

MINUTES
Code Enforcement Special Magistrate
City of Lake Alfred
City Hall
October 20, 2022
3:00 p.m.

Special Magistrate Mawhinney called to order the Code Enforcement Special Magistrate meeting at 3:03 p.m., explained the general procedures, and conducted the swearing-in ceremony. Audience members and city staff in attendance took the oath.

Staff in attendance: Assistant City Attorney Seth Claytor, Community Development Director Ameer Bailey, Code Enforcement Officer Carl Watson, and City Clerk Linda Bourgeois.

Special Magistrate Mawhinney approved the September 22, 2022, Special Magistrate Code Enforcement meeting minutes as written.

Modifications to the Agenda:

Case number seven was removed from the agenda.

~~7. Case # 2022-00057-R
Kyle Jennings
550 Lemon Av.
Parcel # 26-27-28-493500-006150~~

The remaining cases were heard based on attendance from the audience members in attendance.

Consent Agenda

Special Magistrate Mawhinney took case number two first.

SUPPLEMENTAL ORDER IMPOSING FINE

2. Case 2021-00020
Sharon D Atkins
625 S. Winona Ave.
Parcel # 26-27-32-502800-000620

The respondent Sharon Atkins and her son were in attendance.

Code Enforcement Officer Watson presented the case.

Sharon Atkins said she did not understand why she continued to receive the code enforcement notifications.

Community Development Director Bailey explained she was receiving them because the carport still had junk and debris from her son's scrapping business. She went on to explain the code enforcement process and requested for her to call the Code Enforcement Officer when the debris was gone so the fines would stop accruing on the property.

Special Magistrate: Found the violations continue to exist. Approved the supplemental order of fines for \$21,700 and assessed the city's administrative costs of \$44.44 payable within thirty (30)

days.

1. Case # 2019-00005
Essie Mae & Andre McCullough
670 Lemon St
Parcel # 26-27-28-493500-005150

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case.

Community Development Director Bailey explained there was an affidavit of compliance on 06-20-2020 in the file after the prison work crew had completed a community clean-up in this neighborhood. The city was requesting certification of the fines and administrative costs.

Special Magistrate: Found the property in compliance. Approved the supplemental order of fines for \$6,050 and assessed the city's administrative costs of \$55.89 payable within thirty (30) days. Pursuant to Section 162.09(3) of the Florida Statutes, the Order authorized the City of Lake Alfred and City Attorney to foreclose any fines arising out of Case No. 2019-00005 which includes, but is not to be limited to, the fines certified by this Order once recorded for 90-days and/or seek any other remedies available pursuant to applicable Florida law.

Following this hearing, this same property was on as a repeat offense on the agenda as case number eight. Special Magistrate Mawhinney heard that case next.

ORDER FINDING VIOLATION – REPEAT OFFENSE

8. Case # 2022-00058-R
Essie Mae & Andre McCullough
670 Lemon St
Parcel # 26-27-28-493500-005150

City Codes Cited:
Section 302.4 - Weeds and overgrowth

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case. He said this is the ninth code action taken against the property since 2019. The city is declaring this to be a nuisance property and is requesting the abatement of high weeds and grass along with foreclosure. The city's recommendation is to find the violations exist and continue to exist, certify a fine of \$4,000, and assess the city's administrative costs of \$63.34 for this hearing payable within thirty (30) days.

City Attorney Claytor requested that the magistrate re-open case #2019-00005 in order to authorize the City of Lake Alfred to exercise any and all remedies set forth by Section 162.09(3) of the Florida Statutes. In dealing with case #2022-00058-R, based on this property presenting a public health, safety, and welfare concern, the City seeks authorization to abate the high weeds and grass. In addition, pursuant to Section 162.09(3) of the Florida Statutes, the City requests authorization to seek any and all remedies available which includes, but is not limited to, the authorization to foreclose any fines related to and/or arising out of Case No. 2022-00058-R .

Special Magistrate: On case # 2022-00058-R he found the property as a repeat violation case. Approved the fine of \$50.00 per day for eighty (80) days for a total of \$4,000. He assessed the city's administrative costs of \$63.34 payable within thirty (30) days. Authorization was granted to abate the nuisance of high weeds and grass; and the magistrate authorized the City of Lake Alfred and City Attorney to seek any remedies available pursuant to Section 162.09(3) of the Florida Statutes which includes, but is not limited to, the authorization to proceed with the foreclosure once the lien is recorded for 90-days.

City Attorney Claytor said pursuant to section 162.09(3) we would seek authorization to foreclose or any other remedy pursuant to Florida Law. He requested to reopen case #2019-00005.

Albertus Maultsby of 745 Lake Swoope Drive said he was concerned about this case. He said Essie had left Lake Alfred when she was a teenager, and she is ninety-eight years old and lives in New York. She called him a few years ago and asked him if he would have someone clean the property and keep it mowed. He kept the property up for three years and when he sent her a bill, she said she had already paid him. She may do the city the same way. He said she talks about coming back and building a house and living on the property, but she is ninety-eight and owns a vacation home in Marion County and two homes on Long Island in New York. He doesn't believe her intentions at her age.

City Attorney Claytor said if the Magistrate considers approval of the order, it gives the City of Lake Alfred the authority but not the obligation to exercise those remedies.

