

**Special Magistrate Hearing
Meeting Minutes
Thursday, June 17, 2021
2:00 p.m.
City Council Chambers**

A. CALL TO ORDER OF THE HEARING SESSION

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

Staff present: Code Enforcement Officer Chris Strawn and City Clerk Maryanne Schrader.

Councilmember R. McKnight was also in attendance. Steve Youell was present briefly.

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

Special Magistrate R. Youell briefly presented the rules of the Court stating the Hearing is for code enforcement violations.

C. DOCKET:

FINDINGS OF FACT CASES

1. Case 2016-0000036
Physical Address of Parcel: 591 East Sloss Avenue, DeFuniak Springs, FL 32435
Parcel: 25-3N-19-19040-005-1270
Property Owner: Charles and Geneva Lee
Mailing Address: 807 U.S. Highway 331 North, DeFuniak Springs, FL 32433
Violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements

Code Enforcement Officer Chris Strawn presented Case 2016-0000036 for the following violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements. He stated Ms. Lee was present.

Code Enforcement Officer Chris Strawn stated the property located at 591 East Sloss Avenue is in the city limits. He went over the visual of the violations, provided dates and noted the dates of the inspections for the property. He stated he sent several notices of violations to the homeowner and reopened the case but was not able to locate the original case file. He found the property to be unsafe during the inspections. On September 22, 2020, he discovered the property had been sold to the current homeowners. He has noted some improvements have been made. He sent notices via certified mail. The new homeowner asked for a 30-day extension to continue

improvements. He also noted the City Clerk posted the Hearing on City Hall front door and delivered proper notice.

Code Enforcement Officer Chris Strawn asked that the homeowner bring the property into compliance within 30 days and requested a \$50 a day fine until the property is brought into compliance.

Special Magistrate R. Youell swore in Code Enforcement Officer Chris Strawn and Geneva Lee for testimony regarding the property located at 870 US 331 North.

Geneva Lee stated she has made improvements but has decided to demolish the building. She stated she purchased the property to assist the former homeowner. The former homeowner was concerned that he was going to lose his grandparents' home. Ms. Lee stated she will demolish the building and clean up the yard to get it into compliance.

Special Magistrate R. Youell stated the case has been going on since 2010. She added that there was a Public Records request for violations on the property. She asked if the 30-day time frame to correct the problem was sufficient, and Ms. Lee responded that she will be able to correct the violation in that time frame.

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.

Special Magistrate R. Youell rendered her decision on the case. She found the property is not in compliance and the respondent has 30 days from today to bring the property into compliance, proper notice was given, and the owner must contact Mr. Strawn to arrange an inspection and issue a letter of compliance. If owner fails to comply, the Order assesses a fine of \$50 a day until the property is brought into compliance.

City Manager Robert Thompson arrived.

2. Case 2020-0000120

Physical Address of Parcel: 83 West Live Oak Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19070-001-8720

Property Owner: Estate of Charles Redden

Mailing Address: 83 West Live Oak Avenue, DeFuniak Springs, FL 32435

Violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements and Chapter 14, Section 14-3 - Violations enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Estate of Charles Redden, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2020-0000120 for the following violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements and Chapter 14, Section 14-3 - Violations enumerated.

Code Enforcement Officer Chris Strawn provided a visual presentation depicting the violations. He stated the property located at 83 West Live Oak Avenue is within the city limits. He presented the dates of the inspections and noted the violations.

Code Enforcement Officer Chris Strawn stated he had physically observed the property and also informed the Court that there was not a current case on the property. He went over the dates of the violation notices that were sent to the homeowner and noted the Public Hearing notice that was sent by certified mail. The Hearing Notice was posted on the property and the City Clerk also posted the Hearing Notice on the front door at City Hall. There are no changes in the condition of the property. The certified mailings were sent back. He also checked County records to locate any living relatives of the property without success. He requested that the violations be corrected within fifteen days, a reinspection should be requested, and a fine of \$100 a day until the property is brought into compliance. He added a squatter may be on the property.

Special Magistrate R. Youell asked if the property is secure, and C. Strawn replied the property is not adding that law enforcement believes someone is going in the back door. There are no utilities.

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.

Special Magistrate R. Youell rendered her decision on the case. An Order was issued that the violations are present, proper notice was given, there was a ten-day posting on the property and at City Hall. The respondent must correct the violation within 15 days from today, a re-inspection must be arranged, and a fine of \$100 a day is imposed until the property is brought into compliance.

3. Case 2021-0000009
Physical Address of Parcel: 655 South 2nd Street, DeFuniak Springs, FL 32435
Parcel: 25-3N-19-19070-001-8720
Property Owner: Rosetta R. Hall Blunt
Mailing Address: 655 South 2nd Street, DeFuniak Springs, FL 32435
Violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements and Chapter 14, Section 14-3 - Violations enumerated

Code Enforcement Officer Chris Strawn called the halls for respondent, Rosetta Blunt. There was no response.

