

## Quasi-Judicial Hearing

May 23, 2022

Magistrate Libby called the meeting to order at 9am.

Welcomed Council Member Chaple and Council Member Gibson for attending. Stated the hearing is open to the public, but they do not participate unless called upon to testify. And stated all testimony given is under oath.

Attorney Tim Sloan present, Code Enforcement Officer Melissa Correia present.

**1. 109 Blackshear Dr - Target LLC**

Came before the magistrate on March 24, 2022, and was given 31 days to pull permit and begin work. Back today for discussion, stated property was sold at during the last hearing. Fines as of today \$7250. Edward Ammons representing Target LLC appeared as he did last time, now with Tristar Construction. He has architectural drawings, has been having difficulties with construction budget. He has not contacted the city to relay his issues. Magistrate stated that he is under an order and has obligations to fulfill. Magistrate ruled for the city after a preponderance of competent and substantial evidence presented, \$7250 fine stands plus \$500 attorney fees and \$63 for city cost of mail and advertising. 31 days to pull permit to begin demo or repair, city will abate if not followed through.

**2. 112 Parker Village Circle – Owner not in attendance, Ms. Correia sworn in.**

No permitted work has been done since last hearing. Magistrate ruled for city ruling 31 days to pull permit, \$63 in city fees and \$500 attorney fees, no previous order so no daily fines to access at this time.

**3. 312 Blackshear Dr – Mr. Linsey not in attendance, Sui Hiang Loa and Merle Brown and Ms. Correia sworn in.**

Home under contract to be sold to Merle Brown since April, cannot close due to code violation. Mrs. Lindsey is very ill. Letter from inspector that home can be repaired. They have cleaned up yard and removed siding that was dilapidated. Asking for code violation to be removed so they can close. Ms. Brown states she spoke with Mr. Talley prior to the 24<sup>th</sup> and he said code violation was being removed. Violation was not removed due to home no having repair or demo permit. Owner could not pull permit nor could buyer. Fine currently \$7250, Magistrate will quantify the fine. Fine set at \$2500 and ordered to repair or demo withing 31 days. Order for lien will be satisfied upon closing, new owner can then pull permit to repair or demo. Ruled for the City after a preponderance of competent and substantial evidence presented.

**4. 339 Shadecrest – Freeman not in attendance. Swore in Ms. Correia at 9:40.**

POD and vehicle have been removed since last hearing, pulled permit for remodel but not roof. No work has been started since last hearing. City requesting new order to have architect plans and roof permit submitted to show progress. Magistrate stated 31 days to give detailed action plan from licensed

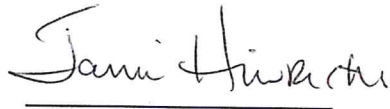
structural engineer. Magistrate ruled for the city after a preponderance of competent and substantial evidence presented, 31 days to pull permit to begin demo or repair and 60 days to commence repairs and have an action plan.

**5. 739 9<sup>th</sup> Plaza North – Lois Harris (deceased) Arthur Harris, son and Kimber Riser, granddaughter, Ms. Correia sworn in.**

Home in probate, Attorney Lee Mc Arthur Scott has been hired for probate. Rehouse Bay will help with structure once home is in Arthur Harris' name. Home has had no change since last hearing in February, neighbors have been complaining about overgrowth of yard. Fines currently are at \$17750. Reiterated that Rebuild Bay will assist after probate process, may take a few months to change ownership. Suggested that they reach out to volunteers to help with yard. Riser stated she does not live in home but has a palm tree business and can take care of the yard. Magistrate gave 14 days to clean up yard, 14 days to hear from Rehouse Bay stating they will assist after probate is cleared, fines deferred until next hearing and see what progress has been made. Ruled for the city and will revisit in 30 days.

**6. 6108 E Hwy 98 – owner not in attendance, Ms. Correia sworn in at 10:25am.**

Case previously heard by council in March of 2021. Obtained demo permit on March 24, 2022, Smileys will have down soon. Magistrate said



Jami Hinrichs, City Clerk