



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
FEBRUARY 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 10:05 a.m.

ROLL CALL

Present: Special Magistrate Keith Davis, Code Enforcement Officer Supervisor Thomas Gehrman, Code Enforcement Officer Joey Sanders, Code Enforcement Officer Nichole Tamayo, Code Enforcement Officer Nanciann Cuenot, Attorney Ruth A. Holmes, Deputy Village Clerk Jane Worth.

SWORN IN

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

AGENDA CHANGES

Attorney Ruth informed the Magistrate that Item #1 (CIT Case 2024-14 – 3227 Lillian Road) and Item #2 (CIT Case 2024-2778 – 1466 South Congress Avenue) complied.

MOTION HEARINGS

1. **CIT Case 2024-14 - 3227 Lillian Road - Kyle Kahant**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 34-883: Hedges over four (4) feet tall in front of a residence.

Section 34-1359: Traffic Visibility violation (safety issue)

Citation Fine: NA

Admin Cost: TBD

Recommendation: \$100 per day, per violation
Compliance Date: February 25, 2024
(COMPLIED)

2. **CIT Case 2024-2778 - 1466 South Congress Avenue - South Congress Realty Partners Inc.**
CE Nanciann Cuenot
Violation of Village Code of Ordinances
Section 34-262: Prohibited banner flag signs
Citation Fine: \$50.00 + \$30.00 = \$80.00
Admin Cost: TBD
Recommendation: \$25.00 per day
Compliance Date: February 9, 2024
(COMPLIED)

3. **Case 2024-13 - 3959 Lake Worth Road - Bella Raza Inc.**
CE Nanciann Cuenot
Violation of Village Code of Ordinances
Section 10-31 (FBC 105.1): Work without required Village of Palm Springs Building Permit - Repaving & striping.
Section 10-31 (FBC 110.1): Inspections required
Section 34-265: Responsibility for maintenance; unsafe signs; abandoned signs
Section 34-262: Prohibited banner sign
Section 10-9(o): Exterior of Building - Holiday decorations
Citation Fine: N/A
Admin Cost: \$202.54
Recommendation: \$50.00 per day, per violation
Compliance Date: March 21, 2024

Code Enforcement Officer Ms. Cuenot testified regarding the violations at 3959 Lake Worth Road. Mr. Jimenez, who was representing Bella Raza Inc., attended the hearing.

Special Magistrate Davis found that the defendant had complied with section 10-9(o). However, the property remains in violation of Sections 10-31 (FBC 105.1), 10-31 (FBC 110.1), 34-265, and 34-262. These violations must be corrected by March 21, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$50.00 per violation until compliance is reached. Special Magistrate Davis also stated that the owner has until August 9, 2024, to obtain a permit and complete the necessary inspections.

Additionally, Special Magistrate Davis assessed administrative costs of \$202.54,

which must be paid by March 21, 2024.

4. **Case No. 2024-15 - 316 Alemeda Drive - Jean Joseph & Azema Elivat Joseph**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 10-8: Exterior property area. Driveway maintenance/repair required.

Section 66-112: General maintenance requirements. Broken sidewalk repair required, responsibility of the property owner to pressure wash sidewalk use areas.

Section 34-221: Responsibility of the owner; practices enumerated. Owner is responsible for maintaining all landscape in good condition.

Citation Fine:	N/A
Admin Cost:	\$216.91
Recommendation:	\$100.00 per day, per violation
Compliance Date:	April 01, 2024

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 316 Alemeda Drive. There was no representation from the property owners.

Special Magistrate Davis determined that the defendant violated the following Sections: 10-8, 66-112 and 34-221. These violations must be corrected no later than April 01, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$100.00 per violation until compliance is reached.

Additionally, Special Magistrate Davis assessed administrative costs of \$216.91, which must be paid by April 01, 2024.

5. **Case 2024-16 - 3578 Coconut Road - Debra J. Hartig**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-143: Trash/Debris/Vegetative Waste/Materials

Section 34-1381: Open Storage

Section 34-225: Fence Maintenance

Section 10-8: Driveways/Weeds

Section 34-883: Hedges

Section 30-141: Overgrowth

Section 30-142: Landscape Maintenance

Section 10-9: Exterior Property Maintenance/Remove Green Discoloration off the Exterior Wall/Repair Carport Ceiling/Repair Damaged Fascia/Post Missing "8" House ID number on the Mailbox

Citation Fine:	N/A
Admin Cost:	\$296.91
Recommendation:	\$100.00 per day, per violation
Compliance Date:	March 1, 2024

Code Enforcement Officer Mr. Sanders testified regarding the violations cited at 137 Vanessa Street. The property owner, Debra J. Harting, attended the hearing and provided testimony.

Special Magistrate Davis found that the defendant had complied with Sections 10-8, 34-883, 30-141, and 30-142. However, the property remains in violation of Sections 30-143, 34-1381, and 10-9. These violations must be corrected by March 15, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$100.00 per violation until compliance is reached.

Additionally, Special Magistrate Davis assessed administrative costs of \$296.91, which are to be paid by March 15, 2024.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

6. CIT Case 2022-50 - 2625 & 2665 10th Avenue North - 10th Avenue

Partnership LTD

CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 46-3: Graffiti

Section 34-916: parking commercial vehicles

Section 10-9: exterior of structure or building

Initial Violation: November 23, 2022

Order Finding Violation: December 15, 2022

Compliance Deadline: January 18, 2023

Compliance Date: July 27, 2023

Fine Amount: \$14,175.00

Citation Fine: Paid

Admin Cost: Paid

Recommendation: \$2,835.00

Compliance Date: February 26, 2024

Code Enforcement Officer Mr. Gehrman testified regarding the violations cited at 2625 & 2665 10th Avenue North. The property owner, John Hoecker, attended the hearing and provided testimony.

