

Ronald Brown
Special Magistrate

Troy Bell, ICMA-CM
MPA, MS-Finance
City Manager



Eddie Cutwright
Community Affairs Director

David Green
Code Compliance Officer

Christy Lowe
Code Compliance Officer

Jane West, Esq.
City Attorney

CODE COMPLIANCE HEARING
WITH SPECIAL MAGISTRATE

MINUTES

June 18, 2024 at 1:30 PM

A. Call to Order

The proceedings were called to order at 1:30 PM. The following are the Minutes of the Proceedings of the hearing held at the City Hall, 201 N. 2nd St., Palatka, FL 32177 on June 18, 2024.

B. Briefing by Special Magistrate, Ron Brown

The Magistrate advised he was appointed by the City of Palatka to preside over the proceedings today. Any evidence presented must be such that a reasonable conclusion can be made at the matter at hand.

C. Swearing in of Code Compliance Officers

- a. Eddie Cutwright
- b. David Green
- c. Christy Lowe

The Magistrate administered the oath of office to the individuals named above.

Also present: Jane West, City Attorney; Sunni Krantz, City Clerk; Elizabeth van Rensburg; Allen Sheffield

CASES FOR 2nd REVIEW

1. **Case #2023-016/ Officer Christy Lowe 702 Olive Street Palatka, FL 32177**
First Hearing: March 21, 2023 @ 1:30 p.m. Compliance Date: April 20, 2023
- Section 30-32(b) Prohibited Conditions and Public Nuisance -
Description: Trash and debris

This property was brought into compliance and not presented at the hearing.

2. **Case #2023-0109/Officer Christy Lowe 812 N. 13th Street Palatka, FL 32177**
First Hearing: October 17, 2023 @ 1:30p.m.
Compliance Date: November 16, 2023 (to secure) February 14, 2024

- **Section 30-17(a) Every broken or cracked or missing window wall shall be repaired or replaced with glass. - Description: Broken, cracked or missing windows.**
- **Section 30-32(a)(10) Failure to replace or repair with similar or improved material components, including, but not limited to doors, windows, roofing material siding. - Description: Missing doors, roof is in disrepair.**
- **Section 30-32(a)(2) Excessive and untended growth of grass, weeds, brush branches, and other overgrowth. - Description: Excessive growth over 36 inches throughout the property, overgrowth on the property of grass and trees.**
- **Section 30-32(a)(1) Accumulation of trash, junk or debris, living and nonliving plant material, hazard tree(s) and stagnant water. - Description: trash and debris, living and nonliving tree on the residence and one tree is through a window.**

Ms. Lowe advised she posted notice of the hearing at the property and sent certified mail which was not signed for. No one was present on behalf of the owner. Ms. Lowe advised the violations still exist, with the exception that one broken window has been fixed. The City picked up some of the debris from the roadway. The total amount of fines are \$17,750 to date. Fines continue at \$25 per day per violation.

Magistrate found it appropriate for the City to record a lien on the property in accord with Sec. 162 Fla. Stat.

3. **Case # 2023-038/ Officer Christy Lowe 610 Kirby Street Palatka, FL 32177
First Hearing: March 21, 2023 @ 1:30 p.m. Compliance Date: April 20, 2023**
 - **Section 30-32(b) wrecked or derelict property which has been left abandoned and unprotected from the elements. - Description: vehicle has flat tires, no current registration, mold and mildew growing on vehicle.**

Ms. Lowe presented the case. No one representing the owner was present. She received one green card back, but not for the 2nd hearing. The violations presented at the first hearing still exist. The fines are currently \$10,625.

The Magistrate found the City can record a lien on the subject property regarding the derelict vehicle.

4. **Case # 2023-028/ Officer Christy Lowe 426 Kirby Street Palatka, FL 32177
First Hearing: March 21, 2023 @ 1:30 p.m. Compliance Date: May 22, 2023**
 - **Section 30-169 Building fronts and sides abutting streets or public areas - Description: mold and mildew**
 - **Section 30-32(a) Prohibited conditions and public nuisances - Description: Building deteriorating.**

Allen Sheffield, the owner, was present and administered the oath of office. The owner received notice of the hearing. Ms. Lowe advised a permit was pulled and expired. We still have rotten and leaking wood and the mold and mildew were not taken care of. Ms. Lowe advised that 13 months has transpired. Total fines as of today that have accrued is \$14,525. Mr. Sheffield advised the Putnam County Building Official required him to get permits for everything at one time, including the entire rebuild and renovation. (The Building Official would not allow a demolition permit.) When they put the back part off and the front part, they saw so much more damage to the remainder

of the building. Mr. Sheffield provided photograph (Respondent #1). Ms. Lowe testified you can see the hole in the roof from Kirkland Street. She advised she took the violation of roofing in disrepair off. The amount represents \$50 per day since last March. Mr. Sheffield advised a request to have this demolished will be heard by the Historic Preservation Board, tentative for August.

