

**CITY OF DAYTONA BEACH**

**MINUTES**

**November 14, 2017 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida**

**SPECIAL  
MAGISTRATE  
HEARING**

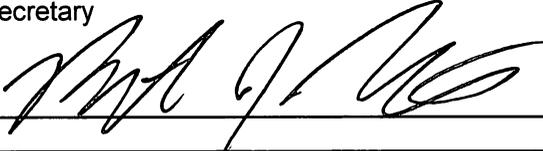
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**ATTENDEES:**

Mr. David Vukelja, Special Magistrate

**STAFF:**

Anthony E. Jackson, Assistant City Attorney  
Mr. Denzil Sykes, Code Supervisor  
Mr. Daniel Garcia, Code Inspector  
Mr. Michael Fitzgerald, 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 October 10, 2017 Regular Meeting Minutes and October 10, 2017 Biketoberfest Appeal Meeting Minutes

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were in compliance:

**CASE NO 24 SMG 11-17-82 – Ahmad Marwan Alhindi & Marwan Mahmoud Alhindi, JTRS** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S., at **449 Tuscany Chase Drive** - Violation(s) – work performed without required permits (back patio) - First Notified – 9/28/2017.

**COMPLIANCE 11/9/2017**

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

**Lien Review 1**

**SMG 01-12-08 – 537 Heineman Street - George Stafford, II & Marjorie Stafford (New Owner Samuel Ferguson)** were cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; Art. 19 Sec.1.1 (Ref. FBC Supp. IPMC 302.8), Violation(s) – Junk vehicle; parking in the yard - First Notified – 11/9/2011. Order Imposing Fine-Lien of \$50.00 per day effective 2/8/12. Compliance 8/3/2017 = \$10,000.00\* maximized plus \$22.00 recording costs. Total lien - \$10,022.00.

Alethea Thomas came forward and was sworn. Ms. Thomas stated she had the authority to appear on behalf of Mr. Ferguson. Ms. Thomas state the Staffords were kids who inherited the property and they had no understanding of how to maintain property in accordance with City Codes.

Mr. Jackson stated the property is in compliance and the city was requesting a reduction to 20% of the lien which is \$2,000.

**Ruling**

Mr. Vukelja ordered the lien be reduced to the sum of \$2000 subject to being paid within 30 days or the lien reverts back to the original amount.

**Lien Review 3**

**CASE NO SMG 05-16-22 – 835 Essex - Joseph & Barbara Daley** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; City Code Ch. 90 Sec. 90-297; City Code CH. 26 Sec. 26-294, - Violation(s) – Parking in the yard; Failure to obtain a business tax receipt BTR); Failure to obtain a residential rental license (RTL) - First Notified – 3/17/2016. Order Imposing Fine-Lien of \$100.00 per day effective 8/9/2016; Compliance 10/13/2017 = \$15,000\* maximized plus \$24.00 recording costs. Total Lien - \$15,024.00.

Joe Daly came forward and was sworn.

Mr. Daly stated that he had a horrible tenant occupying the property that he had to evict. Mr. Daley stated the property passed a rental inspection on the first review.

Mr. Jackson stated the city acknowledges that the respondent did have a horrible tenant who refused to allow an inspection and based upon the circumstances city was willing to reduce the lien to the amount of \$1,000.

Mr. Daly stated that if it had to be that amount he would accept it but asked if there could be any further consideration for reduction.

**Ruling**

Mr. Vukelja ordered the lien be reduced to the amount of \$500 subject to being paid within 30 days or the lien reverts back to the original amount.

**Lien Review 4**

**CASE NO SMG 02-13-12 –509 Seabreeze Blvd. - Deep Lounge, Inc. and Another Plan B, Inc.** is cited for failure to correct violations of the Land Development Code, Art. 1 Sec.5.3; Art. 17 Sec. 2.13(b); Art. 18 Sec. 6.6; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.5 and 308.1); City Code 42- 211(b), Violation(s) – Non-conforming use as a bar instead of a restaurant; Alcoholic beverages primarily being served; illegal signage; rodent harborage; infestation; amplified noise violation - First Notified – 1/25/2013 (Hand Delivery). Order Imposing Fine-Lien of \$250.00 per day imposed 7/13/2012; Compliance 8/12/2013 = \$10,000 plus \$2,023.04 Interest and \$24.00 recording costs. Total Lien - \$12,035.06.

