



CODE ENFORCEMENT HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Wednesday, January 25, 2023 at 10:00 AM

AGENDA

Welcome! The following items of business will be considered by the City of Edgewood Code Compliance Hearing Officer at the meeting to be held in City Hall Council Chambers at 405 Bagshaw Way.

A. CALL TO ORDER

B. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

C. APPROVAL OF MINUTES

- [1.](#) May 25, 2022 Code Compliance Meeting Draft Minutes
- [2.](#) July 27, 2022 Code Compliance Meeting Draft Minutes
- [3.](#) November 16, 2022 Code Compliance Meeting Draft Minutes

D. CASES

1. **Case Number 22500198:**
The residence 589 Del Rio Street Edgewood, FL 32839, owned by B5 Holding LLC is in violation of City Code Sec. 30-23 Accumulation of trash, junk, debris and nonliving plant material on property. City Code Sec. 30-24 Excessive growth of grass, weeds and brush on property.
2. **Case Number 22500200:**
The residence 4694 Martinez Drive Edgewood, FL 32839, owned by Kristen Castellano is in violation of 2021 IPMC 304.1 General - The exterior of a structure shall be maintained in good repair, structurally sound and sanitary and 2021 IPMC 304.2 Protective Treatment.
3. **Case Number 23500476:**
The business located at 5603 Commerce Drive Edgewood, FL 32839 which is the location of multiple bays containing multiple businesses owned by Robbie J Ford is in repeat violation of City Code Sec. 62-57 Regulation standards of disabled vehicles.
4. **Case Number 22500477:**
The residence 5056 Oak Tours Drive Edgewood, FL 32839, owned by The Lall Family is in repeat violation of City Code Sec. 62- 24 Parking and storage of commercial vehicles, construction and other equipment.

5. **Case Number 22500478:**

The Orange and Holden Plaza owned by Karen Reid at 4710 S. Orange Avenue Edgewood, FL 32806 is in repeat violation of City Code Sec. 62-57 Regulation standards of disabled vehicles.

6. **Case Number 23500015:**

The business located at 5652 Commerce Drive Edgewood, FL 32839, Tim Lavey Auto is in repeat violation of 62-34 Vehicular parking on lawns, yards and sidewalks prohibited.

E. ADJOURNMENT

Meeting Records Request

You are welcome to attend and express your opinion. Please be advised that **Section 286.0105**, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made.

Americans with Disabilities Act

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the **City Clerk at (407) 851-2920**.



CODE COMPLIANCE HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Wednesday, May 25, 2022 at 10:00 AM

CODE COMPLIANCE HEARING MINUTES

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

STAFF ATTENDEES

- Jennifer Nix, Special Magistrate
- Drew Smith, City Attorney
- Stacey Salemi, Code Compliance Officer
- Brett Sollazzo, Administrative Assistant
- John Freeburg, Police Chief
- Shannon Patterson, Police Chief of Staff

CALL TO ORDER

Special Magistrate Jennifer Nix called the meeting to order at 10:00am. She introduced herself and explained the procedure for the code compliance meeting.

APPROVAL OF MINUTES

Special Magistrate Jennifer Nix reviewed and approved the previous Code Compliance meeting minutes from February 23, 2022. Special Magistrate Jennifer Nix reviewed and approved the Parking Citation agenda meeting minutes from February 23, 2022.

ADMINISTRATION OF OATH

City Attorney Drew Smith swore in those giving testimony, including Code Compliance Officer Salemi.

CODE COMPLIANCE CASES

- Case number 21500050**
Suncoast Building Materials 101 Mary Jess Road.
Tax Parcel No: 13-23-29-0000-00-005

Respondent, William Johns, was notified by Certified Mail and the Respondent was in chamber. As of May 25, 2022 the property is in compliance and no longer in violation. The City made a statement that the property at 101 Mary Jess Road Edgewood, FL 32809, owned by Suncoast Building Materials was in violation of City Code Sec. 134-405 Special Exceptions for hours of operation, and requested the hearing continue to present a finding of violation.

Respondent testified that he posted the hours of operations for all employees, but the fuel truck would return to the property after 6:00pm. The Respondent requested an email of confirmation from the fuel truck driver to confirm the hours of operation. Respondent said he would do whatever the City needed to comply.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found that the Respondent was in violation of City Code Sec. 134.405 Special Exceptions for hours of operation, b

that Respondent had brought the Property into compliance at the time of the hearing. As the property is in compliance with City Code, further hearings are not required, and no fine was imposed. Future violations shall be classified as repeat violations, requiring further proceedings, and fines may be imposed.

