

CITY OF DAYTONA BEACH MINUTES

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

**SPECIAL
MAGISTRATE
HEARING**

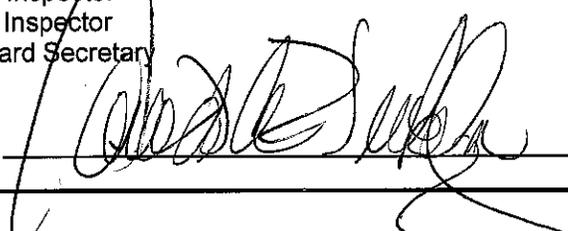
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Ms. Glejuanda Davis, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. Jerry Sanders, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:



Special Magistrate

Mr. Vukelja called the Hearing to order at 9:03 a.m.

Mr. Vukelja approved the April 11, 2017 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton announced the following cases were in compliance:

CASE NO 2 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.

COMPLIANCE 5/5/2017

CASE NO 16 SMG 05-17-32 – William J. & Pia A. McNeill is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a, at **320 Woodland Avenue** – Violation(s) – Camper parked in driveway - First Notified – 3/13/2017.

COMPLIANCE 5/8/2017

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

CASE NO 1 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.

COMPLIANCE 5/3/2017

CASE NO 3 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 remains in non-compliance and there has been no contact or progress. Mr. Jackson stated the inspector is recommending a fine of \$500 per day to a maximum of \$15,000 plus a one-time administrative fine of \$250.

Mr. Sanders stated there has been no contact after numerous attempts to mail and post the property and there has been no response. Mr. Sanders believes the tenants have moved because of the condition of the property.

Mr. Vukelja asked if this was an apartment complex.

Mr. Sanders stated it was a condo unit.

Ruling

Mr. Vukelja imposed a fine against the Respondent in the amount of \$500 per day effective May 4, 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 of \$250 for failure to obtain the business tax receipt (BTR).

CASE NO 4 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.

COMPLIANCE 5/3/2017

CASE NO 5 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, 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) - First Notified – 1/25/2017.

COMPLIANCE 5/4/2017

CASE NO 6 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.

Mr. Vernal Johnson came forward and was sworn.

Ms. Mercedes Johnson came forward and was sworn.

Mr. Jackson stated the inspector reports the work has been unsatisfactory up to this point and they need a rental inspection which is pending and therefore staff is asking for the next cut-off date for compliance.

Mr. Johnson stated he can be in compliance by June 7th but he is having trouble getting into the unit to because of the tenant.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until June 7, 2017 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 7 SMG 07-16-40 – Josif Janceski 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. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 504.3, 304.14, 304.5, 302.7); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1058 Thunderbird Drive** - Violation(s) – Working without permit (roof); outside storage; lack of power; lack of utilities (water); dilapidated screens; dilapidated garage door; dilapidated fencing; Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/5/2016.

Respondent was not present.

Mr. Jackson stated the case began back in May 2016 and the progress has been insufficient thus far and staff was requesting a fine of \$300 per day to a maximum of \$10,000.

Mr. Josif Janceski came forward and was sworn. Mr. Janceski stated he was the nephew of the owner and he is appearing on his behalf. Mr. Janceski stated his uncle is in Pennsylvania and he has come down to help finish the work. Mr. Janceski stated he had to redo the framing and he has installed the plumbing. Mr. Janceski stated the next step is electrical and which he is making good progress.

Mr. Vukelja asked how much work required permits.

Mr. Stenson stated almost everything is going to require permits and the roof needs to be repaired, plumbing and electrical items. Mr. Stenson stated there has been minimal progress made.

Mr. Janceski stated he has been doing the work himself and he does this by trade in Pennsylvania and it is his understanding he does not need a contractor if he is the owner and living in the property. Mr. Janceski stated he is about 2 months away from a complete project.

Mr. Vukelja asked what has been accomplished as far as the list of violations.

