



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
DECEMBER 19, 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 10:04 a.m.

ROLL CALL

Present: Special Magistrate Keith Davis, Code Enforcement Officer Supervisor Thomas Gehrman, Code Enforcement Officer Henry Stout, Code Enforcement Officer Nanciann Cuenot, Code Enforcement Officer Joey Sanders, Code Enforcement Officer Nicole Tamayo, Planning, Zoning, and Building Director Iramis Cabrera, Building Official Peter Ringle, Sargent Ryan McCluskey, Village Attorney Amelia Jadoo, and Records Clerk Andrea Medero.

SWORN IN

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

AGENDA CHANGES

Staff requested to continue Item #3 (Case 2020-2467 – 2620 Donald Road) to the Special Magistrate Hearing on January 16, 2025., and Item #14 (Case 2023-46 – Meadow Road (vacant lot)) remove out of the docket.

MOTION HEARINGS

1. **Case No. 2024-67 - 4455 South Congress Avenue (Units 107 & 109) - Congress Pointe Inc.**
Tangible Account Address is 4469 South Congress Avenue
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:	\$361.76
Recommendation:	\$5,000 per day (13 violations, irreparable) = \$65,000.00 accrued violations stipulated agreement in discussion with the Village and property owners.
Compliance Date:	December 20, 2024

Code Enforcement Officer Mr. Gehrman provided testimony regarding the violations cited at 4455 South Congress Avenue. He discussed the stipulated agreement between the Village of Palm Springs and Congress Pointe Inc., which all parties accepted.

There was no representation from the owner.

Special Magistrate Davis signed the stipulated agreement.

2. **Case No. 2024-75 - 3731 Lake Worth Road 1 - Marvelous Associates Inc.**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances 60 days to obtain permits

Section 10-31 (FBC 105.1): No required permits issued for interior renovations and building changes.

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

Section 14-32: No required business tax receipt for operations.

Section 34-898: No required approval for mobile food vendor, must meet requirements, no overnight parking.

Citation Fine:	N/A
Admin Cost:	TBD
Recommendation:	\$100.00 per day, per violation
Compliance Date:	60 days for permit violations, Food Truck five (5) days (no overnight parking)

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 3731 Lake Worth Road 1 and the recommendations made by the Village.

Mr. Ringle, the Building Official, testified that he met with one of the business tax applicants, visited the property, and observed the renovations inside. He explained to the owners that these renovations needed permits to be completed and must pass inspection.

Jean Marvelous, the property owner, was also present to give testimony. Mr. Marvelous provided a business license; however, when Mr. Ringle reviewed it, he discovered that it had expired.

Special Magistrate Davis found that the defendant had violated Sections 10-31

(FBC 105.1), 10-31 (FBC 110.1), and 14-32, which must be corrected no later than February 17, 2025, section 34-898, which must be corrected no later than December 29, 2024, submitting site plan and change of occupancy processing, which must be corrected no later than January 20, 2025. If compliance is not achieved by the mentioned dates, the Village's recommendation of a daily fine of \$100.00 per day per violation is accepted. Special Magistrate Davis assessed administrative costs of \$235.60 to be paid before December 29, 2024.

3. **CIT Case No. 2020-2467 and 2022-2512 - 2620 Donald Road - Linda S. Thomas and William S. Thomas**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 34-914: Parking.

Section 30-141: Overgrowth.

Section 10-19: Nuisance waste & debris.

Section 10-9: Building exterior maintenance.

Section 10-8: Exterior property areas.

Citation Fine: Lien with accrued fines

Admin Cost: \$95.00

Recommendation: Stipulated agreement offered by the Village

Compliance Date: 90 Days

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE JANUARY 16, 2025 HEARING).

4. **Case No. 2024-70 - 3912 South Congress Avenue - Insurance for Everyone LLC**
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 30-141: Overgrowth. Excessive growth of weeds and vegetation, including trees.

Section 30-143: Nuisance. Removal of rubbish, weeds and overgrowth.

Section 34-221: Responsibility of owner; practices enumerated. Maintain landscaping.

Section 34-262: (26) prohibited signs, pole signs.

Section 34-224: Replacement of vegetation.

Section 10-8: Exterior of property areas. Weeds over 12", replace fence in disrepair.

Section 10-9: Exterior of structure or building, doors, windows, rotted materials, paint.

Section 34-914: Parking on grass, no current tag or registration.

Section 34-1327: Off-street parking shall be located on the same site as the use for which parking is provided. Remove commercial insurance company vehicle.