2. Case number 22500090

**Baileys Real Estate LLP 5156 S. Orange Avenue
Tax Parcel No: 13-23-29-0000-00-007**

Respondent, Trisha Bailey, was notified of the Hearing by certified mail and was in chamber. As of May 25, 2022 the property is in compliance and no longer in violation. The City asserted that the property at 5156 S. Orange Avenue Edgewood, FL 32809, owned by Bailey's Real Estate LLP was in violation of 2021 IPMC 302.7 Accessory Structure, and 304.2 Protective Treatment, and requested the hearing continue to present a finding of violation.

Code Compliance Officer Salemi observed broken and/or vandalized gates and tarps on multiple occasions throughout the months of March 2022 through May 2022 with photographic evidence. As of May 25, 2022, the gates have been repaired, along with the black tarp. There was also no sign of graffiti.

Respondent, Trisha Bailey, testified that there is no electricity for security cameras. Respondent stated that all violations were corrected, and asked that if a fine is imposed to have it waived due to cost to repair the gates and remove the graffiti. Attorney Smith confirmed that the City will not seek a fine.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found that while the Respondent was in violation of 2021 IPMC 302.7 Accessory Structure, and 304.2 Protective Treatment, but Respondent had brought the Property into compliance at the time of the hearing. Further hearings are not required, and no fine was imposed. Future violations shall be classified as repeat violations, requiring further proceedings, and fines may be imposed.

3. Case number 22500063

**Robbie J Ford Trust 5603 Commerce Drive
Tax Parcel No: 24-23-29-5533-00-090**

Respondents were notified of the Hearing by certified mail and were in chamber. Robbie Ford and James Ford testified on behalf of Respondent. The City testified that the property was in violation of City Code Sec. 62-57 Regulation Standards of Disabled Vehicles. Code Compliance Officer Salemi observed disabled vehicles on multiple occasions throughout the months of February 2022 through May 2022 with photographic evidence. As of May 25, 2022, all disabled vehicles were removed and the property is in compliance.

Attorney Smith stated that the City corrected the Business Tax Receipt (BTR) which states the exact number of disabled vehicles allowed. Officer Salemi stated that per code, businesses with a mechanic's license can have up to three disabled vehicles per bay; vehicles have to be at least 150ft away from street, and cannot be there for longer than 60 days.

Respondents Robbie Ford and James Ford testified that they understood the violation. Respondent stated the property is rented and they ensured that the tenants are aware of the required code.

Attorney Smith directed the Respondents to provide Officer Salemi their direct contact information so she can reach out as a courtesy before any violations are processed. Special Magistrate Nix clarified that a phone call is a courtesy, and that the law states the City can move forward with a violation without warning.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found that the Respondents were in violation of City Code Sec. 62-57 Regulation Standards of Disabled Vehicles, but that the Property was in compliance at the time of the hearing. Further hearings are not required and no fine was imposed. Future violations shall be classified as repeat violations, requiring further proceedings, and fines may be imposed.

4. Case Number 21500039

Equity Trust Company

Paul Jaszczenski Ira 5501 S. Orange Avenue

Tax Parcel No: 24-23-29-7332-00-052

Respondent, Paul Jaszczenski, was notified of the Hearing by certified mail and was in chamber. The City testified that the property at 5501 S. Orange Avenue Edgewood, FL 32809, owned by Equity Trust Co Property is in violation of 2015 IPMC 304.1 which requires that the exterior structure shall be maintained in good repair; and 304.7 Roofs and drainage.

The City observed a branch had fallen on the building on August 23, 2021, damaging the roof. A hole observed on August 30, 2021. A courtesy notice was sent on September 23, 2021 to replace the roof. A tarp was placed on the roof on November 16, 2021. A notice of violation was sent on November 23, 2021, with a compliance date of December 21, 2021.

The Respondent was granted an extension to comply. On March 15, 2022, Officer Salemi contacted Mr. Jaszczenski stating the City cannot wait for the repair or sale of the property any longer. The Respondent stated he will demo the building. As of May 25, 2022, the tarp was not properly secured to the roof, and the demolition of the building has not occurred; thus the property was not in compliance. The Respondent testified that the building is for sale and did not know that tarps were unacceptable. The roof would need a full repair but he will demolish the building. The respondent submitted the initial permit information to the County.

Attorney Smith stated the City is not seeking fines, and would like to provide the respondent with 60 days to cure the violation.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found the Respondent in violation of 2015 IPMC 304.1 Exterior structure shall be maintained in good repair and 304.7 Roofs and drainage. The Respondent has until August 12, 2022 to correct the violation on the property. Respondent shall be responsible for providing notice that the violation was corrected to Officer Salemi. If the violation is not corrected, a fine of \$75 per day will be instated until in compliance. Future violations shall be classified as repeat violations, requiring further proceedings, and fines may be imposed.