Based on the evidence and testimony, Special Magistrate Davis approved the petition to reduce the fine to \$1,500.00. The magistrate allowed 30 days to pay this fine. If the fine is not paid within those 30 days, it will revert to the original amount of \$14,175.00.

7. CIT Case 2023-2612 - 3734 Gulfstream Road - Miguel & Isrrael Tijero

CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-143: Public Nuisance Trash & Debris

Initial Violation:	February 6, 2023
Order Finding Violation:	February 16, 2023
Compliance Deadline:	March 15, 2023
Compliance Date:	December 20, 2023
Fine Amount:	\$28,000.00
Citation Fine:	Paid
Admin Cost:	Paid
Recommendation:	\$2,800.00
Compliance Date:	March 1, 2024

Code Enforcement Officer Mr. Sanders testified regarding the violations cited at 3734 Gulfstream Road. The property owner, Karen Anise, attended the hearing.

Following a thorough review of the testimony and evidence presented, Special Magistrate Davis has authorized the petition for a fine reduction. It is important to note that should the fine not be settled within 30 days, it will revert to the original amount of \$28,000.00.

8. **Case 2021-38A - 3734 Gulfstream Road - FAMI INVEST LLC - Miguel & Isrrael Tijero**

CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section FBC 105.4: Permits Expired

Section FBC 110.3: Inspections Required

Initial Violation:	September 6, 2021
Order Finding Violation:	September 16, 2021
Compliance Deadline:	October 21, 2021
Compliance Date:	April 18, 2022
Fine Amount:	\$36,000.00
Citation Fine:	N/A
Admin Cost:	Not Paid
Recommendation:	\$3,600.00
Compliance Date:	March 1, 2024

Code Enforcement Officer Mr. Sanders testified regarding the violations cited at 3734 Gulfstream Road. The property owner, Karen Anise, attended the hearing.

Based on the testimony and the evidence presented, Special Magistrate Davis granted the petition to reduce the fine. It is important to note that if the fine is not paid within 30 days, it will revert to its original amount of \$36,000.00. Additionally, the Magistrate approved the administrative cost 173.49, which are to be paid by February 15, 2024.

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

9. **CIT Case 2021-38 - 1859 Emilio Lane - Kenneth B. Embler**
CE Officer - Tom Gehrman

Violation of Village Code of Ordinances

Section 30-143: Public nuisance, trash, debris, nesting place for vermin.

Section 10-9: Building not maintained and allowed to deteriorate.

Initial Violation:	June 26, 2021
Order Finding Violation:	August 19, 2021
Compliance Deadline:	December 21, 2023 (per Stipulated Agreement)
Compliance Date:	Extension Requested
Fine Amount:	NA
Citation	NA
Admin Cost & Fees	Paid
Recommendation:	NA
Compliance Date:	Extend 90 Days to March 21, 2024

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 1859 Emilio Lane. There was no representation from the owner.
Special Magistrate Davis granted the extension of time, to March 21, 2024.

10.

Case 2023-18 - 2964 2nd Avenue North - 2964 Second Avenue North, LLC
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 10-31 (FBC 105.1 & 110.1): Repave and stripe parking lot without permits and inspections.

Initial Violation:	April 24, 2023
Order Finding Violation:	May 18, 2023
Compliance Deadline:	July 20, 2023
Compliance Date:	Not in Compliance
Fine Amount:	\$100.00 per day, per violation
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	180 day extension
Compliance Date:	August 9, 2024

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 2964 Second Avenue North. There was no representation from the owner.
Special Magistrate Davis granted the extension of time, to August 09, 2024.

11. **Case No. 2024-05 - 441 Kirk Road - Yilena Naranjo & Jose L. Naranjo**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 34-914: Residential Parking Violations; Parking on grass, Parking blocking sidewalk use area.

Section 30-142: Maintenance of the swale and right-of-way area required. Broken sidewalk repair required.

Section 10-31 (FBC 105.1 & FBC 110.1): Pavers installed without permits and inspections.

Initial Violation:	January 03, 2024
Order Finding Violation:	January 18, 2024
Compliance Deadline:	February 29, 2024
Compliance Date:	Not In Compliance
Fine Amount:	\$75.00 per day, per violation
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	90 day extension
Compliance Date:	May 29, 2024

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 441 Kirk Road. There was no representation from the owner.
Special Magistrate Davis granted the extension of time, until May 29, 2024.

12. **Case No. 2024-07 - 241 Tam O' Shanter Drive - Yenny Vidal & Adisbel Valdes**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 34-890: Home Occupation

Section 70-99: Evidence of Engaging in Business

Section 10-9: Exterior of Structure or Building - House Numbers

Section 10-31 (FBC 105.1 & FBC 110.1): No permits and inspections.

Initial Violation:	January 04, 2024
Order Finding Violation:	January 18, 2024
Compliance Deadline:	February 29, 2024
Compliance Date:	Not In Compliance
Fine Amount:	\$75.00 per day, per violation
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	90 day extension
Compliance Date:	May 29, 2024

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 241 Tam O' Shanter Drive. There was no representation from the owner.
Special Magistrate Davis granted the extension of time until May 29, 2024.

February 15, 2024, Special Magistrate Meeting Minutes

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 11:37 a.m.

**Next Magistrate Hearing is Thursday, March 21, 2024 @ 10:00 AM
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 February 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