

**Special Magistrate Hearing
Minutes
December 2, 2021**

Special Magistrate Michael Durham, Esq.

City Manager Mike DaRoza

The City Commission will conduct a
Special Magistrate Hearing
At 10:00 AM
to address the item(s) below.

Meeting Date: December 2, 2021

Meeting Location: James A Lewis Commission Chambers

Special Magistrate Hearing

Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.

SPECIAL MAGISTRATE HEARING MEETING MINUTES

CALL TO ORDER

Led by Special Magistrate Michael Durham.

INVOCATION

PLEDGE TO THE FLAG

Led by Special Magistrate Durham.

APPROVAL OF THE AGENDA

Code Enforcement Officer Linnelle Stewart stated Item E., Case #21-0193 - Huntley Jiffy Liquidation Trust, had come into compliance and could be removed from the agenda.

Special Magistrate Durham approved the agenda as amended.

APPROVAL OF MINUTES

I. OLD BUSINESS

- A. Case # 21-0085- Willette Dixon, Parcel # 03309-002-003, Affidavit of Non-Compliance

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham asked what was still in violation.

Code Enforcement Officer Stewart stated it still needed new windows and the RV has not been vacated.

Special Magistrate Durham asked what the fines should be.

Code Enforcement Officer Stewart stated \$150 per day, starting from October 21, 2021.

Special Magistrate Durham called Willette Dixon forward.

Ms. Dixon stated all the work was done, but she needed a final inspection. She stated the person living in the RV has been gone for a few weeks, but the RV is still there.

Special Magistrate Durham asked Ms. Dixon if she needed more time.

Ms. Dixon stated she needed a few more weeks to get everything done.

Special Magistrate Durham asked if she could get everything done by January 5, 2021.

Ms. Dixon stated she needed to the middle of January.

Special Magistrate Durham asked if she will get the RV out.

Ms. Dixon said that she would.

Special Magistrate Durham asked Code Enforcement Officer Stewart if this was acceptable.

Code Enforcement Officer Stewart stated she had no objections.

Special Magistrate Durham made a finding that Ms. Dixon was in substantial compliance as of December 2, 2021, and amended the order to bring the property into full compliance by January 19, 2022, 12:00, P.M. Should the property be found not in compliance, a fine will be assessed of \$150.00 per day.

- B. Case # 21-0173- Willie J. Walls, Parcel # 03131-082-000, Affidavit of Non-Compliance

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham. She stated she had no communication from the owner, and no effort has been made to correct the problems. She stated both certified notices were signed and returned to Code Enforcement, and written on the notice is, "COVID-19". She stated \$150.00 per day fine can be assessed.

Special Magistrate Durham asked Code Enforcement Officer Stewart to state the violation.

Code Enforcement Officer Stewart stated listed the violations as unsafe structure, overgrown grass, property not maintained, an inoperable vehicle.

Special Magistrate Durham confirmed the registered green cards were coming back indicating COVID-19 on the signature block.

Code Enforcement Officer Stewart confirmed this.

Special Magistrate Durham stated we have an understanding that the United States Postal Service, in some jurisdictions through the pandemic, is indicating COVID-19 on the cards, and that has been found to be proper service. We will continue to follow up on that.

Special Magistrate Durham made a finding that the respondents have been served, they are not in compliance, and they will be assessed \$150.00 per day fine. He requested that Code Enforcement review this matter in 11 months to see if further action is needed, where it needs to be processed under nuisance abatement and the lien assessed at that time.

Special Magistrate Durham stated the City could do this sooner than 11 months should the need become demanding.

Special Magistrate Durham asked that a call be made for Willie Walls in City Hall.

Officer Smith called for Mr. Walls, but Mr. Walls was not found.

II. NEW BUSINESS

C. Approval of September 23, 2021 minutes

Minutes approved by consent.

D. Case # 21-0180- Russell Trading Company Inc., Parcel # 03615-001-000, Violation of two sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham asked if the removal of the trees was the irreparable harm referred to in the case.

Code Enforcement Officer Stewart said yes.

Special Magistrate Durham and Code Enforcement Officer Stewart discussed the tree removal and clearing of the land.

Special Magistrate Durham asked Mr. Russell to come forward.

Mr. Massia Ahmed came forward. He explained that that wanted to expand their business by building another building. He stated he contacted a tree removal company, who told him they would obtain the permits for the work.

Special Magistrate Durham expressed concern that Mr. Ahmed didn't represent the company as he was not on the company documents.

Mr. Ahmed stated his son, Mr. Russell, was the owner of the company, but he, Mr. Ahmed, has authority to represent his son.

Special Magistrate Durham asked Mr. Ahmed to look at the pictures to confirm they are the property in questions and can be added to the record.

Mr. Ahmed stated he had no objection to the pictures being added to the record.

