



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, June 12, 2018
9:00 AM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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ATTENDEES:

Mr. David A. Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. Michael Fitzgerald, Neighborhood Services Inspector
Mr. Jerome McCoy, Neighborhood Services Inspector
Mr. Cliff Recanzone, Neighborhood Services Inspector
Mr. John Stenson, Neighborhood Services Inspector
Ms. Aimee Hampton, Senior/Paralegal
Ms. June Barnes, Special Magistrate Secretary

Approval of Minutes by:

Special Magistrate

Call to Order

The meeting was called to order at 9:00 a.m.

Approval of May 8, 2018 meeting minutes

Mr. Vukelja stated he has reviewed, approved and executed the minutes of the May 8, 2018 meeting.

Announcements

Ms. Barnes stated the following cases are in compliance:

Case No. SMG 05-18-53 - compliance 6/11 /18

Case No. SMG 06-18-67 - compliance 6/7 /18

Continued Cases:

CASE # SMG 05-18-53 - Harpreet Kaur Sodhi

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 364 N Nova Rd
Violation(s) -Failure to obtain Rental License (RTL). First Notified -1/25/2018

ACTION TO BE TAKEN: Impose Fine.

Compliance: 6/11 /18

CASE # SMG 05-18-45 - Nicholas M Psathas

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90- 297,
at 436 Eastwood Ln Violation(s) -Failure to obtain Business Tax Receipt (BTR), failure to obtain
Rental License (RTL).

First Notified - 2/21/2018

ACTION TO BE TAKEN: Impose Fine (cont. from May 18).

Ms. Barnes stated this case is actually scheduled to determine a compliance date and not an
imposition of a fine.

Nicholas Psathas was in attendance and was sworn in.

Mr. Jackson stated the property was inspected on June 8, 2018 and failed the inspection. Mr.
Jackson stated the inspector is requesting that the respondent be given until July 5, 2018 in order
to make the needed repairs.

Jerome McCoy, Neighborhood Services Inspector, stated Unit 2 is the only unit occupied and
that is where the repairs need to be made. Mr. McCoy stated the respondent has applied for the
rental license which will be issued once the repairs have been made.

Mr. Psathas stated he would like to be given 90 days to make the repairs to the window screens
and windowpanes, interior painting, replacement of doors and repairs to electrical outlets.

Disposition: The Order of Non-compliance was amended to allow the respondent until
September 5, 2018 to achieve compliance and the property is not to be rented or utilized until it is
brought into compliance and appearance standards are to be maintained.

CASE # SMG 05-18-54 - Uzair Shuja

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref.
FBC Supp IPMC 604.3; 305.1; 305.2; 305.3; 504.1), at 116 Emmett St Unit 2 Violation(s) -
Maintenance Code - electrical system hazards; Interior Structure - Interior surfaces. First Notified
-12/21/2017

ACTION TO BE TAKEN: Impose Fine.

Uzair Shuja was in attendance and was sworn in.

Mr. Jackson stated the property failed inspection on May 8, 2018; and another inspection was
held within the last few days which also failed. Mr. Jackson stated there is an issue regarding
permits. Mr. Jackson stated the case has been active since December 2015, and the inspector is
asking for imposition of a fine of \$250 per day.

Mr. McCoy stated the respondent has not obtained permits for the structural work.

Mr. Shuja stated he has complied with the work that is required and provided information to Mr.
Vukelja indicating dates the work was completed. Mr. Shuja stated each time he receives an

inspection, additional work is required by the inspector. Mr. Shuja stated HUD inspectors inspected and approved the property for residential use. Mr. Shuja stated he was not informed of the permit requirements for the repairs until yesterday when the inspector was at the property.

Mr. Vukelja stated it is the property owner's responsibility to maintain the property and corrective items should not have to be itemized and outlined by the inspector in order to have the repairs made.

Denzil Sykes stated he met with the property owner after the initial violation in December and informed the property owner at that time that work must be done by a licensed contractor and permits were required. Mr. Sykes stated the repairs were made by the property owner and his handy man and during the course of the inspections, additional violations were uncovered. Mr. Sykes stated the property owner provided information that a licensed contractor had been hired; and the inspector attempted to contact the contractor, who did not exist. Mr. Sykes stated permits by a licensed contractor must be obtained for the work that was done to the ceilings as well as having a final inspection by the Building Department.

Mr. Jackson stated Mr. Shuja owns other properties where fines have been imposed for code violations. Mr. Jackson stated staff feels allowing the property owner until the next cut-off date to achieve compliance is reasonable.

