

**City of DeFuniak Springs
Special Magistrate Hearing
Meeting Minutes
Thursday, February 18, 2021
2:00 p.m.
City Council Chambers**

A. CALL TO ORDER OF THE HEARING SESSION

Special Magistrate Recca Rene Youell called the Hearing to order at 2:00 p.m. and led the Court in the Pledge of Allegiance.

Staff present: Code Enforcement Officer Chris Strawn, Planner Kelly Schultz, and City Clerk Maryanne Schrader. Others present Steve Youell.

Special Magistrate R. Youell swore in those to speak on the cases.

B. STATEMENT ADDRESSED TO RESPONDENTS AND WITNESSES OF PROCEDURES OF HEARINGS

Special Magistrate R. Youell briefly presented the rules of the Court, as no one was present except for staff in the Chambers.

**C. DOCKET:
Non-Compliance**

1. Case: 2016-0000007

Physical Address of Parcel: 59 Cook Avenue, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-6237

Property Owner: 2019 Castle LLC

Mailing Address: 333 Westchester Avenue, West Building Suite W2100, White Plains, NY 10604

Violations: Chapter 14, Section 14-2. - General Requirements, Chapter 14, Section 14-3 (e). - Violations Enumerated, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, 2019 Castle LLC, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2016-0000007 for non-compliance with an Order of November 19, 2021 to impose fines, if corrective action was not taken by December 4, 2020. He provided visual presentation depicting the violations. He went over the proper notices duly given and stated a notice was hand-delivered, mail certified was sent and the City Clerk posted the notices at City Hall.

Special Magistrate R. Youell accepted the presentation for the record and asked if anyone was present to speak on the case.

Robert Miller of 203 North Third Street came forward. He is a neighbor and said the property is a nuisance and has caused health problems. He believes two deaths are related to the property. There are rodents present. He replied that a fire has occurred on the property.

Special Magistrate R. Youell explained this Hearing is for non-compliance. She acknowledged Mr. Miller's support of the officer's evidence. Mr. Miller voiced concern that the fine was too low. Special Magistrate R. Youell said we are limited by Florida statute.

James Johnson of 59 Cook Avenue lives at the property and is a tenant. He stated the Red Ford Ranger that was in the pictures shown has been repaired. He asked for time to get the property cleaned up.

Special Magistrate R. Youell said the fines are on the homeowner not on the tenant. Apparently, we have not had good communications with the owner. She encouraged him to locate another place to live and assist in cleaning up the property.

Mr. Johnson said his nephew had lived in the home but has passed away. He has not heard from the owner to be able to buy the property back.

Special Magistrate R. Youell closed the case and announced the Findings of Fact, Conclusions of Law and Order and to be made part of the record and recommended a fine of \$7600 with a continued fine of \$100 and a lien applied to the property.

2. Case 2016-0000029

Physical Address of Parcel: 342 South 23rd Street, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19070-001-9060

Property Owner: David Gene Lewis

Mailing Address: 336 23rd St S, DeFuniak Springs, FL 32435

Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, David Gene Lewis. David Lewis Jr. of 336 South 23rd Street stated he was present to speak on behalf of his father.

Code Enforcement Officer Chris Strawn presented testimony on Case 2016-0000029.

Code Enforcement Officer Chris Strawn provided visuals of the property. He stated inspections have been made on the property. At the October 29, 2020 hearing, property was found to not be in compliance and an order was given to take corrective action by December 30, 2020. As of today's date the property has not been brought up to compliance. He went over the proper

notices duly given stating he certified mail was delivered, and the City Clerk posted the notices at City Hall. He added notices were removed from the property several times after being posted. An Affidavit of noncompliance was given. Fines have amounted to \$10,250 and continue to access at \$25 a day.

Special Magistrate R. Youell swore in the respondent, David Lewis Jr. of 336 South 23rd Street. He stated he has been dealing with the situation, dealing with theft and has been in and out of prison. He does not have any help.

Special Magistrate R. Youell asked who took the notices down, and he replied he took the notices down.

Special Magistrate R. Youell asked how he planned to correct the problem, and D. Lewis replied he does not receive any help and asked for mercy. He added he is trying to work on the foundation, and the property has been in his family since the 1940's.

Special Magistrate R. Youell accepted the presentation for the record.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order and made part of the record and ordered a fine of \$1,250, \$200 in Court costs, a continued fine of \$25.00 per day and asked Mr. Lewis to work with the Code Enforcement Officer to clean up the property.

Planner K. Schultz offered assistance options, stating the college has a construction program and is willing to assist, the Matrix and other associations are willing to partner and help him.

3. Case: 2018-0000131

Physical Address of Parcel: 142 Rose Circle, DeFuniak Springs, FL 32433

Parcel: 27-3N-19-19420-000-0540

Property Owner: Elijah Earl Spencer & Jacob Elliott Spencer

Mailing Address: 142 Rose Circle, DeFuniak Springs, FL 32433

Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Elijah Earl Spencer & Jacob Elliott Spencer, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2018-0000131. He stated the Hearing was held on November 19, 2020 with corrective action to be taken by December 21, 2020. He went over the visual presentation of the property. He went over the inspection on the property and showed the property looks worse than the other inspections. He went over the notices that were given, such as a hand delivered notice, certified mail, and postings by the City Clerk. He

added the property to this date is still in violation. Fines of \$5,900 have incurred and the continued fine of \$100 a day.

Special Magistrate R. Youell noted no one was present to represent the respondent.

Special Magistrate R. Youell accepted the presentation for the record.


Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record ruling that a fine of \$5,900 to date and continued a fine of \$100 a day. She added the homeowners should notify the Code Enforcement Officer when the property is brought into compliance.

D. ADJOURN

Special Magistrate R. Youell adjourned the Hearing at 2:29 p.m.


The Honorable Magistrate Reca Rene Youell




Maryanne Schrader, City Clerk
Proper Notice having been duly given