

Special Magistrate Hearing Minutes
May 17, 2022
5:30 p.m.
Council Chambers

1 Call to Order

Special Magistrate S. Taylor called the Hearing to order at 5:30 p.m.

2 Administration of oath to staff/ Respondents /Witnesses

Special Magistrate S. Taylor swore in all participants for the quasi-judicial segments of the meeting at 5:32 p.m.

3 Red Light Hearing

3.1. Case #1012000000107015

Special Magistrate S. Taylor stated Gray Lawrence was present for the Red-Light Hearing and asked Officer D. Howe, who oversees the Red-Light proceedings, to begin the testimony.

Officer D. Howe presented Case #1012000000107015 with the visual presented and asked for Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4, depicting the certification of officer, maintenance and certification of the light, and Certificate of Authenticity, to be made part of the record. Special Magistrate S. Taylor accepted the Exhibits.

In response to Special Magistrate S. Taylor to present his case, Gray Lawrence stated the flags at the car wash impeded his view of the red light. Special Magistrate S. Taylor viewed the video from Mr. Lawrence's phone of the flags impeding Mr. Lawrence's line of sight.

Officer Howe stated the flags were not in place during the date of the violation and are on the owners' property.

Special Magistrate S. Taylor reviewed the factors of the incident and after consideration of the facts of the case, stated Mr. Lawrence could have stopped given the speed and the timing of the light change. He ordered that Mr. Lawrence was in violation and fined Mr. Lawrence the total of \$233.00.

4 Code Enforcement Hearings

4.1. 22-328

Special Magistrate S. Taylor opened Case 22-328 stating the owners listed are Thomas V. and Annie Kolmetz for the property at 282 Bracewill. He noted the owners were not present.

Code Enforcement Officer D. Lawson, presented the case. She went over the violations stating the notes of same are included in the attached documents. She went over the mailings, postings at the property and City Hall, as well as the Notice of Hearings of said case. She asked to enter Exhibit 1 and 1A for the record.

Special Magistrate S. Taylor accepted the Exhibits into record. He discussed the boarding of the windows with Mr. Raybon. Mr. Raybon went over the regulations for the boarding of windows stating they were not entirely secure. He mentioned some exterior electrical was not secured.

Code Enforcement Officer D. Lawson added some violations have been abated.

Code Enforcement Officer D. Lawson then made the following recommendation: That on or before 6/20/2022, the \$250 administrative fee is to be paid, the necessary permits and repair or replace the windows and exterior lighting are to be made, and if the property is not brought into compliance by 6/20/2022, a \$250 a day fine will be assessed with an annual interest of 6.77% until paid. It was also recommended that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent.

Special Magistrate S. Taylor agreed with staff recommendation and ordered same.

4.2. 22-373

Special Magistrate S. Taylor opened Case #22-373 stating the property at 225 W. Bowers is listed under the heirs of Lillian Denmon and in care of Karen Johnson.

Miss Rose, who was present for the case, stated she is the tenant.

Code Enforcement Officer D. Lawson presented the case. Violations and notes of same are included in the attached documents and went over the mailings, postings at property and City Hall, as well as the Notice of Public Hearing. She requested that Exhibit 2 and 2A be entered into the record.

Special Magistrate S. Taylor accepted Exhibit 2 and 2A into the record.

Code Enforcement Officer D. Lawson replied that some steps toward mitigation have been done.

Special Magistrate S. Taylor asked the building official, Mr. Raybon, to address the violations. Building official R. Raybon explained posts on the porch are needed as there is nothing to hold the porch to the foundation. He said a permit is required to make the repairs to the porch.

Miss Rose stated the owners have asked her to leave the property. Miss Rose said she is trying to clean up the property.

Special Magistrate S. Taylor said there appears to be some improvements done, and Miss Rose said she would like to own the property but does not know if the grandson is willing to give it to her.

Special Magistrate S. Taylor said the overhang over the porch must be repaired, there are violations regarding the windows, the structure of the porch, the overhead extensions, and roof all of which requires a permit, adding the owner must apply for the permit.

