

**CITY OF DAYTONA BEACH MINUTES**

**APRIL 11, 2017 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida**

**SPECIAL  
MAGISTRATE  
HEARING**

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**ATTENDEES:**

Mr. David Vukelja, Special Magistrate

**STAFF:**

Anthony E. Jackson, Assistant City Attorney

Mr. Hector Garcia, Code Supervisor

Mr. Tom Clig, Code Inspector

Mr. Daniel Garcia, Code Inspector

Mr. Michael Fitzgerald, Code Inspector

Mr. Jerome McCoy, Code Inspector

Mr. Cliff Recanzone, Code Inspector

Mr. Jerry Sanders, Code Inspector

Mr. John Stenson, Code Inspector

Mr. Denzil Sykes, Code Inspector

Ms. Aimee Hampton, Board Secretary

Approval of Minutes by: \_\_\_\_\_

Special Magistrate

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Mr. Vukelja called the Hearing to order at 9:08 a.m.

Mr. Vukelja approved the February 15, 2017 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton announced the following cases were in compliance:

**CASE NO 1 SMG 02-17-13 – Revocable Trust of Beverly Sanders dated 9/27/05** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 308.1 and 602.1); City Code Ch. 90-297; City Code Ch. 26 Sec. 29-294, at **420 Auburn Drive** - Violation(s) – Rodent infestation; no heat facilities; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 8/3/2016.

**COMPLIANCE 4/8/2017**

**CASE NO 19 SMG 04-17-20 – Rent Daytona, LLC** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **19 Starling Drive** - Violation(s) – Failure to obtain a business tax receipt (BTR); Failure to obtain required residential rental licence (RTL) - First Notified – 1/20/2017.

**COMPLIANCE 4/7/2017**

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

**Lien Review 1**

**CASE NO CEB 09-10-157 – LGF Assets 2008, LLC (Requested by Jeanne Durrance, Trust Title)** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.14, 304.15, 302.7 & 603.1) at **1660 E. Shangri La Drive** - Violation(s) – No screens, damaged door locks on doors; dilapidated fence; a/c, heater and dishwasher in disrepair. Order Imposing Fine-Lien of \$50.00 dollars per day effective October 14, 2010. Compliance date: 3/7/2017 = \$15,000.00 and recording costs of \$22.00. Total owed: \$15,022.00.

Ms. Jeanne Durrance, owner of Trust Title, came forward and was sworn. Ms. Durrance stated her company issued clear title insurance for the closing for this property and later found out she did not receive the payoff information for one of the code liens. Ms. Durrance provided documentation regarding her requests and the payoff of the lot clearance and one of the code enforcement liens.

Mr. Jackson stated the lien was recorded in public records and she was aware even if she did not receive a payoff. Mr. Jackson stated the position of the city was they are willing to reduce the lien to the amount of \$2,000.

**Ruling**

Mr. Vukelja waived the fine and released the lien.

**Lien Review 2**

**CASE NO SMG RI2014-0012 – Andre Rondeau** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.13, 304.13.1, 304.14, 604.3, 704.2) Art. 5 Sec. 4.1 at **502 N. Halifax Avenue** - Violation(s) – Inoperable windows; missing window screens; uncovered electrical junction box along exterior wall at right rear near corner of building; missing smoke detectors in bedroom; changed use of property from office transition to residential duplex without site plan approval. Order Imposing Fine-Lien of \$100.00 dollars per day effective November 6, 2014. Compliance date: 5/27/2015 = \$15,000.00 and recording costs of \$24.00. Total owed: \$15,024.00.

Mr. Andre Rondeau came forward and was sworn.

Mr. Austin Shields came forward and was sworn.

Mr. Vukelja reviewed the case file.

Mr. Rondeau stated he was supposed to be at a lien review in 2013 however Mr. Betz stated he did not need to attend. Mr. Rondeau stated took care of everything before the fine was imposed. Mr. Rondeau stated the delay was that he had to remodel and had to wait until the tenant could be relocated before he could complete everything. Mr. Rondeau stated he never received papers saying he had a lien on the property.

Mr. Jackson stated the City was recommending a reduction of the lien to the amount of \$5,000.

Mr. Rondeau stated he would agree to the city's proposal.

**Ruling**

Mr. Vukelja reduced the lien to the amount of \$5,000 subject to being paid within 30 days.

