

**MINUTES**  
**Code Enforcement Special Magistrate**  
**City of Lake Alfred**  
**City Hall**  
**March 23, 2023**  
**3:00 p.m.**

**Special Magistrate Mawhinney** called to order the Code Enforcement Special Magistrate meeting at 3:00 PM, explained the general procedures, and conducted the swearing-in ceremony. Audience members and city staff in attendance took the oath. He shared that all materials in the agenda packet are a part of the record and said all city administrative costs are payable within thirty (30) days.

**Staff in attendance:** City Attorney Seth Claytor, Community Development Director Ameer Bailey, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

**Special Magistrate Mawhinney** approved February 16, 2023, Special Magistrate Code Enforcement meeting minutes.

The agenda was revised in the order of the cases only. A re-numbered revised agenda was provided at the hearing.

Consent Agenda

SUPPLEMENTAL ORDER IMPOSING FINE

1. Case # 2021-00001  
Linda P. Melendez  
230 W. Cummings St.  
Parcel No. 26-27-32-500000-001141

The respondent Linda Melendez was in attendance.

**Code Enforcement Officer Watson** presented the case.

Linda Melendez said at the time the fines were running she was in constant communication with the Code Enforcement Officer. She said she was taking care of her family's estate and had been out of town.

**City Attorney Claytor** said he thought the testimony would be relevant to the reduction hearing on this agenda.

**Special Magistrate:** Found the property in compliance. Approved the supplemental order imposing fines for \$3,300.00 and assessed the city's administrative costs of \$63.80 payable within thirty (30) days.

2. Case # 2022-00024  
Leonard J Thompson  
0 Hwy. 17/92  
Parcel No. 26-27-27-490100-000519

The respondent was not in attendance.

**Code Enforcement Officer Watson** presented the case.

**Special Magistrate:** Found the property in compliance. Approved the supplemental order imposing fines for \$16,750.00 and assessed the city's administrative costs of \$48.15 payable within thirty (30) days.

ORDER IMPOSING FINE

3. Case # 2022-00029  
Aucaquizhpi Luis G Uzhca Natali Uzhca  
228 S. Lake Shore Way  
Parcel No. 26-27-32-507000-000062

The respondent Luis Uzhca, the property owner, was in attendance.

**Code Enforcement Officer Watson** presented the case.

**Community Development Director Bailey** said the property owners were given 120 days to come into compliance and have been in communication with the Code Enforcement Officer. They have submitted a site plan, but the structure remains in noncompliance. The property owner has spoken with the City Manager, but the property owner has not been able to get over the finish line.

Luis Uzhca said he tried to do the parking that the City wanted him to do and his first estimate was for \$31,000 five months ago. He said then the City wanted other requirements like water retention areas, and now the estimate went up to \$71,000. He said he can't afford to do the job. He has been seventeen years in Lake Alfred and asked if the City could help him.

**Special Magistrate:** Found the violations continued to exist. Approved the fines for \$4,800.00 and assessed the city's administrative costs of \$56.05 payable within thirty (30) days.

FINE REDUCTION REQUEST

4. Case # 2019-00005  
McCullough, Essie Mae & Andre  
670 Lemon Ave.  
Parcel No. 26-27-28-493500-005150

Case # 2021-00006-R  
McCullough, Essie Mae & Andre  
670 Lemon Ave.  
Parcel No. 26-27-28-493500-005150

Case # 2022-00012-R  
McCullough, Essie Mae & Andre  
670 Lemon Ave.  
Parcel No. 26-27-28-493500-005150

Case # 2022-00058-R  
McCullough, Essie Mae & Andre  
670 Lemon Ave.  
Parcel No. 26-27-28-493500-005150

**Code Enforcement Officer Watson** presented the cases individually, and an aggregate summary of the costs was presented. The staff's recommendations were for no reduction in fines plus the City's administrative costs.

**Community Development Director Bailey** spoke about the different levels of the staff's reduction recommendations based on the owner's participation in bringing the property into compliance. She said the abatement costs (not included in the cost summary) would be placed on the tax roll as a non-advalorem special assessment.

**Andre McCollough** said his mother was in New York and he lives in Texas. He said his mother passed away at the beginning of the year and he did not know he was an heir to the property. In February, he hired a full-time landscaper to maintain the property and will evaluate to see if he will build on the property. He said he wants to keep it in the family and he was the only one working in his household. He said upon her death the mail was re-directed to him and said he tried to help her as much as he could.

**Community Development Director Bailey** asked him how long ago he was aware of the code violations.

**Andre McCollough** replied and said about two years. He explained there were two cases he was not aware of, but for the other two that he did know about, he did not know the amount of the accumulation of fines. He said tried to get his mother to hire a landscaper but she did not trust anyone and said his mother had not lived in Lake Alfred since she was a kid. He said he was not aware of the foreclosure request until this year.

