

**Special Magistrate Code Enforcement Minutes  
December 04, 2012**

The regularly scheduled meeting of the Special Magistrate was held on December 04, 2012, in the City Hall Commission Chamber. The meeting began at 2:03 p.m., with the Special Magistrate noting the Minutes of the October 04, 2011 meeting had been read and approved.

The meeting began at 2:03 p.m. December 04, 2012 in the City Hall Commission Chamber.

**Present:** Archie O. Lowry, Jr., Special Magistrate, Christopher Smalt, Code Enforcement Officer, E. W. Reeser, Chief of Police; City of Wildwood, Stacey Wrightam, Recording Secretary, Audrey Tanner, assistant were present.

Representatives of the City were sworn in by the Special Magistrate

**SM-036-08 and 2012-012125 Peggy A. Jones, 800 Peters Street.** Chief Reeser gave a history of the file involving sewer lines on abutting property. Special Magistrate was provided a copy of the Order of Fine and a copy of a notarized letter from the neighbor whose property the sewer line exists. At this time, the sewer lines have not been relocated as the Special Magistrate had originally ordered.

Ms. Jones was present and sworn in. Ms. Jones stated that she purchased the property in November of 2011 with an existing lien on the property. Ms. Jones testified she was under the impression since the sewer line was installed over 30 years ago on private property it was an issue between the property owners and not the City. Special Magistrate inquired about the State statute or City ordinance that supported the violation which could not be provided at the time.

**Order of Continuance:** Special Magistrate recommended the City provide the Code or Ordinance that states this property is in fact a violation. If there is a City Ordinance for the violation then the Order of Fine will remain in place or if not, the Order will be reconsidered. Ms. Jones was encouraged to obtain quotes from a licensed entity to relocate the sewer lines. If Ms. Jones chooses to correct the situation between 30 to 60 days the costs incurred will be adjusted by a reduction of fines request at the next hearing.

This matter shall come back at the February 05, 2013 Special Magistrate hearing. Costs associated with file shall be ruled on at that time.

**SM-030-00 and 2012-020107 Quenton B. Jones, 215 Pitt Street** Christopher Smalt gave a history of the file stating this case was presented at the last code hearing dated October 11, 2011. Officer Smalt testified the violation of an unsafe / unfit building had not been demolished or removed from the property as required by an Order of Fine. The Order of Fine dated October 04, 2011 was recorded with Sumter County and a copy provided to the Special Magistrate. Photos taken by Officer Smalt were presented as evidence depicting the current condition of the structure. Steve Wilcox, Building Official for Sumter County was present and sworn in. He testified that he inspected the property and determined the structure met the conditions as an unsafe structure per the City's Ordinance to be demolished.

The Respondent was not present. Due to the lack of cooperation by the property owner, the City recommended the option of removing the structure at the City's request per approval for funding from the City Commission if the structure becomes a safety hazard.

**Order of Enforcement:** Special Magistrate approved the recommendation of allowing the City the option to remove the structure and all expenses associated with the demolition are an addition to the existing fine. This case is to be brought back to the Special Magistrate with the costs provided by the City to request an addition to the fine.

**2012-070646 The Estate of F L Coleman; 1108 Huey Street** Christopher Smalt gave a history of the file concerning an unsafe structure on the property. Officer Smalt confirmed proper notice of violation had been posted on the property. A residential permit for demolition was issued by Sumter County Building Services dated 12/29/2011 which removed the case from the January 2012 hearing agenda by complying with the City's recommendations.

Photos taken by Officer Smalt were presented as evidence depicting the current condition of the structure. Gerry A. Parris, son and personal representative of the Estate of F L Coleman, was present.

Special Magistrate asked Mr. Parris when he can have the property completely removed. Mr. Parris stated he will have it completed by December 16, 2012. The City recommended the option of removing the structure at the City's expense per approval from the City Commission for funding.