### Lien Review 3

**CASE NO SMG 04-14-25 – Target House Property Solutions, LLC** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1); Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.10, 307.1, 305.3, 305.4, 305.6, 505.1, 604.1, 605.1, 704.2, 602.2 401.2); article 1 section 4.3(c); City Code Ch. 90 Sec. 90-297(a), at **323 Maple Street** - Violation(s) – No permit for addition to the home; inadequate light and ventilation; Stairways, decks, porches and balconies; accumulation of rubbish or garbage; exterior walls; interior surfaces including Windows and doors; stairs and walking surfaces; interior doors; plumbing fixture - facilities required; installation of electrical equipment and appliances, smoke alarms; dorm living -First Notified – 1/31/2014 & 2/14/2014. Order Imposing Fine-Lien of \$100.00 dollars per day effective August 7, 2014. Compliance date: 2/4/2017 = \$15,000.00 and recording costs of \$24.00. Total owed: \$15,024.00.

Mr. Acquino Cole, managing member came forward and was sworn. Mr. Cole stated this was the first investment project he and his partners took on and it turned into a much larger project than they anticipated. Mr. Cole stated they were admittedly naïve to the process and how much time and money it would actually take. Mr. Cole stated they purchased the property from the previous owner already with the violations and they decided to purchase the property and bring into compliance. Mr. Cole stated it was extremely difficult to obtain the right contractors who were able to perform the work within their budget. Mr. Cole stated he was hoping for mercy and agreed the City should be entitled to their costs.

Mr. Jackson stated the City was recommending a reduction to the amount of \$5,000.

Mr. Vukelja inquired as to the value of the property.

Mr. Cole stated the value was approximately \$25,000-\$30,000. Mr. Cole stated the property was vacant for the majority of the 2 years and was not being rented.

Mr. Vukelja asked for the Inspector who performed the re-inspection.

Mr. McCoy stated he became aware of the property due to the Respondent applying for his rental license and he performed the inspection. Mr. McCoy stated his first inspection he saw minor issues such a siding on door panels and GFI's that needed to be replaced. Mr. McCoy stated he re-inspected those items after a few days and the property passed and was issued a license.

Mr. Cole stated the bulk of the work was completed sometime early 2017. Mr. Cole stated the property has just been recently rented based upon the rental inspection and acquiring of the license.

Mr. Hector Garcia stated he reviewed the chronology of and there was no contact from the Respondent after the fine was imposed until the application for rental license was submitted.

Mr. Vukelja stated he appreciated Mr. Cole's honesty and candor as it related to the magnitude of this project and asked what he believed would be fair.

Mr. Cole stated he believed he could come up with \$1,000.

### Ruling

Mr. Vukelja reduce the lien to the amount of \$1,250 subject to being paid within 30 days or the fine reverts back to the original amount.

### Hearing of Cases

**CASE NO 2 SMG 07-16-38 – Binny Enterprises, 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, 302.4, 302.7, 304.2, 304.3, 304.6, 304.7, 304.8, 304.10, 304.12, 304.13, 304.13.1, 304.13.2); Art. 6 Sec. 6.10.D; Art. 6 Sec. 6.10.E.1, 6.10.E.2, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.C.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3.; Art. 6 Sec. 6.19.A.4; Art. Sec. 6.19.B.; Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.4.; Art. 7 Sec. 7.2.N.9, at **509 E. International Speedway Blvd.** - Violation(s) – No permit; outside storage of trash and debris; high grass and weeds; accessory structure dilapidated; peeling and fading paint; missing address numbers; exterior

walls have holes and breaks; deteriorated roof; stairways decks and porches have deficiencies; handrails have parts that are missing; Windows and doors are broken or deteriorated; exterior sign – business is not open; Parking lot striping has cracks or missing asphalt; expired permit - First Notified – 3/29/2016.

Respondent was not present.

Mr. Jackson stated the imposition of a fine status has been continued since January with the promises of the Respondent of plans and ideas. Mr. Jackson stated the Respondents have lacked diligence and have no longer been responsive. Mr. Jackson stated the city was recommending a fine of \$700 per day to a maximum of \$20,000. Mr. Jackson stated the Re-development division no longer is supporting the project due to the lack of effort.

Mr. Vukelja asked where the architect was that appeared last time.

Mr. Fitzgerald stated the property was sold and believed that is why he was not present.

Mr. Vukelja asked when the date of compliance was last ordered.

