

**CITY OF FRUITLAND PARK
CODE ENFORCEMENT-SPECIAL MAGISTRATE
April 5, 2018 Meeting Minutes**

A hearing of the Fruitland Park Code Enforcement Special Magistrate was held at 506 W Berckman Street, Fruitland Park, Florida 34731 on Thursday, April 5, 2018 at 9:00 a.m.

Present: Mr. Ashley Hunt, Attorney-at-law, Special Magistrate; Mses. Anita-Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer, and Ms. Esther B. Coulson, City Clerk.

1. CALL TO ORDER

The meeting came to order at 9:00 a.m.

2. APPROVAL OF MINUTES

Special Magistrate Hunt approved the December 14, 2017 minutes as submitted.

3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

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

4. ATTORNEY PRESENTATIONS - HEARINGS

**CASE # CE2017-003 – Florida Medical Industries Inc., c/o Stephen Angelillo
Property Owner (Respondent)– 3131 US Hwy 27/441, Fruitland Park, Florida 34731
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**

Ms. Geraci-Carver gave a report on the affidavit of non-compliance on the subject case from Ms. Davis filed on December 14, 2018; the hearing held whereby the special magistrate entered an order of enforcement on February 9, 2018 against the property, and the additional time given to bring the property into compliance; otherwise, the daily rate of \$100 a day fine would continue to accrue 30 days from the order, March 11, 2018.

After Ms. Geraci-Carver relayed the request that an order of fine be entered at \$100 a day and confirmed that the notice of hearing was sent to the property owner, she acknowledged his presence at this morning's hearing.

At this time, Special Magistrate Hunt called for the respondent, Mr. Angelillo, to be heard and administered the oath in order for him to give testimony.

Mr. Angelillo pointed out his previous emails to Ms. Davis regarding the quotes he received to perform the cleanup and demolish the buildings; explained that the property control was transferred to individuals in Chicago at the end of February 2018 -- however, he is responsible for the day-to-day activities to sell same – and he has not yet received

direction from the respective individuals; thus, the difficulty he has in reaching the corporation. Mr. Angelillo addressed the minimal work conducted to clear the shrubbery on the property and the parking lot,

Mr. Angelillo indicated that the fines imposed on the property would not make a difference; thus, the inability for him to pay for same; addressed previous attempts made to clean up and sell the property and indicated that the problem of inform the special magistrate on how to rectify the problem recognizing the current issue of dumping, break-ins and vandalism.

Mr. Angelillo confirmed in the affirmative to Special Magistrate Hunt's inquiries that he received the February 9, 2018 order of enforcement and the December 14, 2017 hearing notice.

Special Magistrate Hunt, in noting his restrictions, referred to Mr. Angelillo's:

- December 11, 2017 email response after receiving the December 14, 2017 hearing notice;
- ability to be present or for a representative to attend the hearing and submit evidence where the fines could be determined with the likelihood of the situation remedied;
- opportunity in attempting to work with the city which did not occur; therefore, the order was procedurally entered into which required meeting compliance within 30 days of enforcement; the fines to be imposed to bring the property into compliance; otherwise, the penalty would be \$100 a day;
- statements verifying that he is the agent of record, and
- failure to file a motion to continue the hearing but sent an email that he would be out-of-town;

After Special Magistrate Hunt suggested that Mr. Angelillo continue to work with Ms. Davis to remedy the situation to comply with city code and noted his role is to review the evidence presented before the order, Mr. Angelillo confirmed that the property was not brought into compliance.

Following Special Magistrate Hunt's recognition of the fines to be entered would continue to accrue and that there would be a lien on the property, Mr. Angelillo identified other creditors' liens on the property which he previously conveyed to Ms. Davis.

Special Magistrate Hunt, having reviewed the files (affidavit of non-compliance); heard testimony and based on the evidence set forth at this morning's hearing, he issued the following findings:

- **the respondent was served with proper notice of hearing;**
- **the code violations were issued and the order of enforcement have not been complied with;**
- **imposed a fine of \$100 per day -- 30 days from the issuance of the February 9, 2018 final order -- to commence March 11, 2018 with the cost associated with the order of enforcement which has not yet been paid.**

Special Magistrate Hunt encouraged Mr. Angelillo to work with the city, which he recognized that he has previously been attempting; otherwise, the fines would continue to accrue.

Mr. Angelillo questioned the calculations with the advantages of the city cleaning-up the parking lot and vegetation overgrowth as a minimal method of rectifying the problem, based on the quotes he received; thus, the \$100 a day fine, where in a few months the problem, the property would be cleaned-up, the problem resolved. and a lien placed on the property.

In response, Special Magistrate Hunt explained that Mr. Angelillo's suggestion is beyond his purview where it would be a business decision made by him and the city and advised him of his role as a judge and magistrate where he does not get involved.

After Ms. Geraci-Carver suggested that Mr. Angelillo meet with Ms. Davis who will communicate with the city manager and then contact him to which she recommended that Mr. Angelillo contact her to schedule an appointment to meet with the city manager to address the issue; discuss his views, and whether he would authorize same.

Ms. Davis responded to Special Magistrate Hunt's inquiry on the prior additional cost, to be \$114.12 to which he required said sum to be paid within 30 days.

5. REQUEST FOR HEARINGS

There was no request for hearings to be presented before the special magistrate at this time.

6. OLD BUSINESS

Affidavit of Compliance – Release of Property and Acknowledgement of Compliance

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.

After Ms. Anita-Geraci Carver confirmed in the affirmative to Special Magistrate Hunt's inquiry that the property, 412 Sunny Court, Fruitland Park, Florida 34731, has met compliance. She requested that an order of compliance be entered for Mr. Robert T. Moore, property owner.

After Ms. Davis responded to the Special Magistrate's inquiry that the cost has not been paid, she questioned the waiving of same where Ms. Geraci-Carver responded in the affirmative to Special Magistrate Hunt's question that the city desires to waive the costs of \$51.54.

Special Magistrate Hunt addressed his plans to enter the order at a future date.

7. NEW BUSINESS

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

8. PUBLIC COMMENTS

There were no public comments at this time.

9. OTHER BUSINESS

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

10. ADJOURNMENT

The meeting adjourned at 9:22 a.m.