5. Case number 22500041

Marvin Owens Estate 5180 Stratemeyer Drive

Tax Parcel No: 13-23-29-4527-00-990

The respondent was notified of the Hearing by certified mail the executor of the estate, Kyle Owens, was in chamber. City staff asserted the property is in violation of City Code Sec. 30-24 for excessive growth of grass weeds and brush on property, and 2021 IPMC 302.7 Accessory Structures.

Attorney Smith said the violation involves overgrowth of grass and vegetation along the property. Respondent has made efforts to correct, and contracted someone to take care of the property. Attorney Smith suggested 30 days to correct violations.

Code Compliance Officer Salemi first observed excessive growth of grass and vegetation on March 8, 2022. On March 11, 2022, Officer Salemi observed fence falling over. Some effort was made to rectify the issue, as of May 25, 2022, but the property was still out of compliance.

The Respondent testified that he lives two hours away and cannot keep up with the property himself; he hired landscapers to care for the property. The Respondent is looking for a new landscape company.

Attorney Smith stated the City is not seeking fines, and would like to provide the respondent with 30 days to cure the violation. After 30 days, a fine of \$50 will be paid daily until the violation is corrected.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found the Respondents in violation of City Code Sec. 30-24 Excessive growth of grass weeds and brush on property and 2021 IPMC 302.7 Accessory structures. The Respondent has until June 27, 2022 to correct the violation on the property. Respondent shall be responsible for providing notice that the violation was corrected to Officer Salemi. If the violation is not corrected, a fine of \$50 per day will be instated until in compliance. Future violations shall be classified as repeat violations, requiring further proceedings, and fines may be imposed.

- 6. Case number 22500032**
5500 Chenault Avenue Garner Residence
Tax Parcel No: 23-23-29-4653-00-130

The property owner of 5500 Chenault Avenue relocated. The City dismissed the case.

- 7. Case number 22500066**
5238 Laval Drive Valles Residence
Tax Parcel No: 13-23-29-4529-00-080

City staff continued the case until the next hearing date.

ADJOURNMENT

The next hearing will be Wednesday, July 27, 2022 at 10:00am.

Special Magistrate Nix adjourned the Hearing at 11:04 AM.

Jennifer Nix, Special Magistrate

Date

Sandra Riffle, Interim City Clerk

Date



**Code Compliance Hearing Agenda
City Hall – Council Chamber
405 Bagshaw Way Edgewood, FL 32809
Wednesday, July 27, 2022 at 10:00 am**

MINUTES

Staff Attendees:

Jennifer Nix, Special Magistrate
Sandra Riffle, City Clerk
Patrick Brackins, City Attorney
Stacey Salemi, Code Compliance Officer
Michael Fraticelli, Police Sergeant
Shannon Patterson, Police Chief of Staff

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Call to Order

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

Administration of Oath

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

Code Enforcement Cases

- 1. Case number 21500042
Miracle Temple 5001 S Orange Ave Edgewood FL 32809
Parcel # 13-23-29-3364-00-11**

Code Enforcement Officer Salemi asserted that a business at 5001 S Orange Avenue was in violation of City Code 122-15, *nonconforming signs*. The city asserted that the sign is broken and has mildew and mold growth. The violation was brought as a repeat violation and Officer Salemi testified that as of the hearing date the business is out of compliance.

Respondent Terry Butler, part owner of the business stated that there is no mold or mildew on the sign; it is fading paint. He submitted photographs of the sign to the Special Magistrate and asked that this be treated as a violation rather than a repeat violation.

City Attorney Brackins said Code 122-15 also refers to flaking and peeling paint. The City's position is that the flaking and peeling paint continues to be a code violation.

Based on the testimony of the Code Enforcement Officer and the Respondent, including the Respondent's testimony that no mold or mildew exists on the sign and the City's acceptance of such testimony, and the lack of citing peeling or flaking paint as a violation to correct on the City's July 15, 2022 Notice of Repeat Violation, no repeat violation is found as to the Property in relation to Section 122-15, City Code and no fine is entered in relation to this case.

Special Magistrate Nix told the Respondent they should be aware of the cited city ordinance and the City has a right to cite him for flaking paint should that issue not be rectified, noting that same could be brought as a repeat violation because the Respondent is on notice of being found in violation of Sec. 122-15.

**2. Case number 21500050
Suncoast Building Materials
101 Mary Jess Road
Parcel # 13-23-29-0000-00-005**

Code Enforcement Officer Salemi asserted that the Respondent was noticed for violation of Sec. 30-23 accumulation of junk, trash, debris and nonliving plant materials on property and excessive growth of grass.