Ms. Hampton stated the imposition of a fine has been continued since September 2016 and they were supposed to be in compliance by September 7, 2016.

### **Ruling**

Mr. Vukelja imposed a fine against the Respondent in the amount of \$700 per day effective September 8, 2016 to a maximum of \$20,000.

**CASE NO 3 SMG 12-16-62 – John Clark** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.10, 304.12, 304.14, 305.3, 306.1, 504.1, 506.2); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **559 N. Beach Street** – Violation(s) – Roof leaking; exterior damaged stairs; missing railings; bathroom sink standing water; missing screens; interior surfaces damaged; Failure to obtain required residential rental license (RTL); Failure to obtain business tax receipt (BTR) -First Notified – 7/20/2016.

The Respondent was in compliance March 24, 2017.

**CASE NO 4 SMG 08-16-46 – Crystal G. Scott** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 602.3, 704.2, 504.1, 304.15, 304.2, 304.13, 305.3, 605.1, 604.3, 504.3, 304.7) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **544 Berkshire Road** - Violation(s) – No working heat; no smoke detectors; dilapidated plumbing fixtures; dilapidated garage door; damaged exterior door; peeling paint; inoperable windows; damaged interior surfaces; damaged/missing electrical fixtures; electrical system hazards (interior breaker panel); plumbing system hazard (low water pressure); dilapidated roof (fascia); Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/19/2016.

The Respondent was in compliance April 10, 2017.

**CASE NO 5 SMG 11-16-60 – Kimberly E. Telfare** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1, 304.15, 305.3, 504.1, 305.2, 605.2, 504.3, 302.8, 605.1, and 302.7); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **515 Gibson Street** - Violation(s) – Outside storage; non-conforming use as a rooming house; damaged electrical fixtures; damaged exterior doors; dilapidated interior surfaces; damaged plumbing fixtures; damaged interior doors; inoperable receptacles; plumbing system hazard; junk vehicle; inoperable electrical wiring; dilapidated fence and gate; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 9/16/2016.

Ms. Kimberly Telfare came forward and was sworn.

Mr. Arthur Hanson came forward and was sworn.

Mr. Jackson stated the city has been working with the Respondent for quite some time on this property and the Respondent had to remove a tenant. Mr. Jackson stated the inspector is reporting the tenant had to be removed but they have been gone for two months and still no work has been done.

Mr. Vukelja reviewed the previous order of non-compliance and asked the Inspector for the status.

Mr. Stenson stated he has been unable to inspect the interior but all the exterior violations remain the same with no progress.

Ms. Telfare stated she was trying to get a loan to get the repairs done.

Mr. Hanson stated he has been moving stuff out and trying to do what he can with his work schedule. Mr. Hanson stated the property is now unoccupied. Mr. Hansen stated they can clean up the property but do not have the funds to hire a contractor.

Mr. Vukelja stated the Respondents needed to come up with a plan on what they were going to do with the property.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until May 3, 2017 to come into compliance or a fine in the amount of \$300 per day will automatically go into effect May 4, 2017 and continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

**CASE NO 6 SMG 12-16-65 – Charles L. & Bertha J. Hogan** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i.; Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.8, and 302.7); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **806 Forest Lane** - Violation(s) – Off-street parking; outside storage; junk vehicle; damaged fencing; failure to obtain business tax receipt (BTR); Failure to obtain required residential license and inspection (RTL) - First Notified – 9/28/2016.

Respondent was not present.

Mr. Jackson stated the property is an occupied rental and the respondent has made insufficient progress in trying to remedy the violations. Mr. Jackson stated the Inspector was asking for a fine of \$200 per day plus the one-time administrative fine of \$250.

Mr. Stenson stated there has been medium effort on behalf of the Respondent. Mr. Stenson stated he spoke with the owner who said everything was fixed except for the window which he was doing that day.

### **Ruling**

Mr. Vukelja imposed a fine in the amount of \$200 per day effective April 6, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000 plus a one-time administrative fine in the amount of \$250.

**CASE NO 7 SMG 01-17-03 – Amanda L. Simms Ramirez** 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 302.8), at **124 Baywood Drive** - Violation(s) – Outside storage; off-street parking; junk vehicle; lack of address numbers - First Notified – 10/18/2016.

Respondent was not present.

Mr. Jackson stated the property remained in non-compliance and the Inspector reports more items have been added to the outside storage and therefore he was requesting a fine of \$200 per day with a maximum of \$15,000.

