

CITY OF GREENACRES

OFFICIAL MINUTES TRACKING

Council/Board: Special Magistrate
Meeting Date: 7-26-17
Transcribed by: mf No. of Pages: 5 Transcription Time: 2.25

REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>[Signature]</u>	<u>7/28/17</u>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<u>[Signature]</u>	<u>8/7/17</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

APPROVAL OF MINUTES

Meeting Date: 8-23-17

Motion By: _____ Seconded By: _____

Check One: Approved Tabled Denied Vote: _____

Changes requested by Council or Board? Yes No

If yes, note changes: _____

Date Scanned and Filed: _____ By: _____



CITY OF GREENACRES, FLORIDA

**OFFICIAL MINUTES
SPECIAL MAGISTRATE HEARING**

Wednesday, July 26, 2017 – 3:00 p.m.

I. Call to Order

The Special Magistrate Hearing was called to order by Special Magistrate Eugene M. Steinfeld at 3:00 p.m. on Wednesday, July 26, 2017.

Staff Present:

Eugene M. Steinfeld, Special Magistrate
Donna Frandon, Code Enforcement Officer
Dinah Tejada, Code Enforcement Tech
Melody Larson, Assistant to the City Clerk

Audience: 5

II. Pledge of Allegiance

Special Magistrate Steinfeld led the Pledge of Allegiance to the Flag. He then swore in the witnesses in the audience who would provide testimony.

III. Minutes of the Special Magistrate Hearing for April 6, 2017 were signed and approved.

IV. Cases:

NEW BUSINESS

**1. Case #6-17-6230
201 Leland Lane
Greenacres, FL 33463
Issued: 6-15-17**

**Code Section: 304.4
Code Section: 304.1**

**Federal National Mortgage Association
14523 SW Millikan Way, Suite 200
Beaverton, OR 97005
Initiated By: Michael Grimm, Building Official**

**Structural Members
General**

Testimony:

Special Magistrate Steinfeld read the violations for the exterior not being maintained and called for testimony by the respondent. He asked if the owner admits to, or contests the violations.

Kate Dulay, attorney for the plaintiff, admitted that the structure needs repairing and explained that the owner was in the process of obtaining permits and hiring an engineer to correct the problem.

Officer Donna Frandon testified that the City is requiring permits and plans, not necessarily engineering drawings. She deferred to the contractor for a timeframe for completion.

Attorney Dulay requested 90 days to comply.

Officer Frandon disagreed. The previous owner was cited and the property fell into foreclosure. Upon learning that the bank was attempting to sell the property, the City cited the bank. She recommended 60 days.

Order of Enforcement:

Special Magistrate Steinfeld ordered sixty (60) days to comply (by September 26, 2017), or a fine of \$100/day will commence. He ordered the owner and/or attorney to remain in contact with Officer Frandon if more time was needed.

CERTIFICATION OF FINE

**2. Case #2-17-6048
4696 Chariot Circle
Greenacres, FL 33463
Issued: 2-8-17**

**Shaun McDyer
4696 Chariot Circle
Greenacres, FL 33463
Initiated By: Officer Donna Frandon**

**Code Section: 304.7
Code Section: 14-28b5
Code Section: 7-27.3
Code Section: 14-28a1**

**Roofs & Drainage
Parking of Motor Vehicles, Boats & Trailers
Property Maintenance Nuisance Declared
Parking of Motor Vehicles, Boats & Trailers**

Testimony:

Special Magistrate Steinfeld noted there were no respondents in attendance for this case. He asked the City if this case was in compliance. He asked if there were any sections of the Code that had met compliance. Officer Frandon reported that none of the code sections were in compliance.

Order of Enforcement:

Special Magistrate Steinfeld certified the fine at \$200/day.

APPEAL OF FINE

**3. Case #1-12-3724
616 Jackson Avenue
Greenacres, FL 33463
Issued: 1-13-12**

**Rosalia Colon
616 Jackson Avenue
Greenacres, FL 33463
Initiated By: Officer Donna Frandon**

**Code Section: 304.6
Code Section: 604.2
Code Section: 604.3
Code Section: 7-52**

**Exterior Walls
Service
Electrical System Hazards
Noise General Prohibitions**

Testimony:

Officer Donna Frandon testified that this case began several years earlier by another code officer who had since retired and consisted of tenants living in the residence without electric service and using a generator. Testimony was provided through translation.

