



A City of ALACHUA

THE GOOD LIFE COMMUNITY

Special Magistrate Hearing Minutes July 28, 2022

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: July 28, 2022

Meeting Location:

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

Deputy City Clerk LeAnne Williams swore in those who planned to speak during the meeting.

Special Magistrate Durham asked for changes to the agenda.

Code Enforcement Officer Linnelle Stewart stated there were no changes.

Special Magistrate Durham approved the agenda.

APPROVAL OF MINUTES

I. OLD BUSINESS

A. Case # 20-0004- Pauline Collins Heirs, Parcel #03235-001-000, Affidavit of Non-Compliance

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

Special Magistrate Durham asked if there was an agreement in place.

Code Enforcement Officer Stewart stated the order called for a fine of \$100.00 per day, if the property was found in non-compliance on March 24, 2022.

Special Magistrate Durham asked for a representative of the property to come forward.

No one came forward.

Special Magistrate Durham asked how the owner was notified.

Code Enforcement Officer Stewart stated by regular mail and by certified mail. She stated the certified mail came back to the City, not signed for, and the regular was returned.

Discussion ensued regarding why the City cannot contact the owners.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted. He stated a \$100.00 per day fine may be assessed against the property, and a lien on the property may be issued until the property is found compliant.

B. Case # 22-0011- Troy & Michelle Jackson, Parcel # 03986-004-044, Affidavit of Non-Compliance

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

Special Magistrate Durham asked what violations were on the property.

Code Enforcement Officer Stewart stated Section 302.1 and 302.8, which are repeat offences from February 24, 2022.

Special Magistrate Durham asked for a representative of the property to come forward.

No one came forward.

Special Magistrate Durham if Code Enforcement Officer Stewart would like to place the photos in evidence.

Code Enforcement Officer Stewart stated she would.

Special Magistrate Durham placed the photos in evidence.

Special Magistrate Durham asked how the owner was notified.

Code Enforcement Officer Stewart stated by regular mail and by certified mail.

Special Magistrate Durham found a violation of the Code remains, based upon the evidence submitted. He stated the fine would remain until the property was brought into compliance.

- C. Case # 20-0007- 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 for a representative of the property to come forward.

No one came forward.

Special Magistrate Durham asked if an order was in place.

Code Enforcement Officer Stewart stated the order called for a fine of \$50.00 per day, if the property was found in non-compliance on March 24, 2022.

Special Magistrate Durham asked how the owner was notified.

Code Enforcement Officer Stewart stated stated by regular mail and by certified mail.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted. He stated a \$50.00 per day fine may be assessed against the property, and a lien on the property may be issued until the property is found compliant.

II. NEW BUSINESS

- D. Approval of February 24, 2022, minutes

Minutes approved by consent.

- E. Case # 22-0084- Willie James Washington Heirs, Parcel # 03240-007-000, Violation of two sections of the Code

Code Enforcement Officer Stewart presented the case to Special Magistrate Durham. She stated she received an email from Octavia Washington, who will soon take ownership of the property once it is out of probate. She read the email into the record and placed it as evidence.

Special Magistrate Durham asked for a representative of the property to come forward.

No one came forward.

Special Magistrate Durham asked if tall grass and weeds and unsecure location was the

compliant.

Code Enforcement Officer Stewart stated partially, as Ms. Washington has secured the structure now, and has stated that once probate is finished, she wants to demolish the structure.

Special Magistrate Durham stated he would not recommend the City take action at this time as probate can take time to work through. He recommended that this case be placed on an agenda in 180 days. This would give Ms. Washington time for probate, but not letting this situation slip through the cracks. He requested Code Enforcement Officer Stewart contact Ms. Washington to let her know of this decision.

- F. Case # 22-0083- Eric Burger, Parcel # 03387-000-000, Violation of four sections of the Code
Code Enforcement Officer Stewart presented the case to Special Magistrate Durham.

Special Magistrate Durham asked for a representative of the property to come forward.

