

**Special Magistrate Hearing
Meeting Minutes
Thursday, August 19, 2021
2:00 p.m.
City Council Chambers**

A. CALL TO ORDER OF THE HEARING SESSION

Special Magistrate Reca Rene Youell called the Special Magistrate Hearing to order at 2:01 p.m. and led the Court in the Pledge of Allegiance.

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

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

Special Magistrate R. Youell requested Code Enforcement Officer Chris Strawn begin with Case 7, as a representative of the respondent was present.

**C. DOCKET:
FINDINGS OF FACT CASES**

7. Case 2021-0000048 - Physical Address of Parcel: 269 North 11th Street, DeFuniak Springs, Florida 32433

Parcel: 25-3N-19-19070-001-6970

Property Owner: Estate of Irene Goodson, C/O Norman Jean Hartfield

Mailing Address: 221 North 11th Street, DeFuniak Springs, Florida 32433

Violations: Chapter 14, Section 14-3. - Violations enumerated, Chapter 18, Section 18-53. - Travel trailers, mobile homes and manufactured homes, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property

Code Enforcement Officer Chris Strawn presented Case 2021-0000048 for the following violations: Chapter 14, Section 14-3. - Violations enumerated, Chapter 18, Section 18-53. - Travel trailers, mobile homes and manufactured homes, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property.

Code Enforcement Officer Chris Strawn stated the property located at 269 North 11th Street is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property. He mentioned that as of today the property has been cleared up considerably. He went over the inspections he made on the property and noted the untagged plates on the vehicles. He sent notices of violations to the homeowner and provided the dates. He went over the notices of violations sent, and the Notice for the Hearing sent by certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door stating he delivered proper notice.

Code Enforcement Officer Chris Strawn recommended that the homeowner bring the property into compliance within 30 days of today's order, arrange for a reinspection and requested a \$25 a day fine until the property is brought into compliance.

Kim Robinson came forward and was sworn in by Special Magistrate R. Youell. Ms. Robinson stated the property has been cleared and explained the delay in the cleanup was because she had problems with her brother, Booker T. Hartfield, who was running people away from the property.

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 had violations but as of today there has been significant compliance. She did not impose a fine on the owner, since the property was cleared up and ordered that Ms. Robinson initiate a final inspection.

1. Case 2016-0000021

Physical Address of Parcel: 41 North 8th Street, DeFuniak Springs, Florida 32433

Parcel: 25-3N-19-19070-000-8110

Property Owner: Susan K. Deitz

Mailing Address: 8166 Tippin Avenue, Pensacola, Florida 32514-4747

Violations: Chapter 5, Section 5-21. - Unsafe Structures

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Susan K. Deitz, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2016-0000021 for the following violations: Chapter 5, Section 5-21. - Unsafe Structures.

Code Enforcement Officer Chris Strawn stated the property located at 41 North 8th Street is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property. He sent notices of violations to the homeowner and provided the dates of the violations.

Special Magistrate R. Youell asked about the letter from Ms. Dietz and Code Enforcement Officer Chris Strawn provided her with the letter from the case file.

Code Enforcement Officer Chris Strawn noted the dates of the violation notices sent by former code enforcement officers and dates that the Hearing notice was sent via certified mail.

Special Magistrate R. Youell mentioned the structure has been in the depicted condition since the 1960's.

Code Enforcement Officer Chris Strawn noted his inspection dates and stated the structure is unoccupied. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and stated he delivered proper notice.

Code Enforcement Officer Chris Strawn noted several 30-day extensions to the homeowner because of COVID.

Code Enforcement Officer Chris Strawn stated he has received a letter yesterday from the homeowner. He said the property is not in compliance and recommended that the property be brought into compliance within 30 days, arrange for a reinspection and requested a \$75 a day fine be issued until the property is brought into compliance. He has been contacted by the owner next door stating tin has come off the building and damaged one of their vehicles.

Special Magistrate R. Youell said she has consulted with Ms. Dietz who asked her about ownership issues for the property, as there are issues with two other mothers who have children with the deceased.

Code Enforcement Officer Chris Strawn said the cure would be to demolish the building, in response to Special Magistrate R. Youell. He noted the pictures he has taken of the building.

Special Magistrate R. Youell read the letter from Ms. Dietz into the record and Code Enforcement Officer Chris Strawn said the respondent acknowledged that she is aware the property has caused damage to neighboring property. Code Enforcement Officer Chris Strawn recommended a 90-day extension to bring it into compliance.

Special Magistrate R. Youell said the estate of the brother will need to be probated before the property may be sold.

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. Respondent must correct within 90 days of the date of the Order, contact Code Enforcement for reinspection, and if respondent does not come into compliance, a fine of \$75 a day is imposed.

City Manager Robert Thompson entered the Chambers at 2:33 p.m.

