

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

DECEMBER 8, 2015 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Compliance Supervisor
Officer Aaron Paro
Mr. Jurgen Betz, Housing Inspector
Mr. Tom Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Rose Askew, Zoning Official
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by: _____

Special Magistrate

Mr. Vukelja called the Hearing to order at 9:12 a.m.

Mr. Vukelja approved the November 10, 2015 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were in compliance:

CASE NO 17 SMG 12-15-66 – Linzy D. Youmans, Sr. is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7 and 704.2); City Code 90 Sec. 90-297, at **956 Redwood Street** - Violation(s) – Dilapidated roof; missing smoke detectors; renting without valid Business Tax Receipt (BTR) - First Notified – 9/28/2015.

Compliance 12/4/2015

Ms. Hampton swore in members of staff who would be testifying.

CASE NO 19 SMG 12-15-59 – Drymonis Georgas, LLC and 2D2G Corp is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.10.G, at **640 N. Grandview Avenue** - Violation(s) – Sign maintenance or removal - First Notified – 8/18/2015.

Brett Hartley, Esquire appeared on behalf of the Respondents and stipulated to non-compliance and was requesting 60 days to bring the sign into compliance.

Mr. Jackson stated the staff had no objection to the compliance date of 60 days to acquire a permit and add a new sign.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 2, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 7 SMG 11-15-52 – SEGUE2ME, LLC is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 10.G; Art 8 Sec. 8.2.A.; Art 9 Sec. 9.2.A (Ref. FBC 105.1 & Supp IPMC 605.1, 302.7, 304.6), at **769 Alabama Street** - Violation(s) – Dilapidated signage; non-conforming use; electrical fixtures; dilapidated dumpster enclosure; dilapidated roof; dilapidated exterior walls; interior work done without permits - First Notified – 9/5/2015.

Attorney Roland Blossom appeared on behalf of the Respondent. Mr. Blossom reviewed the case history and issues that surrounded the violations on the property.

Mr. Jackson stated the City's position is that there is current litigation that would prevent the Respondent from being able to bring the property into compliance at this time and therefore the City was withdrawing its case.

Ruling

Mr. Vukelja announced the City's case was withdrawn without prejudice.

Lien Review 1

CASE NO SMG 09-14-56 – 1238 5th Street – King Cerame Properties, Inc. was cited for failure to correct violations of Land Development Code Art. 18 Sec. 7.4, 7.4.1, 7.4.4; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.7, 304, 304.13.1, 304.18.1, 304.7, 305.1, 305.3, 305.6 and 604) - Violation(s) – Damaged accessory structure garage or shed; broken window glass; damaged exterior door frame; roof leaking; interior surfaces; water damage loose or missing plaster; damaged interior doors; electrical system hazards; appliance damaged or broken; all exterior surfaces which have deteriorated, decayed, disintegrated, or been weathered with dirt and grime. Order imposing Fine/Lien of \$250.00 per day effective December 4, 2014. Compliance date: 11/20/2015 = \$15,000.00 plus recording costs of \$24.00. Total owed: \$15,024.00.

Mr. Vukelja reviewed the file and the lien review request form.

William Bohlen, contractor, appeared on behalf of the Respondents. Mr. Bohlen explained the issues that included tenant issues as part of the reasons why the property took so long to come into compliance. Mr. Bohlen stated within a week of meeting with Inspector Fitzgerald on the property he had everything completed except for windows. Mr. Bohlen stated he contacted Window World who could not put in the new windows until May 10, 2015. Mr. Bohlen stated Window World installed the windows incorrectly and they did not pass inspection initially and was unable to get it corrected until November 20, 2015. Mr. Bohlen stated he has known the owners for a long time and believes there was no malice on their behalf.

Mr. Jackson stated the City's position was to reduce the lien to the amount of \$3,000.00.

Mr. Vukelja requested to hear from Inspector Fitzgerald about the tenant issues.

Mr. Garcia advised Mr. Vukelja that Inspector Fitzgerald was not present.

Mr. Bohlen stated he believed a reduction of the lien to \$1,500 would be reasonable.

Ruling

Mr. Vukelja reduced the lien to the amount of \$2,250.00 subject to being paid within 30 days or the lien reverts back to the original amount.

CASE NO 1 SMG 09-15-38 – Precious Property Management, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.1.A (Ref. FBC 105.1), at **2735 N. Atlantic Avenue** - Violation(s) – Expired Demolition Permit - First Notified – 8/4/2015.

Mr. Elmo Bartolome came forward and was sworn. Mr. Bartolome stated he was trying to get an SBA loan and Mr. Butera has been working on the engineering plans regarding the retention pond.

