

CODE ENFORCEMENT HEARING

City Commission Chambers

175 West Warren Avenue
Longwood, FL 32750

September 26, 2019

9:00 A.M.

Present: Amy Goodblatt, Special Magistrate
Chris Conley, City Attorney

Also Present: Brittany Kidd Gelm, Code Compliance Officer

1. CALL MEETING TO ORDER:

Special Magistrate Amy Goodblatt called the meeting to order at 9:00 a.m.

2. APPROVAL OF THE MINUTES FROM THE August 22, 2019 HEARING:

Special Magistrate Goodblatt approved Minutes from the August 22, 2019 meeting.

3. SPECIAL MAGISTRATE GOODBLATT'S EXPLANATION OF PROCEEDINGS:

Special Magistrate Goodblatt explained the hearing process for the attendees.

4. ROLL CALL OF SCHEDULED CASES:

Special Magistrate Goodblatt did a roll call of the scheduled cases to determine which Respondents were present.

5. SWEARING IN OF ALL WITNESSES:

Special Magistrate Goodblatt swore in all witnesses.

6. PUBLIC HEARINGS:

A. CEH 19-08-1481 LDC, Article X Section 10.1.0 Construction Permit
Lenard, Linda
1087 Cheltanham Court
Longwood, FL 32750

CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner, Linda Lenard, was present.

CEO Gelm stated that this property is in violation of LDC, Article X Section 10.1.0 Construction Permit. This property is in violation because the permit expired without all required inspections.

A Courtesy Notice was issued on 6/18/19. A Notice of Violation was issued on 6/25/19. The property is homestead. The City continued this case to afford the Respondent additional time to make repairs at the request of the Respondent, but they were not done.

On 8/26/19 NOH was certified mailed to the property owner. On 9/10/19 the NOH was posted at the property and City Hall.

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Respondent provided testimony that she had someone coming out the following week to make the repairs.

The Special Magistrate made inquiry of the Code Compliance Officer and Respondent.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. Respondent obtained Permit 2018-00817 to replace siding. Said permit expired before required inspections were performed. The City subsequently performed an inspection and the work failed inspection. In order to come into compliance, all required inspections must be completed and approved.

Should the property not come into compliance within 30 days from date of service of the Order, Respondent shall pay a fine of \$30.00 per day for each day the violation continues to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$50.00 within 30 days of receipt of Final Orders.

B. CEH 19-09-1489 LDC, Article III Section 3.5.5(B) Arbor Permit Required
Orbit Shopping Center LLC
1155 W SR 434
Longwood, FL 32750

CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner was not present.

CEO Gelm stated that this property is in violation of LDC, Article III Section 3.5.5(B) Arbor Permit Required. This property is in violation because a tree was removed without a permit.

A Notice of Violation was issued on 6/14/19 and certified mailed to the property owner.

Respondent requested an extension to submit plans for a replacement tree and plants.

On 8/19/19 a Notice of Hearing was issued and certified mailed to the property owner.

The Senior Planner for the City of Longwood, Anjum Mukherjee, testified that the landscaper believed he had corrected the violation without a landscape plan. The City advised the landscaper that the property was not in compliance due to a plan being required and that he needed to appear at today's Hearing.

The Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. The Respondent Property Owner is guilty of violating LDC, Article III Section 3.5.5(B) Arbor Permit Required. In order to come into compliance, Respondent must obtain an Arbor Permit from the City of Longwood Planning Division and all requirements of the permit must be timely met, including satisfactorily passing all required inspections in a timely manner. Should the property not come into compliance within ten days from date of service of the Order, Respondent shall pay a fine in the amount of \$100.00 per day for each day the violation continues

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to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$228.83 within 30 days of receipt of Final Orders.

C. CEH 19-09-1490 CC, Chapter 18 Section 18-63 Minimum Property Standards
LDC, Article V Section 5.3.1 Swimming Pool – Fence Required
Flanary, Harry
262 W Palmetto Avenue
Longwood, FL 32750

CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner was not present.