She said that the landscaping per Section 30-23 and Section 30-24 has been corrected and they are in compliance except for the deteriorating boxes. The Respondent told Code Enforcement Officer Salemi that they would get a tarp over the box which would put the property in compliance.

Special Magistrate Nix found that all the required notices were provided for the proceedings and found that the Property was in violation of City Code Section 30-24, *Excessive growth of grass, weeds, and brush on property*, but came into compliance by the date of this hearing. She asserted that the Property remained in violation of City Code Section 30-23 *Accumulations of trash, junk, debris and nonliving plant materials on property* and gave the Respondent a deadline of August 4, 2022 to cure the violation. If the Respondent fails to correct the violation by that date, a fine will be entered in the amount of \$200 per day until the property comes into compliance. Future violations of both sections shall be classified as repeat violations requiring further proceedings.

**3. Case number 21500146
2 Holden Ave 4704 S Orange Ave and 4710 S Orange Ave
Norma Jean Wagner trust Orange and Holden Plaza**

Parcel # 13-23-29-7312-00-193

Code Enforcement Officer Salemi found the property to be in violation of the following sections:

- Sec. 30-23 - accumulation of junk, trash, debris and nonliving plant materials on property
- 2021 IPMC sec 304.1 - exterior structure shall be maintained and in good repair
- 2021 IPMC sec 304.7 - roofs and drainage
- 2021 IPMC Sec 302.7 - accessory structures
- City Code 30-24 - overgrowth of grass and weeds on the property
- 2021 IPMC 304.2 - protective treatment

Code Enforcement Officer Salemi testified that there is an overgrowth of grass and weeds, a fence is falling down, there is growth on the building and roof, mildew and mold are on the entire building and there is a broken pipe on the back of the building. She also noted that there is a collection of debris from a fallen palm, a broken door, and a couch outside on the property.

Respondent Karen Wagner Reed said she has been working with the property manager to cure the violations. She told Special Magistrate Nix that she would like 60 days to cure the violations. City Attorney Brackins said that 60 days is not realistic as the violations are significant and recommended 90 days.

Special Magistrate Nix found that all required notices were provided for the proceedings and found the Respondent was provided with adequate time to cure the violations, and that the Property remains in violation of City Code Section 30-23 *Accumulations of trash, junk, debris and nonliving plant materials on property*, City Code Section 30-24, *Excessive growth of grass, weeds, and brush on property*, City Code, Section 304.1, *Exterior Structures (General)*, International Property Maintenance Code (2021) ("IPMC"), Section 304.7 *Roofs and Drainage*, IPMC, Section 302.7, *Accessory Structures*, IPMC, Section 304.2 *Protective Treatment*, IPMC.

The Respondent has until October 25, 2022, to correct the violations. If the Respondent fails to correct the violations within that time period, a fine of \$200 per day will be instated until the property is in compliance. The Respondent is responsible to inform Code Enforcement upon coming into compliance. Future violations of the same Code sections will be classified as repeat violation and will require additional hearings.

- 4. Case Number 22500141 Outside Auto Transmission LLC
4710 S Orange Ave
Parcel # # 12-23-29-7312-00-193**

Ms. Karen Wagner Reid, Trustee to the Norma Jean Wagner Trust (part-owner of the Property), provided sworn testimony on behalf of the Respondent. Tenant, Mr. Shalim Martinez, also testified with the assistance of Ashley Castillo, a person whom he brought to translate Spanish/English during the hearing.

Code Enforcement Officer Salemi asserted that the property was in violation of City Code Section 62-57, regulation of standards of disabled vehicles. She observed multiple vehicles without tags. She testified that disabled vehicles are not permitted in the parking area and that, according to the State of Florida, a disabled vehicle is one that cannot legally drive on the road.

Respondent Shalim Martinez, via translator Ashley Castillo, testified they are working on emptying the warehouse to move the vehicles away from the street.

Special Magistrate Nix found that all required notices were provided in accordance in law. She found that the property remains in violation of City Code Section 62-57, Regulation standards of disabled vehicles. The Respondent has until August 26, 2022 to correct the violations. If the Respondent fails to correct the violations within that time, a fine of \$100 per day will be instated until the property is in compliance. The Respondent is responsible to inform Code Enforcement upon coming into compliance. Future violations of the same Code sections will be classified as repeat violation and will require additional hearings.

**5. Case Number 225000104
4651 Casa Grande Ct
Parcel # 12-23-29-3960-00-010**

Respondent Mr. Cao Nguyen provided sworn testimony and stated that the violations are now corrected. Code Enforcement Officer Salemi testified that the Respondent is in violation of City Code Section 30-23, accumulation of trash, junk, debris and nonliving plant material and Section 30-24, excessive growth of grass on the property. Officer Salemi testified that the grass is overgrown and brush is pushing away the fence. There was trash junk and debris in front of the house. Officer Salemi testified that as of the day of the hearing, the property was in compliance.