Code Enforcement Officer Chris Strawn presented Case 2021-0000009 for the following violations: Chapter 14, Section 14-2. -Nuisances and Hazardous or Insanitary Conditions General Requirements and Chapter 14, Section 14-3 - Violations enumerated.

Code Enforcement Officer Chris Strawn went over the visual description of the violations noting the property located at 655 South 2nd Street is within the city limits. He went over the dates of the inspections of the violations. He reviewed the case file and discovered there was not a current case of a violation and checked the Walton County records, as well. He discovered a dilapidated structure on the property and overgrown weeds. The property around the house on the property is well-maintained. He noted the dates of notices of violations to the homeowner, the Public Hearing Notice was sent via certified mail and posted by the City Clerk on the front of City Hall, and the notice was posted on the property for ten consecutive days. The mailings were returned back to City Hall as unsigned. He asked that the order on the property to be brought into compliance within fifteen days, and a fine of \$500 per day until the property is brought into compliance. He added the pole barn is visible from the street. He attempted to make physical contact with the homeowner with no success.

Special Magistrate R. Youell asked if anyone was present and hearing no answer 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.

Special Magistrate R. Youell rendered her decision on the case. The Order rendered stated the property is in violation, proper notice was given, the respondent must correct within 15 days, contact office to arrange for an inspection, and if not brought into compliance, a fine of \$100 a day until the property is brought into compliance.

NON-COMPLIANCE CASES

1. Case: 2018-0000128
Physical Address of Parcel: 118 East Toledo Avenue, DeFuniak Springs, FL 32433
Parcel: 25-3N-19-19070-001-7390
Property Owner: Samuel M. Simmons III
Mailing Address: 83 Bourbon Street, Freeport, FL 32439
Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2018-0000128 for the following violations: Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated.

Special Magistrate R. Youell noted she has spoken to Ms. Simmons recently at public outings, such as a yard sale.

Code Enforcement Officer Chris Strawn noted the respondent is present and went over the visual description of the violations at the property located at 118 East Toledo Avenue. He has made several inspections and noted the dates. On Dec. 17, 2020, the owner was ordered to bring the property into compliance. He went over the notices of violations posted on the property, certified mail that was sent, Notice of Hearing posted at City Hall, and a notice was hand-delivered to a female on the property. The case was issued a continuance for the Hearing on May 20, 2021. He noted some improvements have been made, but the property is still not in compliance. He noted proper notice was given. He noted fines of \$7,600 have accrued.

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

Special Magistrate R. Youell swore in Mr. Simmons. Samuel Simmons of 118 East Toledo Avenue stated the property is not in compliance on the outside, as he has been doing work on the inside.

Special Magistrate R. Youell said the goal was not to punish but to ensure the property is brought into compliance for the neighborhood and to maintain property values.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record ruling.

Special Magistrate R. Youell rendered her decision on the case. On December 17, 2020, an Order was issued and a fine of \$7,600 has accrued. A fine of \$100 a day from today is continued until the property is brought into compliance. The owner must contact Code Enforcement for re-inspection when the property is brought into compliance.

COMPLIANCE CASES WITH LIEN REDUCTION

1. Case: 2017-0000108 / 2020-00000019
Physical Address of Parcel: 276 Bruce Avenue, DeFuniak Springs, FL 32435
Parcel: 34-3N-19-19500-00B-0100
Property Owner: Daniel Scott Foreman & Teresa Lee Ford
Mailing Address: 52 Linwood Road Northwest, Fort Walton Beach, FL 32547-1617
Violations: Chapter 14, Section 14-2. - General Requirements Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn called in the Chambers for the Respondent, Mr. Foreman, new owner, and Teresa Ford, with no response.

Code Enforcement Officer Chris Strawn presented 2017-0000108 / 2020-00000019 for the following: Chapter 14, Section 14-2. - General Requirements Chapter 14, Section 14-3 (e). - Violations Enumerated.

Code Enforcement Officer Chris Strawn provided a visual presentation of the violations and noted the dates of the visual inspections for the property located at 276 Bruce Avenue. Daniel Scott Foreman is the new property owner, who purchased the property from Donald R. Cloer, Jr.

Code Enforcement Officer Chris Strawn noted Daniel Foreman and Teresa Ford are the new owners, and the property is now in compliance. On June 15th, he hand-delivered a notice of Hearing and fines of \$7,575 has accrued on the property. He noted the Notice of Compliance and Notice of Hearing was sent. He added the homeowner is trying to arrange to get the money to pay the fines.

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.

Special Magistrate R. Youell rendered her decision on the case. On November 19, 2020, an Order was rendered and upon inspection the property, April 1, 2021, the owner has been found to be in compliance. A fine of \$7,575 has accrued on the property and a lien has been placed against the property at this time.


Code Enforcement Officer C. Strawn announced that Case 2016-0000007 on the Docket will not be heard, as the owner, 2019 Castle LLC, is trying to come into compliance. The attorney is putting the paperwork together.

D. ADJOURN

Special Magistrate R. Youell adjourned the Hearing at 2:56 p.m.


The Honorable Magistrate Recca Rene Youell




Maryanne Schrader, City Clerk
Proper Notice having been duly given