The Magistrate found there is evidence of Mold and Mildew since last May and the deteriorating building needs to be fully resolved, which can be resolved by obtaining a permit from the County. Ms. West advised a lien reduction can only be made when the property is in compliance with all violations.

5. **Case # 2023-029/Officer Christy Lowe 2201 President Street Palatka, FL 32177**
First Hearing: July 18, 2023 @ 1:30 p.m. Compliance Date:
November 15, 2023
- **Section 94-193 Parking or storage of unlicensed vehicles and commercial vehicles in a residential zone(a) automotive vehicles or trailers or any type without current license plates shall not be parked or stored other than in completely enclosed buildings on residentially zoned property. - Description: Vehicles and boats parked in front yard, side yard that have no current registration and being stored in the front yard, side yard.**
 - **Section 30-32(a) Prohibited Conditions and Public Nuisances - Description: Failure of owner of land to keep any sidewalk abutting thereon and all parkways to the curb line free and clear of all weeds, undergrowth, rubbish, debris and trash.**
 - **Section 30-169 Building fronts and side abutting streets or public areas - Description: debris on the roof of the house**

Yves Edouard 2201 President St., Palatka, FL was present. He was administered the oath of office. Ms. Lowe advised she is seeking a lien today. The property owner advised everything has been remedied. He received notice of today's preceding. Ms. Lowe advised there was a total of 5 violations, today there are 3. She advised unsightly materials remain visible from the road and in the sidewalk (Sec. 30-32(a) (3) of the City's code). Discussion commenced regarding the property owner's efforts to clear up the violation. She advised a boat is still visible on the property in violation of Sec. 94-193. The property owner advised it is a sculpture. Ms. Lowe advised regarding Sec. 30-169, most of the debris remains.

Ms. Lowe advised the total fines accrued to date is \$26,575.00 for three violations. The City charges \$25 per violation per day. The Magistrate advised the sidewalk needs to be cleared, the boat needs to go and the material on the roof needs to go.

The Magistrate entered an order for liens in the amount of \$26,575 and shall continue to accrue in the amount of \$25 per day per violation until the violations are satisfied.

NEW CASES

1. Case # 2024-217 /Officer Christy Lowe 2201 President Street Palatka, FL 32177
- Section 94-187(b) any fence erected or maintained along or adjacent to a lot line to a height not exceeding six feet in height, however no solid fence or wall shall be constructed forward of the established building line in front yards. -

Description: Fence is out of compliance solid fence coming forward of the house, front fence is a mixture of metal, plastic items making a fence like structure.

Yves Edouard 2201 President St., Palatka, FL was present. He was administered the oath of office. Ms. Lowe presented a new violation. On Cleveland Street there is a purple solid fence that has been erected in the front of the yard in violation of Sec. 94-187(b). On President Street, the fence is above 4 feet. Ms. Lowe asked for 60 days (August 17, 2024). This is one violation in the amount of \$25 per day. The property owner spoke regarding the situation being harassment. The Magistrate advised we have a violation on President Street (higher than 4 feet) and the Cleveland Street also needs a fence see through as it fronts a street. He ordered it be brought into compliance in 60 days. If not, there will be a \$25 per day violation.

2. Case # 2024-045/Officer David Green 113 West Oak Hill Drive Palatka, FL 32177
 - Section 30-171 Windows - Description: Broken Windows
 - Section 30-169 Building fronts and sides abutting streets or public areas - Description: Paint deteriorating
 - Section 30-169 Building fronts and sides abutting streets or public areas. - Description: Mold and Mildew

Mr. David Green presented the case. No one was present to represent the owner. Mr. Green advised certified mail was sent and the property owner was notified. Mr. Green presented photos of the code violations that exist. Mr. Green testified pressure washing and painting need to occur. He asked for 90 days for the owner to come into violation at the rate of fines of \$25 per day per violation.

The Magistrate found three violations of Sec. 30-171 and 169 of the City's code. He entered an order finding the violations are to be brought into compliance by Sept. 17, 2024. If not in compliance by that date, fines shall commence in the amount of \$25 per day per violation.

