



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

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 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