

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

December 3, 2020

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

9:00 A.M.

1. CALL TO ORDER

2. APPROVAL OF MINUTES

July 18, 2019

3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

4. ATTORNEY PRESENTATIONS -HEARINGS

None

5. REQUEST FOR HEARINGS

CE2019-0096

Property Address: 700 Phoenix Avenue, Fruitland Park, FL 34731

Property Owner: Cynthia L. Schadle, Estate

Violation: City Code, International Property Maintenance Code,
Sec. 308.1 - Accumulation of Rubbish and Garbage
Sec. 301.3 - Vacant Structures and Land.
Sec. 108.1.3 - Structure Unfit for human occupancy.

Grace Period for compliance expired: January 24, 2020

CE2020-0064

Property Address: 105 W. Berckman Street, Fruitland Park, FL 34731

Property Owner: Raymond and Rhonda Everts

Violation: City Code, Chapter 97: Property Maintenance
Sec. 97.04 - Accumulation of Junk.
Sec. 156.010 - Accessory uses and Structures.
International Property Maintenance Code,
Sec. 302.7 - Accessory Structures.
Florida Building Code,
Sec. 105.01 - Permits Required.

Grace Period for compliance expired: July 30, 2020

CE2020-0014 - Repeat Violation

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

Property Owner: Robert T. Moore

Violation: City Code, Chapter 97: Property Maintenance
Sec. 97.04 - Accumulation of Junk

Grace Period for compliance expired: February 21, 2020

6. OLD BUSINESS -

- a) Affidavit of Compliance – CE2018-0163
L & S Developers Inc. (Aaron Lemire)
201 Palm Street, Fruitland Park, FL 34731
- b) Affidavit of Compliance – CE2017-0032
Martavious Bean
401 Acorn Circle, Fruitland Park, FL 34731

7. NEW BUSINESS - NONE

8. PUBLIC COMMENTS

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 Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, 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.

9. OTHER BUSINESS

10. 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.

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

July 18, 2019

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, Administrative Assistant, Community Development Department.

1. CALL TO ORDER

The meeting was called to order at 9:03 a.m.

2. APPROVAL OF MINUTES

Special Magistrate Hunt announced March 7, 2019 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 Code Enforcement Officer Lori Davis who intended to testify at this morning's hearing. There were no other witnesses present who intended to testify.

4. ATTORNEY PRESENTATIONS -HEARINGS

a) HEARING – NOTICE OF VIOLATION

CE2019-0062

Property Address: 32 Grizzard Street, Fruitland Park, FL 34731

Property Owner: Tommy C. Smiley Estate & Charlotte A. Bryant Estate

Violation: City of Fruitland Park Ordinance-

Chapter 97.- Property Maintenance

Section 97.04 – Accumulation of Junk Prohibited

International Property Maintenance Code –

Section:108.1 - Unsafe Structures

Section:108.1.3 - Structure Unsafe for Human Occupancy

Section:108.1.5 - Dangerous Structure or Premises

Grace Period for compliance expired: May 26, 2019

Special Magistrate Hunt introduced CE2019-0062. There are no witnesses for this case in attendance to testify at this hearing. Ms. Davis proceeded with the hearing and presented evidence of violations as well as required notice of said violations. Notice of Violation was posted on the property as well as at city hall. Owner and tenant were also noticed via certified mail, which was returned to the city unclaimed. Ms. Davis presented photo

evidence of noted violations to include photos of the fire damage and debris. Special Magistrate Hunt requested the date when the fire occurred to which Davis responded May 5, 2019.

Ms. Davis stated Notice of Violation was sent to registered property owners and the city has not received a response. Notice was also sent to the property tenant, Dewey Davis. Due to the fire damage, the home was deemed and unsafe. Tenant Dewey Davis moved to a nearby residence for the time being. Upon expiration of the Notice of Violation, the property was re-inspected May 31, 2019 and was deemed non-compliant. Due to non-compliance and no response from the property owners, request for hearing was scheduled with Notice of Hearing sent certified mail, posted on property, and posted at city hall.