Eric and Caroline Burger came forward. Caroline Burger was sworn in.

Special Magistrate Durham asked if they had any further information to present.

Eric Burger stated the yard was mowed, and the car had a tag on it before the picture was taken. He stated the car belonged to his son, who turned the tag in to DMV. He stated he has not been done automotive repairs for the last three months.

Special Magistrate Durham asked if the vehicle was currently registered.

Mr. Burger stated it was not, but it did not belong to him.

Special Magistrate Durham stated that the vehicle was on his property, and therefore needed to be registered, regardless to whom it belonged.

Code Enforcement Officer Stewart stated the vehicle also had a smashed windshield, making it inoperable.

Special Magistrate Durham asked how long it would take to get the car operable.

Caroline Burger stated one month.

Special Magistrate Durham asked about the items along the fence line.

Discussion ensued regarding the yard debris.

Special Magistrate Durham stated the metal on the ground by the boat, the metal shelving, the items on the canoe, and other miscellaneous items which were identified as useful needed to be removed.

Special Magistrate Durham asked Code Enforcement Officer Stewart when she last inspected.

Code Enforcement Officer Stewart stated May 20, 2022, and July 27, 2022.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted regarding the car. He stated the car must come into compliance in 30 days, August 27, 2022. He stated should the property not come into compliance with the Code, a \$100.00 per day fine may be assessed against the property.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted regarding the debris in the yard. He stated the debris in the yard must come into compliance in 30 days, August 27, 2022. He stated should the property not come into compliance with the Code, a \$100.00 per day fine may be assessed against the property.

Special Magistrate Durham found no violation of the Code based upon the evidence submitted on the automotive repair in the yard.

Special Magistrate Durham found a violation of the Code based upon the evidence submitted on the tall grass and weeds in the yard.

At this time, Special Magistrate Durham reminded Mr. and Mrs. Burger of the lien they have on their home because of a violation from 2022. Mr. and Mrs. Burger insisted they brought their home into compliance and that Code Enforcement Officer Stewart inspected their home at that time. They stated they had received no letter from the City noticing them of a lien. They stated they first learned of a lien from their realtor.

Special Magistrate Durham stated this was a matter that needed to be discussed with City Staff.

ADJOURN

Special Magistrate Durham opened the floor for comments.

Tony Love asked if there was a mechanism that makes people comply with the Code, when they seemingly don't pay the fines.

Special Magistrate Durham stated the case could be take before the Commission for special action.

Special Magistrate Durham adjourned the meeting.

ATTEST:

SPECIAL MAGISTRATE HEARING OF THE
CITY OF ALACHUA, FLORIDA


Special Magistrate


Code Enforcement Officer

Re: Parcel #03240-007-000 Address 13502 NW 155th PI

From : Octavia Washington <octaviawas@gmail.com> Wed, Jul 27, 2022 11:00 AM
Subject : Re: Parcel #03240-007-000 Address 13502 NW 155th PI
To : Linnelle Stewart <lstewart@cityofalachua.org>

I'm not sure if I will be in attendance, thank you in advance for relaying the information on my behalf.

On Wed, Jul 27, 2022 at 8:03 AM Linnelle Stewart <lstewart@cityofalachua.org> wrote:
Ms. Washington,

Thank you so much for the update. I will provide that information to the Magistrate if you are unable to attend.

Linnelle

From: "Octavia Washington" <octaviawas@gmail.com>
To: "Linnelle Stewart" <lstewart@cityofalachua.org>
Sent: Tuesday, July 26, 2022 5:51:08 PM
Subject: Parcel #03240-007-000 Address 13502 NW 155th PI

Ms. Stewart,

My probate attorney Jose Mereno has given an estimated 120 days to complete the probate. Immediately thereafter I will take ownership of the property.. My plans are to demo the structure once ownership is established. Until then, The living heir to the property has designated me as legal representative of the property Parcel #03240-007-000 Address 13502 NW 155th PI.

