

**CODE ENFORCEMENT SPECIAL MASTER MEETING
December 9, 2015**

MINUTES

SPECIAL MASTER:

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

BUILDING DEPARTMENT STAFF:

Shane Gerwig, Building Official
Joann Sala, Licensing Investigator
Glen Guzman, Licensing Investigator
Deborah Kohler, Office Associate

ANIMAL CONTROL STAFF:

Amber Teeter, Supervising Animal Control Officer
Bonnie Loomis, Animal Control Officer
Reagan Ivers, Animal Control Officer
Sharon Beardsley, Animal Control Officer
Laura Norton, Animal Control Officer
Danielle Conger, Animal Control Officer

STAFF ATTORNEY:

Erin Hartigan, Assistant County Attorney
Diana Johnson, Assistant County Attorney

Charles D. Johnson called the meeting of the Special Master to order at 9:00 a.m.

Erin Hartigan announced the changes to the agenda. On the Code Enforcement Agenda, Items 3, 4, and 5 had cleared. On the Building Services Agenda, Items 11, 12, 13, 17, and 23 had cleared.

Staff was sworn in by Charles Johnson.

Code Enforcement:

ITEM 1

Justin Gray, SM-2015-07-0061

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 3.06.03 "Permitted Parking". Staff stated that they are requesting the Respondent remain in compliance with this section as the trailer is not always there.

File was entered into evidence.

Officer Jennifer Joiner testified to the facts of the case.

Justin Gray testified to the facts of the case.

Justin Gray called his witness, Joyce Miller, who stated she is a neighbor. Joyce Miller was sworn in and offered testimony. Erin Hartigan cross-examined Joyce Miller.

Officer Dennis Bunt testified to the facts of the case.

Special Master Charles D. Johnson ordered the Respondent to remain in compliance with Section 3.06.03 "Permitted Parking", or a fine of \$100.00 per day will begin and continue for each day of non-compliance.

ITEM 2

Lalta Mathura, SM-2014-11-0093

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 3.01.03 "Schedule of Permitted and Conditional Uses". Staff recommended the Special Master 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 Stan Wilson testified to the facts of the case.

Lalta Mathura testified to the facts of the case.

Special Master Charles D. Johnson found the Respondent in violation and granted 30 days to comply. If the Respondent is making substantial efforts to come into compliance 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 \$50.00 per day will begin on the 31st day and continue for each day of non-compliance.

ITEM 6

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

Michael Williams was present and sworn.

Erin Hartigan 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", Section 3.06.01 "Purpose and Intent" and Section 14.00.02 "Prohibition".

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Michael Williams testified to the facts of the case and stated that he applied for a variance and that the meeting for the variance is scheduled for January.

Special Master Charles D. Johnson postponed the hearing to February.

ITEM 7

Gordon & Jean Edelstein, SM-2015-08-0137

Respondents were not present.

Erin Hartigan stated this case is charging the owner with violation of Section 6-22 "Adoption and Enforcement (IPMC SECTIONS)", Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Master find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$150.00 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.

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

ITEM 8

Mary O'Meara, SM-2014-12-0033

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of former Section 6-22 "Adoption and Enforcement (IPMC SECTIONS)". Staff recommended the Special Master find the Respondent in violation of this section 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. Officer Jennifer Joiner testified to the facts of the case.

File was entered into evidence

Officer Lisa Grider testified to the facts of the case.

Special Master Charles D. Johnson accepted staff's recommendation

ITEM 9

John G. Lanier

Erin Hartigan stated the facts of the case and requested the Special Master approve a release of lien on this property.

Special Master Charles D. Johnson approved the release of lien.

ITEM 10

Christopher & Rae'l Wilson, SM-2014-10-0282

Erin Hartigan stated the facts of the case and requested the Special Master approve and sign a settlement agreement regarding the property.

Special Master Charles D. Johnson approved and signed the settlement agreement.

Building Services:

ITEM 14

William Beckett Sr., SM-2015-08-0111

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of 14.14.03 Building and Sign Permits". Staff recommended the Special Master find the Respondent in violation of this section and grant 30 days to comply or a fine of \$100.00 per day to begin on the 31st day if not in compliance.