Special Magistrate Durham asked if Mr. Ahmed recognized a letter for a pre-application conference, signed by himself, to be added to the record.

Mr. Ahmed stated he had no objection.

Special Magistrate Durham stated the letter and the pictures were now part of the record as evidence.

Mr. Ahmed stated he would accept any ruling against him.

Special Magistrate Durham asked if Mr. Ahmed had the receipt from the tree company.

Mr. Ahmed handed the receipt to Special Magistrate Durham.

Deputy City Clerk LeAnne Williams made copies for Special Magistrate Durham, Code Enforcement Office Stewart, and for the record.

Special Magistrate Durham noted the receipt stated, "will remove all the trees and roots, will bring in fill, and will make the ground level".

Mr. Ahmed claimed to be naïve in the matter and made a mistake.

Code Enforcement Office Stewart stated she was unaware that fill had been brought in, and staff might want to respond to this.

Principal Planner Justin Tabor stated fill would be considered in the site plan approval, which has not taken place.

Special Magistrate Durham asked Principal Planner Tabor if, by the photographs, he could identify more than one canopy tree.

Principal Planner Tabor stated without stumps, there is limited evidence to evaluate. He stated there were trees on the nuisance list, which are not regulated regardless of size, and this makes it difficult to determine what trees in the photos are regulated and which ones are not.

Special Magistrate Durham stated, based on the evidence, there is at least one.

Principal Planner Tabor stated yes.

Special Magistrate Durham asked if Mr. Ahmed would be working with his department in the future to obtain the site plan.

Principal Planner Tabor stated yes.

Special Magistrate Durham asked Code Enforcement Officer Stewart if she had any questions.

Code Enforcement Officer Stewart stated no.

Special Magistrate Durham made a finding of violation of the City Code 9.3.2(G) failure to obtain a permit resulting in a \$250 fine. The After-the Fact permits must be obtained. As to 9.3.2(H) removal and irreparable harm of a tree, a \$5000 fine. This fine shall be paid by Monday, December 6, 2021, 12:00 p.m. A site plan must be in place before any other land disturbing activities may commence.

- E. Case # 21-0193- Huntley Jiffy Liquidation Trust, Parcel # 03346-000-000, Violation of two sections of the Code

Item removed from the agenda, as the owner has brought the property into full compliance.

- F. Case # 21-0197- Granite Hill Holdings LLC, Parcel # 03427-000-000, Violation of three sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

She stated significant effort to come into compliance has been made.

Special Magistrate Durham asked what remained in violation.

Code Enforcement Officer Stewart stated mowing and the debris on the premises.

Special Magistrate Durham asked for the respondent to come forward.

Mr. Serene Syer came forward and stated the main issue is time, as he works with his tenants to bring the property into compliance. He stated he is working with a landscaper to mow the property as the debris is removed.

Special Magistrate Durham asked what remains in violation.

Mr. Syer shared photos from his cell phone.

Special Magistrate Durham stated chairs, coolers, and other debris needs to be removed.

Code Enforcement Officer Stewart stated the yard had been raked, but the debris needed to be removed.

Special Magistrate Durham asked how much time Mr. Syer needed.

Mr. Syer stated a few weeks.

Special Magistrate Durham made a finding of violation of 302.1, 302.4, and 302.8 of the City of Alachua Code. The property is to be in full compliance by January 19, 2022, 12:00 p.m. Should the property be found in non-compliance, a fine of \$100.00 per day may be assessed against the property.

- G. Case # 21-0191- Leland Andrew Hill, Parcel # 03980-010-036, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham called forward Leland Hill.

Mr. Hill came forward.

Special Magistrate Durham asked when Mr. Hill received the notice.

Code Enforcement Officer Stewart stated November 4, 2021.

Special Magistrate Durham asked Mr. Hill if he had a statement.

Mr. Hill stated there was a tenant in the house until October, at which time he received the notice. He stated there was a fallen tree next to the tree in the picture, and he understood the notice to refer to the fallen tree, which he then had removed, as there were no pictures of the correct tree with the violation notice. He stated he has contacted a tree company, and they can remove the tree in four weeks.

Special Magistrate Durham asked if he had seen the photographs in the packet and if he had an objection to entering them into the record.

Mr. Hill stated he had no objections.

Special Magistrate Durham asked Code Enforcement Officer if the City could remove the tree any sooner than 30 days.

Code Enforcement Officer Stewart stated it was unlikely.


Special Magistrate Durham made a finding of violation of 6.2.1(E) of the City of Alachua Code. The tree shall be removed by December 23, 2012, 12:00 p.m. Should the property be found in non-compliance, a fine of \$200.00 per day may be assessed against the property, and the City shall be authorized to remove the tree at the owners expense.

ADJOURN

ATTEST:

SPECIAL MAGISTRATE HEARING OF THE
CITY OF ALACHUA, FLORIDA



Special Magistrate

Code Enforcement Officer