

Special Magistrate Hearing Minutes
January 18, 2022
5:30 p.m.
Council Chambers

1 Call to Order

Magistrate Samuel Taylor called the meeting to order at 5:33 p.m.

2 Administration of oath to staff/ Respondents /Witnesses

3 Red Light Hearings

3.1. 1012000000089122

Officer Howe introduced the case and presented the certification from the State. Magistrate S. Taylor accepted the record. Officer Howe went over the violation that occurred on August 27, 2021, at the intersection of State Highway 85 and Redstone. The violation incurred on the gray Volkswagon registered to Jessica McVay of Baker, Florida. Ms. McVay was given the opportunity to enter an Affidavit of Defense within thirty days, which none were received. Officer Howe went over the dates of Notice of Violation and asked that the fine be imposed. Magistrate S. Taylor found McVay in violation and issued a fine of \$233.00 to be paid within thirty days of the Order.

3.2. 1012000000093181

Magistrate S. Taylor stated the defendant requested a continuance to the next meeting.

4 Code Enforcement Hearings

4.4. 21-1554

D. Lawson brought the case 21-1554, owner Carolyn and Michael Fowler forward stating the property is located at 521 Brock Avenue. The property has an unsafe structure. She went over the certified mailings for the 1st, 2nd, and 3rd notices, adding the third one was signed for. She added the Public Hearing notice was sent by certified mail, and the Notice was posted on property. Reinspections were conducted, however, the results of the inspections showed the property is still in non-compliance.

Staff went over the violations with notes of same included in the attached documents. The Magistrate asked if the pictures were accurate and a true depiction of the property. Staff stated that they were. The Magistrate asked the building official, Mr. Raybon, to address the building that is in violation. The recommendation from Mr. Raybon is: That on or before 2/18/2022, a \$250 administrative fee is to be paid and if the property is not brought into compliance by 2/18/2022, a \$250 a day fine be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection.

Mr. Raybon who inspected the property, noted the carport is touching the ground. Roof leaks have caused parts of the roof to fall in. The interior of the structure is a disaster. The two people present admitted the structure was unsafe.

Christopher Earl rose to speak on behalf of Mr. Cooper who is a first lien holder, and he is

representing the bank. He said the pre-foreclosure team has inspected the property and agrees the structure needs to be demolished. The bank is coordinating with the city and asked if the city is able to demolish the building or work with the other vendor for demolition. Mr. Earl asked for a period of time to demolish the building requesting May 19th. Planning and Development Director, Barry Henderson, said we could mitigate with the bank. Mr. Earl asked for a continuance, and Magistrate Samuel Taylor agreed to a 90 day extension. That time could secure a demolition date and if the property is not brought into compliance, the fees will begin to incur at \$255 per day starting on the 91st day. Magistrate Samuel Taylor will have the Order entered tomorrow. At the request of Mr. Earl, Magistrate Samuel Taylor agreed to amend the ruling to on or before May 19, 2022, otherwise fines will accrue.

4.1. 21-1618

Magistrate Samuel Taylor opened the Case 21-1618 at 732 W Walnut Avenue, zoned mixed use. D. Lawson stated Justino Guerra is the owner. She presented the case stating the violations and notes of same are included in the attached documents. D. Lawson went over the unsafe structure violations. She went over the certified mailing dates stating the Hearing Notice was posted at the property and City Hall. She said reinspections were conducted. She entered Exhibit 1 into the record. The Magistrate asked if the pictures were accurate and a true depiction of the property. Mr. Raybon stated he had inspected the property. Mr. Raybon addressed concern with the structure integrity. Magistrate Samuel Taylor stated the structure appears to be failing, as the side of the house is falling down and the roof is caving in. D. Lawson recommended that the fine should be paid on or before 2/18/22 or the property should be brought into compliance by providing a demolition order or getting a letter from a structural engineer. Magistrate Samuel Taylor made the following recommendation: That on or before 2/18/2022, the \$250 administrative fee is to be paid and if the property is not brought into compliance by 2/18/22, a \$250 a day fine be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection. The magistrate agreed with staff recommendation and ordered same.

4.2. 22-120

Magistrate Samuel Taylor brought forward Case 22-120 at 595 Benjamin stating the owner is Leonard Adib Lee. D. Lawson, Code Inspection, went over the case regarding the violations for the record. She noted that junk, debris, inoperable vehicles, and unsafe structure was present. She went over the certified mailings, notice of Public Hearing that was signed for by the defendant, and the Notice was posted on the property and at City Hall. D. Lawson noted that reinspections were done, but the property remains non-compliant. She entered in Exhibit 2, and Magistrate Samuel Taylor accepted the file. Violations and notes of same are included in the attached documents. The Magistrate asked the building official, Mr. Raybon, to address the building that is in violation. Mr. Raybon made his recommendation: That on or before 2/18/22 a \$250 administrative fee be paid, and if the property is not brought into compliance by 2/18/22, a \$250 a day fine be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection. The magistrate agreed with staff recommendation and ordered same. D. Lawson said to remove all debris, obtain a demolition permit or obtain a report from a structural engineer. Magistrate S. Taylor ordered the fee to be paid on or before 2/18/22 or bring the property into compliance. Failing such, fines will accrue at \$250 per day.

4.3. 21-1515

D. Lawson went over the property located at 594 Benjamin that is zoned mixed use. Priscilla Robins is the owner. It consists of an unsafe structure. D. Lawson went over the violations sent by certified mail, and the Notice of Hearing by certified mail that was returned. She said the Hearing Notice was

posted at City Hall and on the property. The result of the re-inspections were non-compliance. D. Lawson entered Exhibit 3 and 3A for the record. Mr. Raybon said there is a lot of vegetation grown up all around it. Magistrate Samuel Taylor noted the property is for sale. Magistrate S. Taylor accepted the evidence. The Magistrate asked Mr. Raybon to address the building that is in violation. Magistrate Samuel Taylor stated that on or before 2/18/2022 the \$250 administrative fee is to be paid, and if the property is not brought into compliance by 2/18/2022, a \$250 a day fine will be assessed with an annual interest of 6.77%. It is the responsibility of the property owner to contact the City that the property has been brought into compliance and arrange for reinspection. The magistrate agreed with staff recommendation and ordered same.

5 Adjournment

Magistrate S. Taylor adjourned the meeting at 6:11 p.m.

Minutes submitted by,

Maryanne Schrader, City Clerk