

# City of ALACHUA

THE GOOD LIFE COMMUNITY

## Special Magistrate Hearing Minutes October 29, 2020

Special Magistrate Michael Durham, Esq.

City Manager Adam Boukari

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

**Meeting Date:** October 29, 2020

**Meeting Location:** James A. Lewis Commission, City Hall

**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**

Special Magistrate Durham asked for changes to the agenda.

Code Enforcement Officer Linelle Stewart requested the following changes:

1. Removal of Item C, Case # 20-0043- Ronnie Floyd, Parcel # 03195-005-016, Affidavit of Compliance – Property is now compliant

2. Removal of Item D, Case # 19-0408- Henrietta Walker Heirs, Parcel # 03234-005-001, Case status review – Continued until further notice by the City of Alachua
3. Removal of Item F, Case # 20-0054- Green & Lipford Heirs, Parcel # 03565-000-000, Violation of one section of the Code – Property is now compliant
4. Removal of Item H, Case # 20-0071- Melanie Porter, Parcel # 03316-013-000, Violation of one section of the Code – Property is now compliant

Special Magistrate Durham asked if there were any objections to the changes to the agenda.

There were no objections.

Special Magistrate Durham stated the agenda was adopted as amended.

## **APPROVAL OF MINUTES**

- A. Approve minutes from Special Magistrate hearing 8/27/2020

## **I. OLD BUSINESS**

- B. Case # 20-0040, Eric Burger, Parcel # 03387-000-000, Affidavit of non-compliance  
Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Having been sworn in, Eric Burger discussed his personal situation and the condition of his property.

Special Magistrate Durham asked if he understood what violations he needed to correct.

Mr. Burger stated he did not.

Code Enforcement Officer Stewart stated the violations.

Special Magistrate Durham asked Code Enforcement Officer Stewart for the City's findings.

Code Enforcement Officer Stewart quoted the order.

Special Magistrate Durham found the affidavit sufficient and ordered a \$25.00 per day fine to begin September 4, 2020, and to accrue daily until the property is found compliant.

- C. Case # 20-0043- Ronnie Floyd, Parcel # 03195-005-016, Affidavit of Compliance
- D. Case # 19-0408- Henrietta Walker Heirs, Parcel # 03234-005-001, Case status review

## **II. NEW BUSINESS**

- E. Case # 20-0055- David SESCO, Parcel # 03548-000-000, Violation of three sections of the Code  
Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Having been sworn in, David SESCO confirmed the condition of his property. He stated the property in question is his rental property, and he was unaware of the condition. He said he is in the process of evicting the renters and cannot go on the property per the Alachua County

Court until the eviction process is complete.

Special Magistrate Durham asked if tenants would allow him to come in to clean up.

Mr. Sesco stated he did not believe so, as they had been unreasonable to this point.

Mr. Sesco presented the court order to Special Magistrate Durham.

Special Magistrate Durham entered the Alachua County Court, 8<sup>th</sup> Judicial Circuit Order naming Eviction Erica Preston and Keith Stewart into the record.

Special Magistrate Durham asked Code Enforcement Officer Stewart if she had a response.

Code Enforcement Officer Stewart stated, given the circumstances, the City would be willing to work with Mr. Sesco.

Special Magistrate Durham stated if the Court gave Mr. Sesco possession by November 4, 2020, how long would he need to comply with the City Code.

Mr. Sesco responded November 16, 2020.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted and the defendant's admission. He advised Mr. Sesco to contact the City immediately should the Court not meet the November 4, 2020 date. He stated should the property not be brought into compliance, a fine may be imposed.

Special Magistrate Durham asked if this was acceptable to the City.

Code Enforcement Officer Stewart agreed to the terms.

- F. Case # 20-0054- Green & Lipford Heirs, Parcel # 03565-000-000, Violation of one section of the Code
- G. Case # 20-0061- Cecil Scott Jackson, Parcel # 03316-007-000, Violation of three sections of the Code

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

Having been sworn in, Cecil Scott Jackson confirmed the condition of his property.

