

**CITY OF DAYTONA BEACH MINUTES**

**October 10, 2017 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida**

**SPECIAL  
MAGISTRATE  
HEARING**

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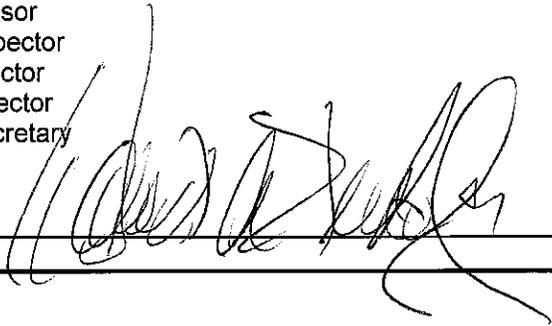
**ATTENDEES:**

Mr. David Vukelja, Special Magistrate

**STAFF:**

Anthony E. Jackson, Assistant City Attorney  
Mr. Denzil Sykes, Code Supervisor  
Ms. Glejuanda Davis, Code Inspector  
Mr. Jerome McCoy, Code Inspector  
Mr. Cliff Recanzone, 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 9:03 a.m.

Mr. Vukelja approved the July 11, 2017 and July 24, 2017 Special Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated there were no announcements. Ms. Hampton stated staff is requesting all cases that are not GEA Seaside related be heard first.

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

**Lien Review 1**

**SMG 05-13-30 – 1100 S. Ridgewood Avenue – Tudja & Kiaval, LLC (Now Thakorjirupa, LLC)** were cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.4, 302.7, 304.13.1, 304.13.2, 304.14, 304.15, 304.2, 304.6, 304.7, 305.3, 305.4, 305.5, 305.6, 306.1, 307.1, 307.2.1, 307.2.2, 307.3.2, 308.2, 506.1, 506.2, 601.2, 602.2, 603.1, 605.1, 605.3, 704.2.); Art. 18 Sec. 2.13 - Violation(s) Over grown weeds and plant growth throughout the property; Accessory structures: Fencing is broken or fallen on premises; Window and Door Frames: rotten or decayed wood throughout premises - every window and door frame shall be in sound condition; Glazing materials: window glass is cracked and/or broken; All windows required to open and hold in open position by window hardware; Torn and missing insect screens on windows; Exterior Doors: repair all exterior doors that are cracked or broken; Protective treatment: peeling paint, and oxidation throughout premises; Exterior Walls: cracks, breaks, and holes in exterior walls throughout premises. Roofs and drainage: roof shingles are weathered and deteriorated; Interior surfaces: peeling paint on interior walls, windows and doors; Stairs and walking surfaces: stairway towards rear of property needs railing installed - all handrails and guards that are loose need to be tightened and sturdy. Additionally, every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair; Interior doors: currently improper fit for doors in the door frames, doors need to close securely and be flush with door frames per manufacturer standards; Accumulation of rubbish or garbage; Rubbish storage facilities are inadequate; Owner required to supply covered containers for rubbish on the premises; Refrigerators: refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises – there are numerous refrigerators being used as a planters; Extermination: pest control and extermination required

by owner before leasing or renting – evidence of roaches; Plumbing disconnected under sinks throughout premises - all plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system, every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction; Electrical appliances, and electrical outlets are not working - owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements; Air Conditioning units that have heat are deteriorated and in poor condition - dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees; Cooking appliances and water heating appliances shall be properly installed and maintained; All electrical equipment, wiring and appliances shall be properly installed and maintained; Missing and broken luminary fixtures: - every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room shall contain at least one electrical luminaries; Smoke alarms: single or multiple station smoke alarms shall be installed and maintained; Property owner and tenant shall be jointly and severally responsible for maintenance of all required landscape, irrigation and hardscape improvements as originally approved on your site plan. - First Notified – 3/1/2013. Order Imposing Fine-Lien of \$500.00 per day effective 8/8/2013. Compliance 8/2/2016 = \$25,000.00\* maximized plus \$24.00 recording costs. Total lien - \$25,024.00.

