

City of Gainesville, Florida
Code Enforcement Special Magistrate Minutes
Jefferson Braswell, Magistrate
October 12, 2017 - Thursday, 9:00 a.m.
City Hall Auditorium

Call to order (SM): 9:00 a.m.

Adjourned: 11:50 a.m.

Call to order, reciting of the Pledge, Magistrate explanation of hearing and swearing in of officers and all representatives.

Clerk checked the sign-in sheet and called attorney and representatives first (if present):

REDUCTION/RESCISSION

Respondent: Lavonzer Parker
Todd Martin: code enforcement officer
SM 2016-140/CE 16-01385
507 NW 2nd ST
14186-000-000

Todd Martin and the Clerk gave a brief background of the last meeting. Mr. Martin informed the magistrate that the property is still not in compliance and no contract for sale exist as of to date.

Special Magistrate denied the request for reduction /rescission without prejudice. So he can come back. He would like the property to be in compliance before a ruling can be made; or someone to buy it with a high level of assurance that they would bring the property in compliance.

Respondent: Sylvester Brown (present)
Steve Baker: code enforcement officer
SM 2017-71/CE 07-00454
1415 SE 1st ST
15965-004-000

Mr. Brown indicated that the property is in compliance. Code Officer Steve Baker stated that Mr. Brown had some problems with GRU in getting the power turned on, he passed the building inspections and the house is in compliance without any further issues. Mr. Baker stated the city has no objection to the fines being rescinded as long as Mr. Brown pays the administrative cost. Mr. Brown indicated that a check for administrative cost have been paid. This was affirmed by the clerk.

Special Magistrate noted the administrative cost have been paid and rescinded the \$1300 in fines to zero.

The clerk informed the magistrate that a case, UVT Borrowers LLC, needed to be moved up to accommodate the expert witness on time constraints.

PUBLIC HEARING

Respondent: UVT Borrower LLC (present)
Mike Vukson HOA member of Palm Grove (present)
Lisa Smith, UVT LLC (present)
Lawrence Calderon, Planning expert witness for the City of Gainesville
Samantha Norris: code enforcement officer
SM 2017-090/CE 17-00592
3780 NW 24th Blvd

06099-040-032

Ms. Norris submitted into record exhibit B (power point) and exhibit C which is the original Planned Development Report approved in July 1999. She then proceeded with presenting her case. Staff recommends adjudication of guilt, 30 days to comply, \$250 per day thereafter and the assess cost of \$99.47

Lawrence Calderon, Planning expert for City of Gainesville. Question from Special Magistrate: how much of the fence is missing and why is it missing? Answer from Samantha Norris: the original complaint was 2 part. I came from the HOA from Palm Grove. The fence was in disrepair with planks misses etc. Sent a notice of violation regarding that fence. The responded the notice of violation. The first notice says the corrective action is to repair, replace or remove the damage portions. UVT chose to remove the entire fence along that portion and did not replace it. A second NOV was issued to replace the fence according to the original site plan. Question SM: What's the or is there a landscape buffer adjacent to the fence that is mandated by the site plan? Answer Lawrence Calderon explained the section of the code, the site plan and the specific type of buffer

Lisa Smith from UVT informed us that the company's understanding was that they had an option to remove the fence and they did. Also they don't consider the area a alley way but a sidewalk and parking lot that runs adjacent to that side of the property. So they chose to just keep the landscaping and remove and not replace the fence due to their definition. The company doesn't believe they bound by the zoning and the original plan.

The original approved site plan says a fence.

Townsend has an unique type of development. Their parking lot is the edge/alley way. This was done specifically for this type of planned development as per section eight in the package. He also gave the definition of an alley.

Mike Vukson, Palm Grove HOA member gave testimony concerning the noise and inconvenience of UVT not having the a fence.

Special Magistrate adjudication of guilt, will give 60 days for compliance, \$250 per day thereafter, and the assessment of the administrative cost of \$99.47.

Respondent: Deco House

Atty. Andy Coffey on behalf of Deco House LLC

Steve Baker: code enforcement officer

SM 20147-107/ CE 17-01028

511 NW 15th ST

15245-000-000

Code Officer Baker presented his case. Gainesville Fire is currently addressing the issues that overlap with the Fire Code. Staff recommends an adjudication of guilt, 10 days to comply, \$200 per day thereafter and the administrative cost of \$311.53. Mr. Baker does not agrees with 60days.

