

**City of DeFuniak Springs
Special Magistrate Hearing
Meeting Minutes
Thursday, November 19, 2020
2:00 p.m.
City Council Chambers**

A. CALL TO ORDER OF THE HEARING SESSION

Special Magistrate Recca Rene Youell called the Hearing to order at 2:00 p.m.

Magistrate R. Youell presented the rules of the Court.

Staff present: Code Enforcement Officer Chris Strawn, City Manager M. Smigielski, City Marshal James Hurley, Jr. and City Clerk Maryanne Schrader.

Others present: Steve Youell, Robert Raymond, Deputy City Manager Carisse LeJeune.

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

C. DOCKET:

1. Case: 2014

Physical Address of Parcel: 57 Thomas Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19440-00D-0120

Property Owner: Estate of Elmer Barker

Mailing Address: 4501 East Johnson Avenue, APT 812, Pensacola, FL 32514

Violations: Chapter 5, Section 5-21. – Unsafe Structures and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2014, displaying visuals of the property violations along with dates and noted the certified violation letters were sent. He went over the timelines of received the notices back as “Return to sender”, noted the case was extended several times due to the Coronavirus. He stated the property was posted with a “Notice of Hearing” notice. Conditions have not been changed. Recommendations to correct within 30 days and be re-inspected. A fine of \$50 a day until property is brought into compliance per Ordinance.

Special Magistrate R. Youell asked if anyone was present regarding the case. No one was present and so noted.

Special Magistrate Recca Rene Youell accepted the presentation for the record.

Special Magistrate R. Youell amended his recommendation to 15 days with the \$50 a day penalty.

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

2. Case: 2016-0000006

Physical Address of Parcel: 481 East Sloss Avenue, DeFuniak Springs

Parcel: 25-3N-19-19070-001-0620

Property Owner: Ervin Dawkins C/O Mary Joseph

Mailing Address: 9230 Rio Dell Street, Rosemead, CA 91770-1457

Violations: Chapter 5, Section 5-21. – Unsafe Structures and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented testimony on Case 2016-0000006 stating the case in in his jurisdiction. He provided visuals of the property in violation, provided a timeline of the Municipal Code violation notices, letters, inspections, certified letter violation notices and hearing notice postings. He noted the extensions due to the Coronavirus. He recommended that the respondent correct the violation within 30 days and arrange for an inspection, as well as a \$50 a day fine for non-compliance.

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

Special Magistrate R. Youell noted no one was present in defense of the case.

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

Special Magistrate R. Youell stated the property owner must correct the violations within fifteen days and included a \$50 a day fine per day until the property is brought into compliance.

3. Case: 2016-0000007

Physical Address of Parcel: 59 Cook Avenue, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-6237

Property Owner: 2019 Castle LLC

Mailing Address: 333 Westchester Avenue, West Building Suite W2100, White Plains, NY 10604

Violations: Chapter 14, Section 14-2. - General Requirements, Chapter 14, Section 14-3 (e). - Violations Enumerated, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property

Code Enforcement Officer Chris Strawn presented Case 2016-0000007. Code Enforcement Officer Chris Strawn displayed visuals of the violations. He went over the timeline of violations and noted the respondent was sent notice by Certified Mail and duly noticed as received. He also received a report from the Health Department noting the violations. He noted an abandoned vehicle is on the property. There was an eviction notice filed by the property management. Rodents were present and creating a nuisance. Extensions on the case due to the Coronavirus was noted. Property has not been improved as of today's date. The Municipal Code violations were duly noted.

Code Enforcement Officer Chris Strawn recommended that a fine of \$100 a day until the property violations are corrected.

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

Code Enforcement Officer C. Strawn replied that there are people living on the property and County citations were outstanding.

Special Magistrate R. Youell noted no one was present to represent the respondent. She noted the city violations and the corrections must be resolved within 15 days, and the respondent must arrange for a re-inspection. A fine of \$100 per day will be assessed until the property is in compliance.

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

4. Case: 2016-0000020

Physical Address of Parcel: 230 North 5th Street, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-6582

Property Owner: Denzel J. Dockery

Mailing Address: P O Box 342, Ponce de Leon, FL 32455-0342

Violations: Chapter 5, Section 5-21. – Unsafe Structures and Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2016-0000020. Code Enforcement Officer Chris Strawn displayed visuals of the violation. He went over the timeline of violations and noted the respondent was sent warnings, notice by Certified Mail and duly noticed. Certified mail was returned as Return to Sender, as the property is vacant and unable to forward. He noted the box was closed.

Code Enforcement Officer Chris Strawn stated the property condition has not improved as of today's date.

Code Enforcement Officer Chris Strawn suggested the property be fined for Code violations in the amount of \$25 per day until the property meets compliance.

Special Magistrate R. Youell accepted the presentation for the record and noted the respondent was not present. She noted the Code violations and must correct the violation within 15 days and if the property is not brought into compliance, the amount is \$100 a day.