Mr. Jackson stated there has been no action since the last meeting and no contact. Mr. Jackson stated the City was requesting the property be restored to the original state

Ruling

Mr. Vukelja ordered the case be continued to the January 12, 2016 meeting where the Respondent shall provide a compliance date.

CASE NO 2 SMG 10-15-44 aka RI2014-0004 – Donald J. Bracy & Carolyn L. Dodge is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.1, 304.2, 304.13.2, 304.18.1, 604.3, 702.3, 704.2); Art. 8 Sec. 2.5, at **918 N. Halifax Avenue** - Violation(s) – Inadequate off street parking; no dead bolt locks on exterior doors; missing smoke detectors; non-functional windows; rotted entry door at exterior left rear storage room; eliminate large voids around wall mounted window type a/c unit; paint raw wood around window mounted a/c in rear apartment; exposed wiring where smoke detector was removed between kitchen and family room - First Notified – 7/2/2014.

Mr. Donald Bracy and Caroline Dodge came forward and were sworn.

Mr. Betz stated the Respondents were now going to convert the property into a single family residence and they have submitted a permit going from 2 units to 1 unit. Mr. Betz stated the permit was turned in today and was waiting on approval. Mr. Betz stated they need to install a passage way to connect the two units and remove the kitchen.

Mr. Bracy stated he was agreeable with the new compliance date.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondents until January 6, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 3 SMG 10-15-46 aka RI2015-0012 – Seabreeze on the Halifax, LTD is cited for failure to correct violations of the Land Development Code, City Code Ch. 26 Sec. 26-294; Art. 9 Sec. 1.1 (Ref. FBC Supp IPMC 302.7, 302.8, 304.1, 304.7, 304.13.1, 304.14, 305.1, 307.1, 502.1, 504.1, 505.3, 506.2, 602.1, 704.2); Art. 3 Sec. 3.4.S.1, at **612 N Halifax** - Violation(s) – Failure to license residential rental property; Units increased from 4 to 6 without permit or approval; each unit required to have bathroom; broken glass entry door unit 6; leakage below kitchen sink Unit 6; Water on bathroom floor Unit 6; missing bathroom exhaust fan Unit 6; improperly plumbed (non vented) kitchen sink Unit 5; detached faucet in bathroom Unit 5; torn and damaged flooring entry/kitchen Unit 2; Water on bathroom floor Unit 2; duct-taped transition between bathtub and sidewalls unit 4; Nonfunctional window left dormer Unit 4; Delaminated wall paneling below left dormer windows Unit 4; Missing pressure relief drain line on gas fired water heater in Unit 4; No access to apartment 1; Will require inspection before rental license can be issued; Loose and displaced soffit board material exterior rear gable end of building; Many of the sinks did not have both hot and cold running water (no water flow from cold/right side of faucets); Missing, inoperable smoke detectors; Missing window screens; Units require source of heat; Rust holes in gutter left of building; Missing cement asbestos tiles from edge of roof above left dormer; Missing metal roofing panels and rotted or damaged wood decking below at rear of detached garage; Renting without a rental (RTL) license. Required when property contains 1-4 dwelling units; Outside storage (soda machine, lumber, etc.) Unlicensed RV/camper parked in back yard - First Notified – 4/21/2015.

Mr. Shawn Duzney came forward and was sworn.

Mr. Jackson stated the property was a part of the rental inspection program and is up for consideration of a fine. Mr. Jackson stated staff was going to request an imposition of a fine however he has found out the Respondent is about two-thirds the way completed and therefore would agree to allow to amend until the next cut-off date.

Mr. Duzney stated he believed he should be able to have everything completed by the next cut-off date.

Mr. Betz stated he was on the property on Monday morning and stated the original notice included 26 items and now they are down to approximately 7 or 8.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondents until January 6, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 4 SMG 02-15-07 – Grayceland REI Consulting, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.10, 304.11, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9), at **158 Madison Avenue** - Violation(s) – Deteriorated structural members; loose, missing or deteriorated foundation walls; exterior walls loose, missing or deteriorated; damaged gutters; roof flashing; eaves, fascia; general cornices and eaves loose, missing or deteriorated; overhang extensions loose, missing or deteriorated; rotting stairways, decks, porches, and balconies; broken windows; ripped, torn or missing window screens; exterior doors and hardware damaged, broken, deteriorated or decayed; no water connections; plumbing fixture damage; no electrical service - First Notified – 11/7/2014.

Respondent was not present for a progress report.

Mr. Jackson stated the code inspector for this case was not present and requested a continuance of the progress report to the next month's meeting date.