Special Magistrate Durham asked if he understood what to do to bring his property into compliance.

Mr. Jackson stated he did not.

Code Enforcement Officer Stewart stated the violations.

Mr. Jackson shared pictures with Special Magistrate Durham.

Special Magistrate Durham shared information with Mr. Jackson.

Special Magistrate Durham asked Code Enforcement Officer Stewart for recommendations.

Code Enforcement Officer Stewart stated Mr. Jackson could meet someone in the Planning Department regarding the what could be built on the property.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted and the defendant's admission, giving Mr. Jackson 15 days to get the vehicle registered or removed, and 15 days to meet with the Planning Department to make a determination as to whether or not the lot is buildable, and could be brought into compliance with the shed and a permit must be issued for the shed. He stated should Mr. Jackson not come into compliance with the Code, a \$100.00 per day fine may be assessed against the property, and notice would be provided.

Mr. Jackson stated he was denied a permit in the past.

Special Magistrate Durham stated he needed to contact the Planning Department to determine how to bring the property into compliance.

- H. Case # 20-0071- Melanie Porter, Parcel # 03316-013-000, Violation of one section of the Code
- I. Case # 20-0065- Dorothy Miller Life Estate, Parcel # 03316-003-000, Violation of three sections of the Code

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

Having been sworn in, Paris Reed confirmed her relationship to the property.

Special Magistrate Durham asked if she was receiving the notices for the property.

Ms. Reed stated she was.

Special Magistrate Durham asked Ms. Reed if she had anything to say.

Ms. Reed spoke about the caretaker of the property.

Special Magistrate Durham asked if she had a timeline for the completion of the cleanup.

Ms. Reed asked for guidance from Code Enforcement Officer Stewart.

Code Enforcement Officer Stewart provided a portion of the Code and clarification of the violations

Special Magistrate Durham asked what needed to be completed.

Code Enforcement Officer Stewart stated it had significantly improved, but there was some trash in the yard that needed to be picked up at this point.

Special Magistrate Durham asked should a 30 day continuance be recommended?

Code Enforcement Officer Stewart stated for Section 302.1, 10 days to show good improvement, and 30 days to be fully compliant.

Special Magistrate Durham stated the building falls under nuisance and Ms. Reed would be working with the City, using a section of the Code that gives her up to a year to board up the

structure and then come into compliance. He suggested she begin work in 60 days.

Code Enforcement Officer Stewart stated that Ms. Reed was coming into town November 4, 2020, and she would then have a better understanding of what she needed to do to bring it into compliance.

Special Magistrate Durham stated the dwelling was to be in compliance in 30 days, unless the City moves forward with an extension or Ms. Reed contacts the City for another hearing for another extension. He stated that it was his hope that Ms. Reed would be able to make more definite plans at her November 4, 2020, visit, and she would be able to begin the permitting process, and the City would monitor the case.

Special Magistrate Durham asked Ms. Reed if this was reasonable to her.

Ms. Reed stated it was.

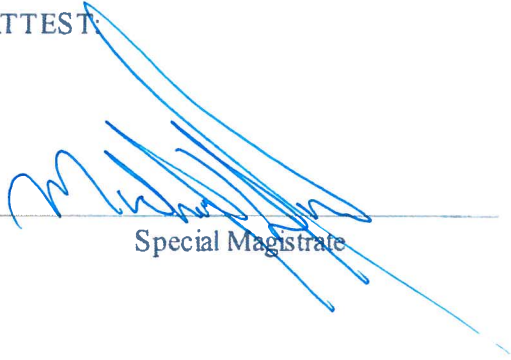
Ms. Reed asked for clarification.

Special Magistrate Durham stated the property would be brought into full compliance unless extensions were granted for cause shown. He stated extensions would be granted unless Ms. Reed did not follow through with the City.

**ADJOURN**

Special Magistrate Durham adjourned the meeting.

ATTEST



Special Magistrate

SPECIAL MAGISTRATE HEARING OF THE  
CITY OF ALACHUA, FLORIDA



Code Enforcement Officer

