

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.