Brian Mills, owner of Another Plan B Inc. came forward and was sworn.

Mr. Mills stated that he thought everything was taken care of because they hired an attorney who told them everything was completed.

Mr. Edward Adams came forward and was sworn. Mr. Edwards stated they were going to pay-off the note on the building and they were going to borrow money to do improvements on the building.

Mr. Jackson stated the city acknowledges they did have an attorney at the time and there were multiple continuances due to Mr. Hood being the state legislature and so the city understood how things may have gotten confused. Mr. Jackson stated based upon that the City was willing to reduce the lien to the amount of \$2,500.

**Ruling**

Mr. Vukelja reduce the lien to the amount of \$2,500 subject to being paid within 30 days or the fine reverts back to the original amount.

### Hearing of Cases

**CASE NO 1 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 property was very close to compliance and therefore staff recommended amending the compliance date to the next cutoff.

### Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until December 6, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 2 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. Tocco stated the fence was fixed and the windows would be done this weekend.

Mr. Jackson stated staff was recommending a fine of \$200 per day to maximum of \$10,000.

Mr. Clig appeared on behalf of Inspector Davis and stated he has been to the property several times. Mr. Clig stated the vehicle was unlicensed, the fence was down and south windows were broken.

Mr. Tocco stated the fence has been fixed, and the window has been fixed this past weekend and he was just working on money to be able to fix the car.

Mr. Clig stated the last time he was at the property was 3 weeks ago.

### Ruling

Mr. Vukelja imposed a fine the amount of \$100 per day against the respondent effective November 9, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000.

**CASE NO 3 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 the Inspector is requesting a fine of \$200 per day to a maximum of \$10,000.

Mr. Ricany stated that the windows were covered in plastic and some have been boarded. Ms. Ricany stated the lawn is being maintained and the property is in foreclosure but she does have a pending short sale.

Mr. Jackson stated the City recognizes the dilemma with foreclosure but just is not sure what else it can do at this point.

### **Ruling**

Mr. Vukelja continued the case of the December 12, 2017 meeting for the Respondent to come back with information about the status of the foreclosure and short sale and do what she can to work towards repairing some items she realistically can accomplish.

**CASE NO 25 SMG 11-17-87 – Indigo Lakes Golf Club, LP** is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S., at **312 Indigo Drive** - Violation(s) – Failure to obtain proper permits for construction of stage - First Notified – 10/4/2017.

Mr. Eddie Peterson appeared on behalf of Indigo Lakes came forward and was sworn. Mr. Peterson stated they obtained permits.

Ms. Rose Askew came forward and was sworn and stated that they have been asked to remove the stage but have continued to have outside activities.

Mr. Jackson stated that the property is in noncompliance and staff was recommending compliance by the next cutoff date. Mr. Jackson stated the inspector informs him they have begun to remove the items and the only thing that remained were the railings.

Mr. Peterson stated they were unaware of the violations and were working towards removing everything.

### **Ruling**

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by December 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day

**CASE NO 4 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.

### ***COMPLIANCE 11/1/2017***

**CASE NO 5 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.

### ***COMPLIANCE 11/1/2017***

**CASE NO 6 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.

### ***COMPLIANCE 11/1/2017***

**CASE NO 7 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.

Inspector John Stenson appeared on behalf of Inspector Glejuanda Davis.

Attorney Joel Osborne appeared on behalf of GEA seaside investments.

Mr. Jackson presented an outline of the cases from Inspector Davis. Mr. Jackson stated the staff was requesting a compliance date by the next cut-off.

Mr. Osborne stated they did not have a problem with the next cut-off for compliance.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until December 6, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 8 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.

Mr. Jackson stated the general order was for the applicant to apply for permits and for the permits to be submitted by September 6, 2017 and because the permit was not applied for until September 13, 2017 and therefore staff was recommending a fine be imposed of \$200.00 per day for 7 days for a total amount of \$1,400. Mr. Jackson stated the City acknowledges the City was open however it was during the time right before the hurricane. Mr. Jackson stated the City also was requesting full compliance by the next cut-off and also that the property not be rented or occupied until compliance.