Special Magistrate Hunt asked Ms. Davis to clarify what the city is requesting. Ms. Davis responded the city is requesting to proceed with demolition due to the property structure causing imminent danger. The city complied and gave notices and orders according to International Property Maintenance Code Section 107 for the structure to be demolished and removed from the lot. The owner or legally authorized agent has failed to comply by the due date of May 26, 2019 therefore the city is requesting to proceed with demolition. Special Magistrate inquired about requested timeline. Ms. Davis responded the city would need approximately 10 days to get an estimate from a licensed contractor. Special Magistrate Hunt asked if there was imminent danger within that time frame. Ms. Davis responded at this time the city has provided, at its own expense, around the clock police surveillance to deter vagrants and children from attempting to enter the premises.

Special Magistrate Hunt inquired the status of the estates of current property owners. Ms. Davis responded since the property owners have not responded, the only information given was from the tenant, Dewey Davis, who states the estate owners are deceased and the property was left to him. The city requested proper documentation to verify ownership which the tenant has not provided though he has been given a reasonable amount of time to comply. Proper documentation has not been presented and no other family members have come forward with evidence of who possesses legal authorization to manage the property.

Special Magistrate Hunt requested opinion from council. City Attorney Anita Geraci-Carver responded section 110 of the International Property Maintenance Code, under demolition, decision is based on what the city and Code Official determines as long as proper notice has been given under section 107. Ms. Geraci-Carver stated in her opinion the city may move forward with demolition. Special Magistrate Hunt found the property owner in violation with proper notice given. No party is present to testify on the owner's behalf. Special Magistrate hunt accepted Ms. Davis' report and testimony into evidence. Special Magistrate Hunt inquired how long it would realistically take the city to move forward with demolition and Ms. Davis responded if the demolition quote was received within ten days, with

approvals it could take approximately two weeks to move forward. Special Magistrate Hunt ordered the property owner to comply within two weeks. Special Magistrate Hunt inquired about present cost to city to which Ms. Davis responded currently the city has invested approximately \$32.00 in mailings as hard cost. Special Magistrate Hunt ordered a fine of \$52.00 per day, commencing the date of today's hearing. The property owner has a two week grace period to demolish and remove the structure and debris themselves before the city moves forward, though the fine will still be retrospectively added back to the date of today's hearing.

5. REQUEST FOR HEARINGS

CE2019-0029

Property Address: 608 Le Conte Street, Fruitland Park, FL 34731

Property Owner: George and Sunny Ennis

Violation: City Code, Chapter 97: Property Maintenance

Section 97.04 – Accumulation of Junk

Section 97.03 – Excessive or untended growth of vegetation prohibited.

Grace Period for compliance expired: July 1, 2019

Special Magistrate Hunt has reviewed and granted the request for hearing for property address 608 Leconte Street, Fruitland Park, FL 34731.

6. OLD BUSINESS -

- a) Foreclosure Recommendation – CE2017-0032
401 Acorn Circle, Fruitland Park, FL 34731

Code Enforcement Officer Davis introduced case number CE2017-0032 and stated the city had an Order of Fine recorded December 19, 2017 for the violations. There is evidence of vagrants and children accessing the property. The City has tried to keep the vegetation maintained enough for police officers to see inside the building. The city also boarded up the doors and windows but trespassers have been removing them and continuing to enter the premises. Fines to date are \$33,750.00 and hard cost is \$142.76. Ms. Davis is requesting to proceed with a foreclosure recommendation so the city may move forward with removing the structure and maintaining the property. Special Magistrate Hunt made the recommendation to approve Code Enforcement recommendation subject to City Commission approval.

- b) Foreclosure Recommendation – CE2018-0043
19 Grizzard Street, Fruitland Park, FL 34731

Code Enforcement Officer Davis introduced case number 2018-0043 and stated the city had an Order of Fine recorded April 17, 2019 for the violations. Current fine to date is \$17,450.00 and hard cost is \$137.06. Ms. Davis is requesting to proceed with a foreclosure recommendation so the city may move forward with removing the structure and maintaining the property. Special Magistrate Hunt made the recommendation to

approve Code Enforcement recommendation subject to City Commission approval.

7. NEW BUSINESS: NONE

8. PUBLIC COMMENTS: NONE

9. OTHER BUSINESS: NONE

10. ADJOURNMENT: Meeting adjourned at 9:20 a.m.

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2019- 0132

Cynthia L. Schadle, Respondent
700 Phoenix Avenue
Fruitland Park, FL 34731

REQUEST FOR HEARING

Re: 700 Phoenix Avenue, Fruitland Park, FL 34731
Parcel Identification Number: 10-19-24-0300-000-04000

Pursuant to §162.06, Florida Statutes, the undersigned hereby gives notice of an uncorrected violation of the Code of Ordinances of the City of Fruitland Park, as more particularly described herein, and hereby requests a public hearing before the Code Enforcement Special Magistrate of the City of Fruitland Park.

