

**MINUTES OF THE FEBRUARY 10TH, 2016
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**

The following are the minutes of the Special Magistrate Hearing held on February 10th, 2016 as taken by Jamie Davis

Present at the hearing:

SPECIAL MAGISTRATE

Charles D. Johnson

CODE ENFORCEMENT STAFF:

Dennis Bunt, Code Enforcement Supervisor
Lisa Grider, Code Enforcement Officer
Stan Wilson, Code Enforcement Officer
Jennifer Joiner, Code Enforcement Officer
Mark Shepherd, Code Enforcement Officer
Ron Collodi, Code Enforcement Manager
Jamie Davis, Public Hearing Coordinator

STAFF ATTORNEY:

Erin Hartigan, Assistant County Attorney

Charles D. Johnson called the meeting of the Special Magistrate to order at 1:00 p.m.

Staff was sworn in by Charles Johnson.

Code Enforcement:

ITEM 1

Michael & Nicole Williams, SM-2015-07-0272

Respondents were not present.

Erin Hartigan stated this case was previously brought before the Special Magistrate on December 9, 2015 and were charged with Section 3.01.04 (7) "Key to Conditions in Table of Permitted and Conditional Uses", Section 3.06.01 "Purpose and Intent" and Section 14.00.02 "Prohibition". This case was postponed at the December hearing to

allow the Respondent time to apply for a variance. Erin Hartigan stated that the Respondents have complied with Section 3.01.04 (7) and Section 3.06.01 but not with 14.00.02 and have not made substantial efforts to come into compliance with this code. Staff recommended the Special Magistrate find the Respondents in violation of this section and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case and stated that the Respondents requested 30 days to come into compliance.

Supervisor Dennis Bunt testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation of 14 days.

ITEM 2

James Gordon, SM-2015-08-0091

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 23-98 "Junk", Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 14.00.02 "Prohibition" and that the Respondent is now in compliance with Section 3.06.01 "Purpose and Intent" and Section 3.01.04 (7) "Key to Conditions in Table of Permitted and Conditional Uses". Staff recommended the Special Magistrate find the Respondent in violation and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

James Gordon testified to the facts of the case.

Special Magistrate Charles D. Johnson stated he would render a decision after reviewing all the evidence.

ITEM 3

Dale E. Montz & Carolyn Montz, SM-2015-11-0174

Respondents were present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate

find the Respondents in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Carolyn Montz testified to the facts of the case and requested 30 days to come into compliance.

Special Magistrate Charles D. Johnson granted the Respondents 30 days to come into compliance. If the Respondents have made substantial efforts to come into compliance within the 30 days they may request additional time prior to the 30 days expiring. If the Respondents are not in compliance within the 30 days, or have not requested additional time, a fine of \$50.00 per day will revert back and begin on the 15th day and continue for each day of non-compliance.

ITEM 4

Gerry R. Lee, SM-2015-07-0041

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 14-56 “Declaration of Nuisance and Prohibited Conditions”. Staff recommended the Special Magistrate find the Respondent in violation and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff’s recommendation.

ITEM 5

Eric McDaniel, SM-2014-06-0015

Respondent was present.

Attorney Jimmy Crawford was present on behalf of the Respondent.

Erin Hartigan stated this case is charging the owner with violation of Section 14.14.02 “Zoning Permits” and Section 14.14.03 “Building and Sign Permits”. Staff recommended the Special Magistrate find the Respondent in violation and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Attorney Jimmy Crawford offered testimony and requested additional time to come into compliance.

Officer Lisa Grider testified to the facts of the case.

Licensing Investigator, Joann Sala, was present and offered testimony and stated that the site plans were rejected.

Attorney Jimmy Crawford responded.

Special Magistrate Charles D. Johnson granted the Respondent 30 days to come into compliance. If the Respondent has made substantial efforts to come into compliance within the 30 days he may request additional time prior to the 30 days expiring. If the Respondent is not in compliance within the 30 days, or has not requested additional time, a fine of \$100.00 per day will begin on the 31st day and continue for each day of non-compliance.

ITEM 6

Randy Gainous & Martha Haddox, SM-2015-08-0191

Respondents were present and sworn.

Attorney Jimmy Crawford was present on behalf of the Respondents.

Erin Hartigan stated this case is charging the owner with violation of Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondents in violation and grant 30 days to comply or a fine of \$100.00 per day to begin on the 31st day if not in compliance.

File was entered into evidence.

Officer Lisa Grider testified to the facts of the case.

Randy Gainous testified to the facts of the case.

Attorney Jimmy Crawford offered legal argument as to the definition of solid waste and recycling and requested additional time to come into compliance.

Supervisor Ron Collodi offered testimony.

Special Magistrate Charles D. Johnson stated he would render a decision after reviewing all the evidence.

ITEM 7

Clermont 99-FL LLC, SM-2015-10-0043

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special

Magistrate find the Respondent in violation and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

ITEM 8

Jose Mendez, SM-2015-10-0274

Respondent was not present.

Officer Stan Wilson stated this property is now in compliance and the case is cleared.

ITEM 9

Emmett D. Snell, SM-2015-08-0122

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of 23-98 "Junk". Staff recommended the Special Magistrate find the Respondent in violation and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15 day if not in compliance.

File was entered into evidence.

Officer Jennifer Joiner testified to the facts of the case.

Emmett Snell testified to the facts of the case and requested 30 days to come into compliance.

Special Magistrate Charles D. Johnson granted 30 days to comply.

ITEM 10

Keith and Linda Murray, SM-2014-11-0128

Respondent was present and sworn.

Erin Hartigan stated the facts of the case and that the Respondent is requesting a reduction of fine.

File was entered into evidence.

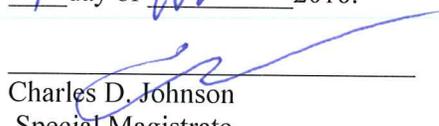
Keith Murray testified to the facts of the case.

Special Magistrate Charles D. Johnson dismissed the case.



Jamie Davis
Recording Secretary

Receipt of the minutes as prepared of the February 10th, 2016 hearing is acknowledged this
9 day of Mar 2016.



Charles D. Johnson
Special Magistrate