

**CITY OF WINTER HAVEN CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING**

Agenda

Thursday, February 19, 2009 – 9 a.m.

- I. CALL TO ORDER AND PLEDGE of ALLEGIANCE (9:00 a.m.)
Special Magistrate, Douglas A. Lockwood III, Esq. presiding
 - II. APPROVE MINUTES OF January 15, 2009
 - III. EXPLANATION OF PROCEDURES and SWEARING IN
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IV. UNFINISHED BUSINESS:

A. OTHER

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately.

- 1. **Haven Pallet, Inc and 347 Avenue O SW
Henry E. Brakmann Revocable Trust and
Clarice Hall Jones Revocable Trust**

Settlement Agreement between Haven Pallet, Inc., a Florida corporation, Henry E. Brakmann and Sara K. Brakmann, as trustees of the Henry E. Brakmann Revocable Trust u/t/d November 30, 2004, Clarice Hall Jones, as trustee of the Clarice Hall Jones Revocable Trust u/t/d May 1, 1998 and City of Winter Haven, a Florida municipal corporation.

B. AFFIDAVITS OF NON-COMPLIANCE/FINE CERTIFICATIONS

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately.

			<u>City Costs:</u>
1.	8-1356	Jessica L. Luna 230 22 nd Street SW	\$ 1,150
2.	8-1630	Green Sea Investments LLC Lucerne Park Road	4,650
3.	8-1727	Julita Joseph Alexander 106 25 th Street SW	775
4.	8-1927	Abram Young (dec) & Geraldine Young 301 Avenue U NE	775
5.	8-1997	John Palumbo 139 Avenue S NE	1,550
6.	8-1998	John Palumbo 139 Avenue S NE	1,550

7. 8-2223	Edwin Reed & Cindy Reed 896 Avenue M SW	890
8. 8-2579	Orbia E. Hill Jr. 918 Avenue T NE	1,425

C. SUPPLEMENTAL AFFIDAVITS OF NON-COMPLIANCE/FINE CERTIFICATION

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately. **City costs:**

1. 5-1892	Mitchell A. Hardy 1501 7 th Street SE	\$11,300
2. 5-1942	Eleftheria N E Mina 856 Avenue R NE	22,600
3. 6-805	1721 Bennett Street Land Trust 1721 Bennett Street NE	33,400
4. 6-1633	Eddie Campbell (dec) & Melissa Campbell 603 Avenue O NE	11,500
5. 7-43	Bates Avenue Trust/David Fields 654 Bates Avenue SW	8,050
6. 7-1894	NE Avenue B #221 Landtrust 221 Avenue B NE	5,500
7. 8-1252	US Bank National Association 1712 2 nd Street NE	3,150

D. AFFIDAVITS OF NON-COMPLIANCE/FINE CERTIFICATION & ABATEMENT COSTS

City costs:

1. 8-2496	Eddie Campbell (dec) Melissa Campbell 603 Avenue O NE – Demo structure	\$ 5,250 1,238
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E. AFFIDAVITS OF COMPLIANCE

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately.

1. 6-1633	Eddie Campbell (dec) & Melissa Campbell	603 Avenue O NE
2. 7-1894	NE Avenue B #221 Landtrust	221 Avenue B NE
3. 8-1252	US Bank National Association	1712 2 nd Street NE
4. 8-1298	Jill N. Harrison	152 Avenue D SW
5. 8-1799	United Realty Management Inc.	1016 Lk. Silver Drive NE
6. 8-2223	Edwin Reed & Cindy Reed	896 Avenue M SW
7. 8-2496	Eddie Campbell (dec) & Melissa Campbell	603 Avenue O NE

V. NEW BUSINESS:

A. FIRST OFFENSE CASES

Tanya Willis:

1. **8-700 Autumn's Anchor, Inc. 1000 Blk Lk Howard Dr. SW**
WHC 21-143(d) Parking – location of spaces (special use permit required), WHC 21-439(g) Site Plan Regulations (non-compliance w/approved site plans), WHC 21-439(e) Site Plan Regulations (modification of site plans), WHC 21-32 Zoning (R-3 parcel used in conjunction w/restaurant)
Date of Violation: 03/25/2008
To be corrected by: 12/24/2008
Re-inspection: 01/13/2009
Results: Violation(s) still exists City costs:

Allen Berg:

