

Special Magistrate Hearing Minutes
March 15, 2022
5:30 PM
Council Chambers

1. Call to Order

Special Magistrate Samuel Taylor called the meeting to order at 5:34 p.m.

2. Administration of oath to staff/ Respondents /Witnesses

Special Magistrate Samuel Taylor explained the process and procedures and swore in all those present.

3. Red Light Hearings

Special Magistrate Samuel Taylor moved on to the case files, as the Red-Light Hearing violations were paid prior to the Hearing.

4. Code Enforcement Hearings

4.1 Case 22-105

Special Magistrate Samuel Taylor opened Case 22-105, 798 S. Wilson Street, stating Devin N. Jones is the property owner.

Code Enforcement Officer D. Lawson presented the case for 798 South Wilson Street stating violations and notes of same are included in the submitted documents. Code Enforcement Officer D. Lawson went over the mailings, postings, and Notices of Hearing by certified mail. Code Enforcement Officer D. Lawson entered Exhibit 1 depicting the pictures of said property.

Special Magistrate Special Magistrate Samuel Taylor asked if the pictures were accurate regarding the inoperable vehicles on the property and staff responded they were accurate.

Respondent, Devin Jones, provided his testimony explaining the mailings were not sent to his current address. He said the red vehicle has been removed, and it did not belong to him. The water trucks are job site vehicles. He said on January 17th when he received his citation, his development plans were partially delivered to the city regarding his project, however, on March 1st he delivered the development order and as soon as he received approval from the city, he will clean up the lot. He asked for a 90-day extension.

Special Magistrate Special Magistrate Samuel Taylor asked staff about the development order and Barry Henderson said they have been submitted.

Special Magistrate Samuel Taylor granted the 90-day extension to bring the property into compliance. If the property is not brought into compliance by that date, a \$250

administrative fee will be assessed, and the fine imposed will accrue at the interest rate of 6.77%. Mr. Jones is to correct the violation by removing vegetation, and if not corrected within the 90-day time frame, a fine in the amount of \$250 per pay is imposed and the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

Special Magistrate Samuel Taylor stated cases 22-998, 299, 300 and 301 will be placed on hold until the end of the Hearing and went to the case 21-1464.

4.7 21-1464

Special Magistrate Samuel Taylor opened case 21-1464, 355 Walden Street, stating Marjorie and Donnie Boswell are the property owners. However, Daniel Horne spoke on behalf of his parents.

Code Enforcement Officer D. Lawson presented the case. Violations and notes of same are included in the submitted documents. The property has an unsafe structure. She went over the mailings, notices, Notices of Hearings and noted the mailings were returned to sender. She noted the re-inspections. She entered the evidence as Exhibit 7 and 7A.

Special Magistrate Samuel Taylor received into record Exhibit 7 and 7A.

City Attorney J. Holloway said if the property appraiser lists the "heirs of" and we are compelled to send the notices to the address on record.

Code Enforcement Officer D. Lawson said there is no probate on the property per the County record.

Daniel Horne stated he has replaced the light in front, one of the windows has been sealed, the electrical wiring has been removed, and the roof has been partially repaired. He does not have the funds available to complete all the repairs at this time. He will get a replacement ramp. He has made some progress for the repairs.

Special Magistrate Samuel Taylor reviewed the pictures for the property.

Special Magistrate Samuel Taylor stated the structure appears unsafe. Daniel Horne said he has spoken to Code Enforcement about the trusses and the need to pull a permit.

Special Magistrate Samuel Taylor said he will need to pull a building permit. He stated that if more than half of the house has to be fixed, the structure would have to be put back into Code. He said there are violations that exist based on the findings of the Building official recommendation in the submitted documents.

Special Magistrate Samuel Taylor ordered that Mr. Horne has 30 days to pull a permit with the order that on or before 60 days, he has to bring the structure into compliance.

Building inspector, Mr. Ronnie Raybon, stated the owner of the property must pull the permit, and City Attorney J. Holloway added without a probate, the owner has to pull the permit.

Special Magistrate Samuel Taylor revised the ruling that he must pay the \$250 administrative fee. By April 18, 2022, the respondent must obtain the necessary permits to repair or demolish the structure. If the property is not brought into compliance by June 20, 2022, a \$250 a day fine be assessed with an annual interest of 6.77%. If the respondent fails to comply by the date ordered, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

4.2 Case 22-38

Special Magistrate Samuel Taylor opened Case 22-38, 376 McDonald Street, stating Georgia Siler is the property owner.

Code Enforcement Officer D. Lawson presented the case. Violations and notes of same are included in the submitted documents. The structure is deteriorated and in need of repair. She went over the mailings, notices, and Notice of Public Hearing notices. Reinspections were conducted and D. Lawson noted the dates stating the results are non-compliant. She entered Exhibit 2 and 2A into the record.

Special Magistrate S. Taylor asked if the pictures were accurate and a true depiction of the property and accepted Exhibit 2 and 2A.

Code Enforcement Officer D. Lawson stated that the windows and siding as depicted in the pictures are accurate. Special Magistrate S. Taylor asked the building inspector, Mr. Raybon, to address the building that is in violation. Mr. Raybon mentioned the back door was blocked off, and it was unsafe to enter or exit the structure. He has met with the owner at the property.