Information was shared regarding the reasons why the City went through the foreclosure process, the parcel was vacant land, and the Property Appraiser assessed value was \$11,000.

**Laura Lee McCollough**, the respondent's wife, added she was going to share that the assessed value was \$11,000.00.

A brief discussion ensued about affordability, the property being in probate, and it was expected to be released from the courts soon.

**Laura Lee McCollough** requested consideration of a ninety-day timeframe for payment.

**Special Magistrate:** Case Number: # 2019-00005, for Essie Mae and Andre McCollough, found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$259.72 for a total of \$1,259.72. The costs are payable within ninety (90) days, or the fine reduction will be voided.

**Special Magistrate:** Case Number: # 2021-00006-R, for Essie Mae and Andre McCollough, found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$268.39 for a total of \$1,268.39. The costs are payable within ninety (90) days, or the fine reduction will be voided.

**Special Magistrate:** Case Number: #2022-00012-R, for Essie Mae and Andre McCollough, found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$259.18 for a total of \$1,259.18. The costs are payable within ninety (90)

days, or the fine reduction will be voided.

**Special Magistrate:** Case Number: # 2022-00058-R, for Essie Mae and Andre McCollough, found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$183.02 for a total of \$1,183.02. The costs are payable within ninety (90) days, or the fine reduction will be voided.

Total Reduced Fines and Administrative Costs: \$4,970.31

#### FINE REDUCTION REQUEST

5. Case # 2021-00001  
Linda P. Melendez  
230 W. Cummings St.  
Parcel No. 26-27-32-500000-001141

Case # 2022-00001  
Linda P. Melendez  
230 W. Cummings St.  
Parcel No. 26-27-32-500000-001141

The respondent Linda Melendez was in attendance.

Since the violations were different, the cases were heard together but handled separately.

**Code Enforcement Officer Watson** presented case # 2021-01. The staff recommendation was for a 50% fine reduction (\$31,450.00) plus the total administrative costs of \$907.11.

**Linda Melendez** said it was difficult for her to be here because she had lived in New York. She said she just got rid of everything on the property and now lives in Lake Alfred.

She was asked if she was aware of the violations and she replied yes. She said she had counted on the kids to cut the grass and take care of the property but all they gave her were excuses. She said it was a hassle not being here to visually see what was happening, and she came back every few months which was a financial hardship. Most of the vehicles were her sons with one only belonging to her. One family member was living on the property and then moved out but left all the stuff on the property.

**Code Enforcement Officer Watson** presented case #2022-01. The staff recommendation was for a 50% fine reduction (\$10,750.00) plus the total administrative costs of \$169.55.

Linda Melendez said the roof needed repair because a tree branch had fallen on the house. She said she had thought it was just the corner of the house however when they removed the tree branch there was more roof damage. She said the costs cleared out her savings account and took a part of her 401(k) to fix it. She had the other structure on the property removed. She had moved back into the house at the beginning of this year.

A brief discussion ensued about the affordability of a \$1,000.00 fine for each case plus the total administrative costs on each case and she said she was still paying off her parent's funeral. She said she was down to zero in her accounts and requested consideration of a payment plan and six months to pay.

**Community Development Director Bailey** said she would talk to the finance department to see if the City could accommodate a payment plan and said she would let her know the determination.

**City Attorney Claytor** recommended that if the City would be agreeable to the payment plan there should be a contractual stipulation between both parties.

**Special Magistrate:** Case Number: # 2021-00001 for Linda P. Melendez found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$907.11 for a total of \$1,907.11. The costs are payable within six (6) months, or the fine reduction will be voided.

**Special Magistrate:** Case Number: #2022-00001 for Linda P. Melendez found the property in compliance. He reduced the daily fine to \$1,000.00 and assessed the City's total administrative costs of \$169.55 for a total of \$1,169.55. The costs are payable within six (6) months, or the fine reduction will be voided.

Total Reduced Fines and Administrative Costs: \$3,076.66.

6. Case # 2021-00012  
Cerberus Investments LLC  
380 W. Davis Ave.  
Parcel No. 26-28-05-524000-000910

The respondent John Rivera, Managing Director of the company, was in attendance.

**Code Enforcement Officer Watson** presented the case. The staff recommendation was for an 80% fine reduction (\$11,660) plus the total administrative costs of \$48.95.

John Rivera said he had bought the house through a tax deed sale sight unseen during the holidays at the end of last year. After evaluating the property, it was determined it was beyond repair so he chose to demolish the house. His first estimate was \$60,000 and then he found a company that said they would do it for \$7,000 however it ended up costing him \$10,000.00. So far, he has approximately \$50,000 into the property and the value of the property was not even close. He said it was a big mistake and he would like to just move forward.

