



CODE ENFORCEMENT HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, April 23, 2024 at 10:00 AM

MINUTES

NOTE: THESE MINUTES ARE CONDENSED. FOR DETAILS OF THE HEARING, A RECORDING IS AVAILABLE AT THE CITY CLERK'S OFFICE IN CITY HALL.

CALL TO ORDER

Special Magistrate Nix called the meeting to order at 10:00 a.m. She introduced herself and explained the procedure.

STAFF ATTENDEES:

Jennifer Nix, Special Magistrate
Drew Smith, City Attorney
Brett Sollazzo, Permitting & Administrative Manager
Dean DeSchryver, Police Chief
Stacey Salemi, Code Compliance Officer
Miguel Garcia, Deputy Police Chief

ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

Special Magistrate Nix swore in those testifying including Respondents and Code Compliance Officer Salemi.

CASES

1. Case Number 23500340

4601 Oak Cove Ln.

Parcel # 12-23-29-6010-00-060

Respondent is the property owner and was given proper notice of this hearing. The Property is owned by John Nebel, Trustee of the Oak Cove Trust dated February 15, 2024.

The City asserted violations of Section 302.7 Accessory Structures, International Property Maintenance Code ("IPMC") (2021); Section 3 04.2 Protective Treatment, IPMC (2021); and Section 134-517(d)(18), Fences/Screening walls, Code of Ordinances, City of Edgewood.

Photographs of the Property from October 17, 2023, January 5, 2024, January 10, 2024, January 27, 2024, March 4, 2024, March 7, 2024, and March 25, 2024 show a broken, cracked, leaning brick wall in disarray. A video from March 7, 2024 shows the brick wall easily swaying when pushed. At the time of the hearing, Code Compliance Officer Salemi testified that the wall remains in the same condition on the property. John Nebel confirmed the current state of the brick wall and explained his ongoing efforts to resolve the issue with his homeowners insurance company.

Code Enforcement Officer Salemi testified that based on reinspection of the property, the violations remain on the property both beyond the time specified for correction and as of the date of this hearing. John Nebel acknowledged the violations at the property and advised that efforts are being made to correct the issue. Code Compliance Officer Salemi confirmed that while the property remains in violation as of the hearing date.

Special Magistrate Nix found that all notices were provided in accordance with the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Based on the evidence and testimony of Code Compliance Officer Salemi and the Respondent, including photographs depicting the Property in violation of the cited City Code provision following the date required by the Code Compliance Officer for correction in the Notice of Violation, the property is in violation of Section 302.7 Accessory Structures, IPMC (2021); Section 304.2 Protective Treatment, IPMC (2021); and Section 134-517(d)(18), Fences/Screening walls, City Code.

Based on the findings, Special Magistrate Nix ordered the Respondent be given until June 3, 2024, to correct the violations of Section 302.7 Accessory Structures, IPMC (2021); Section 304.2 Protective Treatment, IPMC (2021); and Section 134-517(d)(18), Fences/Screening walls, City Code, on the property. Respondent shall be responsible to provide notice of such violation being corrected to the City's Code Compliance Department. If Respondent fails to correct the violation within the time period set forth herein, a subsequent hearing may be held and a fine in the amount of TWO HUNDRED DOLLARS (\$200.00) per day may be imposed and will continue daily until the violation is corrected, and a lien may be imposed. Respondent shall be responsible for notifying the Code Compliance Officer to request an inspection to verify compliance.

Any and all future recurrences of any violations addressed herein shall necessitate further proceedings before the Hearing Officer. While the Code Compliance Officer shall give the Respondent notice of the repeat violation(s), the Code Compliance Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Hearing Officer, upon finding such repeat violation(s) exist(s), may impose a fine not to exceed Five Hundred Dollars (\$500.00) for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Compliance Officer.