Thank you,

Octavia Washington, Realtor®

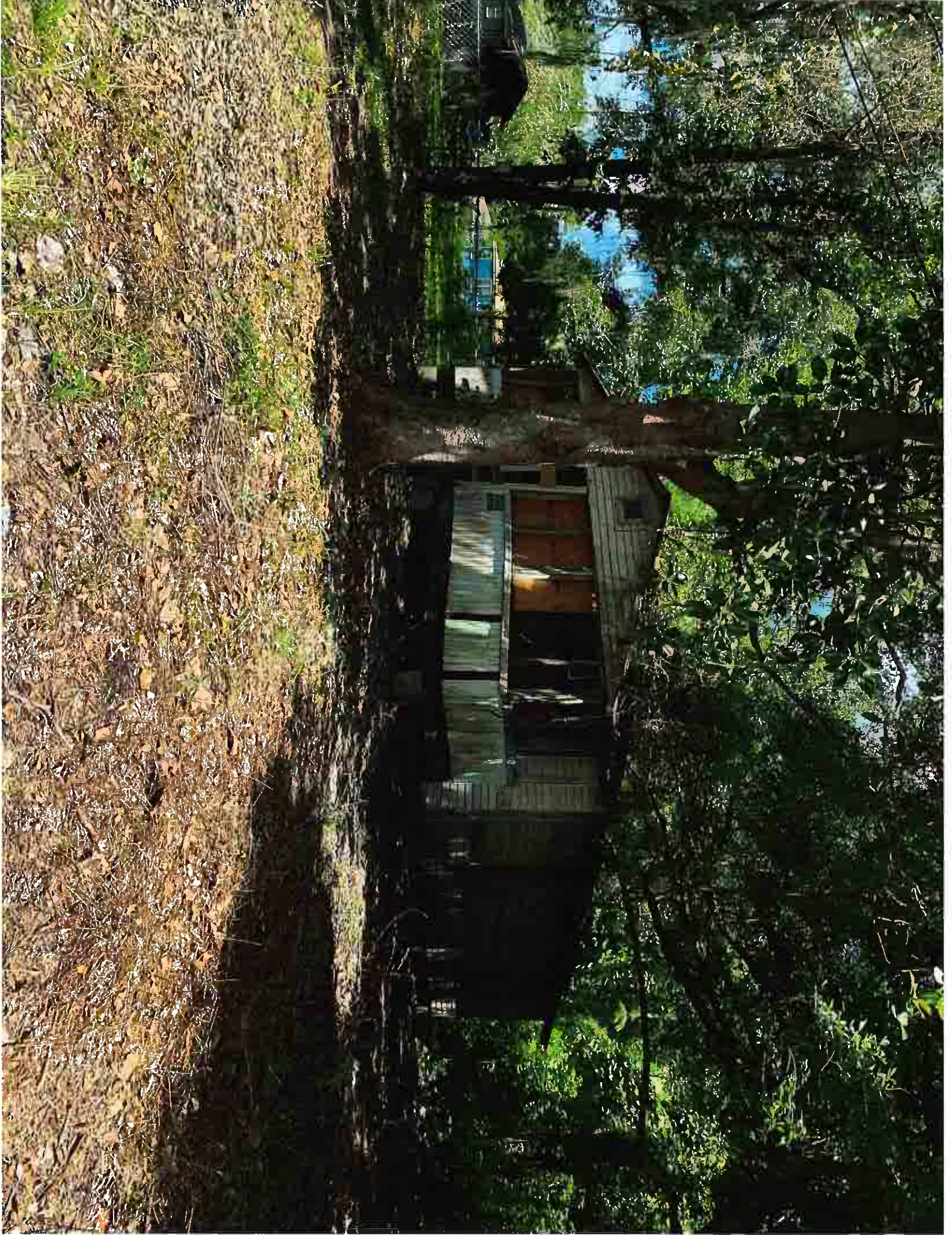
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PRIVATE
PROPERTY



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