Special Magistrate Nix found that all required notices were provided in accordance with State law, and that the property did not come into compliance with Sections 30-23 and 30-24, City Code, until after the deadline required by Code Enforcement in the Notice of Violation, but was in compliance at the time of the hearing. As the property was in compliance at the time of the hearing, no fine was imposed. Future violations of this Code will be considered to be a repeat violation which may result in higher fines.

**6. Case Number 22500105
4697 Posada Dr. Edgewood FL 32839
Parcel # 14-23-29-3963-00-540**

The Respondent was not present.

Code Enforcement Officer Salemi testified that the property was in violation of City Code Section 30-23 and 30-24 as well as with 2021 IPMC 302.1 and 304.11. Officer Salemi testified that she observed overgrowth on the side yard and grass growing up the side of the house to the roof; the chimney was out of repair and in need of sanitation due to mold and peeling paint. Officer Salemi testified that there was mold and mildew on the other side of the house.

As of the hearing date, Code Enforcement Officer Salemi asserted that the property was still in violation of IPMC 302.1. The Respondent corrected the accumulation of junk, trimmed the growth and are working on the chimney.

Special Magistrate Nix found that all required notices were provided in accordance with State law and that the Respondent was in violation of City Code Section 30-23 *Accumulations of trash, junk, debris and nonliving plant materials on property*, City Code Section 30-24, *Excessive growth of grass, weeds, and brush on property*, and 2021 IPMC Section 304.11, *Chimneys and towers*, but came into compliance by the date of this hearing.

Special Magistrate Nix found that the Property remains in violation of Section 302.1, Sanitation, IPMC, due to the remaining mold and mildew. If the violation fails to be corrected by August 11, 2022, a fine of \$100 a day would be instituted until the property comes into compliance. Future violations of the same cited city code provisions will be classified as repeat violations.

**7. Case Number 22500113
5039 Oak Tours Drive
Ming Hsein Lu Trust
Parcel # 13-23-29-4529-00-580**

The Respondent was not present.

Code Enforcement Officer Salemi testified that the Respondent was in violation of 2021 IPMC Code 302.1, Sanitation, and that she observed that mold and mildew was growing up and down the side of the house. She said the Respondent did not respond to her notices and was not present at the hearing.

Special Magistrate Nix found that all required notices were provided in accordance with State law and that the Respondents were given a reasonable amount of time to correct the violation and either failed or refused to do so. Based on the testimony and photographs, she found the Respondent in violation of IPMC Section 302.1 *Sanitation*. The Respondents were given until August 11, 2022 to cure that violation. If they fail to correct the violation within that time, a fine of \$100 a day will be instated until the property comes into compliance. Further violations of this code shall be classified as a repeat violation.

- 8. Case Number 22500135**
- 5056 Oak Tours Drive**
- Parcel # 13-23-29-4529-00-870**

Code Enforcement Officer Salemi testified that the property was in violation of City Code 62-24 b (3), parking and storage of commercial vehicles. As of the date of the hearing, the trailer was still located at the property.

The Respondent was not present.

Special Magistrate Nix found that all required notices were provided in accordance with State law and that the Respondent is in violation of Section 60-24, *parking and storage of commercial vehicles, construction and other equipment, City Code, and that the Respondent was given a reasonable amount of time to make the correction. Testimony provided that the trailer appeared to be engaged in a business and the Respondent has violated Code by parking the trailer in a residential neighborhood. The Respondent has until August 11, 2022 to cure the violation. If the violation is not corrected by that date, the City will instate a fine of \$150 a day until it is cured. Subsequent violations of this Code will be considered repeat violations.*

- 9. Case Number 22500243**
- FK Your Diet**
- 5406 Hansel Ave**
- Parcel # 13-23-29-0000-00-038**

Code Enforcement Officer Salemi testified that the property was in violation of City Code Section 30-59, discharge and connection problems. Officer Salemi testified that she observed grease located at the bottom of the grease trap as well as a line of the same material on the asphalt. Officer Salemi testified that she also observed maggots on the grease trap and a line of water was collecting mold.

Officer Salemi testified that the grease trap was lifted off the pavement which was repaved and sealed. Officer Salemi testified that the property was in compliance as of the date of the hearing.

The Respondent was not in attendance.

Special Magistrate Nix found that all required notices were provided in accordance with State law and that the Property was in violation of City Code Section 30-59, *Discharge and connection problems*, after the deadline required by the Code Enforcement Officer. No fine was imposed as the property came into compliance as of the hearing date; however, future violation of the same codes will be considered to be repeat violations.