Special Magistrate S. Taylor ordered that on or before 6/20/2022, a \$250 administrative fee is to be paid, the necessary permits for the repair or replace the windows, repair of the roof, structural supports, porches, stairs and overhang extensions are to be made, and if the property is not brought into compliance by 6/20/2022, a \$250 a day fine will be assessed with an annual interest of 6.77%. It was also ordered that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent. He clarified the inoperable vehicle must be removed. Miss Rose said the owner will not get the vehicle. Special Magistrate S. Taylor stated a decision on the fine for the vehicle will be placed on hold.

4.3. 22-427 - Special Magistrate S. Taylor stated Case #22-427 was removed.

4.4. 22-434

Special Magistrate S. Taylor opened Case #434, owner listed as Ernestine Simmons, for property at

630 W. Griffith Avenue. Donnte Sheffield said he was present for the case.

Code Enforcement Officer D. Lawson presented the case. Violations and notes of same are included in the attached documents. She went over the mailings, postings at City Hall and property, as well as the Notice of Public Hearing. She asked that Exhibit 4 be entered into the record.

Special Magistrate S. Taylor accepted Exhibit 4 as evidence. Special Magistrate S. Taylor asked the building official to address the violation of the permit for the mobile home. Building official R. Raybon stated the mobile home was moved to the property and used as a single-family home, so permits are required. R. Raybon added Mr. Sheffield provided structural documents from Gulf Coast Engineering earlier today.

Mr. Sheffield said he has communicated with Mr. Raybon and submitted the documents. He is trying to execute the plan, but he is trying to work with the timeline of the engineers. Building official R. Raybon said the permit has been applied for, but he is awaiting the engineering report. Mr. Sheffield asked for a grace period for one week.

Special Magistrate S. Taylor ordered for Mr. Sheffield to be given on or before 60 days from today, July 18, 2022 to bring the property into compliance. The engineering report is needed, and he must obtain the building permits for the manufactured home or remove it from the property. If the respondent fails to correct the violations by July 18, 2022, a fine of \$250 per day will accrue. The respondent must notify the City to confirm compliance. He further stated respondent is to pay \$250, the cost of tonight's Hearing.

4.5. 22-406

Special Magistrate S. Taylor opened Case #22-406, with property owners listed as Jacquelyn and James Luebbert for property located at 740 E. Chestnut Avenue. He noted the owners were not present.

Code Enforcement Officer M. Tatum presented the case. Violations and notes of same are included in the attached documents. The violations noted are an inoperable vehicle, trash, and debris. She went over the mailings of notices, postings on the property and City Hall and Notices of the Public Hearing. She asked that Exhibit 5 be entered into the record.

Special Magistrate S. Taylor accepted Exhibit 5 into evidence. Special Magistrate S. Taylor asked the code enforcement official to address the vehicle violations, and M. Tatum replied that the vehicles have been abated. Special Magistrate S. Taylor mentioned the trash and debris and was told the violation exists to date. Special Magistrate S. Taylor noted some violations on the property seem to be improved.

Special Magistrate S. Taylor ordered that there is a violation of trash and debris on the front porch and noted that if another inoperable vehicle is present, it would be considered a repeated violation. He ordered that on or before 6/20/2022, the \$250 administrative fee is to be paid, and if the property is not brought into compliance by 6/20/2022, a \$250 a day fine will be assessed with an annual interest of 6.77%. It was also ordered that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent.

4.6. 22-429

Special Magistrate S. Taylor opened Case #22-429, for the property at 457 Jillian Drive, with McKenzie Jonathan listed as the owner. Johnathan McKenzie stated he was present.

Code Enforcement Officer M. Tatum presented the case reviewing the violations and notes submitted. She went over the mailings, Notices of Hearing on property and City Hall. She asked to that Exhibit 6 be entered into record.

Special Magistrate S. Taylor accepted Exhibit 6 into the record. Special Magistrate S. Taylor noted the vehicles on the property. Code Enforcement Officer M. Tatum stated the vehicles have been added to the property violations, as well as an unregistered boat.

Johnathan McKenzie said some vehicles have been removed. He said he is working on removing the vehicles that are owned by family members. He has the registration for the boat which he recently purchased. He said all the vehicles are operable.

Special Magistrate S. Taylor went over the statutes regarding inoperable vehicles and recommended he tag the vehicles.