#1 Violation of City Code, Section: 308.1 - Property Maintenance Code- Accumulation of Rubbish and Garbage.

#2 Violation of City Code, Section: 301.3- Property Maintenance Code-Vacant Structures and Land.

#3 Violation of City Code, Section: 108.1.3-Structure unfit for human occupancy.

Location/address where violation exists: 700 Phoenix Avenue, Fruitland Park, FL 34731

Name and Address of owner of property: Cynthia L. Schadle, Estate
700 Phoenix Avenue, Fruitland Park, FL 34731

Description of violation(s): The residential property is vacant and the structure is unsafe and found to be dangerous to life, health and or safety of the public or occupants due to the accumulation of interior junk and infestation of vermin. Also, the exterior of the property was overtaken with piles of junk and extreme overgrowth of vegetation which caused more infestation of vermin.

Date violation first observed: 06/28/2019

Date by which violation was to be corrected: 1/24/2020

Date of re-inspection: 9/3/2020

Results of re-inspection: Property was still in violation of excessive overgrowth of vegetation, Accumulation of Junk and Structure Unfit for Human Occupancy.

Due to the neglect of the vacant structure it was also observed that the building had been broken into and the doors and windows were broken and allowing access to the interior. The extreme overgrowth in the rear yard allowed for vagrants and trespassers to access the structure as it concealed the criminal activity.

As authorized by the International Property Maintenance Code – Administration and Enforcement Section 106.5 Abatement of violation:

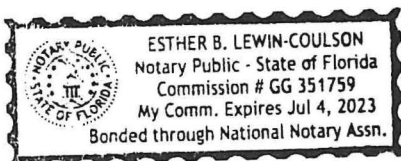
On September 30, 2020, this officer took appropriate action to prevent illegal occupancy of the structure and or to stop illegal activity on the property.

This action included: Authorizing the City of Fruitland Park Public Works' Department to clear all junk from the exterior of the property, mowing the extreme overgrowth and to board up and secure broken windows and doors. Cost incurred: **\$1440.00**

Property Re-Posted as Condemned.

Based on the foregoing, the undersigned hereby certifies that the foregoing statements are true and correct, and that the above described violation continues to exist, that attempts to secure compliance have failed and that the violation should be set for a public hearing before the Code Enforcement Special Magistrate.

Dated this 18th day of November, 2020.



Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN to and subscribed before me this 18th day of November, 2020.

City Clerk

A handwritten signature in blue ink, consisting of a large, stylized initial 'C' followed by a few loops, written over a horizontal line.

Certificate of Notice

I HEREBY CERTIFY that the foregoing Request for Hearing has been furnished this **18** day of **November, 2020** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Cynthia L. Schadle (owner/s) at 700 Phoenix Avenue, Fruitland Park, FL 34731 & Jean Cooper (Sister) at 1901 Manatee Ct., Kissimmee, FL 34759**. Additionally, on **November 18, 2020** I posted the foregoing Request for Hearing on the Property and at City Hall.

Lori Davis

Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2020-0064

Raymond Z. Everts &
Rhonda F Everts, Respondent(s)
105 W. Berckman Street
Fruitland Park, FL 34731

REQUEST FOR HEARING

Re: 105 W. Berckman Street, Fruitland Park, FL 34731
Parcel Identification Number: 09-19-24-0400-022-00100

Pursuant to §162.06, Florida Statutes, the undersigned hereby gives notice of an uncorrected violation of the Code of Ordinances of the City of Fruitland Park, as more particularly described herein, and hereby requests a public hearing before the Code Enforcement Special Magistrate of the City of Fruitland Park.

#1 Violation of City Code, Section: 97.04 – Accumulation of Junk prohibited.

#2 Violation of City Code, Land Development Regs., Section: 156.010 – Accessory uses and Structures.

#3 Violation of City Code, Property Maintenance Code, Section: 302.7 – Accessory Structures.

#4 Violation of City Code, Florida Building Code, Section: 105.01- Permits Required.