**Ruling**

Mr. Vukelja imposed a fine in the amount of \$200 per day effective April 6, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

**CASE NO 8 SMG 01-17-04 – Nicholas M. Ulsch** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 308.1, 605.1, 304.7, 305.3, and 504.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **341 Maple Street** - Violation(s) – Unpermitted addition; outside storage; non-conforming use (renting rooms); infestation; damaged electrical fixtures; damaged roof; damaged interior surfaces; damaged plumbing fixtures; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) -First Notified – 10/27/2016.

Respondent was not present.

Mr. Jackson stated there is a new owner on the property and therefore the staff was recommending amending the compliance date to the next cut-off.

Mr. Stenson stated there is a new owner and all of the violations still exist and said he was going to bring the property into compliance.

**Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until May 3, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 9 SMG 02-17-06 – James & Jackwylin Faye Davis** is cited for failure to correct violations of the City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 294, at **1147 Barbara Drive** - Violation(s) – Failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 12/8/2016.

Respondent was not present.

Mr. Jackson stated the permit application has been submitted and it is still under review by the city and therefore he was asking to amend the compliance date to allow the city to schedule the inspection.

**Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until May 3, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 10 SMG 12-16-67 – William Dennison, Sr. and Minger's Inc., d/b/a Mingler's Social Club** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 604.3); Art. 3 Sec. 3.4.S.1, at **500 S. Ridgewood Avenue** - Violation(s) – Outside storage; electrical systems hazard; no permit for interior walls and hot tubs - First Notified – 9/30/2016.

Attorney Brett Hartley appeared on behalf of the Respondents.

Mr. Wesley Amos came forward and was sworn.

Mr. William Dennison came forward and was sworn.

Mr. Jackson stated the violations consisted of hot tubs electrical not in compliance and some interior wall permit that was not in compliance. Mr. Jackson stated electrical permits have been submitted and are under review. Mr. Jackson stated staff was recommending a fine be imposed in the amount of \$500 per day to a maximum of \$20,000.

Mr. Vukelja asked Mr. Clig if the outside storage has been resolved.

Mr. Clig stated no there are still fencing and materials that are being stored on the property. Mr. Clig stated the electrical permit was issued on February 9, 2017 and has not been finalized but the structural permit for the interior walls has been submitted and is under review. Mr. Clig stated it is under review by the redevelopment department.

Mr. Hartley called Mr. Amos to testify.

Mr. Amos stated he currently resided at the property and stated he has tried to comply. Mr. Amos stated the fire department has approved everything, the electrical contractor completed all the items and he stated he has tried to complete everything but he is meeting resistance from the City. Mr. Amos stated there was fence that was being stored for when he is ready to install a fence. Mr. Amos stated the interior walls were there when they moved in and they were installed by the previous owner and they submitted plans from 2010 to try and obtain the permit.

Mr. Clig described the electrical issues.

Mr. Garcia stated the fence permit was applied for in September 2, 2016 and September 7, 2016 they were provided comments that needed corrections.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until May 3, 2017 to come into compliance or a fine the amount of \$300 per day will automatically go into effect May 4, 2017 and continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$20,000.

**CASE NO 11 SMG 02-17-08 – GEA Seaside Investments, Inc** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. IPMC 304.13 and 304.7); City Code Ch. 26 Sec. 26-294, at **358 Nautilus Avenue** - Violation(s) – Damaged roof; broken windows; Failure to obtain required residential rental license (RTL) - First Notified – 11/17/2016.

Erin Morse, Esquire appeared on behalf of Mr. Aberman.

Mr. Jackson stated the case was before him for imposition of a fine and further stated the Respondent was ordered to allow an inspection by March 17, 2017 which they did allow however they failed the inspection. Mr. Jackson stated there has been 2 other inspections and it failed both times. Mr. Jackson further stated staff was requested a fine of \$250 per day to a maximum of \$15,000.

Mr. Morse stated some progress has been made and he has installed new windows however he was unable to get a permit at this point. Ms. Morse stated he has applied for the rental license.

Mr. Jackson stated he has applied for the rental license but has failed the inspections twice.

Mr. Clig stated he inspected the property with Attorney Chandler and it failed because of the windows and roof work without a permit and smoke detectors.

Mr. Josh Wells, Attorney for neighbor Kristin Span spoke about the damage to his client's property and advised his client would like to speak.

Ms. Kristin Span came forward and was sworn. Ms. Span read a statement into the record about the case.