Atty. Andy Coffey is request a continuance or 60 days to address the violations. The company is diligently trying to meet code standard,

Special Magistrate:

Will follow the recommendation of the City for an adjudication of guilty, 10 days to comply and administration cost of \$311.53

REDUCTION/RESCISSION

Respondent: BJDM Investments LLC
David Lastinger, Representing (present)
Todd Martin: code enforcement officer
SM 2017-057/ CE 16-03391
1921 SW 8th DR
15699-037-001

David Lastinger gave a recap of him trying to get the property into compliance.

Todd Martin said that the property is in compliance.

Special Magistrate reduced the finest o \$2,000 and recognized the assess cost of \$160.36 have been paid.

PUBLIC HEARING

Respondent: George J Cudjo IV (present)
Alvin Fluitt, uncle and reprentative
Steve Baker: code enforcement officer
SM 2017-099/ CE 17-01735
602 Se 14th TER
11770-004-000

Steve Baker presented his case. Staff recommends an adjudication of guilt, 10 days to come into compliance, \$100 per day thereafter and administrative cost of \$151.54.

Mr. Fluitt informed us that he nor Mr. Cudjo have the ability or means to get the property in compliance. The stated that there is also problem with the ownership papers.

Special Magistrate recommends an adjudication guilt, 10 days to come into compliance, \$100 per day thereafter and the assess cost of \$151.54.

Respondent: Steven Tillman “Trustee”
Steven Baker: code enforcement officer
SM 2017-097/ CE 17-02041
2114 NE 7th Ave
10919-010-000

Code Officer Steve Baker presented his case. When asked by the special magistrate to briefly describe his experience with dead trees and cases with hazardous trees, his response was as follows: He does have education in forestry and his background is in forestry. The last 5 years in dealing with declining trees is that those large branches have the tendency to fall on the occupants of the house. He has dealt with between 75-100 dead trees as a code officer. Staff recommends an adjudication of guilt, 2 days to comply \$100 per day thereafter, and the assess cost of \$178.31.

Mr. Tillman stated that according to code her felt there was no reason to cut the tree. He requested that the case be dismissed due to no evidence that the tree is a hazard or dead. He states that there is about 50% alive and has growth on the tree and it sustained the hurricane. He submitted a motion to dismiss (exhibit C). He is stating that because of the hurricane that the tree isn't hazardous because it survived the hurricane. He says that according to the code and the amount of evidence there is no violation. He want to know what Mr. Baker's qualifications were to even determine the tree's condition. He does have a contractor to take it down. He says he can talk to the contractor about trimming the tree back.

Special Magistrate stated there is no evidence to the contrary of the tree being hazardous and believes that officer Baker is qualified to discuss a hazardous condition and he has been admitted in this forum to discuss and make these determinations. He stated he would need someone qualified on the other side to dispute whether the tree is a hazard. The tree is danger to the house and surround area. The tree clearly half dead. There is something that needs to be done whether the tree is dead or not, is question, but the tree is definitely a hazard. He adjudicated the property as guilty, giving 90 days to comply, a fine of \$10 a day thereafter. The administrative cost of \$95.06 will be stayed if the tree is in compliance within the set 90 days from the day of the order.

Respondent: Susan Melody Menge
Susan Menge, present
Steve Baker: code enforcement officer
SM 2017-102R/ CE 17-02023
1004 NE 5th PL
12539-004-000

Steve Baker presented his case. Staff recommends an adjudication of guilt in compliance, due to being a repeat violator, \$50/day for the 9 days out of compliance plus the administrative cost of \$157.49, which includes the city abatement cost of \$77.33.

Ms. Menge stated that she cannot afford the fine. She is on a fixed income. She stated that she lost the number to her lawn man and couldn't find another one and let the lawn go.

Special Magistrate accepts staff recommendations of an adjudication of guilt in compliance, \$5/day for the 9 days out of compliance plus the administrative cost of \$157.49, which includes the city abatement cost of \$77.33.