Special Magistrate S. Taylor stated Mr. McKenzie has until 6/20/2022 to bring the property into compliance. He must either remove the worn out and inoperable vehicle and boat, affix a tag to the inoperable vehicle or remove it from the property. If the violation is not corrected by 6/20/2022, a fine of \$250 per day will be imposed and accrue at an interest rate of 6.77% until paid. He stated the \$250 administrative fee is waived, as he did not receive the mailing of the violation. It was also ordered that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent.

City Attorney Jon Holloway addressed Johnathan McKenzie and went over the statute on certified card mailings and the laws concerning obtaining a dealership license.

4.7. 22-570

Special Magistrate S. Taylor opened Case 22-570, for the property at 597 E. Williams Street, with owners listed as Jeffrey and Darlene Brown. He mentioned Mr. Brown is present.

Code Enforcement Officer M. Tatum presented the case. Violations were noted, and she went over the mailings, postings at City Hall and the property, as well as the Notices of Hearing. She asked that Exhibit 7 be entered into the record.

Special Magistrate S. Taylor accepted Exhibit 7 into the record. Special Magistrate S. Taylor asked the code official to address the violations. Code Enforcement Officer M. Tatum said there is wood on the property.

Mr. Brown stated that quite a bit of wood has been removed. He is cleaning up the property on his own. He explained he has lumber wood to build a shed, as well as firewood.

Special Magistrate S. Taylor noted there are some items cleaned up, however, the city has received a complaint against the property.

Mr. Brown asked for 30 days to complete the cleanup.

Special Magistrate S. Taylor ordered that Mr. Brown has 60 days or July 18, 2022 to bring the property into compliance finding there is a violation. He ordered that on or before on or before 60 days, a \$250 administrative fee is to be paid, and if the property is not brought into compliance by on or before 60 days, a \$250 a day fine will be assessed with an annual interest of 6.77%. It was also ordered that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent.

4.8. 22-647

Special Magistrate S. Taylor opened Case #22-647, for property at 501 S. Brett Street with Domingo Rivera being the owner. He noted Mr. Rivera was present.

Code Enforcement Officer M. Tatum presented the case. Violations were noted, and she went over the mailings, postings on the property and City Hall, and Notices of Public Hearing, as required. She asked that Exhibit 8 be entered into record.

Special Magistrate S. Taylor accepted Exhibit 8 into the record.

Mr. Domingo Rivera explained the work he has done on his property, and the steps he is taking to repair the fence. He said he allows barber shop customers to park near his yard, so all the vehicles have been removed except for two. He mentioned the stack of tires were tossed and buried in his yard. He mentioned he does work on auto imports, so they do not stay long.

Special Magistrate S. Taylor asked Code Enforcement Officer M. Tatum to address the violations. Code Enforcement Officer M. Tatum responded that were vehicles present today.

Mr. Rivera stated he owns the Glass Doctor. He showed a video of the yard violations and improvements to Special Magistrate S. Taylor.

Special Magistrate S. Taylor introduced City Attorney, Jon Holloway, stating he represents the city. City Attorney J. Holloway asked about Mr. Rivera's city registration, and Mr. Rivera states he is registered with the state but does not have a BTR with the city. He mentioned his registration is under Motor Works. Mr. Rivera added he does not own any of the vehicles.

Special Magistrate S. Taylor said the goal is to bring everyone into compliance. Special Magistrate S. Taylor said the video shows there are no longer any vehicles, but at one point there were unoccupied vehicles. He explained a business permit with the city is required, adding the property has to be zoned for running a business. He mentioned the one violation has been abated and is now in compliance. If vehicles appear without the appropriate license, it will appear as a second violation.

Special Magistrate S. Taylor ordered that the property has been brought into compliance. He must pay the \$250 administrative fee on or before June 20, 2022, if a violation occurs again, it will be considered a second violation. It was also recommended that if the respondent fails to comply by 6/20/2022, the City Council may cause the property to be cleaned up and the nuisance abated with the costs being assessed to the respondent.

5 Adjournment

Special Magistrate S. Taylor adjourned the Hearing at 7:19 p.m.

Minutes submitted by,



Maryanne Schrader, City Clerk

Proper Notice having been duly given