Citation Fine:	N/A
Admin Cost:	\$392.95
Recommendation:	\$100.00 per day, per violation
Compliance Date:	March 19, 2025

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 3912 South Congress Avenue and the recommendations made by the Village. Ms. Cuenot stated that section 30-141 and section 34-262 complied.

There was no representation from the owner.

Special Magistrate Davis found that the defendant had complied with section 30-141, and section 34-262. However, Special Magistrate Davis found that the defendant had violated sections 30-143, 34-221, 34-224, 10-8, 10-9, 34-914 and 34-1327, which must be corrected no later than March 19, 2025. If compliance is not achieved by March 19, 2025, the Village's recommendation of a daily fine of \$100.00 per day per violation is accepted. Special Magistrate Davis assessed administrative costs of \$392.95 to be paid before March 19, 2025.

5. **Case No. 2024-74 - 4420 Lake Worth Road - Tacos Al Carbon Inc.**

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 2-233: Irreversible or Irreparable. Life safety.

Section 34-572: Violation of Village Council Ordinance No. 2014-35 Annexation Agreement (6)(iii)(d) Hours of Operation. Mobile food trailer shall be limited to operate between 7:00 a.m. and 11:00 p.m.

Citation Fine:	N/A
Admin Cost:	\$279.10
Recommendation:	Fine Amount \$250.00
Compliance Date:	Complied

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 4420 Lake Worth Road and the recommendations made by the Village.

Sergeant Ryan McCluskey asserted that the food truck was functioning outside of its designated operating hours.

Mr. Alvarez, the legal representative for Tacos al Carbon, was in attendance and posed several questions to Sergeant McCluskey concerning the violations outlined in the case. Sergeant McCluskey provided responses to these inquiries. Subsequently, additional questions were directed at Sergeant McCluskey by Village Attorney Ms. Jadoo and Code Enforcement Officer Ms. Cuenot.

Special Magistrate Davis concluded that the defendant was in violation of Section 34-572. Furthermore, Special Magistrate Davis remarked that the property is now in compliance. A one-time fine of \$250.00 was imposed, in addition to administrative costs amounting to \$279.10, which are required to be paid by December 27, 2024.

6. **CIT Case 2024-2794 -2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 2-233: Irreparable, irreversible.

Section 10-31 (FBC 105.1): No permit for a special event.

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

Citation Fine: \$500.00 + \$30.00 = \$530.00

Admin Cost: \$281.11

Recommendation: N/A

Compliance Date: January 9, 2025

Ms. Cuenot, Code Enforcement Officer, testified about the violations cited on 2nd Avenue North and the recommendations made by the Village. She mentioned that the Building Official, Mr. Ringle, would also testify about the event that occurred on the property.

Building Official, Mr. Ringle, testified about the activities that occurred on the property without the necessary permits.

The property manager, Oscar Gonzales, was present, along with Salvador Gomez, who assisted him with translation. Mr. Gonzales showed photos of the activities that took place on the property and explained the reasons why they were unable to obtain the necessary permits.

Special Magistrate Davis noted that this was not the first instance of similar violations at this property, referencing a prior event held in April that also lacked the necessary permits. The magistrate determined that the defendant violated Sections 2-233 and 10-31 (FBC 105.1) and (FBC 110.1). As a result, the magistrate imposed administrative costs totaling \$281.11, a citation fine of \$500.00, and an inspection fee of \$30.00. All payments must be made by January 9, 2025.

7. **CIT Case 2024-2795 - 3078 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 2-233: Irreparable, irreversible.

Section 10-31 (FBC 105.1): No permit for a special event.

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

Citation Fine: \$500.00 + \$30.00 = \$530.00

Admin Cost: Included in Case 2024-2794

Recommendation:

N/A

Compliance Date:

January 9, 2025

Ms. Cuenot, Code Enforcement Officer, testified about the violations cited on 3078 2nd Avenue North and the recommendations made by the Village. She mentioned that the Building Official, Mr. Ringle, would also testify about the event that occurred on the property.

Building Official, Mr. Ringle, testified about the activities that occurred on the property without the necessary permits.

The property manager, Oscar Gonzales, was present, along with Salvador Gomez, who assisted him with translation. Mr. Gonzales showed photos of the activities that took place on the property and explained the reasons why they were unable to obtain the necessary permits.

