

The City of Wauchula Code Enforcement met for its regularly scheduled hearing on Wednesday, February 24, 2022 at 10 a.m.

Special Magistrate Elliott Mitchell called the hearing to order and administered the oath to those testifying.

Also present at the hearing were Code Enforcement Officer Raina Bergens, Community Development Director Kyle Long and City Clerk Holly Smith.

Certificate of Fines/Liens

Old Case – 21-046-L

1074 Downing Circle

(Est of) Catherine & Larry Reynolds

David Mulholland addressed Special Magistrate Mitchell. CE Officer Bergens advised Special Magistrate Mitchell the property continued to have repeat offenses and was opened in early 2021. Bergens stated an abatement had been placed on the property and the City would have to recuperate the cost. Special Magistrate Mitchell mentioned the lien was \$265.99. Mulholland stated he was in the process of getting the property put into his name. Mulholland added he did not dispute the fines but did not have a job at the moment. Special Magistrate Mitchell stated the property had around \$7,000 of liens the City was not pursuing but did enter an order for a special assessment lien in the amount of \$265.99.

Old Case – 21-057-M

208 Louisiana Street

Roy A. Brown Trustee

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mitchell accepted. Bergens explained the property was a rental of Brown's and noted there were several violations. The case was opened in May 3, 2021 and permits were pulled in January of 2022. Special Magistrate Mitchell asked for the current status of the property. Bergens stated the replacement of the windows began on February 11th and was finished yesterday. There was rotten wood that had been replaced and was in the process of being painted. Roy Brown addressed Special Magistrate Mitchell and stated the contractors began the repairs September 13, 2021. Brown stated the house was a 1930's house and windows were hard to get. Special Magistrate Mitchell asked Brown if he agreed the house had been in disrepair for some time. Brown replied no he did not agree. Special Magistrate Mitchell asked Brown "why not". Brown responded all that was needed was windows and paint. Special Magistrate Mitchell stated he did not need to issue a finding with the case because one had already been established by the previous Special Magistrate Dawson. Brown stated something was sent to him but he never received it. Special Magistrate Mitchell stated he did find the property was in disrepair and the findings were made prior to him being there and therefore it was appropriate to impose a lien on the property as stated for \$20,000. Brown asked Special Magistrate Mitchell what was the order. Special Magistrate Mitchell stated a lien would be placed on the property in the amount of \$20,000 based on it being in violation after the finding from the prior Special Magistrate Dawson for 80 days at the rate of \$250 a day. Brown stated he was not invited to the meeting. Bergens informed Brown he was invited. Bergens stated a notice was placed at the property and a certified letter was mailed to you. Special Magistrate Mitchell stopped the conversation between Bergens and Brown and advised Brown there was appeals process and he was welcome to follow it. Brown asked Special Magistrate Mitchell what was the process. Special Magistrate Mitchell advised Brown to speak with an attorney regarding an appeals process. Special Magistrate Mitchell stated his finding were based off the findings from the previous Special Magistrate Dawson. Brown stated for the record a permit with the County was good for six months and you have to order the windows which were not available. Brown stated he had to come up with a new design and noted he was a professional engineer and redesigned the entire side of the house. Brown added you cannot do that in a couple of days. Brown noted he wanted that on the record. Brown asked where did he go to pay the lien. Bergens stated the City. Brown stated he would go pay it and then sue the City.

Marcella Plata – contractor

Plata addressed Special Magistrate Mitchell and stated she was hired to do the windows and they were started but the process took a little bit due to supply shortage. Plata stated the work had been done that was requested.

Special Magistrate Mitchell stated for the record he was bound by the finding of the prior Special Magistrate and could not deviate from his findings because he would have to change his order. Special Magistrate Mitchell stated what he had heard today was the process was just being completed and therefore that violation did remain in existence from the time the previous Special Magistrate ruled. Special Magistrate Mitchell reiterated was bound and could not do anything differently in his current position. Special Magistrate Mitchell recommended Brown to do an appeal. Plata stated Brown would probably do an appeal. Special Magistrate Mitchell noted the finding was issued August 18, 2021 and Brown was not present at the meeting.

Old Case – 21-118-L

814 Louisiana Street

Lisa Slatton Trustee Jeffrey R. Hooper

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mitchell accepted. Bergens informed Special Magistrate Mitchell the property had been abated due to high grass. Bergens noted she had sent letters and had no response. Special Magistrate Mitchell noted no one was present to speak on the property. Special Magistrate Mitchell stated the abatement was proper and the cost was \$232.13 and an administrative fee of \$100 and entered the special assessment lien.

Old Case 19-151-L

1094 Downing Circle

Debra Sanchez

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mitchell accepted. Bergens informed Special Magistrate Mitchell the case was opened in 2019. Bergens noted the property had never been completely cleaned up. Special Magistrate Mitchell noted no one was present to speak on the property. Special Magistrate Mitchell entered the statutory imposed lien in the amount of \$36,600.

Old Case 21-021-M

511 Eddy Street

Marivel Ysasi

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mitchell accepted. Bergens informed Special Magistrate Mitchell she was working with the property owner. Bergens noted the property owner was waiting on the County for assistance. Bergens asked Special Magistrate Mitchell for guidance on what to do. Special Magistrate Mitchell noted there was already a lien which was issued January 2022 with an ongoing fine. Special Magistrate Mitchell recommended to continue working with the property owner. Special Magistrate Mitchell did not take an action on the case.

New Case – 21-141-L

205 Goolsby Street

Vicente Rodriguez & (Est of) Gloria Rodriguez

CE Officer Bergens testified and presented photographic evidence which Special Magistrate Mawhinney accepted. Bergens informed Special Magistrate Mitchell that Rodriguez was a repeat offender and had prior liens on the property and the property continues to get worse. Special Magistrate Mitchell asked Bergens what her suggestions were regarding the property. Bergens stated she did not object to giving Rodriguez 21 days to become complaint and if not begin fines. Long noted he felt 21 days were to many and suggested 10 days. Special Magistrate Mitchell noted no one was present to speak on the property. Special Magistrate Mitchell stated his findings were there was a violation and Rodriguez had until March 7, 2022 for total compliance and if not a fine of \$250 daily and a \$100 administrative fee.

PUBLIC COMMENTS:

There was no one in the audience to speak.

With no further business to discuss, Special Magistrate Dawson adjourned the hearing at 10:24 a.m.

Special Master Elliott Mitchell

City Clerk Holly Smith