Ruling

Mr. Vukelja continued the progress report to the January 12, 2016 Agenda.

CASE NO 5 SMG 11-15-48 – Politis Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.1, 302.3, 302.7, 304.1, 304.2, 307.1, 307.3, 307.3.1, 604.3, 605.1); Art. 6 Sec. 10.D, 10.G; Art. 6 Sec. 12.D.; Art. 6 Sec. 2.H.4, at **225 N. Atlantic Avenue** - Violation(s) – Exterior surfaces; dirt and grime; trash and debris; sidewalks, driveways, screening of mechanical, compaction, and roll-off containers; broken, loose, missing, or rotting fence parts; exterior accumulation of rubbish or garbage; electrical hazard due to inadequate service; improper fusing; insufficient receptacle/lighting outlets; electrical components not in working order - First Notified – 8/13/2015.

Respondent was in compliance on December 2, 2015

CASE NO 6 SMG 11-15-51 – Kathleen Megan Carter is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 605.2, 604.3, 305.6, 605.1, 304.15, 704.2) City Code 90 Sec. 90-297, at **1290 9th Street - Unit 304** - Violation(s) – Interior surfaces; inoperable receptacles; electrical system hazard; interior doors; electrical fixtures; exterior front door; missing smoke detectors; no business tax receipt (BTR) for rental property - First Notified – 7/29/2015.

Respondent was not present.

Mr. Jackson stated the property remained in non-compliance and there has been no contact or effort on behalf of the owner to come into compliance. Mr. Jackson stated the complaint was from the initial tenant who has since moved out and now there is a new tenant without any repairs being made. Staff was requesting a fine of \$200 per day to maximum of \$15,000 plus the one-time \$250 for no business tax receipt for renting the property.

Ruling

Mr. Vukelja imposed a fine of \$200 per day effective December 3, 2015 to continue each day until compliance is achieved or the fine reaches the maximum amount of \$15,000 plus a one-time administrative fine of \$250.00 for failure to obtain a business tax receipt (BTR).

CASE NO 8 SMG 11-15-56 – Larry Brown & Abner Brown is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a.; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1, 504.1, 704.2, 304.6, 305.6, 304.13, 304.7); City Code Ch. 90 Sec. 90-297, at **520 Pleasant Street** - Violation(s) – Outside storage; parking in the yard; electrical fixtures; plumbing fixtures; smoke detectors; exterior surfaces; interior doors; windows; roof; no business tax receipt (BTR) for rental property - First Notified – 7/28/2015.

Mr. Abner Brown came forward and was sworn. Mr. Brown stated he was finishing up the eviction and has to go to the sheriff and pay the money and was waiting for Friday until he gets paid to do that. Mr. Brown said all other items he can fix by January but would need until approximately March to repair the roof.

Mr. Stenson stated barring issues with the eviction Mr. Brown should be able to bring the property into compliance by February. Mr. Stenson said the roof had a leak inside the house and believes a patch repair should take care of it rather than having to get a new roof.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 3, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 9 SMG 11-15-57 – Wayne M. Salter, Jr. & Jonkeia N. Salter is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a.; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.3, 504.1, 304.7, 603.1, 304.13, 304.14, 704.2, 304.15, 305.3, 305.6, 308.1, 302.7, and 605.1,); City Code Ch. 90 Sec. 90-297, at **724 Tomoka Road** - Violation(s) – Outside storage; address numbers; plumbing fixtures (kitchen, sink, toilet); dilapidated roof; inoperable appliances (stove); broken/inoperable windows; missing/illegal screens; missing smoke detectors; dilapidated exterior doors (outside storage room); interior surfaces; interior doors; infestation; dilapidated fencing; electrical fixtures; no valid business tax receipt (BTR) for rental property. - First Notified – 8/28/2015.

Respondent was not present.

Mr. Jackson stated the inspector advises there has been no change, owner has been uncooperative and has made no effort to comply. Mr. Jackson stated staff was recommending a fine be imposed of \$300 per day to a maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine of \$300 per day effective December 3, 2015 to continue each day until compliance is achieved or the fine reaches the maximum amount of \$15,000 plus a one-time administrative fine of \$250.00 for failure to obtain a business tax receipt (BTR).

CASE NO 10 SMG 08-15-34 – Tudja & Kaival, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 SEc. 9.2.A. (Ref. FBC Supp IPMC 302.4, 302.7, 304.2, 304.7, 304.10, 304.12, 304.14, 307.1, 308.1, 603.1, 604.3, 605.1, 704.2), at **1100 S. Ridgewood Avenue** - Violation(s) – Smoke alarms; electrical equipment; electrical system hazards; mechanical equipment; extermination; rubbish & garbage; insect screens; handrails & guards; stairways, decks, porches and balconies; roofs and drainage; protective treatment; accessory structures; weeds - First Notified – 6/12/2015.

