

**CITY OF ST. CLOUD  
CODE ENFORCEMENT MEETING  
October 16, 2019**

**MINUTES**

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

**II. PLEDGE OF ALLEGIANCE**

Special Magistrate Smith asked if there were any cases that were being Nolle Prose. Officers Dianna Durbin said Case # 2019-2004 was a Nolle Prose.

Special Magistrate Smith also informed City Attorney Jack Morgeson that in the case of Fifth Third Bank he did not include in the order the fines an order imposing fines needs to be done. Attorney Morgeson gave a summation of the case and stated about discussion on submitting an order.

**III. PUBLIC HEARINGS -**

**A. NEW CASES -**

**CASE #2019-1789- Sandie Fu, Owner**

**Location of Violation:** 39-41 Georgia Ave, St. Cloud Florida

**Violation:** St. Cloud City Code, Section 24-162(A) & 40-162

**Description of Violation:** Failure to prohibit but rather allow high grass/weeds above a height of eight inches and the property being used as a rental property without obtaining a current Landlord local business tax receipt at this location

At this time, anyone intending on offering testimony was sworn in by the Special Magistrate.

Code Enforcement Officer Pam Neal presented the case in narrative form and provided an evidence packet and a PowerPoint presentation. At the conclusion of her presentation, she noted that the Respondent was not present. Officer Neal recommended that the property be found in violation of allowing high grass/weeds above the height of eight inches and the property being used as a rental property without obtaining a current Landlord local business tax receipt at this location. She further recommended that the respondent pay the administrative cost in the amount of \$218.90 to be paid within seven days of the written order of the Special Magistrate.

Magistrate Smith found in favor of the city. He found that the Respondent did cure the violations but cured the violation after the set notices. He ordered the respondent to pay the city for administrative cost in the amount of \$218.90 to be paid within seven days of the Magistrate's written order.

**CASE #2019-1939- John A. Hummel Est., Owner**

**Location of Violation:** 1748 Longleaf Drive, St. Cloud Florida

**Violation:** St. Cloud City Code, Section 24-52

**Description of Violation:** Failure to prohibit but rather allow an abandoned vehicle at this location

Code Enforcement Officer Pam Neal presented the case in narrative form and provided an evidence packet and a PowerPoint presentation. At the conclusion of her presentation, she noted that the Respondent was not present. Officer Neal recommended that the property be found in violation of allowing an abandoned vehicle at this location and to have the vehicle properly tagged and operable or remove the vehicle by October 30, 2019 or pay a fine of \$100.00 a day until compliance is met. She further recommended that the respondent pay the administrative cost in the amount of \$225.30 to be paid within seven days of the written order of the Special Magistrate.

Magistrate Smith found in favor of the city. He ordered that the vehicle be returned to operability and current registration be attached by October 30, 2019 or vehicle be removed by that date, failure to comply will result in a daily fine \$100 until compliance is met. He further ordered the respondent to pay the city for administrative cost in the amount of \$225.30 to be paid within seven days of the Magistrate's written order.

**CASE #2019-1957- Akshar Kunj, Owner**

**Location of Violation:** 4002 13<sup>th</sup> Street, St. Cloud Florida

**Violation:** St. Cloud City Code, Section 24-162(A) & St. Cloud Land Development Code, Sections 3.14.8 & 8.7.2

**Description of Violation:** Failure to prohibit but rather allowed high grass/weeds above a height of eight inches and is not maintaining the landscaping buffer requirement at this location.

Code Enforcement Officer Melissa Howes presented the case in narrative form and provided an evidence packet and a PowerPoint presentation. At the conclusion of her presentation, she noted that the Respondent was not present. Officer Howes recommended that the property be found in violation of failure to prohibit but rather allowed high grass/weeds above a height of eight inches and is not maintaining the landscaping buffer requirement at this location by October 31, 2019 or pay a fine of \$100.00 a day until compliance is met. She further recommended that the Respondent pay the administrative cost in the amount of \$209.85 to be paid within seven days of the written order of the Special Magistrate.

Magistrate Smith found that there were bigger issues with this property with landscaping that has died off and needs to be replaced and, with the city's plan, to start addressing these issues. He wants to be careful not to fine that the only problem with this property is that the grass is too tall.

Officer Melissa Howes stated that she would like to then give two different time frames on the grass and give the Respondent the site plan and extra amount of time to cure the violation.

Attorney Jack Morgeson stated that specifically the language of 8.7.2 which states that the owner demonstrate the health and viability of the landscaping and to make sure it's consistent with the plan.

Magistrate Smith found in favor of the city. He found that Respondent is in violation of the city code for having weeds and high grass over the height of eight inches, also found that the Respondent has not maintained the landscaping according to code both in terms of overgrown landscaping and missing landscaping. He ordered the overgrown landscaping and overgrown weeds be in compliance by October 31, 2019, failure to comply will result in a daily fine \$100 until compliance is met. Additionally, he ordered the Respondent submit a plan within ninety days to the city to return all missing and dead landscaping to their original landscape plans. Furthermore, ordering the completion of all landscaping restoration to be done within six months. He further ordered the Respondent to pay the city for administrative cost in the amount of \$209.85 to be paid within seven days of the Magistrate's written order. After the six month period this case will be reheard.

**UNFINISHED BUSINESS - None**

- V. NEW BUSINESS –**
- VI. NEXT SCHEDULED MEETING - November 20, 2019**
- VII. ADJOURNMENT - Magistrate Smith adjourned the meeting at 3:28p.m**

Submitted by \_\_\_\_\_ Date \_\_\_\_\_  
Claudia Klockars, Clerk to the Magistrate