Attorney Robert Abraham appeared on behalf of the owner.

Mr. Abraham stated there was a lengthy list to repair and it costs quite a bit of money to make all the repairs. Mr. Abraham stated in excess of \$150,000 has been spent on upgrades and corrections. Mr. Abraham stated his client was asking for relief of the lien as much as possible.

Mr. Jackson called Inspector Recanzone for testimony.

Mr. Recanzone stated the case was initiated by Inspector Lopez back from 2013. Mr. Recanzone stated he opened another case in 2016 that

Mr. Jackson stated the lien was imposed after Mr. Patel was unable to bring the property into compliance and the fine was subsequently imposed. When Mr. Recanzone became involved he started a new case with the same violations and Mr. Patel was able to bring the property into compliance at that time. Mr. Jackson stated staff was recommending a reduction to the amount to 50% of the lien which is \$12,500.

Ms. Ruth Trager came forward and was sworn. Ms. Trager stated Mr. Patel is a hardworking businessman and she stated maintenance had to be deferred a little bit and there was no money and banks were not lending money. Ms. Trager stated he wanted to be in compliance but the money did not come fast enough to come into compliance sooner. Ms. Trager stated she believes Mr. Patel is trying to fix everything that the fines imposed are too great and should be granted a reduction.

Discussions were held between Mr. Vukelja and Mr. Jackson regarding why the lien was not foreclosed.

Mr. Vukelja asked if Mr. Abraham had a response to the \$12,500 reduction of the lien.

Mr. Abraham stated at the time the fine was imposed it was a choice to either pay the fines or put the money into making the corrections. Mr. Abraham stated it took some time due to lengthy list. Mr. Abraham stated they appreciated the offer of 50% reduction but if it would be reduced any further the owner would be appreciative in order to keep improving the property.

### **Ruling**

Mr. Vukelja reduced the amount of the lien to \$10,000 subject to being paid within 30 days or it shall revert back to the original amount.

### **Hearing of Cases**

**CASE NO 1 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; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, 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; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 12/29/2016.

### **COMPLIANCE 10/3/2017**

**CASE NO 2 SMG 07-17-65 – Firma Family Land Trust** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 704.2, 302.4, 302.5, 302.7, 304.2, 304.4, 304.5, 304.6, 304.13, 304.14, 305.2, 305.4, 305.5, 307.1, 309.1, 309.2); Art. 6 Sec. 6. 19.A.3; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **750 Vernon Street** - Violation(s) – Smoke Alarms; rodent harborage; infestation; site appearance standards; fence; insect screens; high weeds; interior structure; handrails; windows; doors; paint; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 5/1/2017.

Respondent was not present.

Mr. Jackson stated the remaining items were business tax receipt and rental license. Mr. Jackson stated an inspection was performed and they have a few items that remain in order to get their license so the staff was recommending amending the compliance date to the next cut-off date.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until November 8, 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 3 SMG 08-17-68 – Anthony M. Tocco** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 8.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8, 304.13, 308.1), at **367 Fordham Drive** - Violation(s) – Dilapidated fence; inoperable and unlicensed vehicle; broken windows; outside storage and broken exterior wall - First Notified – 3/27/2017.

Mr. Anthony Tocco came forward and was sworn.

Mr. Jackson stated the Respondent was been delayed due to the hurricane situation and staff was willing to allow the Respondent until next cut-off for compliance.

Mr. Tocco stated he was working to get the car running and he has called his homeowner's insurance to look at the window because he had more damage to the house. Mr. Tocco stated he also tried to obtain a small loan but found out from the creditors that he was deceased so he needs to get that fixed.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until November 8, 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 4 SMG 08-17-69 – Carolyn Ricany** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.2, 304.6, 304.7, 304.13, 304.14), at **1225 Waverly** - Violation(s) – Broken windows; exterior rotten wood; peeling & chipped paint; missing screens; roof and drainage system - First Notified – 4/14/2017.

