

**City of DeFuniak Springs
Special Magistrate Hearing
Meeting Minutes
Thursday, October 29, 2020
3:00 p.m.
City Council Chambers**

A. CALL TO ORDER OF THE HEARING SESSION

Special Magistrate Recca Rene Youell called the Hearing to order at 3:00 p.m.

Staff present: Code Enforcement Officer Chris Strawn, Planning Director Kelly Schultz, City Manager M. Smigielski, POI Chris Mitchell, City Marshal James Hurley, Jr. and City Clerk Maryanne Schrader

Others present: Robert McKnight, Dan Cosson and Rudy Sangl.

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

Magistrate R. Youell swore in all witnesses and presented the rules of the Court.

C. DOCKET:

Case #2 was presented first, as the only respondent was present.

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 began with #2, Case 2016-0000029, as Mr. Lewis was present. Code Enforcement Officer Chris Strawn went over the violations and noted the violator was sent notice by Certified Mail and duly noticed.

Code Enforcement Officer Chris Strawn corrected the report stating the grass has been mowed and debris removed. He mentioned that Mr. Lewis lives in Pensacola and requests that the penalties be removed as Mr. Lewis wishes to work with the Special Magistrate.

Code Enforcement Officer Chris Strawn asked for an extension of 90 days.

Magistrate Recca Rene Youell accepted the presentation for the record.

Mr. David Gene Lewis came forward and stated he had not received the notices and his son lives on the property. He stated he has purchased materials to fix the property.

Magistrate Youell asked for the recommendation. Code Enforcement Officer Chris Strawn requested the fine be \$25 a day beyond the 60-day time period.

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

1. Case 2020-0000024

Physical Address of Parcel: 129 North 6th Street, DeFuniak Springs, FL 32433
Parcel: 25-3N-19-19356-00A-0030
Property Owner: Trust No 129-6, Agent: L.C. Warda
Mailing Address: P O Box 186, Lake Wales, FL 33859
Violations: Chapter 5, Section 5-21. – Unlawful Structure

Code Enforcement Officer Chris Strawn presented testimony on Case 2020-0000024.

Code Enforcement Officer Chris Strawn went over the violations and noted the respondent was sent notice by Certified Mail and duly noticed.

Code Enforcement Officer Chris Strawn said at this date all violations were removed.

Magistrate Youell accepted the presentation for the record.

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

3. Case 2020-0000028

Physical Address of Parcel: Andrews Avenue, DeFuniak Springs, FL 32433
Parcel: 25-3N-19-19070-001-530J
Property Owner: Huie Andrews Trust, Trustee: Diane Keller
Mailing Address: 251 Eglin Pkwy, Ft Walton Beach, FL 32547
Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2020-0000028. Code Enforcement Officer Chris Strawn went over the violations and noted violator was sent notice by Certified Mail and duly noticed.

Code Enforcement Officer Chris Strawn recommended a \$25 per day fine after a 30-day time period.

Magistrate Youell accepted the presentation for the record.

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

4. Case 2020-0000037

Physical Address of Parcel: 162 Dorsey Avenue, DeFuniak Springs, FL 32433
Parcel: 36-3N-19-19050-000-0033
Property Owner: Phillip Dixon
Mailing Address: 7401 Blackmon Rd, Apt 3501, Columbus, GA 31909
Violations: Chapter 5, Section 5-21. – Unsafe Structures

Code Enforcement Officer Chris Strawn presented Case 2020-0000037. Code Enforcement Officer Chris Strawn went over the violations and noted the respondent was sent notice by Certified Mail and duly noticed.

Code Enforcement Officer Chris Strawn stated the structure is unsafe and presented documentation.

Code Enforcement Officer Chris Strawn suggested a fine of \$25 per day.

Magistrate Youell requested more information based on the photographs presented.

Magistrate Youell accepted the presentation for the record.


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

D. ADJOURN

Magistrate Youell adjourned the Hearing at 3:41 p.m.