Mr. Dwayne McDuffie, contractor came forward and was sworn.

Pravin Patel came forward and was sworn.

Mr. Jackson stated Code Inspector Recanzone has informed him the property has a history of long time violations and they were not in compliance and therefore staff was recommending a fine be imposed of \$500 per day to a maximum of \$25,000.

Mr. McDuffie stated they have acquired a permit less than a month ago and he has been working on it. Mr. McDuffie stated they are halfway done on one building and stated they are taking steps to complete the property. Mr. McDuffie stated there are four buildings total that have to be fixed. Mr. McDuffie stated he has performed life safety repairs as it relates to hand rails.

Mr. Vukelja went down the list of violations as stated on the Agenda.

Mr. McDuffie and Mr. Patel explained what has been worked on as it related to the violations.

Mr. Vukelja further inquired as to what questions from the City regarding any outstanding violations.

Mr. Recanzone stated he will make sure everything is clear to the contractor.

Ruling

Mr. Vukelja continued the case to the January 12, 2016 Agenda.

CASE NO 11 SMG 12-15-67 – Ralph Meitin Family Partnership, LTD and A & F Enterprises, d/b/a Ages Belanova Liguors is cited for failure to correct violations of City Ordinance 42.214(a)(1)(2), at **1528 S. Nova Road** - Violation(s) – Noise Violation - First Notified – 7/22/2015.

Michael Chilovi, bar owner, came forward and was sworn.

Debra Weiland, property manager, came forward and was sworn and stipulated to non-compliance.

Mr. Jackson stated the property is now in compliance and they understand the nature of the on-going complaint but generally they have patrons blasting music in the parking lot which is a reoccurring compliant.

Ofc. Aaron Paro stated since the property manager they have been cooperative and have done everything they can to stop the problem. Ofc. Paro stated they hired a detail officer and adjusted their hours and since the initiation of the case he has had good contact and they are cooperating.

Ruling

Mr. Vukelja found the Respondent previously in non-compliance but currently in compliance and for any future repeat violation be returned to a subsequent meeting for consideration of a fine of up to \$5,000 per occurrence.

CASE NO 12 SMG 12-15-61 – ADL Partners, LLC & VJA Partners, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 504.1, 603.1); Art. 6 Sec. 6.19.A.3, at **147 Oak Tree Circle** - Violation(s) – Interior structure and interior surfaces; plumbing system and fixtures; mechanical equipment and appliances; outside storage - First Notified – 9/23/2015.

Respondent was not present.

Mr. Jackson stated the violations arose from a tenant complaint and the property was in non-compliance and staff was requesting the next cut-off for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 13 SMG 12-15-62 – ADL Partners, LLC & VJA Partners, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.13, 304.15, 305.1, 305.2, 305.3, 305.6, and 607.1), at **149 Oak Tree Drive** - Violation(s) – Ceiling leak/damage; window, door, tile and interior surface damage - First Notified – 9/4/2015.

Respondent was not present.

Mr. Jackson stated this is the same owner as the prior case and the property is in non-compliance and staff was recommending the next cut-off for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 14 SMG 12-15-63 – Kenneth F. & Wanda C. Aubrey is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a., at **1417 Sunland Road** - Violation(s) – Trailer parked on driveway - First Notified – 5/27/2015.

Kenneth Aubrey came forward and was sworn. Mr. Aubrey stated he disagreed with the violations.

Mr. Jackson stated the property was inspected by Inspector Vicki Lankford initially and he has also seen the violations and advised the property was in non-compliance at that time but it is now in compliance.

Mr. Garcia stated he attended the Fairway Estates Neighborhood meeting who requested a sweep of the neighborhood due to the abundance of trailer parking and boat parking and this property had a trailer parked in the driveway. Mr. Garcia stated the ordinance states the trailer can be on the grass behind the building line but it cannot be on the driveway.

Mr. Aubrey stated he believed he was in compliance because the code states that if he is moving the trailer off and on the driveway for 24 hours then that was okay. Mr. Aubrey stated it has now been moved from the property and it is now stored at a storage unit.

Mr. Garcia stated he observed the trailer parked there several times.

Mr. Jackson called Rose Askew, Planner, to testify.

