

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Final

November 14, 2019

9:00 AM

City Commission Chambers, City Hall, 200 E. University Ave.,
Gainesville, FL

Special Magistrate Hearing

Jefferson M. Braswell (Special Magistrate)

Under the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, 201 E. University Avenue, Room 414A, Gainesville, FL 32601 at (352) 337-6237 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711. Any person desiring to appeal any decision with respect to any matter considered at these hearings will need a record of the proceedings, and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

PLEDGE TO THE FLAG

ADMINISTRATION OF OATH OF OFFICERS (Oath will be administered to Defendants/Witnesses as individual cases are heard)

REDUCTION/RESCISSION REQUESTS

[190348.](#) [SM 2016-034/CE-16-00230; Bonaby, John](#)

Attachments: [R&R SM 2016-034 Bonaby.TM](#)

ORDER TO CONTINUE

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Continued

[190626.](#) [CEB 2009-019/CE-08-08473; Singleton, Mary](#)

Attachments: [R&R - CEB 2009-019 Singleton.MB](#)

RESCINDED TO ZERO ADMIN PAID IN FULL

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Heard

[190630.](#) [SM 2018-137/CE-18-02541; GOWRI LLC](#)

Attachments: [R&R - SM 2018-137 GOWRI.GM](#)

RESCINDED TO \$2,000 & ADMIN FEES PAID IN FULL

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Heard

CASES TO BE HEARD**190584. SM 2019-099/CE-18-00720; Blount, K Richard**

ADJ Guilty 60 days to comply
Daily Fines of \$100
Admin Fees of \$233.14

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

Heard

190567 SM 2019-014/CE-19-01747; Hamilton, Lawrence J

Adj Guilty NOW in compliance
ADMIN FEES \$107.05

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

The Code Officer, Greta Moreau, presented her case via power point. Staff Recommendations: Adjudication of guilt, and pay administrative cost of \$107.05. Special Magistrate accepted staff recommendations: Adjudicated the respondent guilty, and pay administrative cost of \$107.05.

190576. SM 2019-105/CE-19-02165; 28 SW Bella Vista Village LLC

ADJ GUILTY
15 DAYS TO COMPLY
DAILY FINES OF \$75.00
ADMIN FEES OF \$128.88

RECOMMENDATION *The Special Magistrate hears case and takes action deemed as necessary.*

The Code Officer, Greta Moreau, presented her case via power point. Staff Recommendations: Adjudication of guilt, 15 days to come into compliance, \$75 per day thereafter if compliance isn't meant, and pay administrative cost of \$128.88 and any and all City abatement cost. Special Magistrate accepted staff recommendations: Adjudicated the respondent guilty, 15 days to come into compliance, \$75 per day thereafter if compliance isn't meant, pay administrative cost of \$128.88 and any and all City abatement cost.

[190571.](#)[SM 2019-100/CE-19-01904; Hixon, David E & Tami S](#)

ADJ GUILTY
90 DAYS TO COMPLY
DAILY FINES OF \$10.00
ADMIN FEE OF \$110.97

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

The Code Officer, Samantha Norris, presented her case via power point. City Arborist, Chelsea Proia gave expert testimony that the tree is definitely dead and needs to come down. Respondent, was present. The respondents stated they don't have the funds to cut the tree. Also to get the tree cut a crane has to be put on the property at 1506 NE 12 Terr. The respondents were not willing to have that happen if that meant there was a possibility for their yard to be damaged.

Staff Recommendations: Adjudication of guilt, 30 days to come into compliance, \$50 per day thereafter if compliance isn't meant, pay administrative cost of \$110.97 and any and all City abatement cost. Special Magistrate accepted staff recommendations with the following amendments: The two neighbors get together and come into compliance, an adjudication of guilty, 90 days to come into compliance, \$10 per day thereafter if compliance isn't meant, the administrative cost of \$110.97 will not be waived if in compliance within 90 days and any and all City abatement cost.

[190573.](#)[SM 2019-101/CE-19-01752; Page & Page M/C](#)

ADJ GUILTY
90 DAYS TO COMPLY
DAILY FINE OF \$10.00
ADMIN FEE OF \$110.97

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

The Code Officer, Samantha Norris, presented her case via power point. City Arborist, Chelsea Proia gave expert testimony that the tree is definitely dead and needs to come down. Respondent, was present. The respondents stated they don't have the funds to cut the tree. They didn't believe they were responsible for the tree due to the majority of the tree being on the neighbor's property, at 1430 NE 12th Terr.