3. Case # 2024-076 /Officer David Green 105 FL Avenue Palatka, FL 32177
 - Section 30-171 Windows - Description: Broken Windows
 - Section 30-169 Building fronts and sides abutting streets or public areas - Description: Paint deteriorating
 - Section 30-169 Building fronts and sides abutting streets or public areas. - Description: Mold and Mildew

This property was brought into compliance and not presented at the hearing.

4. Case # 2024-001 / Officer David Green 913 Reid Street Palatka, FL 32177
 - Section 30-32(a) Prohibited conditions and public nuisances - Description: Fencing in disrepair
 - Section 30-32(a) Prohibited conditions and public nuisances. - Description: Overgrown grass
 - Section 30-171 Windows - Description: Broken windows
 - Section 30-169 Building fronts and side abutting streets or public areas - Description: Decorative elements
 - Section 30-169 Building fronts and side abutting streets or public areas - Description: deteriorating paint and mold and mildew

Byron Flagg, Esq. representing the Wewould, Palatka LLC was present. The owner, represented by Joseph Stadlen (owner) was administered the oath of office via telecommunications technology. Mr. Green spoke regarding the broken windows and mold/mildew on the whole building from the streets. This building used to be Mt. Tabor Baptist Church. The decorative elements were once used as a frame for a sign, and can be taken down or a new sign added with the permission of the Planning Department. He advised the overgrown grass is gone; however the fencing remains in disrepair. Additional cleaning and painting needs to be done. Mr. Green advised the City is asking for 120 days (October 16, 2024) and for a finding of \$25 per day per violation. Mr. Stadlen spoke regarding hiring a contract to create a multi-tenant commercial building. There are structural concerns to address and his firm is looking into whether the building can be salvageable. Mr. Stadlen advised he is optimistic the vendors can create plans and submit a permit within 120 days. He advised 60 – 90 days is needed to pull a permit for renovation. Mr. Cutwright advised the City is asking he apply for a permit in 120 days.

The Magistrate entered an order finding a violation of City Code Sections 30-169, 30-171, and 30-172(a)(11), the City gives him 120 days up until October 16, 2024 to obtain permits for renovation of demolition of the structure, after this time, violations in the amount of \$25 per day per violation will commence.

5. Case # 2024-077 / Officer David Green 119 N. 15th Street Palatka, FL 32177
 - Section 30-169 Building fronts and sides abutting streets or public areas. - Description: Mold and Mildew
 - Section 30-169 Building fronts and sides abutting streets or public areas. - Description: Paint Deteriorating
 - Sec. 30-32(a) Prohibited Conditions and Public Nuisances - Description: Missing components
 - Sec. 30-32(a) Prohibited Conditions and Public Nuisances - Description: Trash and Debris
 - Sec. 30-32(a) Prohibited Conditions and Public Nuisances - Description: Roofing in disrepair

Mr. Green presented the case. No one was present to represent the owners. Mr. Green testified that a green card (return receipt) was returned from the certified mail, he posted notice of the hearing at the property and spoke with a family member. Mr. Green advised the roof is in disrepair, the shingles need to be repaired or replaced, the building needs to be pressure washed and painted, trash and debris needs to be cleaned up.

The Magistrate found the violations of the code listed above exist. He entered an Order for the property to come into compliance within 120 days (October 16, 2024). In the event of noncompliance, a fine of \$25 per day per violation shall commence.

6. Case # 2024-057 / Officer David Green 1315 Laurel Street Palatka, FL 32177
 - Section 30-169 Building fronts and sides abutting streets or public areas. - Description: Deteriorating structure, burnt building
 - Section 30-176 Exterior property areas - Description: ext. property mold and mildew
 - Section 30-32(a) Prohibited conditions and public nuisances - Description: Trash and Debris

Mr. Green presented the case. No one was present to represent the owner. Mr. Brown advised the return receipt of the certified mail was signed for last month's hearing (which did not occur), although they did not sign the green card for this month's hearing. Mr. Green testified the house was burned by fire and he does not feel the property can be repaired and that a demolition needs to occur. There is also trash and debris around the exterior of the property. Mr. Green advised the shed needs to be pressure washed.

The Magistrate entered an order finding violation of code sections 30-169, 30-176, and 30-32(a) and giving the owner 120 days (October 16, 2024) to bring the property into violation. If not, fines in the amount of \$25 per day per violation shall commence.

ADJOURN The Magistrate adjourned the proceedings at 4:25 PM.

NOTICE: ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FL 286.0105