Mr. Jackson stated the windows and no rental license and no smoke detectors were the violations.

**Ruling**

Mr. Vukelja imposed a fine in the amount of \$250 per day effective April 6, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

**CASE NO 12 SMG 02-17-09 – Floyd Boivin** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 308.1); City Code Ch. 90-297; City Code Ch. 26 Sec. 294, at **1266 Essex Road** - Violation(s) – Trash and debris in the yard; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license - First Notified – 12/1/2016.

Respondent was present earlier but was ill and had to leave.

Mr. Jackson stated the property owner was making progress and staff was recommending amending the compliance date to the next cut-off date.

**Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until May 3, 2017 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 13 SMG 02-17-11 – Carol J. Wright** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 305.3); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1290 9th Street Unit 104** - Violation(s) – Interior surfaces contain holes in walls, door frames in disrepair and need paint; Kitchen floor and bathroom floor need repaired and carpet; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 12/20/2016.

Ms. Carol J. Wright Blackman came forward and was sworn.

Mr. Jackson stated the case involved a tenant who was evicted at the end of March. Ms. Wright stated she contacted a contractor who said it would be 10 days until they could get started on the work.

**Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until June 7, 2017 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

*The meeting broke at 10:56 a.m.*

*The meeting reconvened at 11:06 a.m.*

**CASE NO 14 SMG 04-17-15 – Earl McCrary, III** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 302.1, 302.4), City Code Ch. 26 Sec. 26-294, at **864 Hollywood Street** - Violation(s) – Accumulation of trash or garbage; overgrown weeds; failure to obtain required residential rental license (RTL) - First Notified – 11/23/2016.

Mr. Earl McCrary came forward and was sworn. Mr. McCrary stipulated to non-compliance.

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

**Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 15 SMG 04-17-16 – Brian Carter** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 304.13, 304.14, 304.15, 305.3, 305.6, 504.1, 604.3, 605.1, 605.2, 704.2), City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1290 9th Street, Unit 304** - Violation(s) – Broken windows; missing window screens; exterior doors need repaired; interior surfaces have water damage; interior doors and door frames; plumbing system and fixtures; bad electrical receptacles and wiring; improper receptacles for refrigerator; stove in disrepair; improper outlets for electrical equipment; smoke alarms missing; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 11/22/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and no contact has been made with the Respondent. Mr. Jackson stated staff was recommending the next cut-off date for compliance.

**Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 16 SMG 04-17-17 – Mike Nelson** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 302.7, 304.6, 504.1); City Code Ch. 26 Sec. 26-294, at **954 Glenwood Street** - Violation(s) – No required permits; damaged roof; damaged fencing; damaged exterior surfaces; damaged plumbing fixtures; failure to obtain required residential rental license (RTL) - First Notified – 1/18/2017.

Respondent was not present.

Mr. Jackson stated the property was renovated without permits and staff was recommending a finding of non-compliance and the next cut-off date for compliance.

**Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 17 SMG 04-17-18 – Luke Childs** 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 302.4, 304.6, 304.2, 304.7, 304.10, 304.13, 304.14); City Code Ch 26 Sec. 26-294, at **846 Madison Avenue** - Violation(s) – Outside storage; weeds; exterior surfaces; peeling paint; damaged roof; damaged decking (rear); broken windows; damaged/missing screens; failure to obtain required residential rental license (RTL) - First Notified – 12/29/2016.

Luke Childs, Jr. came forward and was sworn.

Sabrina Montgomery came forward and was sworn.

Mr. Child's stipulated to non-compliance.

Mr. Jackson stated they needed some clarification regarding ownership of the property.

Dr. Ben Spivey came forward and was sworn. Dr. Spivey stated he was the owner of the holding company that owns the LLC. Mr. Spivey stated everything on the list has been taken care of but he would request that the case start over because they were not aware of the violations.

### **Ruling**

Mr. Vukelja continued the case to the May 9, 2017 meeting.

**CASE NO 18 SMG 04-17-19 – Patrick D. Knox** 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7, 304.4, 304.6, 304.7, 304.8, 504.3, 602.1, 605.1, and 704.2); City Code Ch. 90 Sec. 90-297; City Code Ch 26 Sec. 26-294, at **642 North Street** - Violation(s) – Outside storage; off-street parking; dilapidated fencing; dilapidated structural members; damaged exterior walls; dilapidated roof; decorative features (lattice); plumbing system hazard; lack of required heat; dilapidated electrical equipment; lack of required smoke detectors; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 2/9/2017.