The Honorable Magistrate Reza Rene Youell




Maryanne Schrader, City Clerk
Proper Notice having been duly given

Case 1

P.O. Present

City of DeFuniak Springs
Post Office Box 685

35 US Hwy 90 West
DeFuniak Springs, FL 32433
planning@defuniaksprings.net



Phone: 850-892-8571, Ext. 116
Fax: 850-892-8570
TDD: 850-892-8504

DeFuniak Springs, FL 32435

**SPECIAL MAGSTRATE
OF
CITE OF DEFUNIAK SPRINGS, FLORIDA
ORDER**

CODE CASE #: 2016-0000029

City of DeFuniak Springs, Department of Code Enforcement
PETITIONER

-vs-

David Gene Lewis
RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE comes for public hearing before the Special Magistrate of the City of DeFuniak Springs, Walton County, Florida on Thursday, October 29, 2020, after due notice to the Respondent, and the Special Magistrate, having heard testimony under oath, received evidence, and heard argument, hereby issues its Finding of Fact, Conclusions of Law, and Order, as follows:

I. FINDING OF FACT:

The Respondent, David Gene Lewis, whose mailing address is 336 South 23rd Street, DeFuniak Springs, FL 32435, is the owner of the real property described as: Also known as 342 South 23rd Street, DeFuniak Springs, Walton County, Florida Parcel ID# 25-3N-19-19070-001-9060

The real property listed above is located and existing within the City of DeFuniak Springs, Walton County, Florida. Respondent, as owner of the real property, is responsible for maintaining the same in accordance with the Code of Ordinances of the City of DeFuniak Springs. All required notices have been made in accordance with §162.12, Florida Statutes and County Code.

Conditions presently exist on subject property in violation of City Code, Section: Chapter 14, Section 14-2. - General requirements, such conditions constituting a nuisance and a serious threat to the public health, safety and welfare within the meaning of §162.06(4), Florida Statutes.

II. CONCLUSIONS OF LAW:

This is a lawfully constituted code enforcement proceeding convened pursuant to Chapter 162, Part I, Florida Statutes, and Chapter 18 City of DeFuniak Springs Land Development Code. The Special Magistrate has jurisdiction over the subject matter and the Respondent.

III. ORDER:

Based upon the foregoing Findings of Facts and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, by the Special Magistrate:

- The evidence did not support the violation cited. The case is hereby dismissed.
- Respondent is to Correct the aforesaid violation(s) on or before Dec 30th 2020 or a fine of \$ 75⁰⁰ per day shall be imposed, and that the Respondent is further ordered to contact the City of DeFuniak Springs Code Enforcement Office to arrange for a re-inspection of the subject property to verify compliance with this Order.
- Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ _____. The costs shall be paid in full within _____ days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Walton County as evidence thereof.
- Violation(s) did exist at the subject property but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.
- Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

Violation of a Stop Work Order has occurred on the subject property. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

OTHER

A true and correct copy of these Findings of Fact, Conclusions of Law, and Order shall be delivered to the Respondent(s) by certified mail with return receipt requested, or by hand delivery.

DONE AND ORDERED on this 29 day of Oct, 2020.



Recca Rene Youell, Special Magistrate
City of DeFuniak Springs Special Magistrate

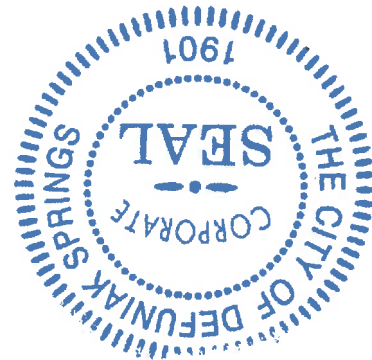
I HEREBY CERTIFY that this document is a true and correct original of this ORDER as it was approved and entered by the City of DeFuniak Springs Special Magistrate on the date provided above.