Special Magistrate Davis noted that this was not the first instance of similar violations at this property, referencing a prior event held in April that also lacked the necessary permits. The magistrate determined that the defendant violated Sections 2-233 and 10-31 (FBC 105.1) and (FBC 110.1). As a result, the magistrate imposed administrative costs totaling \$281.11, a citation fine of \$500.00, and an inspection fee of \$30.00. All payments must be made by January 9, 2025.

8. **CIT Case 2024-2796 - 3092 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 2-233: Irreparable, irreversible.

Section 10-31 (FBC 105.1): No permit for a special event.

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

Citation Fine: **\$500.00 + \$30.00 = \$530.00**

Admin Cost: **Included in Case 2024-2794**

Recommendation: **N/A**

Compliance Date: **January 9, 2025**

Ms. Cuenot, Code Enforcement Officer, testified about the violations cited on 3092 2nd Avenue North and the recommendations made by the Village. She mentioned that the Building Official, Mr. Ringle, would also testify about the event that occurred on the property.

Building Official, Mr. Ringle, testified about the activities that occurred on the property without the necessary permits.

The property manager, Oscar Gonzales, was present, along with Salvador Gomez, who assisted him with translation. Mr. Gonzales showed photos of the activities that took place on the property and explained the reasons why they were unable to

obtain the necessary permits.

Special Magistrate Davis noted that this was not the first instance of similar violations at this property, referencing a prior event held in April that also lacked the necessary permits. The magistrate determined that the defendant violated Sections 2-233 and 10-31 (FBC 105.1) and (FBC 110.1). As a result, the magistrate imposed administrative costs totaling \$281.11, a citation fine of \$500.00, and an inspection fee of \$30.00. All payments must be made by January 9, 2025.

9. **CIT Case 2024-2797 - 3112 2nd Avenue North - Prolacto Mich Inc.**
CE Officer Nanciann Cuenot

Repeat Violation of Village Code of Ordinances

Section 2-233: Irreparable, irreversible.

Section 10-31 (FBC 105.1): No permit for a special event.

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

Citation Fine: \$500.00 + \$30.00 = \$530.00

Admin Cost: Included in Case 2024-2794

Recommendation: N/A

Compliance Date: January 9, 2025

Ms. Cuenot, Code Enforcement Officer, testified about the violations cited on 3112 2nd Avenue North and the recommendations made by the Village. She mentioned that the Building Official, Mr. Ringle, would also testify about the event that occurred on the property.

Building Official, Mr. Ringle, testified about the activities that occurred on the property without the necessary permits.

The property manager, Oscar Gonzales, was present, along with Salvador Gomez, who assisted him with translation. Mr. Gonzales showed photos of the activities that took place on the property and explained the reasons why they were unable to obtain the necessary permits.

Special Magistrate Davis noted that this was not the first instance of similar violations at this property, referencing a prior event held in April that also lacked the necessary permits. The magistrate determined that the defendant violated Sections 2-233 and 10-31 (FBC 105.1) and (FBC 110.1). As a result, the magistrate imposed administrative costs totaling \$281.11, a citation fine of \$500.00, and an inspection fee of \$30.00. All payments must be made by January 9, 2025.

10. **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; exemptions. It shall be unlawful for any person to engage in any trade,

business, profession, or occupation within the Village without a business tax receipt.

Citation Fine:	N/A
Admin Cost:	\$216.60
Recommendation:	\$100.00 per day
Compliance Date:	January 9, 2025

Ms. Cuenot, the Code Enforcement Officer, testified about the violations identified at 1965 South Congress Avenue and shared the recommendations issued by the Village. She mentioned that Iramis Cabrera, the Director of Planning, Zoning, and Building, would provide testimony regarding the reasons for the denial of the application. Additionally, Ms. Cuenot noted that this case had been continued from October 17, 2024, to give the applicant more time to obtain the necessary permits; however, compliance has not yet been achieved.

Ms. Cabrera explained that the application was denied due to a lack of specificity in the lease agreement. She emphasized that in order to obtain approval, the lease agreement must align with the application submitted.

Mr. Brown, the real estate agent, was present, but Ms. Brown did not provide any testimony.

Special Magistrate Davis found that the defendant is in violation of section 70-94, which must be corrected no later than January 09, 2025. If compliance is not achieved by January 09, 2025, 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 \$216.60, to be paid by January 09, 2025.

11. **Case No. 2024-76 - 3673 Almar Road - Heidy Giselle Perez**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-143: Trash, debris, and construction materials. Remove all trash, debris, and construction materials stored on the property.

Section 34-913: Vehicles. Remove all prohibited commercial vehicles off the property.

