



**CITY OF FRUITLAND PARK  
CODE ENFORCEMENT-SPECIAL MAGISTRATE  
HEARING AGENDA  
DECEMBER 14, 2017**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**9:00 a.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**
- 4. APPROVE MEETING MINUTES FROM AUGUST 3, 2017, AND NOVEMBER 8, 2017, CODE ENFORCEMENT SPECIAL MAGISTRATE MEETINGS**
- 5. ATTORNEY PRESENTATIONS**

**Hearings**

**a) Case # CE2016-004**

Property Address: 412 Sunny Court, Fruitland Park, FL 34731

Property Owner: Robert T. Moore

Violation(s): City Code, Chapter 97: Property Maintenance

Section 97.04-Accumulation of Junk Prohibited.

Grace period for compliance expired July 11, 2017.

**b) Case # CE2017-003**

Property Address: 3131 US Hwy. 27/441, Fruitland Park, FL 34731

Property Owner: Florida Medical Industries Inc., C/O Stephen Angelillo

Violation(s): City Code, Chapter 97: Property Maintenance

Section 97.03-Excessive or Untended Growth of Vegetation  
Prohibited.

Section 97.04-Accumulation of Junk Prohibited.

International Property Maintenance Code:

Section 108.1-Unsafe Structures.

Section 108.1.3-Structures unfit for human occupancy.

Grace period for compliance expired October 10, 2017.

- 6. NEW BUSINESS**

**7. PUBLIC COMMENTS**

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**8. OTHER BUSINESS**

**9. ADJOURNMENT**

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement- Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

Pursuant to FSS 162.11, all Code Enforcement-Special Magistrate cases that are appealed are appealed to Circuit Court. The appeals must be filed no later than 30 days from the date of the execution or signing date of the written Order that is to be appealed. Any Order issued by the City of Fruitland Park's Code Enforcement-Special Magistrate may be appealed, including the original order, any subsequent orders, an extension order, or a reduction order.

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

**FRUITLAND PARK CODE ENFORCEMENT SPECIAL MAGISTRATE  
MEETING MINUTES  
August 3, 2017**

A hearing of the Fruitland Park Code Enforcement Special Magistrate was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 3, 2017 at 8:30 a.m.

**Present:** Mr. Ashley Hunt, Attorney-at-law, Special Magistrate; Mses. Anita-Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer; Messrs. Joshua Bills, Hunt Law Firm, P.A.; Charlie Rector, Community Development Department Director; Dale Bogle, Public Works Department Director, and Ms. Esther B. Coulson, City Clerk.

**1. CALL TO ORDER**

After Special Magistrate Hunt called the hearing to order at 8:35 a.m. and gave an opportunity for the respondent to appear, the special magistrate proceedings commenced without the presence of the respondent.

**2. ROLL CALL**

At Special Magistrate Hunt's request, Ms. Geraci-Carver introduced herself.

**3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**

Special Magistrate Hunt administered the oath to Ms. Davis and Rector who intended to testify at this morning's hearing.

**4. CASE #CE2017-0032 – Jennifer E. Marcial, Respondent - 401 Acorn Circle, Fruitland Park, FL 34731**

Ms. Geraci-Carver acknowledged the presence of Ms. Davis, who will be presenting the case, and indicated that she will ask any follow-up questions whenever necessary.

Ms. Davis presented testimony concerning violations of the city's codes by the respondent, Ms. Jennifer E. Marcial, on Case Number CE2017-0032; gave a historical background and overview of the violations since a complaint was made on April 6, 2017, and outlined the actions she undertook which led to the request for hearing as depicted in the backup and filed with the supplemental papers to the minutes of this meeting.

In response to Special Magistrate Hunt, Ms. Davis confirmed in the affirmative that the complaint, based on evidence presented at this day's hearing, is true and accurate to the best of her knowledge.

Special Magistrate Hunt indicated that it appears at this time that the respondent was notified where notice was issued and delivered; a reasonable amount of time was given to correct the violation, and a request for hearing was made whereby the respondent was not present at this day's hearing to make a presentation on the case.