2. **8-2830 Deonnand Boodram 559 Julia Street SE**
WHC 21-143; 146 Parking – Residential (vehicle parked on front yard)
Date of Violation: 12/09/2008
To be corrected by: 01/07/2009
Re-inspection: 01/09/2009
Results: Violation(s) still exists City costs:
3. **8-2855 Fannie Mae c/o SunTrust Mortgage Inc 200 Fish Hawk Dr SE**
WHC 12-1; 12-3 Grass/Weeds (exceeding 15" in height)
Date of Violation: 12/17/2008
To be corrected by: 01/08/2009
Re-inspection: 01/09/2009
Results: Violation(s) still exists City costs:
4. **8-2856 Howard N & Evalina T. Massenburg 161 Fish Hawk Dr SE**
WHC 12-1; 12-3 Grass/Weeds (exceeding 15" in height)
Date of Violation: 12/17/2008
To be corrected by: 01/09/2009
Re-inspection: 01/14/2009
Results: Violation(s) still exists City costs:
5. **8-2874 Dayanara Garcia 180 Fish Hawk Dr SE**
WHC 12-1; 3; 86 Junk/Trash/Debris (debris sitting on driveway)
Date of Violation: 12/19/2008
To be corrected by: 01/01/2009
Re-inspection: 01/09/2009
Results: Violation(s) still exists City costs:

Michelle Woods:

6. **7-929 Kathryn B. Hoehne 440 Avenue C NE**
SHC 305.15 Accessory Structure (in disrepair)
Date of Violation: 04/20/4007
To be corrected by: 08/10/2007
Re-inspection: 12/29/2008
Results: Violation(s) still exists City costs:
7. **8-1839 Jamie L. Nastu & Christine C. Emery 211 24th Court SW**
WHC 15-68 Address Numbering (not visible on structure) WHC 12-3 tree obstructing sidewalk
Date of Violation: 08/07/2008
To be corrected by: 12/27/2008
Re-inspection: 01/05/2009
Results: Violation(s) still exists City costs:
8. **8-2236 Thomas Berdis & Elizabeth Berdis 1706 15th Street NW**
WHC 5-9 Building – No Permit (garage doors)
Date of Violation: 10/03/2008
To be corrected by: 10/30/2008
Re-inspection: 12/31/2008
Results: Violation(s) still exists City costs
9. **8-2293 Craig Harrell 308 Farnol Avenue SW**
WHC 9-26, 9-33 Business Tax Receipt (apts – no city license on record), WHC 12-1; 3; 86 Junk/Trash/Debris (indoor furniture on front porch) (to include: tires and mattresses) WHC 21-143; 146 Parking – Residential (parking on front yard), WHC 14-36; 14-37 Trash Containers (on front yard)
Date of Violation: 10/10/2008
To be corrected by: 12/02/2008
Re-inspection: 12/22/2008
Results: Violation(s) still exists City costs:
10. **8-2569 Henry D. Pilcher 1303 15th Street SW**
WHC 15-68 Address Numbering (not visible on structure)
Date of Violation: 11/05/2008
To be corrected by: 12/12/2008
Re-inspection: 01/05/2009
Results: In compliance 1/12/2009 City costs:
11. **8-2659 Seventh & O SW Landtrust 1500 Blk 7th Street SW**
WHC 21-143 Parking – Location of spaces (parking on vacant commercial property)
Date of Violation: 11/12/2008
To be corrected by: 12/06/2008
Re-inspection: 01/07/2009
Results: Violation(s) still exists City costs:

12. **8-2720 Portfolio-Winter Haven LLC. 1150 3rd Street SW**
WHC 21-244 Sign Regulations – Prohibited signs (banners – Clarion/Country Kitchen)
Date of Violation: 11/17/2008
To be corrected by: 01/08/2009
Re-inspection: 01/12/2009
Results: Violation(s) still exists

Tonya Long:

13. **8-1772 Jo Anne Owens Tyler et al 309 Avenue P NE**
WHC 15-68 Address Numbering (none), SHC 305.12 Exterior door frames (damaged/rotten), SHC 305.2 Exterior walls (damaged/rotten/in disrepair), SHC 305.16.1 Interior floors/walls/ceilings (porch ceiling damaged/in disrepair), WHC 12-1; 3; 86 Junk/Trash/Debris (to include tires/gas tanks), SHC 305.14 Protective treatment (bare wood), SHC 305.3 Roofs (damaged/in disrepair), SHC 305.13 Screens (torn/damaged/in disrepair), SHC 305.5 Stairs/Porches/Appurtenances (damaged/in disrepair), SHC 103.2 Unsafe residential building (unsecured vacant residence), SHC 305.7, 305.8 Windows to be glazed (boarded up), SHC 305.7, 305.10 Windows to be openable (boarded up)
Date of Violation: 08/04/2008
To be corrected by: 10/30/2008
Re-inspection: 01/05/2009
Results: Violation(s) still exists City costs:
14. **8-1913 Iola Collins Swanigan et al 2229 5th Street NE**
SHC 305.3 Roofs (soffit/fascia damage in several areas) SHC 305.7, 305.8 Windows to be glazed (several broken windows)
Date of Violation: 08/13/2008
To be corrected by: 11/05/2008
Re-inspection: 01/05/2009
Results: Violation(s) still exists City costs:
15. **8-2374 Charles A. Wilson Sr. 549 Avenue T NE**
WHC 15-68 Address numbering (not visible on structure), WHC 21-91 Commercial Building Maintenance (boarded up windows), WHC 21-91 Commercial Building Maintenance (roofs damaged/in complete), WHC 21-68 Fences/Walls (in disrepair), WHC 21-143; 146 Parking – Residentail (parking on non-improved surface, WHC 21-32 Zoning (current use exceeds zoning requirements)
Date of Violation: 10/22/2008
To be corrected by: 12/28/2008
Re-inspection: 01/23/2009
Results: Violation(s) still exists City costs:

16. **8-2537 Curnita Clark** **1928 3rd Street NE**
 WHC 12-1; 3; 86 Vehicles; Non-tagged/inoperable
 Date of Violation: 11/04/2008
 To be corrected by: 12/07/2008
 Re-inspection: 12/11/2008
 Results: Violation(s) still exists City costs:
17. **8-2647 Putnam State Bank** **1404 5th Street NE**
 WHC 12-1; 12-3 Grass/Weeds (exceeding 15" in height) WHC 14-36; 14-37 Trash
 Containers (in front yard)
 Date of Violation: 11/07/2008
 To be corrected by: 12/18/2008
 Re-inspection: 01/05/2009
 Results: Violation(s) still exists City costs:
18. **8-2653 Maggie Barber Marbley** **1707 Bennett Street NE**
 WHC 12-1; 3; 86 Vehicles; Non-Tagged/Inoperable
 Date of Violation: 11/12/2008
 To be corrected by: 12/06/2008
 Re-inspection: 12/11/2008
 Results: Violation(s) still exists City costs:
19. **8-2655 Danalux Properties LLC** **204 Bennett Street NE**
 WHC 12-1; 3; 86 Vehicles; Non-Tagged/Inoperable
 Date of Violation: 11/12/2008
 To be corrected by: 12/07/2008
 Re-inspection: 12/11/2008
 Results: Violation(s) still exists City costs:
20. **8-2728 Joe Timmons Jr. & Sumalee Timmons** **1742 3rd Street NE**
 WHC 21-143; 146 Parking – Residential (on front yard)
 Date of Violation: 11/02/2008
 To be corrected by: 12/08/2008
 Re-inspection: 01/05/2009
 Results: Violation(s) still exists City costs:

Michael Hagwood:

21. **8-2318 Deutsche Bank National Trust Co.** **220 & 222 Avenue Q NW**
 WHC 5-9 Building – No Permit (window closed in), SHC 307.4 Care of Premises
 (misc. items throughout), SHC 305.3 Roofs (damaged/disrepair), SHC 305.7,
 305.8 Windows to be glazed (missing – broken)
 Date of Violation: 10/14/2008
 To be corrected by: 12/04/2008
 Re-inspection: 12/04/2008
 Results: Violation(s) still exists City costs:

22. **8-2322 Wilson Charlemont & Marie Charlemont 228-234 Avenue Q NW**
 SHC 305.3 Roofs (damaged/disrepair), SHC 305.7, 305.8 Windows to be glazed (broken)
 Date of Violation: 10/14/2008
 To be corrected by: 01/05/2009
 Re-inspection: 01/06/2009
 Results: Violation(s) still exists City costs:
23. **8-2396 Gertie C. Wilburn 313-315 Palmetto Avenue NW**
 SHC 305.3 Roofs (damaged/disrepair)
 Date of Violation: 10/29/2008
 To be corrected by: 12/20/2008
 Re-inspection: 01/06/2009
 Results: Violation(s) still exists City costs:
24. **8-2507 Harold Dunkley 2932 Trema Avenue NW**
 WHC 12-1; 12-3 Grass/Weeds (exceeding 15" in height)
 Date of Violation: 11/03/2008
 To be corrected by: 01/04/2009
 Re-inspection: 01/06/2009
 Results: Violation(s) still exists City costs:
25. **8-2760 John P. & Ann D. Adams Family Ltd 1151 Havendale Blvd. NW**
 WHC 15-68 Address numbering (not visible on structure), WHC 21-242 Sign Reg. – Temporary, special events (no permit found for portable sign)
 Date of Violation: 12/01/2008
 To be corrected by: 12/29/2008
 Re-inspection: 01/06/2009
 Results: Violation(s) still exists City costs:

B. REPEAT OFFENSE CASES

Michelle Woods:

1. **9-80 Kirby Pfannkuch & Tina Pfannkuch 1609 Marshall Road SW**
 Original case: 7-2013
 Hearing date: 11/15/2007
 Disposition: Order Finding Violation/No Fine Imposed
 Violation: WHC 12-1; 3; 86 Vehicles; Non-tagged/Inoperable; WHC 21-143; 21-146 Parking - Residential
 Reoccurrence: 01/12/2009 City costs:
2. **9-111 Evelyn L. McLean 751 Avenue O SW**
 Original case: 6-1010
 Hearing date: 11/16/2006
 Disposition: Order Finding Violation/Fine Imposed
 Violation: WHC 12-1; 3; 86 Junk/Trash/Debris
 Reoccurrence: 01/06/2009 City costs:

Tonya Long:

3. **9-185 Freddie J. Solomon & Jake Solomon Jr. 1453 6th Street NE**
Original case: 7-1655
Hearing date: 11/15/2007
Disposition: Order Finding Violation /Fine Imposed
Violation: WHC 21-143; 146 Parking – residential, SHC 307.4 Care of Premises
Reoccurrence: 01/26/2009 City costs:
4. **9-186 Freddie J. Solomon & Jake Solomon Jr. 1453 6th Street NE**
Original case: 8-135
Hearing date: 08/21/2008
Disposition: Order Finding Violation/No Fine Imposed
Violation: WHC 12-1; 3; 86 Vehicles; Non-tagged/Inoperable
Reoccurrence: 01/26/2009 City costs:

Michael Hagwood:

5. **9-141 James L Magers & Mary C. Magers 302 22nd Street NW**
Original case: 8-98
Hearing date: 08/21/2008
Disposition: Order Finding Violation/Fine Imposed
Violation: SHC 307.4 Care of premises
Reoccurrence: 01/22/2009 City costs:

C. REDUCTION REQUESTS:

Tanya Willis:

1. **3-1523 Land Trust Agreement, Monte Welch Trustee (Williams)
1725 Broxey Court NE**
Hearing date: 05/19/2005
Imposition: Order Finding Violation/Fine Imposed
Violation: WHC 12-1; 3; 86 Junk/Trash/Debris, WHC 21-102; 103 Accessory Structure, WHC 12-1; 3; 86 Vehicles; Non-tagged/Inoperable
In Compliance: 08/10/2006
Number of Days Non-Compliant: 414 @ \$50
Total Lien Amount: \$20,700 City costs:

Michelle Woods:

2. **7-301 Land Trust Agreement, Monte Welch Trustee (Williams)
1725 Broxey Court NE**
Hearing date: 04/19/2007
Imposition: Order Finding Violation/Fine Imposed
Violation: WHC 12-1; 12-3 Grass/Weeds, WHC 15-68 House numbering, WHC 12-1; 3; 86 Junk/Trash/Debris
In Compliance: 01/13/2009

Number of Days Non-Compliant: 610 @ \$25
Total Lien Amount: \$15,250 City costs:

3. **7-302 Land Trust Agreement, Monte Welch Trustee (Williams)
1725 Broxey Court NE**

Hearing date: 05/17/2007

Imposition: Order Finding Violation/Fine Imposed

Violation: SHC 305.11 Exterior doors, SHC 305.2 Exterior walls, SHC 305.3
Roofs, SHC 103.2 Unsafe residential building, SHC 305.7, 305.8
Windows to be glazed

In Compliance: 01/13/2009

Number of Day Non-Compliant: 573 @ \$100

Total Lien Amount: \$57,300 City costs:

4. **3-595 Midfirst Bank (Alexandre) 1021 Avenue O NE**

Hearing date: 02/17/2005

Imposition: Order Finding Violation/Fine Imposed

Violation: WHC 21-68 Fences/Walls, WHC 15-68 House Numbering, WHC
12-1; 3; 86 Junk/Trash/Debris, WHC 21-143; 146 Parking –
Residential, WHC 14-36; 14-37 Trash containers, WHC 12-1; 3; 86
Vehicles; Non-tagged/Inoperable

In Compliance: 04/17/2007

Number of Days Non-Compliant: 531 @ \$100

Total Lien Amount: \$53,100 City costs:

5. **7-1878 Midfirst Bank (Alexandre) 1021 Avenue O NE**

Hearing date: 07/19/2007

Imposition: Order Finding Violation/Fine Imposed Repeat Offender

Violation: WHC 21-1; 3; 86 Junk/Trash/Debris, WHC 21-143; 146 Parking -
Residential

In Compliance: 03/17/2008

Number of Days Non-Compliant: 260 @ \$500

Total Lien Amount: \$130,000

D. EXTENSION REQUESTS: NONE

E. OTHER BUSINESS:

1. **Jerald Aaron Jarvis 1100 Lake Silver Drive NE**

Hearing Date: 11/15/2007

Imposition: Order Finding Violation/Fine Imposed 30/\$50

F. NEXT HEARING DATE: Thursday, March 19, 2009

G. ADJOURNMENT: