



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
OCTOBER 17, 2024 AT 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 Supervisor Thomas Gehrman, Code Enforcement Officer Henry Stout, Code Enforcement Officer Anthony Neonakis, Code Enforcement Officer Nanciann Cuenot, Code Enforcement Joey Sanders, Village Attorney Ruth A. Holmes, Mayor Bev Smith, Council Member Gary Ready, Deputy Village Clerk Jane Worth and Records Clerk Andrea Medero.

Absent: Code Enforcement Officer Nicole Tamayo.

SWORN IN

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

AGENDA CHANGES

Staff requested to continue Item #2 (Case 2024-62 – 26 Wisconsin Street), Item #6 (Case 2024-67 – 4455 S. Congress Avenue), Item #10 (Case 2024-61 – 3201 Drew Way) and Item #12 (Case 2024-64 – 1965 S. Congress Avenue) to the Special Magistrate Hearing on November 21, 2024.

Attorney Ruth has informed that Item #7, Case 2024-54, complies.

MOTION HEARINGS

1. **CIT Case 2024-63 - 3213 Drew Way - Jean Louis Achnel
CE Officer Anthony Neonakis**

Violation of Village Code of Ordinances

Section 10-31: (FBC 105.1 & FBC 110.1): Working without permits and inspections. Installation of new fence.

Section 10-31: (FBC 105.1 & FBC 110.1): Working without permits and inspections. Installation of new shed.

Section 10-31: (FBC 105.1 & FBC 110.1): Working without permits and inspections. Installation of plumbing (water and sewer to shed).

Section 10-31: (FBC 105.1 & FBC 110.1): Working without permits and inspections. Installation of new window in rear of home.

Section 14-32: Residential rental property. Property owner has no active rental permit with the Village.

Citation Fine: N/A

Admin Cost: \$276.60

Recommendation: \$100.00 per day, per violation

Compliance Date: November 20, 2024

Code Enforcement Officer Mr. Neonakis testified about the violations cited at 3213 Drew Way.

The property owner, Jean Louis Achnel, was present to testify. Mr. Achnel stated that he is working to obtain the permits and reinspect the property.

Special Magistrate Davis found that the defendant had violated Sections 10-31 (FBC 105.1 & 110.1) and Section 14-32, which must be corrected no later than December 13, 2024. If compliance is not achieved by December 13, 2024, the Village's recommendation of a daily fine of \$100.00 per day per violation until compliance is achieved. Special Magistrate Davis assessed administrative costs of \$276.60, to be paid by November 20, 2024.

2. Case 2024-62 - 26 Wisconsin Street - JHP TWO LLC

CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): No issued permit for electrical, wiring in walls, dry wall and ceiling replacement.

Section 10-31: (FBC 110.1): No Required Inspections.

Section 14-32: No Required Rental Permits (7 Units).

Citation Fine: N/A

Admin Cost: \$230.60

Recommendation: \$100.00 per day, per violation

Compliance Date: November 11, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE NOVEMBER 21, 2024 HEARING).

3. Case 2023 - 46 - Meadow Road (70-42-44-18-05-005-0070) vacant lot - Angel

Ponce Torres

CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 30-143: Public nuisance, debris, trash, undergrowth, weeds and wild overgrowth. Breeding ground for pests and vermin.

Citation Fine:	N/A
Admin Cost:	TBD
Recommendation:	Village Foreclosure
Compliance Date:	TBD

Code Enforcement Officer Mr. Gehrman testified about the violations cited at Meadow Road (Vacant lot).

The property owner, Angel Ponce Torres, was present with his architect Sandra Puerta, who was assisting him with the translation.

Special Magistrate Davis granted the order authorizing foreclosure.

4. **Case No. 2024-65 - 3515 Almar Road - Grace Wildman**

CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 10-29: Unsafe building. Property is dilapidated and uninhabitable.

Section 30-143: Trash/debris/rubbish. Remove all trash/debris/rubbish off the property.

Section 10-8: Weeds. Remove all weeds off the property and along the fence line.

Section 30-141: Overgrowth. Mow and trim all overgrown grass/trees/bushes/vegetation.

Section 10-9: Exterior property maintenance. Repair damaged mailbox, fascia, soffit, rotted wood, doors, windows, roof and patio enclosure. Remove prohibited gray tarp off the roof and repair all holes. Remove all wood boards covering the doors and windows. Remove all black/green discoloration off the exterior walls and walkways.

Citation Fine:	N/A
Admin Cost:	\$276.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	November 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3515 Almar Road.

The property owner, Grace Wildman, was not present. Her daughter, Jaqueline Wales, was present as her representative and gave testimony. Ms. Wildman

requested a 6-month extension, and Special Magistrate Davis approved the extension.

Special Magistrate Davis found that the defendant had violated Section 10-29, and Section 10-9, which must be corrected no later than April 18, 2025. Special Magistrate Davis also found that the defendant had violated Section 30-143, Section 10-8, and Section 30-141, which must be corrected no later than December 20, 2024. If the mentioned dates are not compliant, the Magistrate approved the staff's recommendation of a daily fine of \$100.00 per day per violation. In addition, Special Magistrate Davis assessed administrative costs of \$276.60, to be paid by December 20, 2024.

5. **Case No. 2024-66 - 3594 Almar Road - SJCB Properties LLC**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 14-32: No residential rental permit. Obtain a rental permit for each unit.

Section 10-8: Remove all weeds attached to the fence.

Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 34-914: Vehicles/parking. Remove all inoperative and/or unregistered vehicles off the property and remove all vehicles parked on the grass.

Section 34-913: Commercial vehicles. Remove prohibited white pickup off the property.

Section 10-9: Exterior property maintenance. Remove all black discoloration off the fascia.

Citation Fine:	N/A
Admin Cost:	\$276.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	November 01, 2024

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3594 Almar Road. Mr. Sanders added that the property came into compliance on October 16, 2024.

The property owner, Mr. Hurley from SJCB Properties LLC, was present and gave testimony.

Special Magistrate Davis found that the defendant had complied with Section 14-32, Section 10-8, Section 30-143, Section 34-1381, Section 34-914, Section 34-913, and Section 10-9. Special Magistrate Davis assessed administrative costs of \$276.60 to be paid before November 01, 2024.

6. **Case 2024-67 - 4455 South Congress Avenue - Congress Pointe Inc.**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 14-61: Hours of operation of establishments served.

Citation Fine: N/A

Admin Cost: \$230.60

Recommendation: NTE \$5,000.00 per violation (irreparable and irreversible)

Compliance Date: October 18, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE NOVEMBER 21, 2024 HEARING).

7. **Case No. 2024-54 - 801 Rich Drive B - Jerjo Holdings LLC**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Permits. Traffic calming devices installed without approved permits from the Village.

Section 10-31 (FBC 110.1): Inspections. No required inspections for traffic calming devices.

Citation Fine: N/A

Admin Cost: \$196.60

Recommendation: \$100.00 per day, per violation

Compliance Date: October 31, 2024

(THE ATTORNEY WAS INFORMED THAT THIS CASE WAS IN COMPLIANCE).

8. **Case No. 2024-59 - 352 Greenbrier Drive - Alexis A. Pose**
CE Officer Henry Stout

Violation of Village Code of Ordinances

Section 34-914(h): No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.

Section 34.914(i): All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.

Section 34-893: Canopies are prohibited.

Citation Fine: N/A

Admin Cost: \$160.75

Recommendation: \$100.00 per day, per violation

Compliance Date: October 31, 2024

The Code Enforcement Officer, Mr. Stout, gave testimony about the violations cited at 352 Greenbrier Drive.

The owner was not in attendance.

Special Magistrate Davis found that the defendant had violated Section 34-914 (h), Section 34-914 (i), and Section 34-893, to rectify no later than October 18, 2024. If the property is not compliant by October 18, 2024, the Special Magistrate recommends a \$100.00 daily fine per day per violation until the violation is corrected. Special Magistrate Davis assessed administrative costs of \$160.75, to be paid by November 01, 2024.

9. **Case No 2024-58 - 352 Lanier Drive - Edgar E. Santana & Stella Morales & Edgar G. Santana**
CE Officer Henry Stout

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Building permit needed for new beam(s) in carport.

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

Citation Fine: N/A

Admin Cost: \$160.75

Recommendation: \$100.00 per day, per violation

Compliance Date: November 17th, 2024

The Code Enforcement Officer, Mr. Stout, gave testimony about the violations cited at 352 Lanier Drive.

Mr. Edgar E. Santana gave testimony regarding the violations on the property.

Special Magistrate Davis found that the defendant had violated Section 10-31 (FBC 105.1 & 110.1), to rectify no later than December 20, 2024. If the property is not compliant by December 20, 2024, the Special Magistrate recommends a \$100.00 daily fine per violation until the violation is corrected. Special Magistrate Davis assessed administrative costs of \$160.75, to be paid by November 01, 2024.

10. **Case No. 2024-61 - 3201 Drew Way - Nadia Lozano Castaneda**
CE Officer Henry Stout

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): Work without a valid building, electrical, plumbing, and fence permit.

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

Section 34-914: No parking of vehicles on property grass.

Section 14-42: All property with tenants must obtain residential rental permits.

Section 34-915: Trailer and RV may not be used for sleeping and living.
Section 10-9(c): All homes must have house numbers on the main structure and must be visible from the right of way.

Citation Fine: N/A
Admin Cost: \$160.75
Recommendation: \$100.00 per day, per violation
Compliance Date: November 17th, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE NOVEMBER 21, 2024 HEARING).

11. Case 2024-57 - 1946 South Congress Avenue - MN Investments Properties Holdings LLC

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 34-1365: Land Clearing, dredging and filling. It is unlawful to engage in land alteration without first obtaining a permit with payment of applicable fees.

Section 10-31 (FBC 105.1): Permits required. Remove all unpermitted and/or deteriorated structures.

Section 34-143(a): Removal of rubbish. Public nuisance declared.

Section 78-208: Illicit discharges. Generally.

Section 62-75 (3): Commercial development storage areas. Dumpster enclosure permits required.

Section 46-3: Graffiti.

Section 66-112: Sidewalks. General maintenance requirements.

Section 10-9: Exterior of structure or building.

Section 30-141: Excessive growth of weeds and vegetation

Section 34-328 (c): Wall, under-canopy and window signs.

Section 70-94: Application; local business tax receipt required: exemptions.

Section 34-916: Parking commercial vehicles on commercial property

Citation Fine: N/A
Admin Cost: \$517.46
Recommendation: \$75.00 per day, per violation
Compliance Date: December 18, 2024

The Code Enforcement Officer, Ms. Cuenot, gave testimony about the violations cited at 1946 S. Congress Avenue.

The owner of MN Investments Properties Holdings LLC, Nasira A. Arain, authorize Jason Young to represent them at this hearing. Mr. Young gave testimony.

Based on the evidence presented in the case, Special Magistrate Davis carefully reviewed sections 34-1365 and 78-208 and concluded that these sections should

be dismissed due to insufficient evidence. On the other hand, Special Magistrate Davis found that the defendant had complied with Section 10-31, Section 34-143 (a), Section 30-141, and Section 34-916. The property, however, remains in violation of Section 46-3, Section 66-112, Section 10-9, Section 34-328 (c), and Section 70-94, which must be corrected by December 18, 2024 and Section 62-75 (3), to rectify no later than April 16, 2025. If compliance is not achieved by December 18, 2024 or April 16, 2025, the Magistrate approves the staff's recommendation of a daily fine of \$75.00 per day, per violation until compliance is achieved. Additionally, Special Magistrate Davis assessed administrative costs of \$517.46 to be paid by October 31, 2024.

**12. Case 2024-64 - 1965 South Congress Avenue - Congress Plaza II Inc
CE Officer Nanciann Cuenot**

Violation of Village Code of Ordinances

Section 70-94 (a): Application local business tax receipt required.

Citation Fine: N/A

Admin Cost: \$216.60

Recommendation: \$100 per day

Compliance Date: November 20, 2024

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE NOVEMBER 21, 2024 HEARING).

PETITION FOR REDUCTION OR ABATEMENT OF FINE

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

**13. Case 2024-13 - 3959 Lake Worth Road - Bella Raza Inc.
CE Officer Nanciann Cuenot**

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1): No Permits. Parking lot.

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

Initial Violation: February 1, 2024

Order Finding Violation: February 15, 2024

Compliance Date: August 9, 2024

Admin Cost: Paid

Recommendation: 6 Months

Compliance Date Extension April 16, 2025

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3959 Lake Worth Road.

There was no representation from the owner.

Special Magistrate Davis granted the extension of time.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 12:25 p.m.

**Next Magistrate Hearing is
Thursday, November 21, 2024,
at 10:00 a.m. in the Village Council Chambers**

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 October 17, 2024.

Respectfully,

Andrea Medero

Records Clerk

**Village of Palm Springs
Title VI/Nondiscrimination Policy**

October 17, 2024, Special Magistrate Meeting Minutes

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