Respondent was not present.

Mr. Jackson asked for a finding of non-compliance and next cut-off date for compliance.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 20 SMG 04-17-22 – Alik Afghani** is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **222 Garden Street** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/5/2017.

Respondent was not present but was in attendance earlier.

Mr. Jackson stated the Respondent was making progress and staff was recommending a finding of non-compliance and the next cut-off date for compliance.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 21 SMG 04-17-23 – Craig Carter** 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, 304.14, 305.2, 309.1, 604.3, 704.2); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 5 Sec. 5.2.B.3.f.i; at **213 S. Keech Street** - Violation(s) – Roofs and drainage; window, skylight and door frames; insect screens; interior structural members; infestation; electrical system hazards; smoke alarms; outside storage; exterior structural appearance standards; occupancy is limited to a single family in SFR zoning district - First Notified – 12/29/2016.

Rachel Pringle, Attorney was present.

Ms. Caila Carter, daughter of the owner came forward and was sworn. Ms. Carter stipulated to non-compliance.

Ms. Pringle stated the owner has had a number of strokes in December and is not competent to provide Ms. Carter with power of attorney to take over the property so she has to go through a guardianship process.

Ms. Pringle stated the occupants are not tenants however they are not squatters. Ms. Pringle stated Mr. Carter gave them permission to be on the property and he cannot revoke the permission.

Ms. Carter stated the residents were unknown to her and the current tenants are the ones largely responsible for the damage.

Ms. Pringle requested 6 months with an update in 3 months to come into compliance.

Mr. Jackson stated staff was suggesting 90 days for compliance and if they were diligent than allowing more time.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and ordered the respondent appear at the June 13, 2017 meeting for a progress report and determination of a compliance date.

**CASE NO 22 SMG 04-17-25 – Kinsey Whaley** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 504.1, 604.3, 605.2, 309.1, 309.2); Art. 6 Sec. 6.19.A.3; Art. 6 Sec.6.19.A.4; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **430 Marion Street, 2** - Violation(s) – Roofs and drainage; plumbing systems and fixtures; electrical system hazards; receptacles; infestation; site appearance standards; structural appearance standards; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 1/5/2017.

Mr. Kinsey Whaley came forward and was sworn. Mr. Whaley stipulated to the violations except for the infestation as Florida Pest Control stated they saw no signs of infestation. Mr. Whaley stated some of the violations do exist.

Mr. Jackson stated the Inspector recommends the next cut-off date for compliance.

Mr. Whaley stated he has not been able to get a roof contractor to even respond to an estimate because they are so backed from the hurricane.

Mr. McCoy stated there was outside storage, roof damage and siding.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by June 7, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day

**CASE NO 23 SMG 04-17-26 – Timothy D. Hudson, Sr.** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.C.; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **543 Oak Street** - Violation(s) – Weeds; outside storage of junk and debris; walls and fences should be maintained at the proper height and density in a plumb an upright position; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 1/25/2017.

Respondent was not present.

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

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 24 SMG 04-17-27 – Vernal Johnson & Patricia Roper** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 602.1, 604.3, 605.1, 605.2, 702.4, 704.2, 304.14, 309.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **646 South Street 1** - Violation(s) – Heating facilities required; electrical facilities-electrical system hazards; electrical equipment installation; electrical receptacles; fire safety - means of egress, emergency escape openings; smoke alarms; insect screens; infestation; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 2/8/2017.

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and staff was recommending a compliance date by the next cut off.

#### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by May 3, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 25 SMG 04-17-28 – Paul A. Czajkowski Revocable Trust** 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, 304.5, 304.7, 304.10, 304.13, 304.14, 305.3, 305.4, 604.3, 702.2) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **551 Whitehall Street** - Violation(s) – Weeds; accessory structures; protective treatment; foundation walls; roofs and drainage; stairways, decks, porches and balconies; window, skylight, and door frames; insect screens; interior surfaces; stairs and walking surfaces; electrical system hazards; fire safety- means of egress (aisles); failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license - First Notified – 11/23/2016.

This case was withdrawn by staff.

#### **Miscellaneous Business**

Mr. Vukelja discussed the beachside code enforcement issues that were brought up at the recent town hall meeting.

#### **Adjournment:**

The meeting was adjourned at 11.55 a.m.