

SPECIAL MAGISTRATE HEARING MINUTES
NOVEMBER 21, 2023
5:30 P.M.
COUNCIL CHAMBERS

1 Call to Order

Special Magistrate Samuel Taylor called the meeting 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.

3 Red Light Hearings – None brought forward.

4 Code Enforcement Hearings – None brought forward.

4.5. Case 23-769

Special Magistrate Samuel Taylor heard Case 23-769 first, as the owner was present for the property located at 1254 Rayburn Street, stating the owner listed is Keith E. Gonzales.

Maddie Tatom, Code Enforcement Officer, presented Case 23-769. She went over the violations and notes of same stating they are included in the attached documents. She went over the certified mailings, postings at subject property and City Hall, as well as the Notice of Public Hearing, as per State Statute, Chapter 162. She requested that Exhibit 5 be entered into the record. Special Magistrate S. Taylor accepted Exhibit 5 into the record.

Special Magistrate S. Taylor reviewed the pictures of the property and asked Mr. Gonzalez questions regarding improvements and permits. Mr. Gonzalez said he started the work before obtaining a permit, as he did not look into the law prior to starting.

Special Magistrate S. Taylor asked about the skirting that was placed on the property and Mr. Gonzalez replied the skirting was to keep out animals. Mr. Gonzalez said he needs to repair the existing fence, but was unfamiliar with the law for obtaining a permit. He added Mr. Oglesby is going to assist him in pulling permits and requested an extension of 30 to 60 days.

Special Magistrate S. Taylor said the goal is to get the property into compliance. He said some violations still exist, and the skirting and fence need to be brought into compliance.

Special Magistrate S. Taylor made the following recommendation: He stated Mr. Gonzalez has 60 days to bring the property into compliance, a \$250 administrative fee is to be paid, and if the property is not brought into compliance within 60 days, a \$250 a day fine will be assessed. It is the responsibility of the property owner to contact the City when the property has been brought into compliance and arrange for reinspection.

4.1. Case 23-639

Special Magistrate Samuel Taylor opened Case 23-639, 748 S. Wilson Street, stating the owners listed are Merlyn J. Applewhite Trust. The owner is not present.

Code Enforcement Officer Deborah Lawson presented Case 23-639. She went over the violations and notes of same stating they are included in the attached documents. She went over the certified mailings, postings at subject property and City Hall, as well as the Notice of Public Hearing, as per State Statute, Chapter 162. She mentioned the re-inspections that were made and stated the property

is not in compliance. She requested that Exhibit 1 be entered into the record. Special Magistrate S. Taylor accepted Exhibit 1 into the record.

Special Magistrate S. Taylor asked if the pictures were accurate and a true depiction of the property. Code Enforcement Officer Deborah Lawson stated that they were. He noted the fence surrounding the property. Code Enforcement Officer Deborah Lawson mentioned that the business does not have a permit, but the owner is working on obtaining a license.

Special Magistrate S. Taylor said he finds there is a violation of the noted codes, as presented. He noted the exterior, debris, tires, abandoned vehicles, exterior walls and doors that are not maintained.

Mr. Applewhite entered the Chambers and was sworn in at 5:49 p.m.

Special Magistrate S. Taylor went over the case findings with Mr. Applewhite. Mr. Applewhite stated he applied for the permits today. Mr. Applewhite started the work but has undergone health issues and asked for time to complete the work. He has had problems with vandalism, as well. He hopes to install a better camera system. Special Magistrate S. Taylor mentioned the overhang issues, and Mr. Applewhite said he needs 45 to 60 days to complete the repairs.

Special Magistrate S. Taylor made the following recommendation: That on or before 90 days, Mr. Applewhite needs to bring the property into compliance, the \$250 administrative fee is waived, and if the property is not brought into compliance within 90 days, a \$250 a day fine be assessed. It is the responsibility of the property owner to contact the City when the property has been brought into compliance and arrange for reinspection.

4.2. Case 23-663

Special Magistrate Samuel Taylor opened Case 23-663, 128 N. Savage, stating the owners listed are 360 Da Investment Corp. The owner is not present.

Code Enforcement Officer Deborah Lawson presented Case 23-663. She went over the violations and notes of same stating they are included in the attached documents. She went over the certified mailings, postings at subject property and City Hall, as well as the Notice of Public Hearing, as per State Statute, Chapter 162. She requested that Exhibit 2 be entered into the record. Special Magistrate S. Taylor accepted Exhibit 2 into the record.

Code Enforcement Officer Deborah Lawson clarified the property next to the property was built on 118 and around 128 adding the owners are not the same.

Special Magistrate S. Taylor asked questions regarding the fencing and possible running of a business. He went over the violations he found.

Special Magistrate S. Taylor made the following recommendation: That on or before 30 days, the \$250 administrative fee is to be paid, and if the property is not brought into compliance within 30 days, a \$250 a day fine be assessed. It is the responsibility of the property owner to contact the City when the property has been brought into compliance and arrange for reinspection.

4.3. Case 23-886

Special Magistrate Samuel Taylor opened Case 23-886, 118 N. Savage, stating the owner listed is Aldair V. Da Silva. The owner was not present.

Deborah Lawson, Code Enforcement Officer, presented Case 23-886. She went over the violations

and notes of same stating they are included in the attached documents. She went over the certified mailings, postings at subject property and City Hall, as well as the Notice of Public Hearing, as per State Statute, Chapter 162. She mentioned the re-inspections were done and the property is still not in compliance. She requested that Exhibit 3 be entered into the record. Special Magistrate S. Taylor accepted Exhibit 3 into the record.

Special Magistrate S. Taylor asked about the permit requested, however, Code Enforcement Officer Deborah Lawson said the site plan was not submitted correctly, so the parcel is non-compliant, as it does not comply with Code. She added the Building official made a recommendation which is in the attached documents.

Special Magistrate S. Taylor then made the following recommendation: That on or before 30 days the \$250 administrative fee is to be paid, and if the property is not brought into compliance within 30 days, a \$250 a day fine will be assessed.

4.4. Case 23-933

Special Magistrate Samuel Taylor opened Case 23-933, 111 Trailwood Lane, stating the owner listed are the heirs of Marques A. Wilmer, Jr. The owner was not present.

Maddie Tatom, Code Enforcement Officer, presented Case 23-933. She went over the violations and notes of same stating they are included in the attached documents. She went over the certified mailings, postings at subject property and City Hall, as well as the Notice of Public Hearing, as per State Statute, Chapter 162. She noted the overgrown vegetation. She noted the re-inspections adding the property is not in compliance. She requested that Exhibit 4 be entered into the record. Special Magistrate S. Taylor accepted Exhibit 4 into the record. She mentioned the daughter does not want the property and stated the property will go into foreclosure.

Special Magistrate S. Taylor made the following recommendation: That on or before 30 days the property owner must bring the property into compliance. The \$250 administrative fee is to be paid, and if the property is not brought into compliance within 30 days, a \$250 a day fine be assessed.

4.6. ~~Case 23-557~~ Removed from the docket.

4.7. ~~Case 23-856~~ Removed from the docket.

5 Adjournment

Special Magistrate S. Taylor adjourned the Hearing at 6:15 p.m.

Submitted by,


Maryanne Schrader, City Clerk
Proper notice having been duly given