

TOWN OF HAVERHILL
MINUTES
SPECIAL MAGISTRATE
HEARING
December 11, 2024

Present: Special Magistrate William P. Doney, Code Enforcement Officer Joseph Petrick, Town Attorney John Foster, Town Administrator Tracey Stevens, Respondent Mohammed Y. Ali, Manager (1001 N. Military Trail), Respondent Gretza E. Moya and Respondent Patrick Aceti.

I. CALL TO ORDER:

The meeting was called to order at 9:00 A.M by Special Magistrate William P. Doney.

II. APPROVAL OF MINUTES:

Special Magistrate Doney approved the minutes of November 13, 2024.

III. SWEARING IN OF WITNESSES:

Special Magistrate Doney administered Oath to Code Enforcement Officer Joseph Petrick, Town Administrator Tracey Stevens, Respondent Mohammed Y. Ali, Manager (1001 N. Military Trail), Respondent Gretza E. Moya and Respondent Patrick Aceti.

CODE ENFORCEMENT REPEAT VIOLATION, FINE ASSESSMENT AND STATUS HEARINGS:

CASE NO. 24-00146

E&J MANAGEMENT CO LLC & MACARI JOSEPH

1001 N MILITARY TRAIL

HAVERHILL, FL 33409

PCN: 22-42-43-25-01-000-0200

LEGAL DESCRIPTION: BELVEDERE ESTATES LTS 20 THRU 22 (LESS SLY 3.50 FT & TRGLR PAR BELVEDERE RD & ELY 21.50 FT SR 809 R/WS)

NATURE OF VIOLATION: Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property

Code Enforcement Officer (CEO) Petrick testified that this case was in reference to a commercial property of a 7-Eleven store found in violation at the March 1, 2023 Special Magistrate hearing for violation of Town Code Section 58-584 for a broken gate that surrounds a dumpster, overgrowth of invasive Australian pine plants, trash and debris on the property. He stated that an extension for compliance was granted at that Special Magistrate hearing. He stated the property did come into compliance prior to any fines being assessed and the Special Magistrate hearing costs were paid.

CEO Petrick testified that on November 25, 2024, he observed and photographed the exact same violation(s) of Town Code Section 58-584 on the property. He stated that on that day, he issued a Notice of Hearing to the Respondent via certified mail to the address listed on the PBC Property Appraiser's website, the notice was hand delivered to a clerk at the store and notice was posted on the Code Enforcement board at Town Hall.

CEO Petrick stated that as of today, he had not heard from the Respondent, however, he did notice while visiting the property yesterday to take photographs for today's hearing, there had been significant progress in bringing the property into compliance.

Mr. Ali, testified that as the store manager, he was authorized to attend the Special Magistrate hearing and speak on behalf of the property owners. He stated that last month, there was a lot of construction with the replacement of gas pumps and it created a lot of debris. He stated that 7-Eleven Corporate ordered a new gate for the dumpster and he was expecting to receive it this Friday. He also stated that he was working on achieving compliance.

Code Enforcement Officer Petrick stated the Town was requesting a fine of one hundred (\$100.00) dollars per day be assessed until compliance achieved. The cost to bring this case before the Special Magistrate was \$64.03.

ORDER

A Fine in the amount of **One Thousand Seven Hundred Dollars (\$1,700.00)** is hereby assessed for this repeat violation at the rate of **One Hundred Dollars (\$100.00)** per day for the violations which existed on the property from November 25, 2024 to December 11, 2024, a period of seventeen (17) days, and such amount will continue to accrue at **One Hundred Dollars (\$100.00)** per day until compliance is achieved. In addition, costs in the amount of \$64.03 are assessed.

Should Respondents violate the same Section of the Code again, Respondents may be subject to a fine of up to \$500.00 per day. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation and the case may be

presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

CASE NO. 24-00123

TALLEN, LOUISENA

5304 BELVEDERE ROAD

HAVERHILL, FL 33415

PCN: 22-42-43-35-05-009-0010

LEGAL DESCRIPTION: HAVERHILL RIDING ESTATES N 263.52 FT OF TR 9

NATURE OF VIOLATION: Chapter 14 Section 14-2 permit and inspection fees for building electricity and plumbing Chapter 14 Section 14-7 Unsafe buildings and structures

Code Enforcement Officer (CEO) Petrick testified that this case was in reference to a Single Family Residential property in violation of Town Codes 14-2 and 14-7 for modification of existing driveway after the approved driveway permit was final inspected by the Town Building Official. He stated that electric gates were installed and post lights were installed without obtaining a permit from the Town. He stated that on September 12, 2024, he issued a Notice of Violation and Notice of Hearing that was sent to the Respondent via certified mail to the address listed on the PBC Property Appraiser's website and posted on the Code Enforcement board at Town Hall. The Notice of Violation gave the Respondent thirty (30) days to comply by obtaining the appropriate permits for the driveway modification and electrical work.