2. Case Number 235000375

4401 S Orange Ave. Ste 100

Parcel # 12-23-29-9087-00-010

Respondents are: the property owner, Martni Holden, LLC; Water's Edge Shopping Center; and tenant Shannon's Casual Cafe, all of whom were given proper notice of this hearing. The Property is owned by Martni Holden, LLC. Celeste Dominguez was present and provided sworn testimony on behalf of Shannon's Casual Cafe during the hearing. Code Compliance Officer Salemi provided sworn testimony during the hearing. The City asserted violations of Section 122-10 Prohibited Signs, Code of Ordinances, City of Edgewood; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code. The City asserted violations of Section 122-10 Prohibited Signs, Code of Ordinances, City of Edgewood; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code.

Photographs of the Property through April 11, 2024 show a banner-type sign along the bottom of the restaurant windows, a temporary sign, an A-frame advertising sign moved about the property's sidewalks, and a neon sign. At the time of the hearing, Code Compliance Officer Salemi testified that the Property was re-inspected on April 23, 2024, and that the violations on the property had been corrected. Celeste Dominguez explained her efforts to resolve the issue and confirmed that the property is currently in compliance.

Code Compliance Officer Salemi testified that based on re-inspection of the property, while the violations were not corrected by the deadline provided for in the City's notice of violation, the violations upon the property have been corrected as of the date of this hearing.

Special Magistrate Nix found that all notices were provided in accordance with the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Based on the evidence and testimony of the Code Compliance Officer and the Respondent, including photographs depicting the property in violation of the cited City Code provision following the date required by the Code Enforcement Officer for correction in the Notice of Violation, the Property was in violation of Section 122-10 Prohibited Signs, City Code; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code, beyond the City's deadline for compliance, but has been brought into compliance with the aforementioned City Code sections as of the date of this hearing.

Based on the findings, the Property is currently in compliance with the City Code, further hearings are not required and no fine will be imposed. Any and all future recurrence(s) of any violation(s) addressed herein shall necessitate further proceedings before the Hearing Officer. While the Code Compliance Officer shall give the Respondent notice of the repeat violation(s), the Code Enforcement Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Hearing Officer, upon finding such repeat violation(s) exist(s), may impose a fine not to exceed Five Hundred Dollars (\$500.00) for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Compliance Officer.

3. Case Number 24500028

5607 S Orange Ave.

Parcel # 24-23-29-3404-00-051

Respondents are: Fourth Atlantic Gulf Property Investments, LLC; Edgewood Isle; and El Negro RD Dominican Barbershop, all of whom were given proper notice of this hearing. The property is owned by Fourth Atlantic Gulf Property Investments, LLC. Mr. Jose Candelaria testified on behalf of El Negro RD Dominican Barbershop during the hearing. Code Compliance Officer Salemi provided sworn testimony during the hearing.

The City asserted violations of Section 122-10 Prohibited Signs, Code of Ordinances, City of Edgewood; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code.

Photographs of the property through April 11, 2024 show bright light strips bordering windows, a "Dominican Barbershop" sign in window, a neon "Open" sign, and an Aframe board sign moved about upon the sidewalk. Code Compliance Officer Salemi testified that as of April 11, 2024, only the neon "open" sign remained.

Code Compliance Officer Salemi testified that based on re-inspection of the property, while the violations were not corrected by the deadline provided for in the City's notice of violation, the only remaining violations upon the property are in relation to the neon "open" sign. In relation to the remaining neon "open" sign, the City Attorney Smith provided the City's position that the remaining neon "Open" sign is currently in violation of the City Code; however, that due to a relevant ordinance presently being considered by the City, such position may change based upon the language of the finalized ordinance if adopted. Given same, the City requested a finding of violation with a ninety-day deadline for compliance; however, further, that no specified fine amount be set at this time and that the City will bring the case back for a future hearing should the property continue to be in violation beyond the compliance date, and dependent upon the language of the finalized ordinance if adopted.

Special Magistrate Nix found that all notices were provided in accordance with the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Based on the evidence and testimony of the Code Enforcement Officer and the Respondent, including photographs depicting the property in violation of the cited City Code provision following the date required by the Code Compliance Officer for correction in the Notice of Violation, the property is in violation of Section 122-10 Prohibited Signs, City Code; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code.

