



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
JANUARY 16, 2025
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 10:00 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, Building Official Peter Ringle, Officer John K.D. Dickerson, Police Sergeant Ryan McCluskey, Village Attorney Amelia Jadoo, Village Attorney Ben Saver 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 #1 (Case 2024-80 – 4665 Emerald Vista), to the Special Magistrate Hearing on February 20, 2025. Staff also stated that Item #3 and Item #5 were in compliance.

MOTION HEARINGS

1. **Case No. 2024-80 - 4665 Emerald Vista - Moreguard Emerald Apartments LLC**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

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

Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.

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 46-3: Graffiti. Remove all graffiti located throughout the property.

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

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

Section 34-765: Prohibited usage. Remove all unpermitted items being stored in the "Permit Parking Only" area.

Section 10-9: Exterior property maintenance. Repair broken dumpster enclosure door and damaged perimeter wall/Remove all orange/black stains off the compactor door, dumpster enclosure door and perimeter wall.

Citation Fine: N/A

Admin Cost: \$296.60

Recommendation: \$100.00 per day, per violation

Compliance Date: February 1, 2025

(STAFF REQUESTED THAT THIS CASE BE CONTINUE TO THE FEBRUARY 20, 2025 HEARING).

**2. Case No. 2024-81 - 3858 Lakewood Road - James R Pickens
CE Officer Joey Sanders**

Violation of Village Code of Ordinances

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

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

Section 34-225: Fence maintenance. Repair, replace or remove all fences that are broken and/or in poor condition.

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

Section 10-8 & 10-9: Exterior property maintenance. Open all shutters. Remove all black discoloration off the overhang extensions, exterior walls and pool area. Restore black/green colored pool water to a safe and sanitary condition. Remove all prohibited tarps. Repair all damaged accessory structures, roofs, vents, unsecured electrical fixtures, downspouts, ripped screens, doors and rear patio enclosure. Post "3858" house ID numbers on the front of the property facing Lakewood Road.

Citation Fine: N/A

Admin Cost: \$236.60

Recommendation: \$100.00 per day, per violation

Compliance Date: February 1, 2025

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3858 Lakewood Road and the recommendations made by the Village.

Mr. James R. Pickens, the property owner, was unable to attend the meeting and was represented by Mr. Brian J. Dickson, who presented a copy of his Power of Attorney. Mr. Dickson acknowledged that the property's current condition is unsatisfactory and that he is actively working on improvements. He stated that his top priority is the pool area, which will take some time to address, so he requested an extension to resolve the other violations. Mr. Sanders and the special magistrate agreed to grant the additional time needed.

Additionally, Mr. Dickson asked about the type of pool barrier required to meet code regulations. Mr. Ringle, the Building Official, answered all of Mr. Dickson's questions.

Special Magistrate Davis found that the defendant had violated Sections 10-8 and 10-9 regarding swimming pool barriers. The defendant is required to correct these violations by February 1, 2025. Additionally, Magistrate Davis stipulated that a temporary barrier must be in place by January 17, 2025. Furthermore, Special Magistrate Davis determined that the defendant violated Sections 30-141, 30-143, 34-1381, 34-225, 14-32, 34-914, and Sections 10-8 and 10-9. These violations must be corrected no later than July 18, 2025. If compliance is not achieved by the specified dates, the Village's recommendation of a daily fine of \$100.00 per day per violation will be enforced. Special Magistrate Davis also assessed administrative costs of \$236.60, which must be paid by February 1, 2025.

3. **Case No. 2024-82 - 3538 Hunt Road - William L & Marietta Barney**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.

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 34-225: Fence maintenance. Repair, replace or remove all fences that are broken and/or in poor condition.

Section 14-32: No residential rental permit. Obtain a rental permit for the property.

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

Section 10-8: Weeds/driveways. Remove all weeds and resurface the driveway.

Section 10-9: Exterior property maintenance. Remove prohibited brown tarp. Repair damaged screen on the front window. Post "3538" house ID numbers on the front exterior wall of the property.

Citation Fine: N/A

Admin Cost: \$316.60
Recommendation: \$100.00 per day, per violation
Compliance Date: February 1, 2025

Code Enforcement Officer, Supervisor Mr. Gehrman let the Special Magistrate know this case was in compliance.

4. **Case 2024-79 - 1946 South Congress Avenue (1952-1954 Los Dos Hermanos)**
- MN Investments Properties Holdings Inc.
CE Officer - Tom Gehrman

Violation of Village Code of Ordinances

Section 14-61: Hours of operation of establishment served (Restaurant).

Section 2-233: Irreparable, irreversible violation.

Citation Fine: N/A

Admin Cost: \$336.10

Recommendation: Future violations to be cited as repeat violations

Compliance Date: January 17, 2025

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 1946 South Congress Avenue and the recommendations made by the Village. He added that Officer Dickerson and Sergeant McCluskey would also provide testimony regarding the property violations.

Officer Dickerson testified about five (5) instances where the restaurant remained open past 11 p.m., which is the closing time established by the Village Code of Ordinances. He also noted that the restaurant owners were warned about these closing hours in accordance with the Village Code. Additionally, Sergeant McCluskey provided testimony regarding the restaurant's operation beyond the hours set by the Village Code of Ordinances.

Nasira A. Arain, the owner of MN Investments Properties Holdings LLC, has authorized Jason Young to represent her at this hearing. Also present was Ana Maldonado, the owner of the restaurant "Los Dos Hermanos," accompanied by her translator, Elsi Torrabia, who assisted her with translation.

Mr. Young and Ms. Maldonado confirmed their understanding of the hours of operation and their commitment to adhering to the schedules.

Special Magistrate Davis found that the defendant had violated sections 14-61 and 2-233. Special Magistrate Davis assessed administrative costs of \$336.10 to be paid before January 30, 2025.

5. **CIT Case 2024-2799 - 4420 Lake Worth Road -Tacos Al Carbon Inc.**
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 2-233: Irreparable or irreversible.

Section 34-572: Violation of Village Council approval. Food trailer serving food past 11:00 p.m.

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

Admin Cost: TBD

Recommendation: N/A

Compliance Date: January 23, 2025

Code Enforcement Officer, Supervisor Mr. Gehrman let the Special Magistrate know this case complied.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 10:43 a.m.

**Next Magistrate Hearing is
Thursday, February 20, 2025,
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 January 20, 2025.

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