**Special Magistrate:** Case No. 2021-00012 for Cerberus Investments LLC found the property in compliance. He reduced the daily fine to \$200.00 and assessed the City's total administrative costs of \$20.80 for a total of \$220.80. The costs are payable within thirty (30) days, or the fine reduction will be voided.

The Code Enforcement Special Magistrate meeting was recessed at 4:25 PM and was reconvened at 4:30 PM.

## NEW BUSINESS

7. Case # 2022-00071  
Truitt T Gaines  
725 Todhunter Way  
Parcel No. 26-27-33-514600-000230

City Codes Cited:

Lake Alfred Minimum Property Maintenance Code  
Section 106.3 - Declaration of a nuisance; demand for correction  
Section 302.7 - Accessory structures

The respondent and property owner, Truitt Gaines, was in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist, allow thirty (30) days for correction or a \$100.00 per day fine and assess the city's administrative costs of \$94.25.

Truitt Gaines said a few days before the hurricane two of his fence panels came down and after the hurricane, the remainder of the fence came down. He said he had lined up a contractor to come in and remove the pool and fence. He has a backup contractor hired and they promised it would be completed in two weeks. He said he is working on it and once the hole is filled, there will be no need for a fence. He requested two months to get the fence and the pool removed.

**Community Development Director Bailey** said the City's biggest concern was that the pool area is an attractive nuisance and needed to be secured. It is required by the Florida Statutes.

Truitt Gaines shared that his neighbors installed their own fence, no one was cutting through his property and this was an opportunity to leave the fence down.

**City Attorney Claytor** recommended, at a minimum, securing the fence in the short run and then addressing the pool.

**Special Magistrate:** Found the property in violation. Allowed for sixty (60) days to bring the property into full compliance or a \$100.00 per day fine will commence accruing. As a condition, he allowed for fifteen (15) days for the pool area to be secured by a fence. He assessed the city's administrative costs of \$94.25 payable within thirty (30) days.

8. Case # 2023-00002 BTR MHP  
Lake Alfred MHP LLC 670  
Lake Alfred St. E.  
Parcel No. 26-27-33-000000-033040

City Codes Cited:

Section 32-1. - Nuisance declared - Lake Alfred Code of Ordinances  
Section - 50-186 - Required - Lake Alfred Code of Ordinances

The operations manager for the property owner, Joy Matthews Strouse, and the replacement on-site Manager Jennifer were in attendance.

**Code Enforcement Officer Watson** presented the case. The city's recommendation is to find the violations exist, allow fifteen days (15) days for correction or a \$250.00 per day fine, and assess the city's administrative costs of \$87.85.

Joy Strouse said this was just a misunderstanding and the paperwork for the Business Tax Receipt would be filed tomorrow.

A brief discussion ensued about the office having to be inspected by the Police and Fire Department prior to the issuance of the Business Tax Receipt.

**Special Magistrate:** Found the property in violation. Allowed for fifteen (15) days to bring the property into compliance or a \$250.00 per day fine will commence accruing. Assessed the city's administrative costs of \$87.85 payable within thirty (30) days.

9. Case # 2023-00003 BTR  
Motel Lake Alfred MHP LLC  
670 Lake Alfred St. E.  
Parcel No. 26-27-33-000000-033040

City Codes Cited:

Section 32-1. - Nuisance declared - Lake Alfred Code of Ordinances

Section - 50-186 - Required - Lake Alfred Code of Ordinances

The operations manager for the property owner, Joy Matthews Strouse, and the replacement on-site Manager Jennifer were in attendance.

**Code Enforcement Officer Watson** presented the case. There was not a City nor a County Business Tax Receipt issued for the operation of the motel. The city's recommendation is to find the violations exist, allow fifteen (15) days for correction or a \$250.00 per day fine, and assess the city's administrative costs of \$87.85.

Joy Strouse requested thirty (30) days to bring the property into compliance.

A brief discussion ensued about the motel has to be inspected by the Police and Fire Department prior to the issuance of the Business Tax Receipt.

**Special Magistrate:** Found the property in violation. Allowed for thirty (30) days to bring the property into compliance or a \$250.00 per day fine will commence accruing. Assessed the city's administrative costs of \$87.85 payable within thirty (30) days.

The next hearing date is scheduled for April 20, 2023, at 3:00 PM.

The Code Enforcement Special Magistrate meeting was adjourned at 4:53 PM.

Respectfully Submitted,

Linda Bourgeois, BAS, MMC, ADAC  
City Clerk