

**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.