Based on the findings, Special Magistrate Nix ordered the Respondent be given until July 22, 2024, to correct the violations of Section 122-10 Prohibited Signs, City Code; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code. If Respondent fails to correct the violations within the time period set forth herein, a subsequent hearing may be noticed and held, and a fine amount may be ordered at that time. No fine amount may be established or imposed without such a subsequent noticed hearing. Any and all future recurrences of any violations addressed herein shall necessitate further proceedings before the Hearing Officer. While the Code Compliance Officer shall give the Respondent notice of the repeat violation(s), the Code Compliance Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Hearing Officer, upon finding such repeat violation(s) exist(s), may impose a fine not to exceed Five Hundred Dollars (\$500.00) for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Compliance Officer.

4. Case Number 24500005

4710 S Orange Ave.

Parcel # 12-23-29-7312-00-193

Respondents are: the Norma Jean Wagner Trust; Orange and Holden Plaza; and tenant, LaBaguette, all of whom were given proper notice of this hearing. The property is owned by the Norma Jean Wagner Trust. No one testified on behalf of Respondents during the hearing. City Compliance Officer Salemi provided sworn testimony during the hearing.

The City asserted violations of Section 122-10 Prohibited Signs, Code of Ordinances, City of Edgewood; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code.

Photographs of the property through April 4, 2024 show A "La Baguette" sign, three "pendant" signs, a neon "Open" sign and a neon "Venezuela" sign. The Code Compliance Officer Salemi testified that as of April 4, 2024, the three pendant signs had been removed. Code Compliance Officer Salemi testified that as of April 11, 2024, the "La Baguette" sign had been permitted. At the time of the hearing, Code Compliance Officer Salemi testified that the property was re-inspected on April 23, 2024, and that the neon "open" and "Venezuela" signs remained.

Code Compliance Officer Salemi testified that based on re-inspection of the property, while the violations were not corrected by the deadline provided for in the City's notice of violation, the only remaining violations upon the property are in relation to the neon "open" and "Venezuela" signs. In relation to the remaining neon "open" and "Venezuela" signs, the City Attorney Smith provided the City's position that the signs are currently in violation of the City Code; however, that due to a relevant ordinance presently being ' considered by the City, such position may change based upon the language of the finalized ordinance if adopted. Given same, the City requested a finding of violation with a ninety-day deadline for compliance; however, further, that no specified fine amount be set at this time and that the City will bring the case back for a future hearing should

the property continue to be in violation beyond the compliance date, and dependent upon the language of the finalized ordinance if adopted.

Special Magistrate Nix found that all notices were provided in accordance with the City Code and consistent with Sections 162.06 and 162.12, Florida Statutes. Based on the evidence and testimony of Code Compliance Officer Salemi and the Respondent, including photographs depicting the property in violation of the cited City Code provision following the date required by the Code Compliance Officer for correction in the Notice of Violation, the property is in violation of Section 122-10 Prohibited Signs, City Code; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code.

Based on the findings, Special Magistrate Nix ordered the Respondent be given until July 22, 2024, to correct the violations of Section 122-10 Prohibited Signs, City Code; Section 122-11 General Standards, City Code; and Section 122-13, Signs subject to permitting, City Code. If Respondent fails to correct the violations within the time period set forth herein, a subsequent hearing may be noticed and held, and a fine amount may be ordered at that time. No fine amount may be established or imposed without such a subsequent noticed hearing. Any and all future recurrences of any violations addressed herein shall necessitate further proceedings before the Hearing Officer. While the Code Compliance Officer shall give the Respondent notice of the repeat violation(s), the Code Compliance Officer is not required to provide Respondent a reasonable time to correct such repeat violation(s). The Hearing Officer, upon finding such repeat violation(s) exist(s), may impose a fine not to exceed Five Hundred Dollars (\$500.00) for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Compliance Officer.

ADJOURNMENT

The hearing adjourned at 11:29 am.

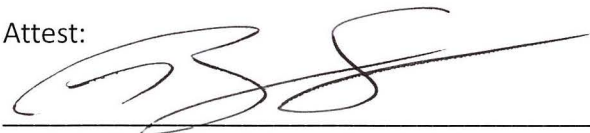


Amelia Ulmer, Special Magistrate

31 July 2024

Date

Attest:



Brett Sollazzo, Permitting & Administrative Manager

7/31/2024

Date