

**CITY OF FRUITLAND PARK  
CODE ENFORCEMENT-SPECIAL MAGISTRATE  
HEARING MINUTES**

**July 5, 2018**

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

**9:00 a.m.**

**Present:** Ashley Hunt, Attorney-at-Law, Special Magistrate; Anita Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer, and Kelly Turner, Community Development Department.

**1. CALL TO ORDER**

The meeting came to order at 9:03 a.m.

**2. APPROVAL OF MINUTES**

Special Magistrate Hunt announced June 6, 2018 Code Enforcement – Special Magistrate Meeting Minutes have been reviewed and approved.

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

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

**4. ATTORNEY PRESENTATIONS -HEARINGS**

**a) CE2018-0043**

**Property Address: 19 Grizzard Street, Fruitland Park, FL 34731**

**Property Owner: Joseph Casteel Jr.**

**Violation: City Code, Chapter 97: Property Maintenance**

**Section 97.03-Excessive or Untended Growth of Vegetation Prohibited**

**Section 97.04-Accumulation of Junk Prohibited and**

**International Property Maintenance Code, Subsection 302:**

**Accessory Structure(s) and Subsection-302.7- Accessory**

**Structures (Fences)**

**Grace Period for compliance expired: May 5, 2018**

First case tabled at this time as the property owner for second case is present and requested to be heard first so he could leave for work.

**b) CE2018-0005**

**Property Address: 114 S. Iona Avenue, Fruitland Park, FL 34731**

**Property Owner: Alonso Alejandro**

**Violation: City Code, Chapter 97: Property Maintenance**

**Section 97.03-Excessive or Untended Growth of Vegetation Prohibited**

**Section 97.04-Accumulation of Junk Prohibited and**

**International Property Maintenance Code, Subsection 108:**

**Unsafe Structures and Subsection-108.1.1-Unsafe Structures (Shed)**

**Grace Period for compliance expired: May 21, 2018**

Special Magistrate Hunt introduced CE2018-0005. Lori Davis, Code Enforcement stated the City received a complaint regarding referenced property on the date of February 15, 2018. The property was inspected and ownership records were viewed showing Mr. Alejandro as having ownership of the property. Copies of proof of ownership as well as the complaint form from the investigation have been provided for this hearing. Upon inspection of the property there were junk appliances lying in the yard as well as several piles of lawn debris and it was determined that the property was in violation.

The City proceeded with the case and the property owner was notified of the complaint regarding the junk, overgrowth, as well as an unsafe structure that resided on the property. There has been constant communication with the property owner Mr. Alejandro via email and telephone conversations. During this time the City worked with Mr. Alejandro regarding the cleanup and on two separate occasions the property tenants would clean up some of the property but by the time they left the property was in greater disarray than the time of the initial violation.

Ms. Davis presented pictures of the property detailing the code violations. The property abuts Fruitland Park City Pool and is on a corner lot which is visible to neighbors as well as the general public. One of the pictures is the view from Fruitland Park City Pool which shows the remains of a dilapidated shed which was partially dismantled. The owner blocked off this part of the property for safety reasons. The property owner was noticed of the violation in February and was noticed again as some work had been done on the property and the City was trying to work with him.

The Property Owner was initially sent notice in February and was sent notice again after cleanup was started. The deadline for the second notice was May 4, 2018 as seen on Exhibit D. The City is in possession of all certified mail certificates as well as copies of all postings. Upon re-inspection of the property on May 23, 2018 it was determined that the property was still in violation which resulted in a request for hearing. The request for hearing was granted on May 24, 2018. The property owner was given notice of the violation and is in attendance at this time.

Special Magistrate Hunt introduced property owner Alonso Alejandro. Mr. Alejandro stated he intends to clean the area up and he lives an hour and a half away from the property. He is facing a hardship as both of his vehicles are broken down at this time. Mr. Alejandro acknowledged that the property is in violation requested more time to finish the cleanup. Special Magistrate Hunt questioned the amount of time requested. Mr. Alejandro stated the recent tenants accumulated and left behind more garbage. Mr. Alejandro stated he has made an effort by dismantling the

shed and removing two junk vehicles. Mr. Alejandro requested a couple months' time to finish clean-up. Mr. Alejandro stated he would get the grass mowed and he would order a dumpster for the accumulation of junk. Special Magistrate Hunt requested a justification for more time from the property owner Alonso Alejandro. Mr. Alejandro stated he made an effort by attending the meeting today and dismantling the shed. Mr. Alejandro stated previous tenants have now vacated the premises so he is able to get into the residence for clean-up as he was unable to complete while the tenants were residing in the residence.

Special Magistrate Hunt inquired if other witnesses were in attendance to testify on this matter in which there were none. Special Magistrate Hunt stated Mr. Alejandro was found in violation of the three code sections cited in the notice of violation. Special Magistrate Hunt accepted the code packet as submitted by the City as evidence. Special Magistrate stated the request for more time was granted in the amount of 30 days before a fine would be assessed for the violation. Special Magistrate inquired about the fine amount that the City is requesting. Lori Davis stated the City is requesting a fine in the amount of \$50.00 per day after the 30 day period if the property was still found in violation. Special Magistrate Hunt ruled that a fine of \$50.00 per day would be imposed on the property if the violations have not been rectified. Special Magistrate Hunt inquired with the City about the costs incurred to date in regards to this case. Ms. Davis stated the costs incurred by the City to date is \$54.32. Special Magistrate Hunt ruled that if the fine is imposed it would result in a lien on the property and another case hearing. Special Magistrate stated if the issues are corrected the City may dismiss the case.

### **Resume Hearing CE2018-0043**

Special Magistrate Hunt announced case CE2018-0043. There are no witnesses for this case in attendance to testify at this hearing. Ms. Davis proceeded with the hearing. Ms. Davis stated the City received a complaint regarding the property at 19 Grizzard Street, Fruitland Park, FL. The property owner is Mr. Joseph Casteel, Jr. who the City was able to identify through property records with the Lake County Property Appraiser and the Property Tax Clerk in which the supporting documents are included in the hearing packet.

Ms. Davis completed a property inspection at 19 Grizzard Street on February 18, 2018 and found the property in violation of excessive vegetation, accumulation of junk and in violation of property maintenance code section 302.7. Ms. Davis presented pictures of the property documenting the violations. Ms. Davis stated the accumulation of junk has increased since initial violation. Regarding chapter 302.7 the fence is constructed of chain-link, wire, and old paneling and is dilapidated. The owner was personally noticed and the property continues to be in violation. All mail regarding notices is not being accepted but is returned to the City and the postings have been taken off of the fence. Special Magistrate Hunt inquired what the City is seeking as far as enforcement and fines. Ms.

Davis responded that the City would like to see the property cleaned up and the fence repaired. If the property is not brought into compliance the City is seeking that a \$50.00 fine per day is imposed. Special Magistrate Hunt inquired of present cost to City regarding this property. Ms. Davis responded currently \$54.32. Special Magistrate Hunt ruled the property will be assessed a \$50.00 per day fine to commence within 30 days of the date of today's hearing given the cost \$54.32. Special Magistrate Hunt found the property in violation of all three violations as set forth in the petition. Special Magistrate Hunt closed the case as there were no further comments from Ms. Davis.

5. **REQUEST FOR HEARINGS:** None
6. **OLD AND NEW BUSINESS:** None
7. **PUBLIC COMMENTS:** None
8. **OTHER BUSINESS:** None
9. **ADJOURNMENT:** Meeting adjourned at 9:24 AM.