CEO Petrick stated that as of today, the property remained out of compliance and he had not heard from the Respondent. The Town was requesting compliance within thirty (30) days or a fine of one hundred (\$100.00) dollars per day be assessed. The cost to bring this case before the Special Magistrate was \$17.40.

ORDER

It is the Order of the Code Enforcement Special Magistrate that Respondent shall comply with the above-referenced Code Sections by **January 11, 2025**. If Respondent does not comply within the time specified, a fine in an amount not to exceed of **One Hundred (\$100.00) Dollars** per day may be imposed for each day the violations continue to exist. In addition, costs in the amount of \$17.40 are assessed.

NOTICE OF HEARING

In the event Respondent does not fully comply with the Town's Code of Ordinances within the time specified, a Fine Assessment Hearing shall be held before the Special Magistrate on **February 25, 2025 at 9:00 a.m.** at Town Hall, 4585 Charlotte Street, Haverhill, Florida to determine whether Respondents continue to be in violation of the above-referenced Code sections and to consider the assessment of a fine.

CASE NO. 24-00120

MOYA, WILFREDO & MOYA, GRETZA E

536 TALL PINES ROAD

HAVERHILL, FL 33415

PCN: 22-42-43-35-15-000-0060

LEGAL DESCRIPTION: TOWNER PARK REPL LT 6

NATURE OF VIOLATION: Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts.

Code Enforcement Officer (CEO) Petrick testified that this is a Single Family Residential property in violation of Town Code Section 58-584 for the removal of sod and connecting their driveway with the next door neighbor's driveway at 550 Tall Pines Road without obtaining a permit from the Town. He presented pictures to the Special Magistrate as evidence. On January 29, 2024, a Courtesy Notice was issued to the Respondents. After the Courtesy Notice was issued, the Respondents were in touch with Town staff regarding the connecting driveways and was told that a variance request application would need to be submitted to the Town for approval.

In March 2024, the Respondents appeared before the Town Council for a variance request. Town Council requested more information be provided to them by the Respondents. No decision was made by Town Council at the meeting. Town Administrator, Tracey Stevens instructed the Respondents to discontinue moving forward on the project until a variance request application was submitted and approved by Town Council. CEO Petrick stated a copy of those minutes were in the code case file for reference. He stated that after the March 2024, Town Council meeting, the Respondents continued to work without submitting a variance request. A Notice of Violation and Notice of Hearing were issued on September 12, 2024, to the Respondents via certified mail to the address listed on the Property Appraiser's website, the property was posted and the notices were posted on the Code Enforcement board at Town Hall.

Respondent Gretza Moya testified that she was working with an Engineer to obtain the documents needed for the variance request application.

Town Administrator Tracey Stevens testified that the Town's Engineer reviewed plans submitted by the Respondents Engineer. The Town provided comments to the Respondents to share with their Engineer to work together to address and re-submit new plans.

CEO Petrick stated that in order for the Respondents to achieve compliance, the Respondents would need to obtain an approved variance request and approved permit application from the Town or restore property to its original state.

CEO Petrick stated the Town was requesting a Status hearing on April 22, 2025 and compliance by June 11, 2025, or a fine of one hundred (\$100.00) dollar per day be assessed. A Fine Assessment hearing on June 24, 2025, will be scheduled if necessary. The Town will reserve the Special Magistrate costs until the Status or Fine Assessment hearing.

ORDER

A Status Conference shall be held on **April 22, 2025 at 9:00 a.m.** at Town Hall, 4585 Charlotte Street, Haverhill, Florida. It is further the Order of the Code Enforcement Special Magistrate that Respondents shall comply with the above-referenced Code Section by **June 11, 2025**. If Respondents do not comply within the time specified, a fine in an amount not to exceed of **One Hundred (\$100.00) Dollars** per day may be imposed for each day the violations continue to exist.

NOTICE OF HEARING

In the event Respondents do not fully comply with the Town's Code of Ordinances within the time specified, a Fine Assessment Hearing shall be held before the Special Magistrate on **June 24, 2025 at 9:00 a.m.** at Town Hall, 4585 Charlotte Street, Haverhill, Florida to determine whether Respondents continue to be in violation of the above-referenced Code sections and to consider the assessment of a fine.

CASE NO. 24-00009

ACETI, PATRICK

550 TALL PINES ROAD

HAVERHILL, FL 33415

PCN: 22-42-43-35-15-000-0050

LEGAL DESCRIPTION: TOWNER PARK REPL LT 5

NATURE OF VIOLATION: Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property.