Certified by: Maryanne Schneider Date: October 29, 2020
City of DeFuniak Springs, City Clerk

Provided by Certified Mail or Hand-Delivery to Respondent:

David Gene Lewis
342 South 23rd Street
DeFuniak Springs, FL 32435

Clay B. Adkinson
Attorney for City of DeFuniak Springs
P.O. Box 1207
DeFuniak Springs, FL 32433



City of DeFuniak Springs
Post Office Box 685

35 US Hwy 90 West
DeFuniak Springs, FL 32433
planning@defuniaksprings.net



Phone: 850-892-8571, Ext. 116
Fax: 850-892-8570
TDD: 850-892-8504

DeFuniak Springs, FL 32435

**SPECIAL MAGSTRATE
OF
CITE OF DEFUNIAK SPRINGS, FLORIDA
ORDER**

CODE CASE #: 2020-0000024

City of DeFuniak Springs, Department of Code Enforcement
PETITIONER

-vs-

Trust No 129-6
RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE comes for public hearing before the Special Magistrate of the City of DeFuniak Springs, Walton County, Florida on Thursday, October 29, 2020, after due notice to the Respondent, and the Special Magistrate, having heard testimony under oath, received evidence, and heard argument, hereby issues its Finding of Fact, Conclusions of Law, and Order, as follows:

I. FINDING OF FACT:

The Respondent, Trust No 129-6, whose mailing address is P.O. Box 186, Lake Wales, FL 33859, is the owner of the real property described as: Also known as 129 North 6th Street, DeFuniak Springs, Walton County, Florida Parcel ID# 25-3N-19-19356-00A-0030

The real property listed above is located and existing within the City of DeFuniak Springs, Walton County, Florida. Respondent, as owner of the real property, is responsible for maintaining the same in accordance with the Code of Ordinances of the City of DeFuniak Springs. All required notices have been made in accordance with §162.12, Florida Statutes and County Code.

Conditions presently do not exist on subject property in violation of City Code, Section: Chapter 5, Section 5-24 - Unlawful Structure, Chapter 14, Section 14-3 (e) (3). - Violations enumerated, Chapter 18, Section 18-57 - Home-based occupancies, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property does not exist on the property, such conditions constituting a nuisance and a serious threat to the public health, safety and welfare within the meaning of §162.06(4), Florida Statutes.

II. CONCLUSIONS OF LAW:

This is a lawfully constituted code enforcement proceeding convened pursuant to Chapter 162, Part I, Florida Statutes, and Chapter 18 City of DeFuniak Springs Land Development Code. The Special Magistrate has jurisdiction over the subject matter and the Respondent.

III. ORDER:

Based upon the foregoing Findings of Facts and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, by the Special Magistrate:

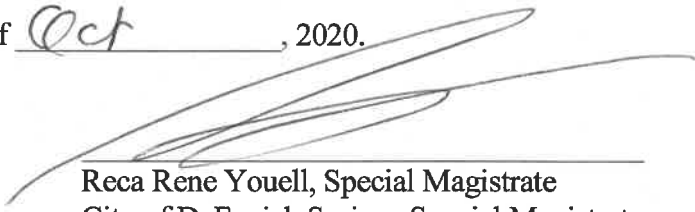
- The evidence did not support the violation cited. The case is hereby dismissed.
- Respondent is to Correct the aforesaid violation(s) on or before _____ or a fine of \$ _____ per day shall be imposed, and that the Respondent is further ordered to contact the City of DeFuniak Springs Code Enforcement Office to arrange for a re-inspection of the subject property to verify compliance with this Order.
- Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ _____. The costs shall be paid in full within _____ days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Walton County as evidence thereof.
- Violation(s) did exist at the subject property but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.
- Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

Violation of a Stop Work Order has occurred on the subject property. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

OTHER

A true and correct copy of these Findings of Fact, Conclusions of Law, and Order shall be delivered to the Respondent(s) by certified mail with return receipt requested, or by hand delivery.

DONE AND ORDERED on this 29 day of Oct, 2020.



Reca Rene Youell, Special Magistrate
City of DeFuniak Springs Special Magistrate

I HEREBY CERTIFY that this document is a true and correct original of this ORDER as it was approved and entered by the City of DeFuniak Springs Special Magistrate on the date provided above.