Section 34-914: Parking. Remove all vehicles parked on the grass.

Section 34-221: Landscape maintenance. Restore the condition of all sections of dead grass back into a healthy, neat and orderly appearance.

Citation Fine:	N/A
Admin Cost:	\$256.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	January 01, 2025

Mr. Sanders, Code Enforcement Officer, testified about the violations cited on 3673 Almar Road and the recommendations made by the Village.

There were no representation from the owner.

Special Magistrate Davis found that the defendant had violated sections 30-143, 34-913, 34-914, and 34-221 , which must be corrected no later than January 18, 2025. If compliance is not achieved by January 18, 2025, 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 \$256.60, to be paid by January 18, 2025.

12. **Case No. 2024-77 - 3550 Laurette Lane - Renee Frias**

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 30-141: Overgrowth. Trim all overgrown trees and vegetation.

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

Section 10-8: Driveway maintenance. Remove all oil stains and pressure wash both driveways.

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

Section 34-250: Management of grass clippings and vegetative matter. Remove all vegetative waste obstructing the stormwater drains.

Section 10-9: Exterior property maintenance. Replace both mailboxes and label each mailbox with house ID numbers. Remove green stain off the exterior wall. Repair damaged rear patio enclosure screens. Paint fascia located on the left side of the property.

Citation Fine: N/A

Admin Cost: \$276.60

Recommendation: \$100.00 per day, per violation

Compliance Date: January 01, 2025

Mr. Sanders, Code Enforcement Officer, testified about the violations cited on 3550 Laurette Lane and the recommendations made by the Village.

There were no representation from the owner.

Special Magistrate Davis found that the defendant had violated sections 14-32, 30-141, 34-1381, 10-8, 30-143, 34-250 and 10-9, which must be corrected no later than January 18, 2025. If compliance is not achieved by January 18, 2025, 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 January 18, 2025.

13. **Case No. 2024-78 - 4217 Narcissus Avenue - Gobi Trading Corp**
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 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.

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

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

Section 34-225: Fence maintenance. Repair or remove all broken fences.

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

Section 10-31 (FBC 105.1 & 110.1): Work w/o permits. Remove all unpermitted structures and pavers.

Section 34-914: Vehicles. Remove all inoperative and/or unregistered vehicles off the property.

Section 10-9: Exterior property maintenance. Replace all broken mailboxes and label each mailbox with house ID numbers. Repair damaged accessory structure vent and fascia. Remove all metal shutters and wood boards covering the windows. Remove all black discoloration off the fascia.

Citation Fine: N/A

Admin Cost: \$316.60

Recommendation: \$100.00 per day, per violation

Compliance Date: January 01, 2025

Mr. Sanders, Code Enforcement Officer, testified about the violations cited on 4217 Narcissus Avenue and the recommendations made by the Village.

There were no representation from the owner.

Special Magistrate Davis found that the defendant had violated sections 14-32, 30-141, 34-1381, 10-8, 34-225, 30-143, 10-31 (FBC 105.1 & 110.1), 34-914 and 10-9, which must be corrected no later than January 01, 2025. If compliance is not achieved by January 01, 2025, 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 \$316.60, to be paid by January 01, 2025.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

14. **CIT Case No. 2023-46 - Meadow Road (vacant lot) - Angel Ponce Torres**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 30-143: Public nuisance, debris, wild overgrowth.

Initial Violation:	September 7, 2023
Order Finding Violation:	September 21, 2023
Compliance Deadline:	October 16, 2023
Compliance Date:	November 11, 2024
Fine Amount:	\$36,600.00
Citation Fine:	N/A
Admin Cost:	No receipt
Recommendation:	TBD
Compliance Date:	TBD

(STAFF REQUESTED REMOVE THIS CASE OUT OF THE DOCKET).

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

15. **Case No. 2024-57 - 1946 South Congress Avenue - MN Investments Properties Holdings LLC**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 70-94: Application business tax receipt required.

Initial Violation:	September 26, 2024
Order Finding Violation:	October 17, 2024
Compliance Deadline:	December 18, 2024
Fine Amount:	\$75.00 per day
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	60 days
Compliance Date:	February 17, 2025

Code Enforcement Officer Ms. Cuenot testified about the violations cited at 1946 South Congress Avenue.

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 11:41 a.m.

**Next Magistrate Hearing is
Thursday, January 16, 2024
At 10:00 a.m. in the Village Council Chambers**

December 19, 2024, Special Magistrate Meeting Minutes

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 December 19, 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. 8421

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. 8422