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

5. Case: 2016-0000028

Physical Address of Parcel: 136 Bruce Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19330-000-0013

Property Owner: Freddie L. Cason III

Mailing Address: 105 Cape Drive Northwest, Fort Walton Beach, FL 32548

Violations: Chapter 14, Section 14-2. - General Requirements Chapter 14, Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2016-0000028. Code Enforcement Officer Chris Strawn displayed visuals of the violations and went over the timeline of violations and noted the respondent was sent notice by Certified Mail, warning notices and duly noticed.

Code Enforcement Officer Chris Strawn stated the violation was extended due to the Coronavirus.

Code Enforcement Officer Chris Strawn mentioned some of the property has shown signs of improvement, as the accumulated property has been improved. Respondents should complete corrections and have the property re-inspected. He suggested \$25 a day until the property is brought into compliance.

Special Magistrate R. Youell accepted the presentation for the record and noted the respondent was not present.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record. Special Magistrate R. Youell ruled the property is in violation and issued a 30-day compliance with a re-inspection with a \$25 a day be assessed until the violations are corrected.

6. 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: Donald R. Cloer Jr

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 presented Case 2017-0000108 / 2020-00000019. Code Enforcement Officer Chris Strawn presented visuals of the violations and went over the timeline of the Code violations, noting the respondent was sent notice by Certified Mail and duly noticed.

Code Enforcement Officer Chris Strawn stated rodents are present on the property.

Code Enforcement Officer Chris Strawn the property violations were extended due to the Coronavirus. He noted the notices were received. He noted the property does not show signs of improvement. He suggested the respondents correct the violations within 30 days, arrange for an inspection and suggested a fine of \$50 a day until the violations are brought into compliance.

Special Magistrate R. Youell accepted the presentation for the record and noted the respondent was not present.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record. Respondent must correct within 15 days, call for an inspection, be fined \$75 a day until the property is brought into compliance.

7. Case: 2018-0000131

Physical Address of Parcel: 142 Rose Circle, DeFuniak Springs, FL 32433
Parcel: 27-3N-19-19420-000-0540
Property Owner: Elijah Earl Spencer & Jacob Elliott Spencer
Mailing Address: 142 Rose Circle, DeFuniak Springs, FL 32433
Violations: Chapter 14, Section 14-2. - General Requirements and Chapter 14,
Section 14-3 (e). - Violations Enumerated

Code Enforcement Officer Chris Strawn presented Case 2018-0000131. Code Enforcement Officer Chris Strawn displayed visuals and went over the timeline of violations and noted the respondent was sent notice by Certified Mail and duly noticed. The mail was returned as unclaimed and a "Door Knocker" was also placed on the property. He mentioned the violation notice was eventually received.

Code Enforcement Officer Chris Strawn stated the violations were extended by 30 days due to the Coronavirus.

Code Enforcement Officer Chris Strawn suggested respondent has 30 days to correct the condition with an assessment of \$25 each day. He stated the respondent lives in the home. No one has corrected the violation as of today's date.

Special Magistrate R. Youell accepted the presentation for the record and noted that the respondent was not present.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record. The respondent was found in violation of the Code and assessed the violation must be corrected within 30 days, arrange for an inspection and assessed a \$100 a day fine until the property is brought into compliance.

8. Case: 2019-0000207

Physical Address of Parcel: 241 North 6th Street, DeFuniak Springs, FL 32433

Parcel: 25-3N-19-19070-001-6720

Property Owner: Bennie Hardwick

Mailing Address: 241 North 6th Street, DeFuniak Springs, FL 32433

Violations: Chapter 14, Section 14-3 (e). - Violations Enumerated and Chapter 18, Section 18-58.1. - Wrecked, Junked, Abandoned Vehicles and Other Property

Code Enforcement Officer Chris Strawn presented Case 2019-0000207. Code Enforcement Officer Chris Strawn displayed the visual of the property and went over the timeline of the violations and noted the respondent was sent notice by Certified Mail, Stop Work Order issued and duly noticed. The respondent repairs vehicles at the address in violation of the Code.

Code Enforcement Officer Chris Strawn stated the certified mail was received. He noted the violations were extended thirty days because of the coronavirus. There has been no change in the condition of the property. He noted the vehicles have been moved from the right-of-way but relocated next to the neighbor's property.

Code Enforcement Officer Chris Strawn suggested the respondent by fined \$25 per day until the property is brought into compliance and arrange for a re-inspection.

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

Bennie Hardwick was sworn in by Special Magistrate R. Youell. Mr. Hardwick mentioned he told the past Code Enforcement Officer that a neighbor was also performing a repair business. He asked about fencing and stated he owns the vehicles on the side of the house. He has stopped the work in accordance with the Order.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record. The ruling included a 45-day compliance notice, and a re-inspection must be done with a fine of \$25 per day until the property is in compliance.