Ms. Rose Askew stated in Article 6 of the Land Development Code under the mobility access section, Ms. Askew stated if the trailer is parked there on a regular basis, he would have to have a permanent parking surface to leave the trailer on.

Ruling

Mr. Vukelja dismissed the case.

CASE NO 15 SMG 12-15-64 – Charles E. Davis is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.3), at **1014 Continental Drive** - Violation(s) – Outside storage; off-street parking; no address numbers - First Notified – 10/15/2015.

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and staff was requesting a finding of non-compliance and the next cut-off for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 16 SMG 12-15-65 – Michael J. Ford is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 304.13, 304.10, 304.6, 605.1, 704.2, 305.3, 305.6), at **506 North Street** - Violation(s) – Off-street parking; appearance standards; dilapidated roof; broken/inoperable windows; dilapidated stairs; exterior surfaces; electrical fixtures; missing smoke detectors; interior surfaces; interior doors - First Notified – 10/13/2015.

Mr. Jackson stated the property was a police issue and remains in non-compliance and staff was requesting the next cut-off for compliance.

Mr. Michael J. Ford came forward and was sworn. Mr. Ford stipulated to the violations. Mr. Ford stated he would need more time for the stairwell and roof. Mr. Ford believed he could be in compliance February and the property is unoccupied at this time.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 3, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 18 SMG 12-15-58 – Gilbert Myara is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at **1272 Bel Aire Drive** - Violation(s) – Painting on exterior - First Notified – 7/1/2015.

Respondent was not present.

Mr. Jackson stated the property in non-compliance and should be able to be in compliance by the next cut-off date.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 20 SMG 12-15-60 – U.S. Bank National Association is cited for failure to correct violations of City Code Ch. 22 Sec. 22-46; the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 505.1), at **960 Magnolia Avenue** - Violation(s) – Failure to register the abandoned real property; no water - First Notified – 10/16/2015.

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 21 SMG 12-15-68 – Black Tide USA, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.7 and 307.1), at **712 Georgia Street** Violation(s) – Accessory Structure - shed with no wall; rubbish and garbage throughout the yard - First Notified – 8/24/2015.

Shawn Duzney, Reg. Agent came forward and was sworn. Mr. Duzney stated he was the registered agent but he was lucky to find out about the hearing as it was only posted and he was already going to be there today for another case.

Ms. Hampton advised the certified mail was sent but the Division of Corporations does not list Mr. Duzney as the registered agent of the corporation and stated the registered agent is a LHP Grainger, LLC.

Mr. Duzney advised he was the registered agent for that corporation and Ms. Hampton confirmed the address where the mail was sent.

Mr. Duzney stated he had questions about the violations.

Mr. Jackson stated the property was on the agenda based upon complaint from the City's Planner who is Rose Askew who happens to be the citizen who resides behind the property. Mr. Jackson called Ms. Askew to testify.

Rose Askew, stated she was home after surgery and heard a noise in her back yard and saw someone kicking the fence panels out so they could cut through her yard. Ms. Askew stated she has had several conversations with the property manager about the fence, loud music and beer bottles being thrown in her yard. Ms. Askew stated the property manager's response to her was to move out of the neighborhood. Ms. Askew stated this morning she observed trash and debris still on the property and she had her fence repaired herself and two days later someone kicked it out again. Ms. Askew stated there is a duplex on the property but there is half a shed in the back of the property where this occurs.

Mr. Vukelja asked when the photos were taken.

Mr. Recanzone stated the photos were taken on the day of the inspection.

Mr. Vukelja asked the City what constitutes compliance and if the shed had to be torn down.

Mr. Duzney stated it is the back of a wood shed and someone had pried off panels and he could replace them but was told he had to get a general contractor or a carpenter but believed he could just put the panels back up and put a padlock on the back door he would do that.

Mr. Jackson stated if the Respondent is going to demolish the shed he would need a permit and recommended the February cut-off date.

Mr. Vukelja informed the Respondent he needed to figure out which way he is going to go with bringing the property into compliance whether by demolition or rebuilding and believed he should be able to have that figured out by the February agenda.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 3, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day

CASE NO 22 SMG 12-15-69 – Willie D. Walker, Estate is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7 and 302.8), at **870 Pinewood Street** - Violation(s) – Damaged fence and junk vehicle - First Notified – 8/31/2015.

Demar Neville came forward and was sworn. Ms. Neville stipulated to the violations.

Mr. Jackson stated the next cut-off should be sufficient for compliance.

Ms. Neville stated the property was her father's who is deceased and the damaged fence has been removed and the junk vehicle should be removed today.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 6, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

Adjournment:

The meeting was adjourned at 10:41 a.m.