CEO Gelm stated that this property is in violation of CC, Chapter 18 Section 18-63 Minimum Property Standards and LDC, Article V Section 5.3.1 Swimming Pool – Fence Required. This property is in violation because several sections of the fence have fallen to include the gate giving access to the swimming pool in the back yard.

A Notice of Violation was issued on 7/11/19 and certified mailed to the property owner.

The property owner's son advised the City in July that his father is deceased, but he would repair the fence. A second call was made to the City and now the son does not know who the property owner will be and he will not be making the repairs. The pool is covered so there is not an immediate life safety hazard.

On 8/19/19 a Notice of Hearing was issued and certified mailed to the property owner.

The Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. The Respondent Property Owner is guilty of violating CC, Chapter 18 Section 18-63 Minimum Property Standards and LDC, Article V Section 5.3.1 Swimming Pool – Fence Required. In order to come into compliance, the gate must be replaced so it is operational and the fence repaired completely so it is safe. Should the property not come into compliance within 20 days from date of service of the Order, Respondent shall pay a fine in the amount of \$50.00 per day for each day the violation continues to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$234.86 within 30 days of receipt of Final Orders.

D. CEH 19-09-1491 CC, Chapter 86 Section 86-83 Boat, Trailer & RV Parking
CC, Chapter 86 Section 86-54 Storage of Inoperable Vehicle
CC, Chapter 18 Section 18-221 Outdoor Storage
Williams, Barbara – Trustee & Farley, William
621 Wildmere Avenue
Longwood, FL 32750

CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner was not present. After the Hearing concluded, the Respondent appeared.

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CEO Gelm stated that this property is in violation of CC, Chapter 86 Section 86-83 Boat, Trailer & RV Parking, CC, Chapter 86 Section 86-54 Storage of Inoperable Vehicle and CC, Chapter 18 Section 18-221 Outdoor Storage. This property is in violation because trailers are stored in the front yard. Vehicles without tags are stored in the front yard or driveway and multiple misc. items are stored in the driveway and front yard.

A Notice of Violation was issued on 8/15/19 and posted at the property. The property is listed as Homestead.

On 8/22/19 the Respondent, William Farley, told the City the trailers would be removed the following day, but they were not. This property is rented to several tenants. A property manager contacted the City to advise the property would be kept in compliance moving forward. The Inoperable Vehicle violation came into compliance after the date set for compliance. The property has been cited 15 times for Storage of Inoperable Vehicles and 18 times for Boat, Trailer, RV violations.

On 8/23/19 a Notice of Hearing was issued and certified mailed to the property owner.

A neighbor provided photographs and a letter indicating her list of issues in support of the City's position. Another neighbor, Stan Pelz, asked about Outdoor Storage. He advised he has lived next door for 15 years and the property has been a mess.

After the Hearing concluded, the Respondent appeared. He requested a continuance. He advised his tardiness was due to him taking his son to work. He further advised he left a message for the City at 9:00am but the Code Officer and Special Magistrate were already at the Hearing and did not receive the message.

The Special Magistrate made inquiry of the Code Compliance Officer and Respondent.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. The Respondent Property Owner is guilty of violating CC, Chapter 86 Section 86-83 Boat, Trailer & RV Parking, CC, Chapter 86 Section 86-54 Storage of Inoperable Vehicle and CC, Chapter 18 Section 18-221 Outdoor Storage. In order to come into compliance, all trailers (no more than two trailers, boats or RVs) must be stored in side or rear yards behind the front line of the house. The furniture and miscellaneous items stored in the front of the property must be removed or placed inside. Any and all Inoperable Vehicles must be stored inside a garage, carport, storage building or in the side or rear yard as long as they are screened by a solid fence. Respondent's request for a continuance was denied. Should the property not come into compliance within five days from date of service of the Order, Respondent shall pay a fine in the amount of \$100.00 per day per violation for each day the violation continues to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$400.00 within 30 days of receipt of Final Orders. The Special Magistrate increased the requested Administrative Fine over the City's request due to the number of times the property has been cited.