**Order of Fine:** Respondent shall have until December 16, 2012 to bring the property into compliance by removing all of the structure and debris. If the property is not in compliance by December 16, 2012 a fine of \$100 per day beginning December 17, 2012 will commence and associated costs in the amount of \$84.21 for file fees.

**2012-009168 Clifford Wittman; 715 Barwick Street** Christopher Smalt gave a history of the file regarding several dead tree limbs hanging over a property fence endangering another property owner's home. Officer Smalt confirmed proper notice of violation had been posted on the property. City provided the Special Magistrate a copy of the Ordinance regarding dead, deceased trees. Officer Smalt testified that on December 03, 2012 he observed the property owner had cut the dead limbs and removed the hazardous ones from the neighbor's property and is in compliance at the time of this hearing.

**Order:** If the Code Enforcement determines the tree to be dead, deceased, a hazardous or a threat to other trees in the city, the matter will be brought back before the Special Magistrate and request authority to remove the hazardous tree.

**2012-010077 Nealy Edwards Est. c/o Frankie Edwards Benn; 708 Second Street** Christopher Smalt gave a history of the file concerning an unsafe structure. Officer Smalt introduced photos of the structure depicting the current condition of the property.

Frankie Edwards Benn, daughter and personal representative of the Estate of Nealy Edwards, was present and testified she has renewed the permit for demolition until January 2013 and continues to remove the structure a little at a time.

**Order of Enforcement:** The property's personal representative must remove the structure and debris by January 15, 2013 and shall contact with the Code Enforcement department to request an inspection of the property.

Failure to bring the property into compliance with the ordinance by January 15, 2013 it is so ORDERED that the City has the option of removing this structure at the City's expense per approval from the City Commission for funding and fines will commence on January 15, 2013 of \$25.00 per day and continue until the structure is removed. All expenses associated with the demolition and removal will be an addition to the fine.

**2012-012999 Carrie James, 107 S. Main Street** Christopher Smalt gave a history of the file concerning an unsafe structure referred to the City by Sumter County Building officials. Attempt to contact the property owner was met with negative results. Steve Wilcox, Sumter County Building Official, gave his testimony depicting the poor condition of the property. No one was present to represent the Respondent.

**Order of Fine:** Respondents shall obtain a building permit to remove the structure as well as a certificate of extermination from an exterminator of their choice.

Respondent shall pay a fine of \$25.00 per day to commence (20) days from the date of hearing December 4, 2012, beginning on December 24, 2012 and continue to accrue at the daily rate of \$25.00 until the structure is removed. Respondents shall also pay costs associated with the file in the amount of \$52.40 to the City of Wildwood, 100 North Main Street, Wildwood, FL 34785.

In addition, the City has the option of removing the structure at the City's expense per approval from the City Commission for funding. All expenses associated with the demolition and removal will be added to the amount of the fine.

**2012-008514 Orville and Edna Beach TRUST, 205 Oxford Street** Christopher Smalt gave a history of the file concerning overgrown vegetation and debris cluttering the property. No one was present to represent the Respondent.

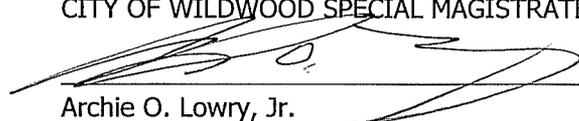
**Order of Fine:** Respondent shall pay a fine of \$25.00 per day to commence (20) days from the date of hearing December 4, 2012, beginning on December 24, 2012 and continue to accrue at the daily rate of \$25.00 until the property is cleared of overgrown vegetation, clutter and debris.

Respondents shall also pay costs associated with the file in the amount of \$52.40 to the City of Wildwood, 100 North Main Street, Wildwood, FL 34785.

In addition, the City has the option of removing the debris and cleaning the property at the City's expense per approval from the City Commission for funding. All expenses associated with bringing the property into compliance will be added to the amount of the fine.

With no further business to discuss, the meeting was adjourned at 3:23 p.m.

CITY OF WILDWOOD SPECIAL MAGISTRATE

  
Archie O. Lowry, Jr.