Respondent: Lawrence J Hamilton
Katelyn Desorcy, tenant
Steve Baker: code enforcement officer
SM 2017-104/ CE 17-02244
813 SE 2 Ave
11825-000-000

Steve Baker presented his case. A copy of the letter Mr. Hamilton send in stated that Mr. Baker was engaged with the tenant in a criminal "Conspiracy Against Rights" Staff recommends an adjudication of guilt, 10 days to comply, \$150 per day thereafter, assess cost of \$132.63 and any city abatement cost.

Ms. Desorcy, tenant, gave testimony that the property is indeed in disrepair. She contacted the code enforcement office after finding issues when she moved in, in the middle of August 2017. She contact the legal services at the University of Florida who has been helping her trying to reach an agreement with Mr. Hamilton. In early September, the legal advisor called Mr. Hamilton who said he would fix the damages in a week. He has not done so, no one has been to the apartment to examine any of the damages. He hasn't contacted the tenant at all.

Special Magistrate adjudicates the respondent guilty, gives them 5 days to come into compliance, \$300 per day thereafter, assess the administrative cost of \$132.63.

Respondent: Church of God and Christ
Greta Moreau: code enforcement officer
SM 2017-075/ CE 17-01342
703 SW 3rd ST
13306-000-000

Greta Moreau presented her case. Staff recommendation a verdict of guilty, 10 to comply, \$50 per thereafter, the administrative cost of \$147.43 and all other cost accrued.

Special Magistrate adjudicates the verdict of guilt, assess the fine of \$50 per day give the respondent 10 days to comply, assess administrative cost of \$147.53 and all other accrued including any other cost by the city for abatement.

Respondent: Rose Acceptance Inc
Jeff Look: code enforcement supervisor
SM 2017-089/ CE 17-01654
6702 NW 29th Terr
06014-015-069

Jeff Look presented his case. Staff recommends an adjudication of guilt, 10 days to comply, \$100 per day thereafter, assess cost of \$91.98.

Special Magistrate adjudicates the respondent guilty, gives them 10 days to come into compliance, \$100 per day thereafter, assess the administrative cost of \$91.98.

Respondent: Catherine Moss
Samantha Norris: code enforcement officer
SM 2017-088 CE 17-01511
3413 NW 34th Terr
06104-010-008

Samantha Norris presented her case. Staff recommends an adjudication of guilt, 30 days to comply, \$100 per day thereafter, assess cost of \$92.68 and any city abatement cost.

Special Magistrate adjudicates the respondent guilty, gives them 30 days to come into compliance, \$50 per day thereafter, assess the administrative cost of \$92.68 and any city abatement cost.

Respondent: Corneliu & Gabriela Vaduva
Samantha Norris: code enforcement officer
SM 2017-091 /CE 17-01852
4320 NW 28th Terr
06082-010-066

Samantha Norris presented her case. Staff recommends an adjudication of guilt, 30 days to comply, \$50 per day thereafter, assess cost of \$91.71 and any city abatement cost.

Special Magistrate adjudicates the respondent guilty, gives them 30 days to come into compliance, \$50 per day thereafter, assess the administrative cost of \$91.71 and any city abatement cost.

Respondent: Edward Brown
Steve Baker: code enforcement officer
SM 2017-098/ CE 17-02046
2119 NE 7th PL
10919-005-000

Steve Baker presented his case. Staff recommends an adjudication of guilt, 10 days to comply, \$100 per day thereafter, assess cost of \$93.12.

Special Magistrate adjudicates the respondent guilty, gives them 10 days to come into compliance, \$50 per day thereafter, assess the administrative cost of \$93.12.

Respondent: Brenda Y Webb “Revocable Living Trust”
Steve Baker: code enforcement officer
SM 2017-096/ CE 17-01977
712 NE 5th PL
12582-015-000

Steve Baker presented his case. Staff recommends an adjudication of guilt, due to continual issues and going 23+ days beyond the correction date and the administrative cost of \$83.69

Special Magistrate adjudicates the respondent guilty due to continual issues and going beyond the corrective date and the administrative cost of \$83.69.

Special Magistrate:

Accepts staff recommendation for continuance.

COMPLIANCES/DISMISSAL (read into record)

Adjourned 11:50 am