The Special Magistrate asked if the case was in compliance.

Officer Frandon confirmed the property was now in compliance. The violation ran for three years at \$10/day.

The Special Magistrate asked if the property was homesteaded.

Officer Frandon confirmed that it was homesteaded and all notices were mailed to the property address and signed for.

The Special Magistrate asked if this was a repeat violation.

Officer Frandon said it was not a repeat violation and was the only case the owner had been cited for.

The Special Magistrate asked why should he consider reducing the fine.

Ms. Colón began feeling ill. Special Magistrate Steinfeld asked if Ms. Colón would like to continue the hearing another day. He called for a 5-minute recess at 2:10 pm. The meeting reconvened at 2:15 pm.

The Special Magistrate and Officer Frandon discussed the previous merits of the case for clarification. Special Magistrate Steinfeld voiced concern for the 3 years it took to comply.

Officer Frandon testified that compliance could have possibly been much sooner but never conveyed to the City by the tenants.

The Special Magistrate asked Ms. Colón if she had complied sooner but was perhaps unaware that she needed to contact the City for an inspection.

Ms. Colón could not recall.

Officer Frandon reported that the first City inspection was performed on January 9, 2012. The property came into compliance on June 1, 2015 as verified by FPL.

The Special Magistrate asked for the value of the property.

Officer Frandon testified that the Property Appraiser lists the market value at \$76,872.

(Code Enforcement Tech Dinah Tejada submitted a letter from Ms. Colón to the Special Magistrate.) He read Ms. Colón's letter into the record:

"I am selling my home and need to fix this problem. My lights have been paid and restored since June 2015. I rented the apartment to tenants who tampered with the meter. I was not aware of this. The bill was not paid and went up to \$5,000. I have now paid the bill as of June 1, 2015. I am in compliance as of that date. Everything else that needed to be done has been done and complied. I waited so long because I didn't have the money to pay at that time. It is finally paid. Please help me out. I am a sick person and would like to sell my property to move with my family."

Special Magistrate Steinfeld stated that under the City's ordinance, if compliance occurs more than 18 months after the compliance date set, a maximum of 25% of the civil penalty amount would be the reduction. However, the Special Magistrate has the authority to reduce the penalty if a demonstrated hardship is established.

The Special Magistrate asked if Ms. Colón was working?

Through translation, Ms. Colón said, "no", she is 69. She said she wants to sell because she has had too many problems and just wants to be with her family.

Special Magistrate Steinfeld asked if Ms. Colón had any other source of income to aid her in staying in her home.

Ms. Colón explained she only receives \$453 from Social Security.

Order of Enforcement:

Special Magistrate Steinfeld reduced the fine to \$1,500 payable within 60 days (September 26, 2017). He noted that in the event Ms. Colón's closing falls through, she would need to contact the City to avoid accruing further penalties.

V. **City Staff Report.** None.

VI. **Adjournment.**

Special Magistrate Steinfeld adjourned the meeting at 2:26 p.m.

SPECIAL MAGISTRATE

Respectfully submitted,



Eugene M. Steinfeld, P.A.



Melody Larson, Assistant to the City Clerk

Date Approved: 8-23-17

Attachment



AH.
MIKE

REQUEST FOR APPEAL

To The City of Greenacres Code Enforcement Board
5800 Melaleuca Lane
Greenacres, FL. 33463-2399

Date: 7-25-17

Case #: 1-12-3724

Name: Rosalia Colon

Location of property:

Address: 616 Jackson Ave

616 Jackson Ave

City Greenacres State FL

To: Board Members,

I am requesting an appeal of the fines/lien on the above Code Enforcement Case. ^{6/1/15}
The property came into compliance on 2/9/16. I'm aware that my presence
will be required at the Code Enforcement Board meeting.

I request this appeal for the following reason:

Im selling my home and need
to fix this problem. My lights
have been paid and restored
since (June 2015)

Sincerely,

Signature Rosalia Colon

Print name Rosalia Colon

I rented the apartment & the tenants tampered with the meter. I was not aware of this. The bill wasn't paid & it went up to \$5,000.00. I have now paid the bill as of 6/1/2015. I am in compliance as of that date. Everything else that needed to be done has been done & complied. I waited so long because I didn't have the money \$5000.00 to pay at that time. It is finally paid.

Please help me out. I am a sick person & would like to sell my property. to move with my family.

Thank you.
Roselin Colon