10. Case Number 22500099

325 Oak Lynn Drive

Parcel # 13-23-29-6056-02-120

Code Enforcement Officer Salemi said the Respondent requested to reschedule their case.

11. Case Number 22500160

5237 Haverhill Drive

Parcel #13-23-29-6057-00-030

Code Compliance Salemi said the violation was dismissed.

The next Code Enforcement Meeting is scheduled for September 28, 2022 at 10:00 am.

The hearing adjourned at 12:43 pm.

Jennifer Nix, Special Magistrate

Date

Sandra Riffle, City Clerk

Date



CODE COMPLIANCE HEARING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Wednesday, November 16, 2022 at 10:00 AM

CODE COMPLIANCE DRAFT HEARING MINUTES

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

STAFF ATTENDEES

Jennifer Nix, Special Magistrate
Drew Smith, City Attorney
Stacey Salemi, Code Compliance Officer
Tim Cardinal, Police Sergeant

CALL TO ORDER

Special Magistrate Jennifer Nix called the meeting to order at 10:00 am. She introduced herself and explained the procedure for the code compliance meeting.

CALL TO ORDER

Special Magistrate Nix swore in the respondents and City Staff.

APPROVAL OF MINUTES

Special Magistrate Jennifer Nix said she would review the May 25, 2022 and July 27, 2022 meeting minutes for the next Code Compliance Hearing.

CODE COMPLIANCE CASES

1. Code Enforcement Hearing Agenda Items

Case number 21500148

5209 S. Orange Avenue, Suite 200

Respondent: Romano Family Properties, LLC

Code Enforcement Officer Salemi asserted that a business at 5209 S. Orange Avenue, Suite 200, was in violation of 2021 IPMC Section 304.1 – Exterior structure shall be maintained in good repair. Respondent Fulvio Romano was notified of the violation and the hearing by Certified Mail, and the Respondent was in Chamber. As of November 16, 2022, the property remains in violation.

The respondent said the building was under repair and he was having difficulties with contractors completing the project.

Special Magistrate Nix found that all required notices were provided for the proceedings. Based on the testimony of Code Enforcement Officer Salemi and Respondent Romano, she found that the Respondent remained in violation of 2021 IPMC Section 304.1 - Exterior structure shall be

maintained in good repair. The Respondent failed or refused to correct the violation within the time period provided by Code Compliance and would be given until December 16, 2022, to correct the violation. The Respondent is responsible for informing Code Compliance when the violation is cured. If the violation is not cured by December 16, 2022, a fine of \$100 per day may be imposed until the property comes into compliance. Any future violation of this Code may be considered a repeat violation.

2. Case number 22500021

5129 Stratemeyer Drive

Respondents: Lara and Michael Dowdy

Code Enforcement Officer Salemi asserted that a residence at 5129 Stratemeyer Drive was in violation of City Code 62-33 – Parking, storage, and use of recreational equipment. Respondents Lara and Michael Dowdy were notified of the violation and the hearing by Certified Mail, and the Respondent was not in Chamber. The boat trailer was not removed from the property by the deadline for compliance; however, as of November 16, 2022, the property was in compliance.

Special Magistrate Nix found that all required notices were provided for the proceedings and, based on the evidence presented by Code Enforcement Officer Salemi, found that Respondent Lara and Michael Dowdy were in violation of City Code Section 62-33, parking, storage, and use of recreational equipment. The Respondents failed or refused to correct the violation within the time period required but were in compliance as of the hearing date, and no fine will be imposed. Any future violation of Section 62-33 will be considered a repeat violation.

3. Case number 22500099

325 Oak Lynn Drive Edgewood, FL 32809

Respondent: James McGraw

Code Enforcement Officer Salemi asserted that a residence at 325 Oak Lynn Drive was in violation of the following:

2021 IPMC Section 302.1 Sanitation.

2021 IPMC Section 302.3 Sidewalks and driveways.

2021 IPMC Section 302.4 Weeds.

2021 IPMC Section 304.7 Roofs and Drainage.

2021 IPMC Section 304.2 Protective Treatment.

2021 IPMC Section 304.11 Chimneys and towers.

City Code Section 30-24 Excessive growth of grass, weeds and brush on property.

Respondent James McGraw was notified of the violation and the hearing by Certified Mail, and the Respondent was in Chamber.

Special Magistrate Nix said that Section 2021 IPMC Section 302.4 – Weeds was removed from IPMC Code and the City will review Section 30-24 of the City Code for that violation.

Code Enforcement Officer Salemi asserted that the walkway was overgrown with weeds, the chimney and gutters had mold and growth, the driveway was covered with leaves and debris, and

both garage doors were broken and had mold. The fence on the side yard was cleaned and repaired, but it was still leaning as of the hearing date. The property was not in compliance by the deadline.