Staff Recommendations: Adjudication of guilt, 30 days to come into compliance, \$50 per day thereafter if compliance isn't meant, pay administrative cost of \$110.97 and any and all City abatement cost. Special Magistrate accepted staff recommendations with the following amendments: The two neighbors get together and come into compliance, an adjudication of guilty, 90 days to come into compliance, \$10 per day thereafter if compliance isn't meant, the administrative cost of \$110.97 will not be waived if in compliance within 90 days and any and all City abatement cost.

190569. **SM 2019-103/CE-19-02477; Hooker, Herbert "Heirs"**

ADJ GUILTY
10 DAYS TO COMPLY
DAILY FINES \$50.00
ADMIN FEES \$108.19

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

The Code Officer, Samantha Norris, presented her case via power point. Staff Recommendations: Adjudication of guilt, 10 days to come into compliance, \$50 per day thereafter if compliance isn't meant, and pay administrative cost of \$108.19 and any and all City abatement cost. Special Magistrate accepted staff recommendations: Adjudicated the respondent guilty, 10 days to come into compliance, \$50 per day thereafter if compliance isn't meant, pay administrative cost of \$108.19 and any and all City abatement cost.

190574. **SM 2019-116/CE-19-02762; Ledbetter, W B & Shirley**

ADJ GUILTY
10 DAYS TO COMPLY
DAILY FINES \$100.00
ADMIN FEES \$102.20

RECOMMENDATION

The special Magistrate hears case and takes action deemed as necessary.

The Code Officer, Samantha Norris, presented her case via power point. Staff Recommendations: Adjudication of guilty in compliance pay administrative cost of \$102.36 and City abatement of \$56.70, totaling \$159.06. Special Magistrate accepted staff recommendations and ruled: Adjudicated the respondent guilty in compliance, and to pay the administrative cost of \$102.36 and the City abatement of \$56.70, totaling \$159.06.

190583. **SM 2019-106/CE-19-01799; B-W Venture Group LLC**

ADJ GUILTY
10 DAYS TO COMPLY
DAILY FINES OF \$100.00
ADMIN FEES OF \$102.20

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

The Code Officer, Brey Moore, presented her case via power point. Staff Recommendations: Adjudication of guilt, 10 days to come into compliance, \$100 per day there after if compliance isn't meant, pay administrative cost of \$102.20 and any and all City abatement cost. Special Magistrate accepted staff recommendations: Adjudicated the respondent guilty, 10 days to come into compliance, \$100 per day thereafter if compliance isn't meant, administrative cost of \$102.20 and any and all City abatement cost.

CONTINUANCE REQUESTS

[190589.](#) [SM 2019-098/CE-19-01869; Ferguson & Ferguson](#)

CONTINUANCE

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

Continued

[190577.](#) [SM 2019-114/CE-19-02405; MITCHELL, Robert A](#)

CONTINUED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

Continued

COMPLIANCE/DISMISSAL

[190587.](#) [SM 2019-108/CE-19-02617; Anderson, R V](#)

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190588.](#) [SM 2019-107/CE-19-02665; Carew, G Stewart](#)

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190586.](#) [SM 2019-111/CE-19-02664; CAM Real Estate XIA LLC](#)

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190580.](#) **SM 2019-109/CE-19-02614; Alizay, Gabrielle**

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190582.](#) **SM 2019-112/CE-19-02487; Bell, Matthew S**

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190627.](#) **SM 2019-113/CE-19-02488; Bell, Matthew S**

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190568.](#) **SM 2019-102/CE-19-02263; Patel, Nikhilkumar A & Dipali**

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

[190578.](#) **SM 2019-155/CE-19-01749; Schwartz, Lynn B**

DISMISSED

RECOMMENDATION

The Special Magistrate hears cases and takes action deemed as necessary.

[190579.](#) **SM 2019-110/CE-19-02420; Dowling, John D Jr & Lara M**

DISMISSED

RECOMMENDATION

The Special Magistrate hears case and takes action deemed as necessary.

ADJOURNMENT