Albertus Maultsby said the property is out of compliance and has been for most of the past twenty years as they don't seem to care about the property. She has three homes already one near Silver Springs and two in New York.

A brief discussion ensued regarding a son, Andre, that lives in Texas, him being a 50% registered co-owner on the property, the city staff being in contact with him via email, and him receiving this notice of hearing.

Special Magistrate Mawhinney reopened case #2019-00005 for hearing a proposed amendment.

City Attorney Claytor said pursuant to Section 162.09(3) of the Florida Statutes, the city is seeking authorization to foreclose or seek any other remedy pursuant to Florida Law as related to any other liens of record arising out of this case. He said any orders imposing fine(s) or supplemental orders imposing fine(s) related to this Case, which have been recorded in the public record for ninety (90) days, the City requests the authority to exercise those remedies as set in Section 162.09(3).

Special Magistrate Mawhinney amended the order on case #2019-00005 and said his order will include the authority to foreclose or exercise any other statutory remedies incidental to the fines, costs, and liens.

3. Case # 2021-00031
Jerry Wyche
621Totty Way
Parcel # 26-27-33-513980-000100

Code Enforcement Officer Watson presented the case.

The respondent Jerry Wyche was in attendance (arrived at 3:36 PM) and took the oath. He had no objections to the certification of the supplemental order of fines.

Special Magistrate: Found the property in compliance. Approved the supplemental order of fines for \$1,900 and assessed the city's administrative costs of \$40.24 payable within thirty (30) days.

FINE REDUCTION:

6. Case # 2021-00031
Jerry Wyche
621 Totty Way
Parcel # 26-27-33-513980-000100

The respondent Jerry Wyche was in attendance

Code Enforcement Officer Watson presented the case. The staff recommendation was for a 50% fine reduction and the administrative costs for this hearing of \$40.24. The total certified fines were \$28,500 and the staff was recommending a reduction of \$14,250.

Community Development Director Bailey clarified the violations were strictly for security, fencing, mowing, and trash and debris. These were safety violations and there were no violations cited for the pool. She stated Mr. Wyche has been consistent in paying the fines within the thirty days after each hearing. The only administrative cost associated with this hearing is the \$40.24 that was just certified in the previous hearing.

Jerry Wyche asked what city ordinances he had violated. He was provided with a written document outlining the cited violations. He said he was trying to get the pool finished. He had replaced the silt fence and it kept coming down. He said he did take care of the weed and grass and didn't want them to think he did not care. He explained he thought he had a contractor willing to finish the pool, but they turned out to be unlicensed. He believes he now has a licensed contractor to complete the job.

A brief discussion ensued regarding putting a permanent fence up on the property, the construction of silt fences not being a viable long-term solution, and the potential to have repeat violations.

Special Magistrate: Case No. 2021-00031 for Jerry Wyche, found the property in compliance. He reduced the fine to \$100.00 and assessed the City's administrative costs for this hearing of \$40.24 for a total of \$140.24. The fines and costs are payable within thirty (30) days, or the fine reduction will be voided.

ORDER IMPOSING FINE

4. Case # 2021-00012 (DEMO)
Conner Hubert, Estate of
380 W. Davis Ave.
Parcel # 26-28-05-524000-000910

The respondent was not in attendance.

Code Enforcement Officer Watson presented the case.

Special Magistrate: Found the violations continue to exist. Approved the fines for \$36,400 (later amended in the meeting to \$44,400) and assessed the city's administrative costs of \$50.74 payable within thirty (30) days.

Community Development Director Bailey noted that there has been a tax deed application on this property and the tax deed applicant had been notified of this hearing by phone. We will continue to communicate with the applicant because this is a property that we did submit to the County for demolition.

City Attorney Claytor explained the tax deed document will not terminate or extinguish a municipal lien.

A brief discussion ensued about the orders will always relate back to the date that the order of finding violation was recorded and they will survive the quiet title action pursuant to a tax deed.

5. Case # 2021-00015 (DEMO)
Mary E. Sharett
1120 Cross Ave.
Parcel # 26-28-05-523500-000290

The respondent was not in attendance

Code Enforcement Officer Watson presented the case.

City Attorney Claytor asked for clarification on the fines saying the total accumulated fines were for \$44,400 but we are certifying \$36,400, and Code Enforcement Officer Watson replied yes.

A discussion ensued about this order not being a supplemental order of fines, this case followed the same process as the previous case, there being an order of finding violation with a separate order for the demolition authorization, and those two orders were the only two orders certified.

After the discussion, it was decided to amend the request by adding the \$8,000 of accrued fines to the total request in order to certify all the fines. The city requested to certify \$44,400.00 on both cases.

Special Magistrate: Found the violations continue to exist. Certified the fines of \$44,400 and assessed the city's administrative costs of \$48.64 payable within thirty (30) days.

Special Magistrate re-opened Case # 2021-00012 for the Estate of Hubert Conner. He amended the previous order and certified the fines of \$44,400 and assessed the city's administrative costs of \$50.74 payable within thirty (30) days.

The next hearing date is scheduled for November 17, 2022, at 3:00 p.m.

The Code Enforcement Special Magistrate was adjourned at 4:20 p.m.

Respectfully Submitted,

Linda Bourgeois

Linda Bourgeois, BAS, MMC,
City Clerk