Certified by: Maryanne Schneider Date: 10-29-2020
City of DeFuniak Springs, City Clerk

Provided by Certified Mail or Hand-Delivery to Respondent:

TRUST NO 129-6, C/O L.C. Warda
P.O. Box 186
Lake Wales, FL 33859

Clay B. Adkinson
Attorney for City of DeFuniak Springs
P.O. Box 1207
DeFuniak Springs, FL 32433



City of DeFuniak Springs
Post Office Box 685

35 US Hwy 90 West
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TDD: 850-892-8504

DeFuniak Springs, FL 32435

**SPECIAL MAGISTRATE
OF
CITY OF DEFUNIAK SPRINGS, FLORIDA
ORDER**

CODE CASE #: 2020-0000028

City of DeFuniak Springs, Department of Code Enforcement
PETITIONER

-vs-

Huie Andrews Trust
RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE comes for public hearing before the Special Magistrate of the City of DeFuniak Springs, Walton County, Florida on Thursday, October 29, 2020, after due notice to the Respondent, and the Special Magistrate, having heard testimony under oath, received evidence, and heard argument, hereby issues its Finding of Fact, Conclusions of Law, and Order, as follows:

I. FINDING OF FACT:

The Respondent, Huie Andrews Trust, whose mailing address is 251 Eglin Parkway, Fort Walton Beach, FL 32547, is the owner of the real property described as: Also known as Andrews Avenue, DeFuniak Springs, Walton County, Florida Parcel ID# 25-3N-19-19070-001-530J

The real property listed above is located and existing within the City of DeFuniak Springs, Walton County, Florida. Respondent, as owner of the real property, is responsible for maintaining the same in accordance with the Code of Ordinances of the City of DeFuniak Springs. All required notices have been made in accordance with §162.12, Florida Statutes and County Code.

Conditions presently exist on subject property in violation of City Code, Section: Chapter 14, Section 14-2. - General requirements and Chapter 14, Section 14-3 (e). - Violations enumerated, such conditions constituting a nuisance and a serious threat to the public health, safety and welfare within the meaning of §162.06(4), Florida Statutes.

II. CONCLUSIONS OF LAW:

This is a lawfully constituted code enforcement proceeding convened pursuant to Chapter 162, Part I, Florida Statutes, and Chapter 18 City of DeFuniak Springs Land Development Code. The Special Magistrate has jurisdiction over the subject matter and the Respondent.

III. ORDER:

Based upon the foregoing Findings of Facts and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, by the Special Magistrate:

The evidence did not support the violation cited. The case is hereby dismissed.

Respondent is to Correct the aforesaid violation(s) on or before Nov 29th 2020 or a fine of \$ 25⁰⁰ per day shall be imposed, and that the Respondent is further ordered to contact the City of DeFuniak Springs Code Enforcement Office to arrange for a re-inspection of the subject property to verify compliance with this Order.

Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ 200⁰⁰. The costs shall be paid in full within if not Remedied _____ days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Walton County as evidence thereof.

Violation(s) did exist at the subject property but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.

Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.

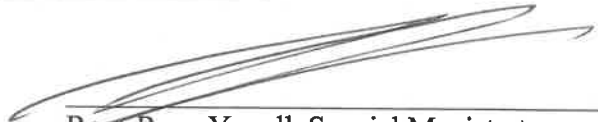
Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

Violation of a Stop Work Order has occurred on the subject property. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

OTHER

A true and correct copy of these Findings of Fact, Conclusions of Law, and Order shall be delivered to the Respondent(s) by certified mail with return receipt requested, or by hand delivery.

DONE AND ORDERED on this _____ day of _____, 2020.



Recca Rene Youell, Special Magistrate
City of DeFuniak Springs Special Magistrate

I HEREBY CERTIFY that this document is a true and correct original of this ORDER as it was approved and entered by the City of DeFuniak Springs Special Magistrate on the date provided above.