2. Case 2021-0000021

Physical Address of Parcel: 512 Lincoln Avenue, DeFuniak Springs, Florida 32435

Parcel: 25-3N-19-19160-005-0080

Property Owner: Lincoln Holdings

Mailing Address: 370 U.S. Highway 90 East, DeFuniak Springs, Florida 32435

Violations: Chapter 14, Section 14-3. - Violations enumerated

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

Code Enforcement Officer Chris Strawn presented Case 2021-0000021 for the following violations: Chapter 14, Section 14-3. - Violations enumerated.

Code Enforcement Officer Chris Strawn stated the property located at 512 Lincoln Avenue is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property. He confirmed the dates of visual inspections of violations on the property. He noted the abandoned refrigerator on the property. He sent notices of violations to the homeowner and provided the dates of the observed violations. He noted the notice for the Hearing sent via certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and he delivered proper notice. He also hand-delivered a notice to a female that was present on the property and that the earlier posted notice had been removed. He added that the property had been cleared as of today. He noted that the refrigerator was used as a dog kennel and had the door attached.

Special Magistrate R. Youell said she would suggest that an abandoned appliance such as a refrigerator be inspected by the Fire Chief because it poses an attractive nuisance to a child.

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 has been brought into compliance. No fine will be implemented at this time.

3. Case 2021-0000027

Physical Address of Parcel: 431 West Orange Avenue, DeFuniak Springs, Florida 32435

Parcel: 25-3N-19-19070-001-8601

Property Owner: Infinger Holdings

Mailing Address: 370 U.S. Highway 90 East, DeFuniak Springs, Florida 32435

Violations: Chapter 14, Section 14-3. - Violations enumerated

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

Code Enforcement Officer Chris Strawn presented Case 2021-0000027 for the following violations: Chapter 14, Section 14-3. - Violations enumerated.

Code Enforcement Officer Chris Strawn stated the property located at 431 West Orange Avenue is in the city limits. He noted that the name was not included in Sun Biz.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property noting the debris stacked on the porch.

Code Enforcement Officer Chris Strawn sent notices of violations to the homeowner and provided the dates of his inspections and noted the violations observed. He noted the notices of violations and the Notice of Hearing sent via certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and he delivered proper notice. He noted that as of today, there has been no sign of improvement. He is unsure if someone lives on the property, but someone is mowing the grass.

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

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.

Steve Youell entered the Chambers.

Special Magistrate R. Youell rendered her decision on the case. She found the property is not in compliance. If respondent fails to comply within thirty days of today, a fine of \$50 a day shall be ordered until the property is brought into compliance.

4. Case 2021-0000033

Physical Address of Parcel: 648 Van Buren Avenue, DeFuniak Springs, Florida 32435

Parcel: 25-3N-19-19160-003-0150

Property Owner: Francisco Javier Paredes

Mailing Address: 648 Van Buren Avenue, DeFuniak Springs, Florida 32435

Violations: Chapter 14, Section 14-3. - 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, Francisco Javier Paredes, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2021-0000033 for the following violations: Chapter 14, Section 14-3. - Violations enumerated and Chapter 18, Section 18-58.1 - Wrecked, junked, abandoned vehicles and other property.

Code Enforcement Officer Chris Strawn stated the property located at 648 Van Buren Avenue is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property.

Special Magistrate R. Youell noted the flat tire on the front of the U-Haul vehicle depicted in one of the pictures.

Code Enforcement Officer Chris Strawn said he sent notices of violations to the homeowner and provided the dates of inspections. He noted the notices of violations and for the Notice of Hearing sent via certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and he delivered proper notice. He said an adult female was also hand-delivered a notice. As of today, the property shows no sign of compliance.

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

Code Enforcement Officer Chris Strawn said the truck on the property appears to be inoperable in response to Special Magistrate R. Youell. He added he could not see if the vehicles were properly tagged.

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 proper notice was provided. The homeowner needs to correct the violations within 30 days, obtain a re-inspection and a fine of \$50 a day was ordered until the property is brought into compliance.

5. Case 2021-0000038

Physical Address of Parcel: 477 U.S. Highway 90 West, DeFuniak Springs, Florida 32435

Parcel: 25-3N-19-19070-001-8317

Property Owner: Frank & Anne Mongelluzzi

Mailing Address: 7 Leeward Island, Clearwater, Florida 33767

Violations: Chapter 18, Section 18-115. - Prohibited signs

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Frank & Anne Mongelluzzi, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2021-0000038 for the following violations: Chapter 18, Section 18-115. - Prohibited signs.

Code Enforcement Officer Chris Strawn stated the property located at 477 U.S. Highway 90 West is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the address property. He sent notices of violations to the homeowner and provided the dates. He noted a sign for a business on the property and noted the business was no longer in business. He noted the notice for the Hearing was sent via certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door.