Mr. Osborne stated this was a case where they initially asked for 60 days and there was a dispute as to whether a permit is required between their General Contractor and the City as to whether a permit was necessary. Mr. Osborne stated the application was a couple days late but they were working on preparing 40 properties to get ready for the hurricane.

### **Ruling**

Mr. Vukelja denied the request for the fine and further amended the previous order of noncompliance to allow the respondent until December 6, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 9 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.

Mr. Jackson stated this case was the same circumstances as the previous case where the application for the permit was not submitted until after the compliance date.

Mr. Osborne stated he had no objection to the compliance date of December 6<sup>th</sup> but would dispute the imposition of a fine.

### **Ruling**

Mr. Vukelja denied the request for the fine and further amended the previous order of noncompliance to allow the respondent until December 6, 2017 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 10 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.

**COMPLIANCE 11/1/2017**

**CASE NO 11 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.

Mr. Jackson stated this case is in the status of needing a compliance date. Mr. Jackson stated the Inspector states they should be in compliance by the next cut-off date.

Mr. Osborne stated they have windows have to have custom screens built and they would as for 60 days to be able to create the screens for the houses which have multiple windows.

Mr. Jackson stated the City had no objection if the Respondent believed that extra time would make help facilitate the best possible compliance results.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 3, 2018 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 12 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.

Mr. Jackson stated the Inspector recommends a permit be obtained by December 6<sup>th</sup> and compliance by January compliance.

Mr. Osborne stated he did not have an objection to the city recommendation.

Mr. Jackson stated the railings needed permits but other than that the work would not require a permit.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to require Respondent to obtain permits by December 6, 2017 and further require the respondent come into compliance until December 6, 2017 and failing either requirement be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 13 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.

Mr. Jackson stated the Inspector recommends compliance by the next cut-off date however, if they are requesting additional time due to the custom screens the City would not object.

Mr. Osborne asked for additional time due to custom screens as with the previous property.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 3, 2018 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1,000 per day.

**CASE NO 14 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.

Mr. Jackson stated the staff was requesting a compliance date of the next cut-off date.

Mr. Osborne again requested additional time due to custom screens.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 3, 2018 to come into compliance or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

**CASE NO 15 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.

### ***COMPLIANCE 11/1/2017***

**CASE NO 16 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.

### ***COMPLIANCE 11/1/2017***

**CASE NO 17 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 remained in noncompliance and staff was recommending a fine in the amount of \$200 per day plus the one-time administrative fine of \$250 for no business tax receipt.

### **Ruling**

Mr. Vukelja imposed a fine in the amount of \$200 per day against the respondent effective November 9, 2017, to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000 and further impose the one-time administrative fine of \$250 for no business tax receipt.

**CASE NO 18 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.

### ***COMPLIANCE 10/24/2017***

**CASE NO 19 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.

Mr. Terry Sitaram came forward and was sworn.

Mr. Jackson stated the violations were complaint driven property remains in noncompliance and is rental property. Mr. Jackson stated staff was recommending a fine in the amount of \$200 per day to maximum of \$15,000.

Mr. Stenson stated he was last at the property yesterday morning. Mr. Stenson stated the junk vehicle has been removed and the yard has been cleaned up.

Mr. Sitaram stated he was not receiving the notices but did see once the property was posted. Mr. Sitaram and stated he did clean up the backyard and he has applied for the rental license and was working towards compliance. Mr. Sitaram stated the City is requiring a 4 car carport.

Mr. Stenson stated the carport is a request of permits and licensing.

Charles Bryant, Redevelopment Project Manager came forward and was sworn. Mr. Bryant stated Mr. Sitaram does not have to build a 4 car carport or garage and that the requirement is that a concrete or asphalt driveway needs to be therefore people to park in order to obtain a rental license. Mr. Bryant stated the surface just needs to be an approved surface for people to park.

Mr. Sitaram stated he wants to be in compliance and has cleaned everything up and will work towards getting a driveway.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 3, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day and further require that all outside storage of junk be removed within 7 days or the respondent be returned be returned for consideration of a fine of up to \$1000 per day.