Mr. Stenson stated they did acquire a general permit, the power panel has been restored to the property, dilapidated screens, garage door and fencing need to be addressed still.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until July 5, 2017 to come into compliance or an automatic fine in the amount of \$300 per day will be imposed July 6, 2017 and continue each day until compliance is achieved or the fine reaches the maximum of \$10,000 and further ordered the outside storage removed immediately, the exterior maintained, and the property not be rented, occupied or otherwise utilized until compliance is achieved.

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 was a recent change of ownership of the property and the city is of the position that the new owner steps into the shoes of the current owner and there has been no progress.

Mr. Stenson stated the property is now owed by an LLC and they have knowledge of the existing violations. Mr. Stenson stated he has spoken with the new owners and they are aware. Mr. Stenson stated he is asking for a fine of \$300 per day to a maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine against the Respondent in the amount of \$300 per day effective May 4, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE NO 9 SMG 02-17-06 – James & Jackwylin Faye Davis is cited for failure to correct violations of 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 they were waiting on an inspection and staff was recommending amending the compliance date to the next cut-off.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until June 7, 2017 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 10 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 no contact and no progress and staff was recommending a fine of \$300 per day to a maximum of \$15,000.

Mr. Stenson stated he has received one contact during the initial inspection but nothing since.

Ruling

Mr. Vukelja imposed a fine against the Respondent in the amount of \$300 per day effective May 4, 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 of \$250 for failure to obtain the business tax receipt (BTR).

CASE NO 11 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.

COMPLIANCE 4/26/2017

CASE NO 12 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 stated all violations still exist and there has been no contact from the owner. Mr. Jackson stated staff was recommending a fine of \$300 per day to a maximum of \$15,000 plus one-time \$250.00 administrative fee.

Ruling

Mr. Vukelja imposed a fine against the Respondent in the amount of \$300 per day effective May 4, 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 of \$250 for failure to obtain the business tax receipt (BTR).

CASE NO 13 SMG 05-17-29 – RUTA Resorts, LLC is cited for failure to correct violations of the Land Development Code, Art. 4 Sec. 4.1.A and Art. 5 Sec. 5.2.A.2; City Code CH. 26 Sec. 26-294, at **319 Goodall Ave.** - Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district; failure to obtain required residential rental license (RTL) - First Notified – 4/7/2017.

Stephanie Hardisty came forward and was sworn. Ms. Hardisty stated she was speaking on behalf of Mr. Ruta who is the owner who was present. Ms. Hardisty stipulated to non-compliance. Ms. Hardisty stated they have spent thousands of dollars into beautifying the property and they are now looking to rent the property long term and on the rental website they were advertising they would ask to still be able to advertise for six months or more.

Mr. Jackson stated staff was recommending a finding of non-compliance but currently in compliance. Mr. Jackson stated if she is advertising a legal rental that is permitted by code than she should not have any issues since it would be a lawful rental.

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 up to \$5,000 per occurrence.

CASE NO 14 SMG 05-17-30 – Faye R. Smith is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 307.01, 304.15, 505.1), at **2616 North Halifax Ave.** - Violation(s) – Damaged roof; accumulation of rubbish or garbage; garage door in disrepair; no water - First Notified – 2/9/2017.

Respondent was not present.

Mr. Jackson stated the property is in non-compliance and there has been no communication from the owner to the Inspector. Mr. Jackson stated staff was recommending a finding of non-compliance and the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by June 7, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 15 SMG 05-17-31 – Donald M. and Carol D. Chamberlain is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.7.a, at **127 Palm Pl.** - Violation(s) – RV cannot be parked in the front yard for more than 24 hours; parking on an unimproved surface - First Notified – 4/7/2017.