E.	CEH 19-09-1492	CC, Chapter 38 Section 38-141 High Grass & Weeds
		Ragoonanan, Mark & Lynette
		569 E Magnolia Avenue

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CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner was not present.

CEO Gelm stated that this property is in violation of CC, Chapter 38 Section 38-141 High Grass & Weeds. This property is in violation because it is not being mowed and maintained on a regular basis.

A Notice of Violation was issued on 7/30/19 and certified mailed to the property owner.

On 8/23/19 a Notice of Hearing was issued and certified mailed to the property owner.

The Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. The Respondent Property Owner is guilty of violating CC, Chapter 38 Section 38-141 High Grass & Weeds. A public nuisance was created at the property due to an accumulation of tall grass and weeds. The grass and weeds are so high that rodents, vermin and mosquitos may breed there. The property is located within 100 feet of approved properties. In order to come into compliance, the entire property must be mowed and maintained on a regular basis. Should the property not come into compliance within ten days from date of service of the Order, Respondent shall pay a fine in the amount of \$75.00 per day for each day the violation continues to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$234.86 within 30 days of receipt of Final Orders.

F. CEH 19-09-1493 CC, Chapter 38 Section 38-141 High Grass & Weeds
 Primemed Longwood, LLC
 390 W SR 434
 Longwood, FL 32750

CEO Gelm introduced herself and presented evidence and the Cost Recovery Worksheet to the Special Magistrate. The Respondent/Property Owner was not present.

CEO Gelm stated that this property is in violation of CC, Chapter 38 Section 38-141 High Grass & Weeds. This property is in violation because it is not being mowed and maintained on a regular basis.

A Notice of Violation was issued on 8/15/19 and certified mailed to the property owner.

On 8/26/19 a Notice of Hearing was issued and certified mailed to the property owner.

The Special Magistrate made inquiry of the Code Compliance Officer.

The Special Magistrate made her findings in that service was properly made on the Respondent Property Owner. The Respondent Property Owner is guilty of violating CC, Chapter 38 Section 38-141 High Grass & Weeds. A public nuisance was created at the property due to an accumulation of tall grass and weeds. The grass and weeds are so high that rodents, vermin and mosquitos may

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breed there. The property is located within 100 feet of approved properties. In order to come into compliance, the entire property must be mowed and maintained on a regular basis. Should the property not come into compliance within ten days from date of service of the Order, Respondent shall pay a fine in the amount of \$30.00 per day for each day the violation continues to exist beyond the date set for compliance. Respondent shall pay an administrative cost of \$239.89 within 30 days of receipt of Final Orders.

7. REPORTS-CASE UPDATES

None.

8. UNFINISHED BUSINESS

- A. CEH 19-03-1431 in reference to 281 Reider Avenue requested to go before the Special Magistrate to Appeal the Order to Impose.

Special Magistrate heard testimony at the Formal Hearing held on the 25th day of April, 2019, and, based on the evidence, the Special Magistrate ordered that the Administrative Fine remain the same, but the City will suspend the ongoing daily fine retroactive to June 26, 2019 if, and only if, the property owner comes into compliance with the agreed Order no later than November 26, 2019.

9. OLD BUSINESS

- A. Special Magistrate signed the Order to Impose for CEH 18-09-1365 in reference to 1040 Alameda Drive

10. NEW BUSINESS

None.

11. ADJOURNMENT

Special Magistrate Goodblatt adjourned the meeting at 10:20 a.m.

Minutes approved by Special Magistrate: 11-05-2019

_____/S/
Amy Goodblatt, Special Magistrate Goodblatt

_____/S/
Brittany Kidd Gelm, Code Compliance Officer

The Official signed minutes are on file in the City Clerk's Office.