Ms. Carolyn Ricany came forward and was sworn.

Mr. Jackson stated he was asking for a continuance due to the property being in foreclosure.

Ms. Ricany stated the house was a mess but she was started to working on it. Ms. Ricany stated there has been some hurricane damage and the house is under contract for short sale and she is waiting for the sale.

**Ruling**

Mr. Vukelja continued the case to the November 14, 2017 meeting.

**CASE NO 5 SMG 05-17-34 – GEA Seaside Investments, Inc.** is cited for failure to correct violations of 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.

**COMPLIANCE 9/5/2017**

**CASE NO 6 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.

**COMPLIANCE 9/5/2017**

**CASE NO 7 SMG 05-17-36 – GEA Seaside Investments, Inc.** is cited for failure to correct violations of 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.

**COMPLIANCE 9/5/2017**

**CASE NO 8 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.

**COMPLIANCE 9/5/2017**

**CASE NO 9 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.

**COMPLIANCE 9/5/2017**

**CASE NO 10 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.

**COMPLIANCE 9/5/2017**

**CASE NO 11 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.

**COMPLIANCE 9/5/2017**

**CASE NO 12 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.

**COMPLIANCE 9/5/2017**

**CASE NO 13 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.

**COMPLIANCE 9/5/2017**

**CASE NO 14 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.

**COMPLIANCE 9/5/2017**

*\*Cases 15-27 were heard simultaneously*

**CASE NO 15 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 16 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 17 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 18 SMG 05-17-40 – GEA Seaside Investments, Inc.** is cited for failure to correct violations of 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 19 SMG 05-17-41 – GEA Seaside Investments, Inc.** is cited for failure to correct violations of 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 20 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 21 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 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 05-17-46 – 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 24 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 25 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.

October 10, 2017

**CASE NO 26 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 27 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.

Mr. Joel Osborne appeared on behalf of GEA Seaside Investments.

Mr. Jackson stated staff was requesting a continuance of all the cases due to the Inspector not being available and they need re-inspections.

Mr. Vukelja asked if Mr. Osborne had an objection to the City's request for a continuance.

Mr. Osborne stated they had no objection but asked if Ms. Davis was unavailable if another inspector could hand the re-inspections as they will not take long and they would like to start advertising as soon as possible.

Mr. Jackson stated they continuance would be until the next meeting.

### **Ruling**

Mr. Vukelja continued the case to the November 14, 2017.

**CASE NO 28 SMG 10-17-74 – Seneca Land Trust c/o Osprey Foundation, Trustee** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at **601 S. Seneca Blvd.** - Violation(s) – Failure to obtain required residential rental license (RTL) and failure to obtain business tax receipt (BTR) - First Notified – 5/31/2017.

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 non-compliance and ordered the Respondent come into compliance by November 8, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 29 SMG 10-17-75 – James S. & Patricia A. Felty** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 303.1), at **133 White Heron Drive** - Violation(s) – Dirty pool - First Notified – 4/19/2017.

Mr. Ray Joy came forward and was sworn. Mr. Joy stated he was the realtor for the property. Mr. Joy stated the property is under short sale contract and it closes on Thursday. Mr. Joy asked for 60 days for compliance.

Mr. Vukelja stated he would not allow 60 days for a dirty pool.

Mr. Jackson stated the pool is secure and the staff is requesting the next cut-off for compliance.

Mr. Garcia stated he has been on the property a few times and there is a fence that is securing all the way around.

Mr. Joy stated the pool may have to be drained and resurfaced and he will make sure it is taken care of.

### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by November 8, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and further ordered the property be secured and not accessible until compliance.

**CASE NO 30 SMG 09-17-71 – Michael P. Hanley** 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 309.1); City Code Ch. 26 Sec. 26-294, at **1207 Imperial Drive** - Violation(s) – Outside storage; off-street parking; infestation; failure to obtain required residential rental license (RTL) - First Notified – 6/6/2017.