**CASE NO 20 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.

Lizzie Brown came forward and was sworn.

Mr. Jackson stated that there is parking in the yard and staff was requesting a fine of \$75.00 per day to maximum of \$15,000.

Mr. Stenson stated the majority of the vehicles have been removed however she does not have the funds to pour a driveway. Mr. Stenson stated the Respondent is working with a contractor to try and figure out a way to fit all the cars.

Ms. Brown stated she only has 2 cars now and she has a carport but it is screened. Ms. Brown stated she was going to work on pouring a driveway but the property is small.

Mr. Vukelja stated if Ms. Brown would clean out her carport she would have room for parking her cars.

Mr. Jackson stated the City is not requesting Ms. Brown pour a driveway the remedy is just not parking in the yard.

### **Ruling**

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until January 3, 2018 to come in compliance or a fine in the amount of \$50 per day will automatically go into effect continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000

**CASE NO 21 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.

Kinsey Whaley came forward and was sworn.

Mr. Jackson stated the City was recommending the next cut-off for compliance.

Mr. Whaley stated that the windows needs to be custom ordered and take 3 to 4 weeks delivery time there is rotten wood termite damage and the back stairs need to be completed.

Mr. Stenson stated the case began with a tenant complaint and every re-inspection resulted in little progress and because the length of time that has gone on they were requesting a shorter compliance date.

### **Ruling**

Mr. Vukelja continued this case to December 12, 2017 meeting for the determination of a compliance date.

**CASE NO 22 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.

Respondent was not present.

Jackson stated that the property remained in noncompliance and staff was recommending a fine in the amount of \$200 per day to maximum of \$15,000 plus the one-time administrative fine of \$250.

Mr. Stenson stated there is been no contact and no progress.

### **Ruling**

Mr. Vukelja imposed a fine in the amount of \$200 per day against respondent effective November 9, 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.

**CASE NO 23 SMG 11-17-88 – Richard F. Dugan, Jr. & Joan Dugan** is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.A., at **928 N. Oleander Avenue** - Violation(s) – Parking on the grass - First Notified – 9/27/2017.

Respondent was not present.

Mr. Jackson stated that the property was previously in noncompliance but is now currently in compliance and staff was just looking for a finding of noncompliance.

### **Ruling**

Mr. Vukelja found the respondent previously in noncompliance and currently in compliance and for any future repeat violation you returned to subsequent meeting for consideration of a fine of up to \$5000 per occurrence.

**Lien Review 2**

**CASE NO SMG 04-15-18 – 724 Mercedes Avenue - AmazingGrace ARNP Solo 401K Trust c/o Grace Pedersen as Trustee (New Owner Reginald Copeland)** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3\*\*New Land Development Code eff. 3/1/2015 Reference: Art. 6 Sec. 6.19.A.3.a.; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.3, 304.7, 304.13, 304.14, 305.6, 302.7, 308.1, 304.15, 305.3, 605.1, 504.1, 604.3, 704.2, 605.2 and FBC 105.1) \*\* New Land Development Code eff. 3/1/15 Reference: Art. 6 Sec. 6.19.A.3.a and Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.3, 304.7, 304.13, 304.14, 305.6, 302.7, 308.1, 304.15, 305.3, 605.1, 504.1, 604.3, 704.2, 605.2 and FBC 105.1), Violation(s) – Outside storage; no address numbers; dilapidated roof; inoperable windows; missing screens; dilapidated fencing; infestation; dilapidated exterior doors; dilapidated interior surfaces; missing interior doors; inoperable/dilapidated electrical fixtures; dilapidated plumbing fixtures; electrical hazard; missing smoke detectors; inoperable receptacles; working without permits - First Notified – 2/9/2015 (Hand Delivered). Order Imposing Fine-Lien of \$250.00 per day effective 5/7/2016; Compliance 7/6/2016 = \$15,000\* maximized plus \$24.00 recording costs. Total Lien - \$15,024.00.

**Ruling**

Lien review was denied based upon the owner's failure to appear.

**Miscellaneous Business**

There was no miscellaneous business.

**Adjournment:**

The meeting was adjourned at 10:47 a.m.