without proper permits).

Original Hearing Date: June 20, 2018

City Attorney, Jack Morgeson offered a summation of the case
Magistrate Smith approved the lien settlement agreement which was a settlement amount of \$1,199.48 including administrative costs, to be paid within thirty days of the Magistrate’s written Order

VI. NEXT SCHEDULED MEETING - MAY 15, 2019

VII. ADJOURNMENT - Special Magistrate Smith adjourned the meeting at 3:39 PM.

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