### **COMPLIANCE 9/18/2017**

**CASE NO 31 SMG 09-17-72 – Terry Tejeram Sitaram & Bibi N. Sitaram** 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 302.8, and 304.7); City Code Ch. 90 Sec. 90-297 and City Code Ch. 26 Sec. 26-294, at **326 Jefferson Street** - Violation(s) – Outside storage; Junk vehicles; dilapidated roof; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 6/24/2017.

Ms. Bibi Sitaram came forward and was sworn. Ms. Sitaram stipulated to non-compliance.

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

Ms. Sitaram stated she and her husband are going through a divorce and he has taken control over the property. Ms. Sitaram stated every time she tries to go on the property he told the tenants to contact the police on her. Ms. Sitaram stated her attorney advised her not to go on the property. Ms. Sitaram states she asks the tenants to remove the property. Ms. Sitaram asked for more time.

Mr. Vukelja stated he stated they would keep in mind forward which one of the parties was working towards compliance.

### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by November 8, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 32 SMG 09-17-73 – William R. Terry** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3., at **150 N. Seneca Street** - Violation(s) – Fallen tree on house and property - First Notified – 7/24/2017.

### **COMPLIANCE 9/25/2017**

**CASE NO 33 SMG 10-17-76 – Gersham P. Brown, Lizzie S. Brown, Robert E. Owens and Tequetia R. Plain** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i, at **906 Derbyshire Road** - Violation(s) – Off-street parking in front yard - First Notified – 6/27/2017.

Ms. Lizzie Brown came forward and was sworn. Ms. Brown stipulated to non-compliance. Ms. Brown stated the vehicles have been removed except for the pick-up truck and Suzuki.

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

### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by November 8, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 34 SMG 10-17-77 – Carrot Family Trust c/o Scott D. Singler & Karen M. Singler as Trustees** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at **1221 Essex Road** - Violation(s) – Failure to obtain required residential rental license (RTL) and failure to obtain business tax receipt (BTR) - First Notified – 7/22/2017.

**COMPLIANCE 10/2/2017**

**CASE NO 35 SMG 10-17-78 – Land Trust 552 Fairmount c/o TRSTE, LLC as Trustee** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a.; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.7, 304.2, 304.13, 605.1, 304.15, 305.3, 603.1, 704.2, 605.3, 504.1); City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at **552 Fairmount Road** - Violation(s) – Outside storage; work without permits; dilapidated fencing; peeling paint; damaged windows; graffiti; defective electrical wiring and equipment; damaged exterior doors and frames; damaged interior surfaces; inoperable appliances (stove); no smoke detectors; extension cords; damaged plumbing fixtures (toilet); failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 8/16/2017.

Ms. Daisy Cazares came forward and was sworn. Ms. Cazares stated she was the sister in law of Aaron Mitchell who owns Land Trust 552 Fairmount. Ms. Cazares stipulated to non-compliance. Ms. Cazares stated the property was owner finance who lives out of state and they are in the foreclosure process. Ms. Cazares presented a letter from an attorney who advised the property is in foreclosure.

Mr. Jackson stated the city was requesting the next cut-off date for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by November 8, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 36 SMG 10-17-79 – JED Investment Properties, Inc.** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 304.13, 702.4, 304.12, 304.7, 603.1, 504.1, 308.1, 605.1); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **852 Kingston Avenue** - Violation(s) – Electrical system hazard (breaker panel tripped - will not reset); broken/inoperable windows; missing smoke detectors; damaged handrails; dilapidated roof; inoperable appliances; damaged plumbing fixtures; infestation; damaged electrical fixtures; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 10/24/2016.

Respondent was in compliance October 9, 2017.

