

MINUTES OF THE MAY 11, 2016
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

The following are the minutes of the Special Magistrate Hearing held on May 11th, 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
Mark Shepherd, Code Enforcement Officer
Jennifer Joiner, Code Enforcement Officer
Ron Collodi, Code Enforcement Manager
Jamie Davis, Public Hearing Coordinator

STAFF ATTORNEY:

Diana Johnson, 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

Robert C. Smith Jr., SM-2015-09-0084

Robert C. Smith Jr. was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 9.04.03 "Right-of-Way Provisions", Section 14.14.05 "Right-of-Way Utilization Permit" and Section 3.01.03 "Schedule of Permitted and Conditional Uses". Staff recommended the

Special Magistrate find the Respondent in violation of these sections 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 Jennifer Joiner testified to the facts of the case.

Terry Scott appeared on behalf of the Public Works Department and offered testimony.

Robert C. Smith Jr. cross-examined Terry Scott.

Robert C. Smith Jr. testified to the facts of the case submitted evidence.

Diana Johnson, Assistant County Attorney, cross-examined Robert C. Smith Jr.

Special Magistrate Charles D. Johnson granted the parties 10 days to submit closing briefs and will render his decision at a later date after reviewing all the evidence and closing briefs.

ITEM 2

Douglas VanSant, SM-2015-10-0255

Douglas VanSant was not present at the hearing.

Diana Johnson stated this case is charging the owner with repeat violation of Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited" and in violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions" and Section 3.06.03 "Permitted Parking". Staff recommended the Special Magistrate find the Respondent in repeat violation and impose a daily fine of \$200.00 until the property is brought into compliance.

File was entered into evidence.

Officer Lisa Grider testified to the facts of the case and stated that Douglas VanSant is deceased. Officer Girder testified that the property was posted with the notice of hearing.

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

ITEM 3

Greg & Ryan Wilhelm, SM-2016-01-0268

Greg Wilhelm was present and sworn.

Diana Johnson stated this case is charging the owners with violation of Section 23-98 “Junk” and Section 23-99 “Accumulation of Solid Waste Prohibited” and Section 6-22 “Adoption and Enforcement”. Staff recommended the Special Magistrate find the Respondents in violation of these sections 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 Lisa Grider testified to the facts of the case.

Greg Wilhelm testified to the facts of the case and stated he is now residing in the home and trying to obtain a permit for the remodel work. Greg Wilhelm requested additional time to come into compliance.

Special Magistrate Charles D. Johnson granted 30 days to come into compliance and Respondent may request additional time if he is making substantial to come into compliance prior to the 30 days expiring.

ITEM 4

T-Lynne Properties LLC, SM-2015-10-0215

Lawrence D. Breech, Registered Agent, was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 14.00.01 “Purpose”, Section 14.00.02 “Prohibition” and Section 14.14.01 “Application”. Staff recommended the Special Magistrate find the Respondent in violation of these sections 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 Lisa Grider testified to the facts of the case.

Lawrence D. Breech testified to the facts of the case and stated he is working to obtain an approved site plan.

Special Magistrate Charles D. Johnson granted 180 days to come into compliance.

ITEM 5

William Chenvert & Wendy Chenvert, SM-2015-07-0245

William and Wendy Chenvert were not present at the hearing.

Diana Johnson stated that this case was charging the owner with violation of Section 3.01.02 “Classification of Uses”. 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.

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

ITEM 6

Robert Fell & Cynthia Lipke, SM-2015-12-0077

Robert Fell and Cynthia Lipke were not present at the hearing.

Diana Johnson stated this case is charging the owner with violation of Section 23-99 "Accumulation of Solid Waste Prohibited", Section 3.06.01 "Purpose and Intent", Section 3.01.00 "Zoning District Use Regulations", Section 3.01.02 "Classification of Uses", Section 3.01.03 "Schedule of Permitted and Conditional Uses" and Section 13-73 "Business Tax Receipt". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to come into compliance or a fine of \$50.00 per day to begin on the 15th day if not in compliance.

File was entered into evidence.

Officer Lisa Grider testified to the facts of the case.

Complainant, Tana Denner, was present, sworn and testified to the facts of the case.

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

ITEM 7

Antonio Rosado & Diana Rosado, SM-2015-12-0162

Antonio Rosado & Diana Rosado were present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 9.04.03 "Right-of-Way Provisions". 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 Stan Wilson testified to the facts of the case.

Terry Scott from Public Works Department, was present, sworn and offered testimony.

Antonio Rosado testified to the facts of the case.

Diana Rosado testified to the facts of the case.

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

ITEM 10

Trailside Industrial Inc., SM-2016-01-0286

Respondent was not present.

Diana Johnson stated that the parties have entered into a settlement agreement and that the Respondent will bring the property into compliance no later than October 31, 2016.

File was entered into evidence.

Special Magistrate Charles D. Johnson accepted and signed the settlement agreement.

ITEM 11

Terry Erlewein Trustee, SM-2015-12-0217

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 3.06.01 "Purpose and Intent". Staff recommended the Special Magistrate find the Respondent in violation of these sections 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 14

William D. Rodgers, SM-2015-12-0238

William D. Rodgers was present and sworn.

Diana Johnson stated this case is charging the owner with violation of 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 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.

William D. Rodgers testified to the facts of the case and stated that he has hired attorney Michael Croak to represent him in a civil action to remove the RV from the property.

Special Magistrate Charles D. Johnson granted 30 days to come into compliance. Respondent may request additional time if making substantial efforts to come into compliance prior to the 30 days expiring.

ITEM 16

Richard Lance Ferguson & Scott Ferguson, SM-2016-01-0221

Richard Ferguson and Scott Ferguson were not present.

Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk". 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.

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

ITEM 18

Jean Fox Martin, SM-2014-12-0167

Jean Fox Martin was not present.

Diana Johnson 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 Respondent 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.

Special Magistrate Charles D. Johnson granted the Respondent 45 days to come into compliance.

ITEM 20

Robert E. Foster, SM-2015-02-0118

Robert Foster was not present.

Diana Johnson 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 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.

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



Jamie Davis
Recording Secretary

Receipt of the minutes as prepared of the May 11th, 2016 hearing is acknowledged this 8 day
of July 2016.



Charles D. Johnson Special Magistrate