Respondent McGraw said he attempted to rectify the violation and cleaned the roof twice. He said the stain on the driveway is from the speed humps that caused the water not to drain. He said he painted the chimney, which did not show in the photographs. The Respondent said the fence is his neighbor's, and he repaired five panels. He said he kept the garage doors open at the bottom for the cats.

Special Magistrate Nix accepted and considered the evidence and testimony presented and found that all notices were provided correctly and found that the Respondent James McGraw violated 2021 IPMC Section 302.1 Sanitation, 2021 IPMC Section 302.3 Sidewalks and driveways, 2021 IPMC Section 304.7 Roofs and Drainage, 2021 IPMC Section 304.2 Protective Treatment, 2021 IPMC Section 304.11 Chimneys and towers, and City Code Section 30-24 Excessive growth of grass, weeds and brush on property.

She also found that IPMC Section 304.2 Protective Treatment and Section 304.11 Chimneys and towers were in compliance by the hearing date but were not corrected by the deadline.

The Respondent was given until February 14, 2023, 90 days from the hearing, to correct the remaining violations on the property. The Respondent is responsible for informing Code Enforcement when a violation is corrected. If the Respondent contacts the City before the 90 days that he failed to correct the violations by the compliance date, he may request a new hearing date. If the Respondent fails to communicate with the City and is not in compliance by February 14, 2023, the City will impose a fine of \$100 per day until the violations are corrected. All future violations of the same IPMC and City Code will be considered repeat violations.

4. Case number 22500110

**The vacant land located at 5215 S. Orange Avenue
Respondent Mandarin Orange LLC/Fulvio Romano**

Code Enforcement Officer Salemi testified that a business at 5215 S. Orange Avenue was in violation of City Code Section 30-24, Excessive growth of grass, weeds, and brush on property. Respondent, Fulvio Romano, was notified of the violation and the hearing by Certified Mail, and the Respondent was in Chamber. She said there is high grass on the property, and grass and debris are growing into the gutter and the road, preventing water flow. As of the hearing date, the property remained in violation.

The Respondent asserted that the property is serviced once a month. In response to Special Magistrate Nix he said he could double up the service during the summer months. He requested to have the case removed because the problem was resolved in July and was communicated to Code Enforcement Officer Salemi.

Special Magistrate Nix found that all required notices were provided for the proceedings and that, as of the hearing, the property was, and remains in violation of City Code Section 30-24

Excessive growth of grass, weeds, and brush on the property. The Respondent must correct the violations by December 31, 2022, and inform Code Enforcement when the work is completed. If the property is not in compliance by December 31, 2022, a fine of \$50 per day will be invoked until the violation is cured.

5. Case number 225001304

4680 Posada Drive Edgewood, FL 32839

Respondent: James and Johnna Kelley

City Attorney Smith said there is a statutory issue preventing the case from going before the Special Magistrate Code Enforcement could not verify the mailing of the Notice of Violation. As the Respondent was in attendance, the City requested that the Respondent be permitted to respond. Special Magistrate Nix agreed to hear the case on an informational basis.

Code Compliance Officer Salemi said the violation was for the overgrowth of brush on the property. She stated the property did come into compliance and then received another complaint about the property's side yard. The area between the fence and the sidewalk is not part of the ROW but must be maintained by the property owner. There is an overgrowth of grass on the side of the property, and a mound of vegetation is also located in the side yard.

Ms. Johanna Kelley submitted photos of the mound located on the side yard. She showed pictures and stated that the side yard was flat until the City installed new sidewalks and put the debris on her side yard, causing the berm. She discussed previous violations that she received from the City that she corrected and that she replaced the fence, removed the trees from the side, and removed the weeds. Ms. Kelley said she wants to cooperate with the City and have it addressed.

Attorney Smith said the elevation of the berm might be difficult to mow and asked her to keep the berm trimmed. He said he spoke with the City Clerk to talk with the contractor to see if the area could be leveled back out so a mower could move across it. He asked City Clerk Riffle to remain in touch with Ms. Kelley.

No order was given.

6. Case number 22500202

175 Marseille Oaks Drive Edgewood, FL 32839

Respondents: Ho Ton S and Tran Ngoc Huynh

Code Enforcement Officer Salemi testified that the residence at 175 Marseille Oaks Drive was in violation of City Code Section 30-24, Excessive growth of grass, weeds, and brush on the property. The Respondents were notified of the violation and the hearing. She stated that the grass is growing onto the sidewalk, the planters, and the driveway. The accumulation of junk was cured by the compliance date. The excessive growth of grass, weeds, and brush was in compliance at the date of the hearing. The Respondent, Tran Ho, was in attendance.