There were no other witnesses present to testify, Special Magistrate Hunt closed the hearing to testimony and issued the following order under the findings of fact and conclusions of law that

- Violation 1  
Excessive or untended growth of vegetation prohibited, subsection 97.03, Property Maintenance Code of Ordinance,  
**Action Required: Property needs to be mowed, vines cutback and maintained.**
  
- Violation 2  
Accumulation of refuse prohibited, subsection 97.02, Property Maintenance Code of Ordinance;  
**Action Required: The piles of trash and dumped debris in the right-of-way need to be removed and cleaned up.**
  
- Violation 3      Accessory uses and structures, fences and walls, subsections 156.010 and 156.030, Land Development Regulations (LDR), and  
**Action Required: The fencing/structure along the front of the property needs to be removed.**
  
- Violation 4  
Unsafe structures, subsection 108.1.1, and structure unfit for human occupancy, subsection 108.1.3, Property Maintenance Code of Ordinance.  
**Action Required: The 1987 manufactured home should be removed from the property as it is so damaged and unsafe it is a hazard and a blight to the neighborhood and the community. Demolition of the structure based on the building official's recommendation dated April 13, 2017.**

- **Conclusions of Law**

1. The respondent has violated the provisions of the City of Fruitland Park's Code of Ordinances as previously cited.
  
2. Based upon the facts and evidence presented, the Order of Enforcement as follows is warranted:

- **Order**

Respondent shall pay costs associated with the file in the amount of forty-four dollars and thirty-six cents. All fines and costs shall be paid to the *City of Fruitland Park*, 506 W. Berckman Street, Fruitland Park , FL 34731.

Respondent shall make the necessary corrective actions as previously cited within thirty (30) days from the date of this order. Failure to bring the property into compliance with the City of Fruitland Park codes shall result in an Order of Fine being issued at the rate of \$50.00 per day to commence thirty (30) days from the date this order is signed for each day the property is not in compliance and continue

to accrue at the daily rate of fifty dollars (\$50.00) until such time as the property comes into compliance.

**5. ATTORNEY PRESENTATIONS (Request for Hearings)**

There were no attorney presentation to be submitted at this time.

**6. ADJOURNMENT**

The hearing adjourned at 9:00 a.m.

**CITY OF FRUITLAND PARK**  
**CODE ENFORCEMENT-SPECIAL MAGISTRATE**  
**November 8, 2017 Meeting Minutes**

A hearing of the Fruitland Park Code Enforcement Special Magistrate was held at 506 W Berckman Street, Fruitland Park, Florida 34731 on Wednesday, November 8, 2017 at 8:30 a.m.

**Present:** Mr. Ashley Hunt, Attorney-at-law, Special Magistrate; Mses. Anita-Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer; Messrs. Joshua Bills, Hunt Law Firm, and Ms. Tracy Kelley, Administrative Assistant.

**1. CALL TO ORDER**

The meeting came to order at 8:42 a.m.

**2. ROLL CALL**

**3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**

Special Magistrate Hunt administered the oath to Ms. Davis who intended to testify at this morning's hearing.

**4. CASE # CE2017-0032 - Jennifer E. Marcial, Respondent - 401 Acorn Circle, Fruitland Park, FL 34731**

Ms. Davis presented testimony concerning violations of the city's codes by the respondent, Ms. Jennifer E. Marcial, on Case Number CE2017-0032 which was presented at the August 8, 2017 special magistrate hearing.

Ms. Davis outlined the following actions she undertook on August 26, 2017 to give the opportunity for the respondent to comply with the August 11, 2017 Special Magistrate's Order of Enforcement by September 11, 2017 and her findings after she inspected the subject property on September 26, 2017 as depicted in Exhibits A, B, C, and D (copies of which are filed with the supplemental papers to the minutes of this meeting) where evidence reveal that:

The subject property remains in violation;  
No actions were taken to maintain or repair the property to correct the violation;  
certified mail to the respondent were returned;  
The request for hearing, that was posted, for noncompliance remains in effect to this date, and  
Calculated of order of fines since September 12, 2017.

