



# A City of ALACHUA

**THE GOOD LIFE COMMUNITY**

## **Special Magistrate Hearing Minutes August 27, 2020**

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**Special Magistrate Michael Durham**

**City Manager Adam Boukari**

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

**Meeting Date:** August 27, 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 Code Enforcement Officer Linnelle Stewart.

#### **APPROVAL OF THE AGENDA**

Led by Special Magistrate Durham.

Special Magistrate Durham sworn in all who wished to speak during the hearing.

#### **APPROVAL OF MINUTES**

## I. OLD BUSINESS

- A. Case # 20-0005, Troy Lee & Michelle Lynn Jackson, Parcel #03986-004-044, Affidavit of non-compliance

Special Magistrate Durham asked if someone was there to represent the property.

Mr. Troy Jackson stood for the property.

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

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

Special Magistrate Durham asked, since the property was found in non-compliance as of May 4, 2020, what were the provision of enforcement.

Code Enforcement Officer Stewart stated the order allows for a fine of \$25 per day.

Special Magistrate Durham asked Mr. Jackson for any statements.

Mr. Jackson noted the items that were removed as per the order. He stated he has had trouble getting things done due to COVID-19 and health issues. He also stated he doesn't want to remove some items, as they have value.

Special Magistrate Durham informed Mr. Jackson he received the notice of the violation and the notice to be at this hearing. He made a finding that a fine of \$25 per day would be assessed beginning August 1, 2020, due to the COVID-19 circumstances moving forward. Mr. Jackson is to notify the City of Alachua once he is in compliance. At that time Code Enforcement Officer Stewart would conduct a reassessment of the property. Once the property is in compliance, Mr. Jackson is to make arrangement to pay for the fine.

- B. Case # 19-0408- Henrietta Walker Heirs, Parcel # 03234-005-001, Affidavit of non-compliance

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham. She stated the property was in non-compliance as of May 20, 2020.

Special Magistrate Durham asked if a fine was to accrue.

Code Enforcement Officer Stewart replied that the order stated, "if the respondents were not in compliance with the City Code of Ordinances by May 15, 2020, the City may seek fines, costs, and other actions which may be assessed against the property as provided by law at hearing before the Special Magistrate".

Special Magistrate Durham asked if someone was there to represent the property.

No one rose in response.

Special Magistrate Durham asked Code Enforcement Officer Stewart if the parties were given notice of the hearing.

Code Enforcement Officer Stewart stated they were informed.

Special Magistrate Durham asked how they were informed.

Code Enforcement Officer Stewart stated they were notified by certified mail with return receipt requested and also by regular mail.

Special Magistrate Durham asked if any of the mail was returned.

Code Enforcement Officer Stewart stated she has a signature from Andre Walker.

Special Magistrate Durham asked if Code Enforcement Officer Stewart had heard from anyone representing the Walker-Heirs.

Code Enforcement Officer Stewart stated she had not heard from anyone.

Special Magistrate Durham made a finding of non-compliance with a fine of \$100 per day to begin on August 27, 2020.

C. Case # 20-0003- Norman & Mary King, Parcel # 03986-004-022, Affidavit of Non-Compliance

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

Special Magistrate Durham asked if someone was there to represent the property.

No one rose in response.

Special Magistrate Durham asked if the order had a set amount.

Code Enforcement Officer Stewart stated if the property was found to be non-compliant with the City Code on April 6, 2020, a \$25.00 per day fine may be assessed against the property.

Special Magistrate Durham asked what Ms. King communicated on the phone.

Code Enforcement Officer Stewart stated she asked for more time since the collection facilities had been closed due to COVID-19.

Special Magistrate Durham made a finding of a violation of an affidavit of non-compliance and assessed a fine of \$25.00 per day prorated to August 1, 2020 and going forward.

D. Case # 19-0401- Bholia & Mohabir, Parcel # 03441-011-000, Affidavit of Non-Compliance

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

Special Magistrate Durham asked if someone was there to represent the property.

No one rose in response.

Special Magistrate Durham asked if Code Enforcement Officer Stewart was contacted.

Code Enforcement Officer Stewart stated she was contacted by the mother and son of the property.

Special Magistrate Durham asked if they had any special requests.

Code Enforcement Officer Stewart stated they did not.

Special Magistrate Durham made a finding of non-compliance on the date of June 8, 2020, through August 26, 2020 and assessed a fine of \$25.00 per day.