Code Enforcement Officer (CEO) Petrick testified that this is a Single Family Residential property in violation of Town Code Section 58-584 for the removal of sod and connecting his driveway with the next door neighbor's driveway at 536 Tall Pines Road without obtaining a permit from the Town. He presented pictures to the Special Magistrate as evidence. On January 29, 2024, a Courtesy Notice was issued to the Respondent. After the Courtesy Notice was issued, CEO Petrick spoke with the Respondent and discussed the violation and ways to achieve compliance. CEO Petrick testified that the Respondent told him he would speak with his next door neighbor's at 536 Tall Pines Road and would be in touch with him. In early February 2024, the Respondent was in touch with Town staff and was told at that time that a variance request application would need to be submitted to the Town for approval.

In March 2024, the Respondent appeared before the Town Council for a variance request. Town Council requested more information be provided to them by the Respondent. No decision was made by Town Council at the meeting. Town Administrator, Tracey Stevens instructed the Respondent to discontinue moving forward on the project until a variance request application was submitted and approved by Town Council. He stated that a copy of those minutes were in the code case file for reference. He stated that after the March 2024, Town Council meeting, the Respondent continued to work without submitting a variance request. A Notice of Violation and Notice of Hearing was issued on September 12, 2024, to the Respondent via certified mail to the address listed on the Property Appraiser's website, the property was posted and the notices were posted on the Code Enforcement board at Town Hall. The notices required compliance within thirty (30) days.

Respondent Patrick Aceti disagreed with CEO Petrick's testimony that work had continued after the March 2024, Town Council meeting. Town Administrator Stevens stated that pictures showed new hedges were installed to divide the properties. CEO Petrick presented the pictures to the Special Magistrate and entered them into evidence. Mr. Aceti admitted that hedges were installed after the March 2024, Town Council meeting and added that was all that had been done. The Respondent stated that an Engineer had been hired and is in the process of obtaining a new property survey for both properties and new plans.

Town Administrator Tracey Stevens testified that the Town's Engineer, Todd McLeod reviewed plans submitted by the Respondents Engineer and provided a letter dated December 2, 2024, stating more information was needed. The Town provided those comments to the Respondent to share with his engineer to work together to address and submit new plans. She stated that a report by the Town Engineer had all comments outlined and the report was sent to the Respondents of both properties.

CEO Petrick stated that in order for the Respondent to achieve compliance, the Respondent will need to obtain an approved variance request application and approved permit application from the Town or restore his property to its original state.

CEO Petrick stated the Town was requesting a Status hearing on April 22, 2025 and compliance by June 11, 2025, or a fine of one hundred (\$100.00) dollars per day be assessed. A Fine Assessment hearing on June 24, 2025, will be scheduled if necessary. The Town will reserve the Special Magistrate costs until the Status or Fine Assessment hearing.

ORDER

A Status Conference shall be held on **April 22, 2025 at 9:00 a.m.** at Town Hall, 4585 Charlotte Street, Haverhill, Florida.

It is further the Order of the Code Enforcement Special Magistrate that Respondent shall comply with the above-referenced Code Section by **June 11, 2025**. If Respondent does not comply within the time specified, a fine in an amount not to exceed of **One Hundred (\$100.00) Dollars** per day may be imposed for each day the violations continue to exist.


NOTICE OF HEARING

In the event Respondent does not fully comply with the Town's Code of Ordinances within the time specified, a Fine Assessment Hearing shall be held before the Special Magistrate on **June 24, 2025 at 9:00 a.m.** at Town Hall, 4585 Charlotte Street, Haverhill, Florida to determine whether Respondent continues to be in violation of the above-referenced Code sections and to consider the assessment of a fine.


ADJOURNMENT

The hearing was adjourned at 9:29 A.M.

Minutes prepared by Deputy Town Clerk Wible and adopted by Special Magistrate Doney on January 28, 2025.



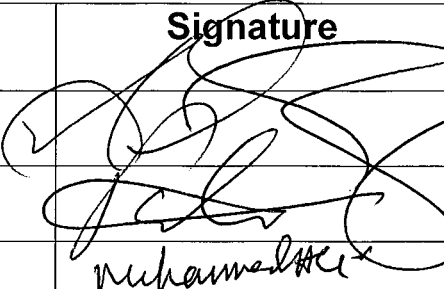
Jean F. Wible, Deputy Town Clerk



Special Magistrate, William P. Doney

SIGN IN SHEET

TOWN OF HAVERHILL SPECIAL MAGISTRATE HEARING WEDNESDAY, DECEMBER 11, 2024

Name	E-Mail Address	Signature
Greta Moore		
Patrick Scott MOHAMMED YALI 7-11		Mohammed Yali