



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