Code Enforcement Officer Chris Strawn recommended that the homeowner bring the property into compliance within 30 days, arrange for a reinspection and requested a \$25 a day fine until the property is brought into compliance.

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. Special Magistrate R. Youell said the fine is legible however, it needs painting and is rusted. City Manager R. Thompson asked whether the sign has to be kept up to code when it is no longer in business. Code Enforcement Officer Chris Strawn responded that our Code does not address the sign compliance when the business is no longer in business. The city does not have an ordinance that regulates the size of a sign. The sign could cause harm because of its condition. Special Magistrate R. Youell stated the city could remove the sign with written notice to the homeowner. Code Enforcement Officer Chris Strawn said he amended his request upon the city manager's direction of removal.

Special Magistrate R. Youell found the property not in compliance. She rendered an Order stating proper notice was given, the business has thirty days to either remove the sign or correct the condition of the sign. If not complied with, the city can remove the sign and owner is responsible for the cost.

6. Case 2021-0000045

Physical Address of Parcel: U.S. Highway 331 South, DeFuniak Springs, Florida 32435

Parcel: 10-2N-19-18000-001-0031

Property Owner: Columbus A. Hobbs III

Mailing Address: 100 Holmes Avenue, Pensacola, Florida 32507

Violations: Chapter 18, Section 18-115. - Prohibited signs

Code Enforcement Officer Chris Strawn called in the Chambers for the Representatives of the Respondent, Columbus A. Hobbs III, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2021-0000045 for the following violations: Chapter 18, Section 18-115. - Prohibited signs.

Code Enforcement Officer Chris Strawn stated the property located at U.S. Highway 331 South is in the city limits.

Code Enforcement Officer Chris Strawn stated the sign has missing letters and also has graffiti on it. He went over the visual of the violations and provided dates of the violations at the property. He sent notices of violations to the homeowner and provided the dates of noncompliance.

Steve Youell left the Chambers at 3:16 p.m.

Code Enforcement Officer Chris Strawn noted the notices of violations, and the Notices of Hearings were certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and noted proper notice was given.

Code Enforcement Officer Chris Strawn recommended that the homeowner remove the sign from the property by recommendation of City Manager R. Thompson. A lien could be assessed to the property. Special Magistrate R. Youell noted that FDOT took the property for expansion of US 331, and nothing can be built on the property because of its size.

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. The sign must be removed within thirty days, respondent must arrange for an inspection, and if not complied with the city will remove the sign and place a lien on the property.

7. Case 2021-0000049

Physical Address of Parcel: 385 North 11th Street, DeFuniak Springs, Florida 32433

Parcel: 25-3N-19-19140-00D-0030

Property Owner: Carl Campbell, C/O Charles Lee

Mailing Address: 4095 Lexington Drive, Trenton, MI 48183

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, Carl Campbell, C/O Charles Lee, with no response. The halls were then called, again with no response.

Code Enforcement Officer Chris Strawn presented Case 2021-0000049 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 stated the property located at 385 North 11th Street is in the city limits.

Code Enforcement Officer Chris Strawn went over the visual of the violations and provided dates of the violations at the property. He noted there is a structure on the property. The house is situated on city right-of-way. It is unoccupied and dilapidated. He sent notices of violations to the homeowner and provided the dates. He noted the notices of violations sent and for the Notice of Hearing sent via certified mail. He also noted the City Clerk posted the Notice of Hearing on the City Hall front door and stated proper notice was given.

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

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 asked if the alley behind the property was abandoned, and Code Enforcement Officer Chris Strawn said it was an undeveloped right-of-way.

Special Magistrate R. Youell rendered her decision on the case. She found the property is not in compliance. The respondent must bring the property into compliance within thirty days and a fine of \$50 a day was ordered until the property is brought into compliance.

COMPLIANCE CASES

1. Case 2016-0000036

Physical Address of Parcel: 591 East Sloss Avenue, DeFuniak Springs, Florida 32435

Parcel: 25-3N-19-19040-005-1270

Property Owner: Charles and Gevena Lee

Mailing Address: 807 U.S. Highway 331 North, DeFuniak Springs, Florida 32433

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

Code Enforcement Officer Chris Strawn called in the Chambers for the Respondent, Charles and Gevena Lee, with no response.

Code Enforcement Officer Chris Strawn stated the property located at 591 East Sloss Avenue has been brought into compliance and asked that the Order be removed.

Code Enforcement Officer Chris Strawn said the property was inspected on July 19, 2021 and has been brought into compliance before the time limit.

Special Magistrate R. Youell accepted the presentation for the record stating the respondent complied before the corrective date of action and any lien can be removed.


D. ADJOURN

Special Magistrate R. Youell adjourned the Hearing at 3:35 p.m.





The Honorable Magistrate Recca Rene Youell



Maryanne Schrader, City Clerk
Proper Notice Having been duly given