Special Magistrate Nix found that all required notices were provided for the proceedings and that the violation of City Code Section 30-24, Excessive growth of grass, weeds, and brush on the

property, was cured by the date of the hearing but was not corrected by the deadline. No fine was imposed; however, a future violation of the same Code will be considered a repeat violation.

7. Case number 22500203

163 Marseille Oaks Drive Edgewood, FL 32839

Respondent: John Hoover

Code Enforcement Officer Salemi testified that the residence at 163 Marseille Oaks Drive was in violation of City Code Section 62-57 Regulation standards of disabled vehicles. A vehicle in front of the home did not have a registered tag and was considered disabled. By November 16, 2022, the Respondent had moved the truck out of the driveway. The Respondent was not in attendance.

Special Magistrate Nix found that all required notices were provided for the proceedings and that the property was in violation of City Code Section 62-57 Regulation standards of disabled vehicles. The violation was not cured by the deadline but did come into compliance by the date of the hearing. No fine was imposed; however, future violations of the same section of the City Code will be considered a repeat violation.

8. Case number 22500235

Pep Boys

4834 S. Orange Avenue Edgewood, FL 32806

Respondent: 4834 South Orange Tide LLC

Code Enforcement Officer Salemi testified that a business at 4834 S. Orange Avenue, was in violation of City Code Section 62-34 Vehicular parking on lawns, yards and sidewalks. The Respondent was notified of the violation and the hearing by Certified Mail and the Respondent was in Chamber. She said the Pep Boys vehicles were documented to be parked on the grass. At the time of the hearing, the commercial vehicle was removed but another truck is still parked on the grass.

Omar Zayas, Manager of Pep Boys, said they installed no parking signs on the property and acknowledged they are not in compliance as the neighboring businesses continue to park there. Pep Boys is moving their business and they are not receiving any more vehicles.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found that the property was in violation of City Code Section 62-34 Vehicular parking on lawns, yards and sidewalks and was not cured by the deadline. The property came into compliance by the date of the hearing. No fine was imposed; however, future violations of the same section of City Code will be considered to be repeat violations.

9. Case number 22500247

522 Linson Court Edgewood, FL 32809

Respondent: Colin Behr

Code Enforcement Officer Salemi testified that the residence at 522 Linson Court, was in violation of 2021 IPMC 304.1 General - The exterior of a structure shall be maintained in good repair, structurally sound and sanitary. The Respondent was notified of the violation and the hearing by Certified Mail and the Respondent was in Chamber.

Code Enforcement Officer Salemi asserted the following violations: the garage door, gutters, front door and windows have mold and mildew, plus there is spotting on the roofline. She said that the front door was corrected by the date of the hearing.

Respondent Colin Behr testified that he bleached the front door and pointed out that there are many oaks over the house. He said that cleaning the fascia lasts a couple of weeks and the spots are dirt, not mildew. He stated that he does not think this is a hazard to anyone and he cleans it once a year. He said the City is overstepping and that the oak trees are an extenuating circumstance to the amount of debris that appears on the house and it is not reasonable to clean the eaves once a month.

Attorney Smith noted that aesthetics are recognized as part of public welfare whether it is dirt or mildew and while he did agree that it is not a hazard, he said the garage door is in violation and there is an aggregation of issues. He said that a property that is not being maintained brings down the value of the property and requested that the garage doors

Attorney Smith said he understands the eaves. He thinks there is an aggregation of issues and requested the Respondent clean the garage doors and remove the spiders as well as to keep the front door and garage door clean.

Attorney Smith asked to have the case dismissed as a gesture of goodwill. There was no finding and the case was dismissed.

10. Case number 22500248
5226 Alleman Drive Edgewood, FL 32809
Respondent: Dustin Carpenter

Code Enforcement Officer Salemi testified that the residence at 5226 Alleman Drive, was in violation of 2021 IPMC 304.3 Premises Identification. The Respondent was notified of the violation and the hearing by Certified Mail and the Respondent was not in Chamber.

Code Enforcement Salemi asserted that there was no address on the home or the mailbox and a vehicle was parked on the grass. The Respondent failed to correct the vehicle parking before the compliance date but was in compliance with addressing by that date. As of the date of the hearing property was in compliance.

Special Magistrate Nix found that all required notices were provided for the proceedings, and found that the property was in violation of 2021 IPMC 304.3 Premises Identification, and was not cured by the deadline. The property came into compliance by the date of the hearing. No fine was imposed; however, future violations of the same section of City Code will be considered repeat violations.

ADJOURNMENT

The meeting adjourned at 12:36 PM.

Jennifer Nix, Special Magistrate

Date

Sandra Riffle, City Clerk

Date

DRAFT