**CASE NO 37 SMG 10-17-80 – Kinsey & Debbie Whaley** is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.2, 304.8, 304.10, 304.13, 304.15, 305.1, 305.3, 305.4, 404.4.3, 404.6, 504.1, 601.2, 603.1, 605.1, 704.1); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **152 Madison Avenue** - Violation(s) – Protective treatment; decorative features; stairways, decks, porches and balconies; windows; exterior doors; general interior; interior surfaces; stairs and walking surfaces; Water closet accessibility; Efficiency unit requirements; general plumbing fixtures; failure to maintain mechanical and electrical requirements; mechanical appliances; electrical installation in disrepair; missing smoke detectors; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 8/2/2017.

Mr. Kinsey Whaley came forward and was sworn. Mr. Whaley stated stipulated to non-compliance.

Mr. Jackson stated the staff was requesting the next cut-off date for compliance and advised it was a tenant complaint and the Respondent would need a contractor.

Mr. Vukelja asked if it was possible to be in compliance by November 8<sup>th</sup>.

Mr. Stenson stated

Mr. Whaley stated there is an application for permit submitted and he is a contractor. Mr. Whaley stated there were corrections and additional things that needed to be submitted in order to obtain the permit. Mr. Whaley stated once they obtain the permit it will take approximately 60-90 days to make all the repairs.

### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent returned for a Progress Report and the determination of a compliance date on November 14, 2017.

### **MISCELLANEOUS BUSINESS**

**CASE NO SMG 07-16-38 – Binny Enterprises, LLC** was 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; A, 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.

Mr. Jasbir Sodhi came forward and was sworn.

Architect Stan Holle came forward and was sworn.

Mr. Jackson stated the case was before Mr. Vukelja as a request and not the typical lien review because the property is not in compliance but it has been sold. Mr. Jackson stated basically the Respondent is looking for relief of the lien because there is a pending sale that is cross encumbering. Mr. Jackson stated the position of the City is that because it is not in compliance however the City would be willing to authorize a partial release in the amount of \$15,000. Mr. Jackson stated they sold the property in the middle of the proceeding prior to entry of the fine and the City's position is that should have been taken care of contractually with the new buyer.

Mr. Vukelja reviewed the Respondent's written request for relief from the lien.

Mr. Vukelja asked if the Respondent has asked for a re-inspection.

Mr. Jackson called Mr. Fitzgerald for testimony.

Mr. Fitzgerald stated the last time he was at the property was in June 2017. Mr. Fitzgerald stated the largest violations were not in compliance. Mr. Fitzgerald stated a permit was applied for to do stucco work on the building and the work was done but never approved. Mr. Fitzgerald stated there was demo work that did not have a permit. Mr. Fitzgerald stated the stairs work went beyond the scope of the permit. Mr. Fitzgerald stated the roof work was done and completed and finalized. Mr. Fitzgerald stated the permits that are needed for stucco and stairs but he no longer owns the property so not sure what the Respondents can do.

Mr. Sodhi stated he has the permits and everything and showed permit cards.

Mr. Fitzgerald acknowledged that a permit was pulled for the doors but it was never inspected or approved and also the permit for the stairs was for repair not complete removal and rebuilding.

Mr. Sodhi stated his mother was in the hospital and he had to leave the country.

Mr. Vukelja asked if the new owner has done anything towards compliance.

Mr. Fitzgerald stated no, there are still violations plus more.

Mr. Vukelja asked when the property was sold.

Mr. Jackson stated the contract date was in February and the property was not sold until March.

Mr. Vukelja asked Mr. Sodhi why the property sold without everything being completed.

Mr. Sodhi stated he did not change a large portion of the building.

Mr. Vukelja asked what the City felt was a reasonable solution.

Mr. Jackson stated \$15,000 to release the lien.

Mr. Sodhi stated the \$15,000 was excessive and he was upset about the situation. Mr. Sodhi was asking for further consideration of a reduction.

**Ruling**

Mr. Vukelja stated this case was an exception and the only reason he is dealing with the case at all is because of the repercussions of the lien. Mr. Vukelja ruled the lien reduced to the amount of \$15,000 subject to being paid within 30 days.

**Adjournment:**

The meeting was adjourned at 10:50 a.m.