



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
AUGUST 15, 2024
10:00 AM**

If a person decides to appeal any decision made by the Magistrate, they will need a record of the proceeding, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

The Special Magistrate, Keith Davis, called the Code Enforcement Meeting to order at 10:10 a.m.

ROLL CALL

Present: Special Magistrate Keith Davis, Code Enforcement Officer Henry Stout, Code Enforcement Officer Nichole Tamayo, Code Enforcement Officer Nanciann Cuenot, Code Enforcement Officer Anthony Neonakis, Building Official Peter Ringle, Attorney Ruth A. Holmes, Deputy Village Clerk Jane Worth and Records Clerk Andrea Medero.

Absent: Code Enforcement Officer Supervisor Thomas Gehrman and Code Enforcement Joey Sanders.

SWORN IN

Special Magistrate Davis swore in the Code Enforcement officers and witnesses.

AGENDA CHANGES

Attorney Ruth A. Holmes informed Special Magistrate Davis know that Item #4 (CIT Case 2024-2790 – 3959 Lake Worth Road – Bella Raza Inc.) was in compliance. Staff requested that Item #8 (CIT Case 2020-2442 – 2887 Lake Worth Road) and

Item #9 (Case 2022-43 – 2887 Lake Worth Road) be continued to the September 19, 2024 Special Magistrate Hearing.

MOTION HEARINGS

1. **Case 2024-47 - 2887 Lake Worth Road - IS & RG LLC**

CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 46-3: Graffiti.

Section 10-9: Exterior of the building - broken windows, missing fascia on the front canopy.

Section 34-221: Landscape maintenance - remove dead shrubs and trim bush in the parking lot.

Citation Fine: N/A

Admin Cost: \$171.60

Recommendation: \$100.00 per day per violation

Compliance Date: September 18, 2024

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 2887 Lake Worth Road and brought evidence of the violations that complied that same day.

The owner, Ms. Gloria Beshara, was present. Ms. Beshara stated that it's hard for her to get into compliance, but she is doing her best to complete everything on time.

Special Magistrate Davis asked the Building Official, Mr. Ringle, if the window replacement required building permits. Mr. Ringle said no permits are needed if it's repairing or replacing a window. Mr. Ringle also said he could meet with the property owner, Ms. Beshara, to review her window replacement options.

Special Magistrate Davis found that the defendant had complied with Section 46-3 - Graffiti, Section 10-9 - Missing fascia on the front canopy, and Section 34-221 - Remove dead shrub. However, the property remains in violation of Section 10-9 - Broken Window and Section 34-221 - Overgrown vegetation in parking spaces, which must be corrected by October 17, 2024. If compliance is not achieved by October 17, 2024, the Village's recommendation of a daily fine of \$250.00 per day until compliance is achieved is accepted. Special Magistrate Davis assessed Administrative costs of \$171.60 to be paid before October 17, 2024.

2. **Case 2024-49 - 1900 South Congress Avenue - Agape Worship Center of The C&MA Inc.**

CE Officer Nanciann Cuenot.

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Repaved parking lot with speed bumps, no required permit issued.

Section 10-31 (FBC 110.1): No required inspections.

Section 34-224: Replacement of vegetation.

***No landscaping in the rear planter box buffer between commercial and residential zoning. Approved landscape plan required.**

***Replace vegetation in front of the building and along property lines.**

Section 34-265: Responsibility of maintenance - Unsafe, insecure monument sign.

Section 34-1366: A dumpster enclosure with landscaping is required.

Section 34-883(3): Fences - Remove barbed wire on the chain-link fence.

Citation Fine: N/A

Admin Cost: \$352.98

Recommendation: \$100.00 per day per violation

Compliance Date: August 26, 2024 Barb-wire removal

Compliance Date: October 10, 2024 Violations that require Permits

Code Enforcement Officer Ms. Cuenot, testified about the violations cited at 2887 Lake Worth Road.

The owner, Ms. Samantha Bruce, was present; she stated that they agreed with everything mentioned that morning and would try to work on everything immediately.

Special Magistrate Davis found that the defendant had violated Section 34-883(3) - Removal of barbed wire, which must be corrected no later than August 26, 2024. He also found that the defendant had violated Section 10-31 (FBC 105.1), Section 10-31 (FBC 110.1), Section 34-224, Section 34-265, and Section 34-1366. The violations that required permits should be corrected by October 10, 2024. They must have the Certificate of Completion issued and comply by December 06, 2024. If compliance is not achieved by the mentioned dates, the Village's recommendation of a daily fine of \$100.00 per day per violation until compliance is achieved is accepted. Special Magistrate Davis assessed Administrative Costs of \$352.98 to be paid by August 26, 2024.

3. **Case No. 2024-51 - 3945 Park Lane - Maileisy Rojas Napoles**
CE Officer Henry Stout

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Work without permits, building permits required for new windows and fence

Section 10-31 (FBC 110.1): Required inspections.

Citation Fine:	N/A
Admin Cost:	TBD
Recommendation:	\$150.00 per day per violation
Compliance Date:	September 16, 2024

Code Enforcement Officer Mr. Stout testified about the violations cited at 3945 Park Lane.

Special Magistrate Davis asked Building Official Mr. Ringle if there was any additional information about the permits' progress in this case. Building Official Mr. Ringle said that they are working on them.

The owner, Ms. Maileisy Rojas Napoles, was present. She said completing everything would take her some time, but she is doing her best.

Special Magistrate Davis found that the defendant had violated Sections 10-31 (FBC 105.1) and 10-31 (FBC 110.1), which must be corrected no later than September 16, 2024. If compliance is not achieved by September 16, 2024, the Village's recommendation of a daily fine of \$150.00 per day per violation until compliance is achieved is accepted. He assessed Administrative Costs of \$215.91, to be paid by September 03, 2024.

4. **CIT Case 2024-2790 - 3959 Lake Worth Road - Bella Raza Inc.**
CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 34-898: Mobile food dispensing vehicles and mobile vendors: exceeding hours of operation

Citation Fine:	Paid
Admin Cost:	TBD
Recommendation:	\$75.00 Citation
Compliance Date:	August 16, 2024

Village Attorney Ms. Holmes let the Special Magistrate know that this case was in compliance.

5. **Case 2024-50 - 4420 Lake Worth Road - Tacos Al Carbon Inc.**

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 34-572: Violation of Village Council Resolution No. 2014-35 - Annexation Agreement

Citation Fine:	N/A
Admin Cost:	\$457.98
Recommendation:	\$250.00 per day
Compliance Date:	August 23, 2024

Code Enforcement Officer, Ms. Cuenot, testified about the violations cited at 4420 Lake Worth Road.

The owner of the Food Truck, Ms. Eloisa Gonzalez, was present. She did not testify. Also present was, Kevin McGinley, representing Tacos Al Carbon Inc. Mr. McGinley said he understood the violations and that they are working on getting a "Temporary Use Agreement" to give them a prescribed time frame to complete the entire citation plan.

Special Magistrate Davis found that the defendant had violated Section 34-572, which must be corrected no later than October 21, 2024. If compliance is not achieved by October 21, 2024, the Village's recommendation of a daily fine of \$250.00 per day until compliance is achieved is accepted. Special Magistrate Davis assessed Administrative Costs of \$457.98 to be paid before August 23, 2024.

6. **Case 2024-46 - 3514 Lake Worth Road - Grand Lake Properties LLC**

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 34-898: Mobile food dispensing vehicles and mobile vendors - exceeding hours of operation, table, chairs, canopy.

Citation Fine:	N/A
Admin Cost:	\$206.60
Recommendation:	\$50.00 per day
Compliance Date:	August 16, 2024

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3514 Lake Worth Road.

Mr. Steven Grant, the attorney of Grand Lake Properties LLC, was present. Mr. Grant stated that the food truck vendor has a Business Tax Receipt to operate within the Village of Palm Springs; he also added that he would clarify to the vendor that the only things allowed are trash receptacles. Tables or canopies are not permitted. Mr. Grant also asked to be more specific on the order to let his client know what the Village expects him to do.

Special Magistrate Davis found that the defendant had violated Section 34-898, which must be corrected no later than August 16, 2024. If compliance is not achieved by August 16, 2024, the Village's recommendation of a daily fine of \$50.00 per day until compliance is achieved is accepted. Special Magistrate assessed Administrative Costs of \$206.60 to be paid before August 30, 2024.

7. **Case No. 2024-50A - 352 Ponte Vedra Road - Jonathan Rey Napoles**
CE Officer Henry Stout

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Required building permits.

Section 10-31 (FBC 110.1): Required inspections.

Citation Fine: N/A

Admin Cost: TBD

Recommendation: \$100.00 per day per violation

Compliance Date: September 16, 2024

Code Enforcement Officer Mr. Stout, testified about the violations cited at 352 Ponte Vedra Road.

The property owner, Jonathan Rey Napoles, was present. Mr. Napoles stated that he is doing the survey and waiting for the permits. He also added that the survey would take from 5 to 15 days.

Special Magistrate Davis asked the Building Official, Mr. Ringle, for an opinion about the time permits and a survey taken. Mr. Ringle said 60 days would be a better timeframe for this case.

Special Magistrate Davis found the respondent violated Section 10-31 (FBC 105.1) and Section 10-31 (FBC 110.1), which must be corrected by October 17, 2024. If compliance is not achieved by October 17, 2024, the Village's recommendation of a daily fine of \$100.00 per day per violation until compliance is achieved is accepted. Special Magistrate Davis assessed Administrative Costs of \$245.75 to be paid before August 29, 2024.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

8. CIT Case 2020-2442 - 2887 Lake Worth Road - IS & RG LLC.

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 30-143: Public; trash & debris.

Initial Violation:	May 20, 2020
Order Finding Violation:	June 18, 2020
Compliance Deadline:	September 16, 2020
Compliance Date:	August 14, 2024
Fine Amount:	\$68,450.00
Citation Fine:	Paid
Admin Cost:	Paid
Recommendation:	\$13,650.00
Compliance Date:	September 18, 2024

Special Magistrate requested that this case be continued to the September 19, 2024 hearing.

9. Case 2022-43 - 2887 Lake Worth Road - IS & RG LLC.

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 10-8: Exterior property areas.

Initial Violation:	September 20, 2022
Order Finding Violation:	October 20, 2022
Compliance Deadline:	November 21, 2022
Compliance Date:	August 14, 2024
Fine Amount:	\$57,400.00
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	\$11,480.00
Compliance Date:	September 18, 2024

Special Magistrate requested that this case be continued to the September 19, 2024 hearing.

10. Case No. 2023-15 - 2807 Reo Lane - Janet B. Kim & Thomas W. Kim

CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 10-10 (A): The interior of structure must be maintained in good

repair and in a sanitary condition.

Section 10-4 (A & B): The responsibility of the owner to make sure dwelling meets standards of the State Building Code and Housing Code.

Initial Violation:	April 06, 2023
Order Finding Violation:	May 18, 2023
Compliance Deadline:	June 14, 2023
Compliance Date:	TBD
Fine Amount:	\$42,600.00
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	\$8,520.00
Compliance Date:	August 26, 2024

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 2807 Reo Lane.

The property owner, Thomas W. Kim, was present. Mr. Kim stated that he recently found the lien on the property. Mr. Kevin, the realtor, shared that Mr. Kim contacted him in early February to sell the property.

Special Magistrate Davis reviewed the circumstances, and based on Mr. Kim's testimony and the evidence, he granted the reduction of the lien to \$5,000, to be paid by November 20, 2024. If this is not paid before November 20, 2024, it would be reverting to the initial fine of \$42,600.00.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 12:05 pm.

**Next Magistrate Hearing is
Thursday, September 19, 2024, at 10:00**

The undersigned is the Records Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Special Magistrate Meeting held on August 15, 2024.

Respectfully,

Andrea Medero

Records Clerk

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration welcomes input from all of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8419

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8421