COMPLIANCE 5/5/2017

***Cases 17-45 were heard simultaneously**

CASE NO 17 SMG 05-17-33 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **316 Butler Blvd** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 18 SMG 05-17-34 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **318 Butler Blvd.** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 19 SMG 05-17-35 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **508 Eastwood Lane** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 20 SMG 05-17-36 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **121 S. Grandview Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 21 SMG 05-17-37 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2711 N. Halifax Unit 796** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 22 SMG 05-17-38 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **509 & 511 Harvey Ave.** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 23 SMG 05-17-39 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **229 N. Hollywood Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 24 SMG 05-17-40 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **231 N. Hollywood Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 25 SMG 05-17-41 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **311 & 313 N. Hollywood Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 26 SMG 05-17-42 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **317 N. Hollywood Ave.** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 27 SMG 05-17-43 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **319 N. Hollywood Ave** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 28 SMG 05-17-44 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1928 Marilyn Street** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 29 SMG 05-17-45 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **216 Morningside Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 30 SMG 05-17-46 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **232 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 31 SMG 05-17-47 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **236 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 32 SMG 05-17-48 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **308 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 33 SMG 05-17-49 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **312 N. Peninsula Dr.** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 34 SMG 05-17-50 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **320 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 35 SMG 05-17-51 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **324 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 36 SMG 05-17-52 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **330 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 37 SMG 05-17-53 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **420 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 38 SMG 05-17-54 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **428 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 39 SMG 05-17-55 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **433 N. Peninsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 40 SMG 05-17-56 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 504.1; 602.1; 304.7; City Code Ch 26 Sec. 26-294, at **13 South Peninsula Dr** - Violation(s) – Plumbing systems and fixtures; heating facilities required; roofs and drainage; failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 41 SMG 05-17-57 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **21 South Pensinsula Dr** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 42 SMG 05-17-58 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **23 & 25 S. Peninsula** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 43 SMG 05-17-59 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **507 Phoenix Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 44 SMG 05-17-60 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **514 Phoenix Avenue** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

CASE NO 45 SMG 05-17-61 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **615 Wistera Road** - Violation(s) – Failure to obtain required residential rental license (RTL) - First Notified – 1/30/2017.

Attorney Joel Osborne appeared on behalf of the Respondent.

Mr. Jack Aberman came forward and was sworn.

Mr. Osborne stated they had a problem with notice and said he believed notice was not properly served.

Mr. Jackson stated he has a signed green card dated 2/4/17 for the initial notice of violation and the Inspector will testify the documents were delivered and signed for.

Mr. Osborne stated it was not his client's signature.

Mr. Vukelja asked whose signature was on the green card.

Mr. Aberman stated he has a locked drop box and no one signed for it and it was not his signature.

Mr. Jackson asked what notice was being challenged.

Mr. Osborne stated he was challenging both the initial notice of violation and the notice of hearing.

Mr. Jackson stated he was presented the green card for the notice of violation and also a copy of the green card signed on May 1, 2017 for the notice of hearing packets.

Mr. Osborne asked if that was Mr. Aberman's signature.

Mr. Aberman stated it was not his signature.

Ms. Davis stated she was provided two copies of the notice of hearing packets. One was sent certified mail and the other was put in the drop box.

Mr. Osborne continued to contest the notice was improper.

Mr. Jackson stated the package was delivered by postal service and the green card is signed in front of the postal service and now we are asking to produce the postal worker who obtained the signature which is a ridiculous burden.

Mr. Vukelja asked Mr. Osborne if he agreed they were on notice now for the violations and the cases.

Mr. Osborne stated yes.

Mr. Vukelja inquired if the cases were rescheduled and continued to June if that would alleviate the service issue and if there was any prejudice to the City.

Mr. Jackson stated he had no objection to continuing the cases to June.

Mr. Osborne stipulated they were on notice now and at the June 13, 2017 meeting they could proceed on the merits of the cases.

Ruling

Mr. Vukelja continued cases 17 through 45 to the June 13, 2017 Special Magistrate meeting for the determination of compliance or non-compliance.

MISCELLANEOUS BUSINESS

CASE NO 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.

Ms. Hampton advised a fine was imposed the day of the meeting due to the property being in compliance and staff was asking for an order to vacate the previous fine and find the Respondent in compliance.

Ruling

Mr. Vukelja vacated the fine in found the property in compliance.

Adjournment:

The meeting was adjourned at 10:03 a.m.