Recognizing that there were no other witnesses present to testify, Special Magistrate Hunt closed the hearing to testimony; accepted the evidence submitted by Ms. Davis, and gave the Findings of Fact and Conclusions of Law as outlined in the Order of Enforcement:

The respondent was given proper notice of at least 10 days prior to this day's request of hearing.

The violation occurred on the subject property;

- a. Excessive or Untended Growth of Vegetation Prohibited, Property Maintenance under City of Fruitland Park Ordinance Chapter 97 Subsection 97.03;
- b. Accumulation of Refuse Prohibited, Property Maintenance under City of Fruitland Park Ordinance Chapter 97 Subsection 97.02;
- c. Accessory Uses and Structures under City of Fruitland Park Land Development Regulations General Provisions on Restrictions, Height, and Location, Subsections 156.010 (1)(2)(3), and
- d. Unsafe Structures and Equipment, Exhibit to Ordinance Property Maintenance under Code Subsection 108.1.1. And Structure Unfit for Human Occupancy under Subsection 108.1.3.

The respondent was not present for the August 3, 2017 hearing;

Special Magistrate Hunt ordered that commencing September 12, 2017, the respondent pay to the City of Fruitland Park at city hall fifty dollars (\$50.00) per day -- which will continue to accrue at that rate with additional associated costs of fifty-seven dollars and four cents (\$57.04) until the subject property is brought into compliance -- within thirty (30) days of the date of this day's order.

In response to Special Magistrate Hunt's recognition of the three month-period following the recorded order and the foreclosure process, Ms. Geraci-Carver outlined the recording of the order in Lake County's public records and the city's subsequent request before the special magistrate for permission to foreclose on the subject property where a determination would be made in that regard.

Special Magistrate Hunt agreed that he or Ms. Geraci-Carver would prepare the order.

## 5. REQUEST FOR HEARINGS

### a) CASE# CE2016-004 - Robert T. Moore (Property Owner), Respondent - 412 Sunny Court, Fruitland Park, FL 34731

Ms. Davis referred to Case Number CE2016-004 and requested a hearing regarding the violation of Property Maintenance Accumulation of Junk Prohibited of the city's code under subsection 97.04 where the grace period for compliance expired on July 11, 2017.

Ms. Davis identified the property's location at 412 Sunny Court, Fruitland Park, Florida 34731; recognized the presence of Mr. Robert T. Moore at this day's hearing where he was notified of same by US mail, certified mail, posting at city hall, and on the subject property in question, and requested that the matter be heard before the special magistrate at the proposed date of December 14, 2017 hearing.

At Special Magistrate Hunt's request, Mr. Moore addressed his attempts to bring the property into compliance.

In response, Special Magistrate Hunt recognized the opportunity for Mr. Moore to appear at the next hearing to present evidence; addressed the ultimate goal for the city to work with him to meet compliance, and granted the request to hold a hearing where a decision would be made at that time.

**b) CASE# CE2017-003 - Property Owner: Florida Medical Industries Inc., in care of Mr. Stephen Anguilla - 3131 US Highway/441, Fruitland Park, FL 34731**

Ms. Davis referenced to Case Number CE2017-003 and requested a hearing regarding the following violations of property maintenance where the grace period for compliance expired on October 10, 2017.

Excessive or Untended Growth of Vegetation Prohibited under Subsection 97.03, Chapter 97 of the city's code;  
Accumulation of Junk Prohibited under Subsection 97.04, Chapter 97 of the city's code,  
Unsafe Structures under Subsection 108.1 of the International Property Maintenance Code, and  
Structures Unfit for Human Occupancy under Subsection 108.1.3 of the International Property Maintenance Code.

In response, Special Magistrate Hunt granted the request to hold a hearing on the subject case for December 14, 2017.

**6. ATTORNEY PRESENTATIONS (Request for Hearings)**

There was no attorney presentation to be submitted at this time.

**7. OTHER BUSINESS**

There was no other business to come before the special magistrate at this time.

**8. ADJOURNMENT**

The meeting adjourned at 8:55 a.m.