Officer Joann Sala testified to the facts of the case and stated that a variance has been applied for.

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

ITEM 15

Angel & Ninett Ruiz, SM-2015-05-0078

Angel Ruiz was present and sworn.

Diana Johnson stated this case is charging the owner with violation of 14.14.03 Building and Sign Permits". Staff recommended the Special Master find the Respondents in violation of this section 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 Joann Sala testified to the facts of the case and stated that the hearing for the variance is set for tomorrow, December 10th, 2015.

Building Official Shane Gerwig testified to the facts of the case.

Special Master Charles D. Johnson stated he will render his decision at later date after reviewing all the evidence.

ITEM 16

Terry & Linda Hoffman, SM-2015-07-0110

Respondents were not present.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign permits". Staff recommended the Special Master find the Respondent in violation of this section and grant 10 days to comply or a fine of \$100.00 per day to begin on the 11th day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

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

ITEM 18

Bernard W. Tacy, SM-2015-09-0068

Bernard W. Tacy was present and sworn.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign permits". Staff recommended the Special Master find the Respondent in violation of this section and grant 10 days to comply or a fine of \$100.00 per day to begin on the 11th day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

Bernard W. Tacy testified to the facts of the case and stated that the violations have been corrected.

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

ITEM 19

Bradley & Tiffany Tatsch, SM-2015-08-0183

Respondents were not present.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign Permits". Staff recommended the Special Master find the Respondents in violation of this section and grant 10 days to comply or a fine of \$100.00 per day to begin on the 11th day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

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

ITEM 20

Forest Hill Stores Two Inc., SM-2015-09-0063

Respondents were not present.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign Permits". Staff recommended the Special Master find the Respondents in violation of this section and grant 60 days to comply or a fine of \$100.00 per day to begin on the 61st day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

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

ITEM 21

RW Fern LLC, SM-2015-09-0041

Respondent was present and sworn.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign permits". Staff recommended the Special Master find the Respondent in violation of this section and grant 10 days to comply or a fine of \$100.00 per day to begin on the 11th day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

Special Master Charles D. Johnson granted 30 days to comply. If Respondent is making substantial efforts to come into compliance they 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 then a fine of \$100.00 per day will begin on the 31st day.

ITEM 22

Kathy Stevens, SM-2015-08-190

Kathy Stevens was present and sworn.

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign permits". Staff recommended the Special Master find the Respondent in violation of this section 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 Glen Guzman testified to the facts of the case.

Special Master Charles D. Johnson granted 30 days to comply. If Respondent is making substantial efforts to come into compliance they 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 then a fine of \$100.00 per day will begin on the 31st day.

ITEM 24

Chad S. Vaz, SM-2015-05-0226

Diane Johnson stated this case is charging the owner with violation of Section 14.14.03 "Building and Sign permits". Staff recommended the Special Master find the Respondent in violation of this section and grant 10 days to comply or a fine of \$100.00 per day to begin on the 11th day if not in compliance.

File was entered into evidence.

Officer Glen Guzman testified to the facts of the case.

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

ITEM 25

Tracey Tirri, SM-2015-05-0060

Respondent was not present. Jeff Hartley was present on behalf of the Respondent. Jeff Hartley was sworn and requested additional time be granted to come into compliance.

Diana Johnson stated the facts of the case and that the county is not in agreement with granting more time.

Special Master Charles D. Johnson granted until January 9th, 2016 to come into compliance so long as the business ceases operations until such time as the property is in full compliance. If the property is not in compliance by this date or the business continues operations, then the fine of \$100.00 per day will go into effect nunc pro tunc from today's date.

Animal Services:

ITEM 26

Amber Knope & Erick Cox, SM-AS-1140-15

Respondents were not present.

File was entered into evidence.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals", Section 4-28 "Attack or Bite to Persons and/or Animals" and Section 4-41 "Prohibition of Tethering Dogs". Staff recommended the Special Master find the Respondents in violation of these sections and impose a fine of \$800.00.