## II. NEW BUSINESS

E. Approve minutes from Special Magistrate meeting 3/3/2020

F. Case # 20-0034- Alachua Professional Plaza LLC, Parcel # 03869-012-000, Violation of one section of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham and stated the property is now in full compliance.

Special Magistrate Durham clarified the City is withdrawing the case and moving forward with the violation hearing.

Code Enforcement Officer Stewart stated that was correct. She stated she would prepare an affidavit of compliance and mail it to the respondent.

Special Magistrate Durham stated the matter was closed.

G. Case # 20-0043- Ronnie Floyd, Parcel # 03195-005-016, Violation of one section of the Code  
Special Magistrate Durham asked if someone was there to represent the property.

Mr. Ronnie Floyd stood for the property and stated he was the property owner.

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

Special Magistrate Durham asked for photographs.

Code Enforcement Officer Stewart provided the photographs.

Mr. Floyd was asked if this was an accurate depiction of his property.

He stated yes.

Code Enforcement Officer Stewart stated she tried calling Mr. Floyd, but was unable to make contact.

Code Enforcement Officer Stewart stated she contacted a towing company for Mr. Floyd.

Special Magistrate Durham asked what date Mr. Floyd was contacted for compliance.

Code Enforcement Officer Stewart stated August 11, 2020.

Special Magistrate Durham asked when the first notice of violation was given.

Code Enforcement Officer Stewart stated July 21, 2020, with a compliance deadline of August 4, 2020.

Code Enforcement Officer Stewart asked when Code Enforcement Officer Stewart was last at the property.

Code Enforcement Officer Stewart stated August 26, 2020, and the vehicle was still un-tagged.

Mr. Floyd stated the car is registered to his parents, who are both deceased. He stated he would like to get the number from Code Enforcement Officer Stewart of the tow company who will take the car and get a junk title for it.

Special Magistrate Durham asked Code Enforcement Officer Stewart for recommendations.

Code Enforcement Officer Stewart stated she had the information she could give Mr. Floyd.

Special Magistrate Durham asked if the City had a recommendation for a compliance date certain and a fine to assess should the property not be compliant at by that date.

Code Enforcement Officer Stewart recommended two weeks.

Special Magistrate Durham asked Mr. Floyd if this acceptable.

Mr. Floyd stated it was.

Special Magistrate Durham stated September 10, 2020, would be the compliance date, and if the property was not brought into compliance by that date, a \$100.00 fine would begin to accrue daily beginning September 11, 2020.

H. Case # 20-0040- Eric Burger, Parcel # 03387-000-000, Violation of five sections of the Code

Special Magistrate Durham asked if someone was there to represent the property.

Mr. Eric Burger stood for the property and stated he was the property owner.

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

Special Magistrate Durham asked for photographs.

Code Enforcement Officer Stewart provided the photographs.

Mr. Burger was asked if this was an accurate depiction of his property.

He stated yes.

Mr. Burger stated he has two jobs and does not have time to do the work. He stated those who live with him don't help him. He noted items he was able to get done and asked for more time.

Special Magistrate Durham asked Code Enforcement Officer Stewart if the property was in compliance with the code of ordinances.

Code Enforcement Officer Stewart stated as of August 26, 2020, it was not.

Special Magistrate Durham and Mr. Burger discussed the current violations on the property.

Code Enforcement Officer Stewart added she and Mr. Burger have discussed this same situation several times over the years, and it is a nuisance for his neighbors.

Special Magistrate Durham made a finding of violation of the City Code of Ordinances 302.1 and 302.4 as of July 31, 2020, at \$25.00 per day going forward per violation; and made a finding of violation of the City Code of Ordinances 302.8 to be in non-compliance by September 3, 2020, with a fine of \$100.00 per day beginning on September 4, 2020.

- I. Case # 20-0041- Scott & Scott Co-Trustees, Parcel # 03463-002-000, Violation of two sections of the Code

Special Magistrate Durham asked if someone was there to represent the property.

No one stood to represent the property.

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham and stated the property was brought into compliance as of August 26, 2020.

Special Magistrate Durham asked if the property was in compliance by the date specified in the notice of compliance.

Code Enforcement Officer Stewart it was not.

Special Magistrate Durham asked if the City wanted to move forward with the case.

Code Enforcement Officer Stewart recommended the case be closed, as they are in compliance.

## ADJOURN

Special Magistrate Durham adjourned the hearing.

ATTEST:

PLANNING AND ZONING BOARD OF THE  
CITY OF ALACHUA, FLORIDA

  
\_\_\_\_\_  
Presiding Officer

  
\_\_\_\_\_  
Staff Liaison