Georgia Siler testified she has replaced the doors and windows but not the roof. Mr. Siler, her brother, testified as to repair the structure. Code Enforcement Officer D. Lawson said an electrical permit has been pulled for the property.

Special Magistrate S. Taylor asked about the completed repairs and Georgia Siler explained they have been completed. Code Enforcement Officer D. Lawson said the roof needs to be repaired. Mr. Raybon asked that he could meet them to look at the roof.

City Attorney J. Holloway asked Ms. Siler if 60 days would give her enough time, and she replied she did not have the funds.

Special Magistrate S. Taylor ordered that Ms. Siler has 30 days to get the roof inspection done and 90 days to repair or replace the roof. The \$250 administrative fee is to be paid on July 18, 2022, and if the property is not brought into compliance within 90 days, a \$250 a day fine be assessed with an accrued interest rate of 6.77%. In addition, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property

may be imposed.

4.3 22-298

Special Magistrate Samuel Taylor opened Case 22-298, 303 N. Lincoln Street, stating Turtle Speed Properties, LLC is the property owner.

Code Enforcement Officer D. Lawson mentioned the owners of the property were present. She presented the case stating violations and notes of same are included in the attached documents. The violations consist of a deteriorated structure. Ms. D. Lawson went over the mailings, notices, Notices of Public Hearings posted as prescribed per statute. The re-inspections were done, and the property is in non-compliance. She entered Exhibit 3 and 3A into the record.

Special Magistrate Special Magistrate Samuel Taylor accepted the exhibits into the record and reviewed the pictures and reports.

Chris Burgess spoke on behalf of Turtle Speed and acknowledged he received the notices and corrective action needed. He stated he did not have time to perform any repairs. He needs time to contact the city officials adding he now has a general contractor to pull the permits. On March 2, he received another letter but stated there are discrepancies to stay in compliance. He said he was told he needed to get a structural engineer. He would like to develop the piece of property as affordable housing.

Special Magistrate Samuel Taylor mentioned each of the three properties having unsafe structures stating the goal is compliance. Mr. Burgess mentioned merging the properties and asked for a 60-to-90-day extension to draw up a proposal to either tear the structures down or decide from the structural engineer assessment if they can be salvaged. He has learned the setbacks have been changed. He added he already has the permits.

Special Magistrate Samuel Taylor went over the compliance solutions.

Special Magistrate Samuel Taylor stated he will rule on the 90-day compliance stating a \$250 administrative fee must be paid by June 21, 2022, and the respondent must obtain a structural evaluation, obtain a demolition permit, and demolish the structure. If the property is not brought into compliance by June 21, 2022, a \$250 per day fine will be assessed with an annual interest rate of 6.77%. In addition, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

4.4 Case 22-299

Special Magistrate Samuel Taylor opened Case 22-299, 311 N. Lincoln Street, stating Turtle Speed Properties, LLC is the property owner.

Code Enforcement Officer D. Lawson presented the case noting the violations and notes of

same are included in the submitted documents. She entered Exhibit 4 and 4A into the record.

Special Magistrate accepted the exhibits into record.

Special Magistrate Samuel Taylor stated he will rule on the 90-day compliance stating a \$250 administrative fee must be paid by June 21, 2022, and the respondent must obtain a structural evaluation, obtain a demolition permit, and demolish the structure. If the property is not brought into compliance by June 21, 2022, a \$250 per day fine will be assessed with an annual interest rate of 6.77%. In addition, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

4.5 22-300

Special Magistrate Samuel Taylor opened Case 22-300, 317 N. Lincoln Street, stating Turtle Speed Properties, LLC is the property owner.

Code Enforcement Officer D. Larson presented the case. Violations and notes of same are included in the submitted documents. She entered Exhibit 5 and 5A into the record.

Special Magistrate Samuel Taylor reviewed the documents and reports.

Special Magistrate Samuel Taylor stated he will rule on the 90-day compliance stating a \$250 administrative fee must be paid by June 21, 2022, and the respondent must obtain a structural evaluation, obtain a demolition permit, and demolish the structure. If the property is not brought into compliance by June 21, 2022, a \$250 per day fine will be assessed with an annual interest rate of 6.77%. In addition, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

4.6 Case 22-301

Special Magistrate Samuel Taylor opened Case 22-301, 333 N. Lincoln Street, stating Turtle Speed Properties, LLC is the property owner.

Code Enforcement Officer D. Lawson presented the case noting the violations and notes of same are included in the submitted documents. She entered Exhibit 6 and 6A into the record.

Special Magistrate noted the mailings and postings on all four properties were completed per statute.

Special Magistrate Samuel Taylor stated he will rule on the 90-day compliance stating a \$250 administrative fee must be paid by June 21, 2022, and the respondent must obtain a structural evaluation, obtain a demolition permit, and demolish the structure. If the property is not brought into compliance by June 21, 2022, a \$250 per day fine will be assessed with an annual interest rate of 6.77%. In addition, the City Council may cause the property to be cleaned up and the nuisance abated. If all fines are not paid, a lien on the property may be imposed.

Adjournment

Special Magistrate Samuel Taylor adjourned the meeting at 6:41 p.m.

Maryanne Schrader

Minutes submitted by,
Maryanne Schrader, City Clerk

Proper notice having been duly given