Location/address where violation exists: 105 W. Berckman Street, Fruitland Park, FL 34731

Name and Address of owner of property: Raymond Z. Everts & Rhonda F. Everts
105 W. Berckman Street, Fruitland Park, FL 34731

Description of violation(s): The residential property exterior contains numerous unlicensed and inoperable motor vehicles, RV's, trailers and misc. junk. Also, the property owner has constructed several garage type buildings using scrap material and portable tents that are prohibited and not permitted. Along with the accumulation of junk there is an unpermitted fence-like structure built with more scrape material along the easternmost property line.

Date violation first observed: 06/24/2020

Date by which violation was to be corrected: 7/30/2020

Date of re-inspection: 9/3/2020

Results of re-inspection: Property continues to be in violation of the Junk, Unpermitted structures and Accessory Structures.

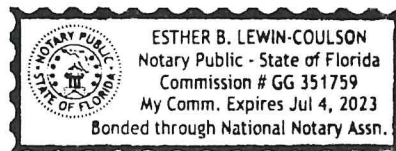
Based on the foregoing, the undersigned hereby certifies that the foregoing statements are true and correct, and that the above described violation continues to exist, that attempts to secure compliance have failed and that the violation should be set for a public hearing before the Code Enforcement Special Magistrate.

Dated this 18 day of November, 2020.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN to and subscribed before me this 18th day of November, 2020

City Clerk



Certificate of Notice

I HEREBY CERTIFY that the foregoing Request for Hearing has been furnished this 18 day of November, 2020 via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to Mr. & Mrs. Everts (owner/s) at 105 W. Berckman Street, Fruitland Park, FL 34731. Additionally, on November 18, 2020 I posted the foregoing Request for Hearing on the Property and at City Hall.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2020-0014

Robert T. Moore, Respondent
412 Sunny Court
Fruitland Park, FL 34731

REQUEST FOR HEARING – REPEAT VIOLATION

Re: 412 Sunny Court, Fruitland Park, FL 34731
Parcel Identification Number: 04-19-24-1400-000-00500

Pursuant to §162.06, Florida Statutes, the undersigned hereby gives notice of repeat violation of the Code of Ordinances of the City of Fruitland Park, as more particularly described herein, and hereby requests a public hearing before the Code Enforcement Special Magistrate of the City of Fruitland Park.

Violation of City Code, Section: 97.04 Property Maintenance -Accumulation of Junk

Location/address where violation exists: 412 Sunny Court, Fruitland Park, FL 34731

Name and Address of owner of property: Robert T. Moore,
412 Sunny Court, Fruitland Park, FL 34731

Description of violation: Exterior of property has accumulation of Junk in both front and rear yards.

Date violation first observed: February 6, 2020

Date by which violation was to be corrected: February 21, 2020

Date of re-inspection: August 7, 2020

Results of re-inspection: Still in Violation and appears as though more junk in front yard.

Date of First Violation: December 20, 2016

Property subject to First Violation: 412 Sunny Court, Fruitland Park, FL 34731

Date of Code Enforcement Order of First Violation: December 14, 2017

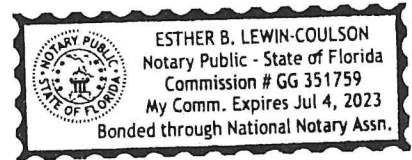
Based on the foregoing, the undersigned hereby certifies that the foregoing statements are true and correct, and that the above described violation continues to exist, that attempts to secure compliance have failed and that the violation should be set for a public hearing before the Code Enforcement Special Magistrate.

Dated this 18th day of November, 2020.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN to and subscribed before me this 18th day of November, 2020

[Signature]
City Clerk



Certificate of Notice

I HEREBY CERTIFY that the foregoing Request for Hearing Repeat Violation has been furnished this 18 day of November, 2020 via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to Robert T. Moore (owner/s) at 412 Sunny Court, Fruitland Park, FL 34731. Additionally, on November 18, 2020 I posted the foregoing Request for Hearing Repeat Violation on the Property and at City Hall.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: **CE2018-0163**

L & S Developers, Inc.
201 Palm Street
Fruitland Park, FL 34731

AFFIDAVIT OF COMPLIANCE

Re: 201 Palm Street, Fruitland Park, FL 34731
09-19-24-1200-00E-00101

BEFORE ME, the undersigned authority, personally appeared Lori Davis, Code Enforcement Officer of the City of Fruitland Park, Florida, who, after being first duly sworn, states upon oath and affirms as follows:

1. I am over the age of eighteen (18) and competent to testify.
2. I have personal knowledge of the facts contained in this affidavit, and those set forth in the case file referenced above.
3. On **March 7th, 2019**, the Code Enforcement Special Magistrate of the City of Fruitland Park held a public hearing and issued its Findings of Fact, Conclusions of Law.
4. Pursuant to the Findings of Fact, Conclusions of Law, Respondent was to have taken certain corrective actions on or before **April 7th, 2019**.
5. On **April 7th, 2019**, I re-inspected the Property which is the subject of the violation and the re-inspection revealed that the corrective action ordered by the Special Magistrate had taken place.

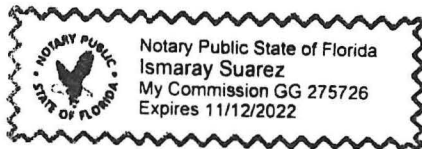
6. The property is now in compliance of Land Development Regulations, Chap. 161, Section 161.040 and FL Building Code, Chap. 1, Section 105.1, Code of Ordinances, City of Fruitland Park.

FURTHER AFFIANT SAITH NOT.

Dated this **8th** day of **June, 2020**.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN TO AND SUBSCRIBED before me this **8th** day of **June, 2020**, by Lori Davis, Code Enforcement Officer of the City of Fruitland Park, who is personally known to me and who did take an oath.



[Signature]
Notary Public
Print Name: Ismaray Suarez
My Commission Expires:

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Affidavit of Compliance has been furnished this **8th** day of **June, 2020** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Mr. Aaron Lemire** (owner/s) at **L & S Developers, Inc., 201 Palm Street, Fruitland Park, FL 34731**. Additionally, on **June 8, 2020** I posted the foregoing Affidavit of Compliance on the Property and at City Hall.

Lori Davis
Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: **CE2017-0032**

**Martavious Bean, Respondent
845 Ruby Court
Mount Dora, FL 32757**

AFFIDAVIT OF COMPLIANCE

Re: **401 Acorn Circle, Fruitland Park, FL 34731
10-19-24-0250-000-00100**

BEFORE ME, the undersigned authority, personally appeared **Lori Davis**, Code Enforcement Officer of the City of Fruitland Park, Florida, who, after being first duly sworn, states upon oath and affirms as follows:

1. I am over the age of eighteen (18) and competent to testify.
2. I have personal knowledge of the facts contained in this affidavit, and those set forth in the case file referenced above.
3. On **August 3, 2017**, the Code Enforcement Special Magistrate of the City of Fruitland Park held a public hearing and issued its Findings of Fact, Conclusions of Law.
4. Pursuant to the Findings of Fact, Conclusions of Law, Respondent was to have taken certain corrective actions on or before **September 11, 2017**.
5. On **November 20, 2020**, I re-inspected the Property which is the subject of the violation and the re-inspection revealed that the corrective action ordered by the Special Magistrate had taken place.

6. The property is now in compliance of Section 97.03, Sec. 97.02, Sec.156.010, Sec. 108.1.1, & Sec.108.1.3, Code of Ordinances, City of Fruitland Park.

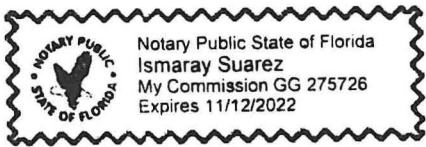
FURTHER AFFIANT SAITH NOT.

Dated this 23 day of November, 2020

Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN TO AND SUBSCRIBED before me this 23 day of November, 2020
by Lori Davis, Code Enforcement Officer of the City of Fruitland Park,
who is personally known to me and who did take an oath.

[Signature]
Notary Public
Print Name: Ismaray Suarez
My Commission Expires: 11-12-22



CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Affidavit of Compliance has been furnished this 23 day of November, 20__ via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to Montavarios Bean (owner/s) at 845 Ruby Ct., Mt. Dora, FL 32757 (insert address). Additionally, on November 23, 2020 I posted the foregoing Affidavit of Compliance on the Property and at City Hall.

Lori Davis
Code Enforcement Officer
City of Fruitland Park