Officer Laura Norton testified to the facts of the case.

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

ITEM 27

Ciera Yancey, SM-AS-1240-15

Respondent was present and sworn.

File was entered into evidence.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals", Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Master find the Respondent in violation of these sections and impose a fine of \$2,650.00.

Officer Bonnie Loomis testified to the facts of the case.

Ciera Yancey testified to the facts of the case.

The complainants, David Barrow & Clairra Odle, were present, sworn and offered testimony.

Special Master Charles D. Johnson accepted staff's recommendation and granted 60 days to pay the fine.

ITEM 28

Jessibel Muriel, SM-AS-1155-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals." Staff recommended the Special Master find the Respondent in repeat violation of this section and impose a fine of \$650.00.

File was entered into evidence.

Officer Bonnie Loomis testified to the facts of the case.

Jayson Lazeu, who stated he is the boyfriend of the Respondent, was present, sworn and offered testimony as to the facts of the case.

Jessibel Muriel testified to the facts of the case.

Special Master Charles D. Johnson accepted staff's recommendation and granted 60 days to pay the fine.

ITEM 29

Jessibel Muriel, SM-AS-1311-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Master find the Respondent in violation of this section and impose a fine of \$2,500.00.

File was entered into evidence.

Officer Danielle Conger testified to the facts of the case.

The complainants, John VonHartmann and Brenda VonHartmann, were present, sworn and offered testimony.

Special Master Charles D. Johnson stated he will render his decision at a later date upon reviewing all the evidence.

ITEM 30

Robert Finley, SM-AS-1310-15

Respondent was not present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Master find the Respondent in violation of these sections and impose a fine of \$2,650.00.

File was entered into evidence.

Officer Danielle Conger testified to the facts of the case.

Melissa Goff was present, sworn and offered testimony.

Teresa McWilliams was present, sworn and offered testimony.

Special Master Charles D. Johnson stated he will render his decision at a later date upon reviewing all the evidence.

ITEM 31

Anthony Coleman, SM-AS-1198-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Master find the Respondent in violation of these sections and impose a fine of \$650.00.

File was entered into evidence.

Officer Reagan Ivers testified to the facts of the case.

Anthony Coleman testified to the facts of the case.

Kevin Murray was present, sworn and offered testimony.

Special Master Charles D. Johnson accepted staff's recommendation and granted 180 days to pay the fine.

ITEM 32

Charlotte Moton, SM-AS-1197-15

Respondent was present and sworn.

Erin Hartigan stated this case is charging the owner with violation of Section 4-27 "Nuisance Animals" and Section 4-28 "Attack or Bite to Persons and/or Animals". Staff recommended the Special Master find the Respondent in violation of these sections and impose a fine of \$1,150.00.

File was entered into evidence.

Officer Reagan Ivers testified to the facts of the case.

Charlotte Moton testified to the facts of the case.

The complainants, Dreamer Brodus and Shakeila Perry, were present, sworn and testified to the facts of the case.

Special Master Charles D. Johnson accepted staff's recommendation and granted 180 days to pay the fine.

ITEM 33

Melissa Brett, SM-AS-1297-15

Respondent was present.

Erin Hartigan stated this case is charging the owner with violation of Section 4-33 "Cruelty and Neglect". Staff recommended the Special Master find the Respondent in violation of this section and impose a fine of \$1,000.00.

Officer Sharon Beardlsey testified to the facts of the case.

Attorney Chris Largey cross-examined Officer Beardsley.

Dr. Cassidy was sworn and offered testimony.

Attorney Chris Largey cross-examined Dr. Cassidy.

Melissa Brett was sworn and testified to the facts of the case.

Erin Hartigan cross-examined Melissa Brett.

Dr. Cassidy was recalled to testify by Attorney Chris Largey.

Special Master Charles D. Johnson stated he will review the case and photos with all parties present prior to rendering decision.

As there was no further business, meeting was adjourned at 1:30 pm.

Respectfully submitted,



Jamie Davis, Recording Secretary