Certified by: Maryanne Schnader
City of DeFuniak Springs, City Clerk

Date: 10-29-2020

Provided by Certified Mail or Hand-Delivery to Respondent:

Huie Andrews Trust, Trustee – Diane Keller
251 Eglin Parkway
Fort Walton Beach, FL 32547

Clay B. Adkinson
Attorney for City of DeFuniak Springs
P.O. Box 1207
DeFuniak Springs, FL 32433



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planning@defuniaksprings.net



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TDD: 850-892-8504

DeFuniak Springs, FL 32435

**SPECIAL MAGISTRATE
OF
CITY OF DEFUNIAK SPRINGS, FLORIDA
ORDER**

CODE CASE #: 2020-0000037

City of DeFuniak Springs, Department of Code Enforcement
PETITIONER

-vs-

Phillip Dixon
RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CASE comes for public hearing before the Special Magistrate of the City of DeFuniak Springs, Walton County, Florida on Thursday, October 29, 2020, after due notice to the Respondent, and the Special Magistrate, having heard testimony under oath, received evidence, and heard argument, hereby issues its Finding of Fact, Conclusions of Law, and Order, as follows:

I. FINDING OF FACT:

The Respondent, Phillip Dixon, whose mailing address is 7401 Blackmon Road, Apt 3501, Columbus, GA 31909, is the owner of the real property described as: Also known as 162 Dorsey Avenue, DeFuniak Springs, Walton County, Florida Parcel ID# 36-3N-19-19050-000-0033

The real property listed above is located and existing within the City of DeFuniak Springs, Walton County, Florida. Respondent, as owner of the real property, is responsible for maintaining the same in accordance with the Code of Ordinances of the City of DeFuniak Springs. All required notices have been made in accordance with §162.12, Florida Statutes and County Code.

Conditions presently exist on subject property in violation of City Code, Section: Chapter 5, Section 5-21. – Unsafe Structures, such conditions constituting a nuisance and a serious threat to the public health, safety and welfare within the meaning of §162.06(4), Florida Statutes.

II. CONCLUSIONS OF LAW:

This is a lawfully constituted code enforcement proceeding convened pursuant to Chapter 162, Part I, Florida Statutes, and Chapter 18 City of DeFuniak Springs Land Development Code. The Special Magistrate has jurisdiction over the subject matter and the Respondent.

III. ORDER:

Based upon the foregoing Findings of Facts and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, by the Special Magistrate:

- The evidence did not support the violation cited. The case is hereby dismissed.
- Respondent is to Correct the aforesaid violation(s) on or before Nov 29²⁰²⁰ or a fine of \$ 25⁰⁰ per day shall be imposed, and that the Respondent is further ordered to contact the City of DeFuniak Springs Code Enforcement Office to arrange for a re-inspection of the subject property to verify compliance with this Order. + 200⁰⁰ bank cost of no Rem. Lie
- Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ _____. The costs shall be paid in full within _____ days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Walton County as evidence thereof.
- Violation(s) did exist at the subject property but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.
- Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.
- Violation of a Stop Work Order has occurred on the subject property. A one-time fine

of \$ _____ is imposed against the respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or cost amount imposed.

OTHER

A true and correct copy of these Findings of Fact, Conclusions of Law, and Order shall be delivered to the Respondent(s) by certified mail with return receipt requested, or by hand delivery.

DONE AND ORDERED on this 29 day of Oct, 2020.



Recca Rene Youell, Special Magistrate
City of DeFuniak Springs Special Magistrate

I HEREBY CERTIFY that this document is a true and correct original of this ORDER as it was approved and entered by the City of DeFuniak Springs Special Magistrate on the date provided above.

Certified by: Maryanne Schneider Date: 10-29-2020
City of DeFuniak Springs, City Clerk

Provided by Certified Mail or Hand-Delivery to Respondent:

Phillip Dixon
7401 Blackmon Road, Apt 3501
Columbus, GA 31909

Clay B. Adkinson
Attorney for City of DeFuniak Springs
P.O. Box 1207
DeFuniak Springs, FL 32433