9. Case: 2020-0000001

Physical Address of Parcel: 882 West Orange Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19160-002-0130

Property Owner: Estate of Carolyn M. Herring

Mailing Address: 882 West Orange Avenue, DeFuniak Springs, FL 32435

Violations: Chapter 14, Section 14-2. - General Requirements, Chapter 14, Section 14-3 (e). - Violations Enumerated, and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property

Code Enforcement Officer Chris Strawn presented Case 2020-0000001. Code Enforcement Officer Chris Strawn presented a visual display and went over the timeline of the violations and noted the respondent was sent notice of violations by Certified Mail which was received and duly noticed.

Code Enforcement Officer Chris Strawn stated the violations was extended 30 days due to the Coronavirus.

Code Enforcement Officer Chris Strawn stated most of the violations have been removed. He suggested a fine of \$25 per day until the accumulated property is removed, and the property should be re-inspected.

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

Earl and Sherry Thompson were sworn in by Special Magistrate R. Youell. Mr. Thompson said he is cleaning up the property. Sherry Thompson is trying to secure an Order of Probate.

Special Magistrate R. Youell announced the Findings of Fact, Conclusions of Law and Order are made part of the record. The ruling is \$25.00 a day after 30 days and must come into compliance.

Case number 2020-0000002, item 10, was put aside to check on the case number.

11. Case: 2020-0000003

Physical Address of Parcel: 500 Dorsey Avenue, DeFuniak Springs, FL 32435

Parcel: 25-3N-19-19120-000-00D0

Property Owner: Willie Wiggs, Jr

Mailing Address: P O Box 854, DeFuniak Springs, FL 32435

Violations: Chapter 5, Section 5-21. – Unsafe Structures and Chapter 18, Section 18-58.1. - Wrecked, junked, abandoned vehicles and other property

Code Enforcement Officer Chris Strawn presented Case 2020-0000003. Code Enforcement Officer Chris Strawn displayed visuals of the code violations and went over the timeline of the

violations and noted the respondent was sent notice of violation by Certified Mail and duly noticed and received.

Code Enforcement Officer Chris Strawn stated the violations were extended 30 days due to the Coronavirus. He has also met with Mr. Wiggs.

Code Enforcement Officer Chris Strawn stated some of the abandoned vehicles have been removed and suggested a re-inspection and correct the violations within 60 days and be fined \$25.00 a day until the property is brought into compliance. He noted Mr. Wiggs is trying to get a fundraiser to clean up the property, as Mr. Wiggs states it has historical significance.

Special Magistrate R. Youell swore in Willie Wiggs, Jr. of 275 South Davis Lane. He stated the vehicles belong to his son, and they are trying to remove the vehicles. He states the building has historical value, as it was a grocery store, meat market and social gathering place for the neighborhood. He inherited the property about twenty years ago. The previous Code Officer gave him advice on improvements to get it up to code. He will remove the vehicles, as soon as possible.

Andre Miley of 444 Dorsey Ave was sworn in by Special Magistrate R. Youell to state the building was called the Country Kitchen. The families in the neighborhood are trying to clean up the area. He noted he has fond memories of the building.

Mr. Wiggs said he has not decided whether to deed the property to a non-profit organization, in reply to Special Magistrate Recca Rene Youell.

Deputy City Manager Carisse LeJeune was sworn in by Special Magistrate R. Youell to testify that she has met with Mr. Wiggs to go over the code violations. She stated Mr. Wiggs desires to declare the building as historical. Mr. Huffman also came in and informed her that the building was a focal place for the African American community. She was informed that it is a community effort to save the building. The city is willing to speak for Mr. Wiggs to assist him with his effort to designate the building as historic.

Code Enforcement Officer C. Strawn said if the windows are boarded, the glass should be cleaned up for safety reasons.

Mr. Wiggs came forward and replied to Special Magistrate R. Youell, stating he will clean up the glass.

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. The ruling consisted of removing the glass within two weeks to ensure safety concerns, he must correct the violation within 60 days or have a written plan with a non-

profit organization, the property should be re-inspected, and a fine of \$25 a day until the property meets compliance.

Special Magistrate R. Youell called a recess at 4:19 p.m. and court reconvened at 4:30.

10. Case: 2020-0000002

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 2020-0000002. Code Enforcement Officer Chris Strawn displayed the visuals and went over the timeline of the violations and noted the respondent was sent notice of violation by Certified Mail and duly noticed. The certified mail has been returned, as "Return to Sender" and showing one notice was received. The posting was not posted at City Hall.

Code Enforcement Officer Chris Strawn stated the respondent is currently incarcerated. A raid on the property has been conducted and some people reside in the house, as well as the shed on the property. He added he does not know if there is electricity connected.

Code Enforcement Officer Chris Strawn noted the violation was extended due to the Coronavirus.


Special Magistrate R. Youell stated she will continue this case, as it was not posted properly at City Hall. Mr. Strawn added the notices have been sent to the parents in Freeport.

11. ADJOURN

Magistrate Youell adjourned the Hearing at 4:39 p.m.


The Honorable Magistrate Recca Rene Youell




Maryanne Schrader, City Clerk
Proper Notice having been duly given