Disposition: The Special Magistrate amended the Order of Non-compliance to allow the respondent until July 5, 2018 to come into compliance or a fine of \$100 per day will be imposed and will remain in effect until the sum of the fine reaches a maximum amount of \$15,000 or the property is brought into compliance.

CASE # SMG 01-18-01 - Chalmer V. & Ann E. Edwards

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 605.2, 704.2, 304.7, 304.10, 304.11, 304.14, 309.1); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at 550 Foote Court Violation(s) - Electrical system hazards; electrical equipment - receptacles; no smoke alarms; structural appearance standards; roof and drainage; exterior surfaces; stairways, decks and porches must be installed; chimney; failure to obtain Rental License (RTL); failure to obtain Business Tax Receipt (BTR). First Notified - 10/10/2017

ACTION TO BE TAKEN: Progress Report (can't from April)

Ann Edwards was in attendance and was sworn in. Ms. Edwards stated she has obtained a contract for the roof and repairs have been made to the flooring. Ms. Edwards stated new steps have been installed in the front and back. Ms. Edwards stated a front door has been purchased but has not been installed. Ms. Edwards stated the roof is scheduled to be completed by the contractor by August 27, 2018. Ms. Edwards stated the chimney will be removed since it is not connected to a fireplace. Ms. Edwards stated the other repairs will be completed in the meantime.

Mr. McCoy stated the only time he was on the property was in November but has driven by; and he has never been called for a re-inspection. Mr. McCoy stated there is still rotten wood on the fascia.

Mr. Jackson stated the property owner must have the work done by a licensed contractor.

Disposition: The Special Magistrate ordered the property owner to come into compliance by October 3, 2018 and during that time period, the house is not to be rented, utilized, or occupied, and the property must be secured to city standards and the exterior maintained or the respondent will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 04-18-40 - Darvesh Plaza Inc

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, at 631 N Grandview Ave Violation(s) - No permit for construction of roof/deck area. First Notified - 2/9/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated permits were issued on May 5, 2018 and staff is requesting that the respondent be given until July 5, 2018 in order to receive the final inspections by the city.

Disposition: The Special Magistrate amended the current Order of Noncompliance in order to allow the respondent until July 5, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 12-17-96 - Jong Soo Yoon & Lee OK

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7); Art. 6 Sec. 6.19.B, at 309 N. Atlantic Avenue Violation(s) - Metal roofing sections missing and existing metal rusting. First Notified - 7/25/2017

ACTION TO BE TAKEN: Impose Fine (can't from May 2018).

Jong Yoon was in attendance and was sworn in. Mr. Yoon provided a contract for the roof repairs.

Mr. Jackson stated the city would like to allow the respondent until the next cut-off date in order to make the repairs.

Mr. Yoon stated he believes the contractor has applied for the permit and the work should start within three months.

Mr. Stenson stated the permit has not been applied for to date and the duration of the work will take about three months.

Disposition: The Special Magistrate asked that this case be scheduled for the July 10, 2018 meeting for a progress report and to have the respondent verify that the permit has been applied for and that the city has been provided with a start date for the work and a compliance date will be set at the July 10, 2018 meeting.

CASE # SMG 04-18-41 - Jos F & Deloris Pouncey

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a, at 1606 S Patrick Circle Violation(s) - No permits, outside storage and location of parking. First Notified - 12/14/2017

ACTION TO BE TAKEN: Impose Fine (can't from May 2018).

Joseph Pouncey was in attendance and was sworn in. Mr. Pouncey stated the permitting office provided him with information that indicates there is sufficient space for the shed. Mr. Pouncey stated the problem with the shed is that it over 200 square feet.

Mr. Jackson stated the inspector states that according to his discussions with Permits & Licensing, the shed cannot be permitted.

Mark Jones, Neighborhood Services Inspector, stated he spoke with Lisa Covais in the Zoning Department and the shed cannot be permitted. Mr. Jones stated Jennifer Bennett also stated that the shed cannot be permitted. Mr. Jones stated that Mr. Pouncey is looking for a Special

Exception. Mr. Jones stated there is another shed behind the non-permitted one and there is still an issue of the outside storage in the front of the property.

Mr. Vukelja asked if this situation is something that could be addressed by the Board of Adjustments.

Mr. Jackson stated he did not know.

Mr. Vukelja stated the options for Mr. Pouncey are to remove the shed or make application to the Board of Adjustment for a special exception.

Mr. Pouncey stated the shed meets the requirements of being 7-1/2 feet from the fence and 5 feet from the house. Mr. Pouncey stated it would meet standards if he would remove 12 feet of the shed since he is told it is too large.

Disposition: The Special Magistrate ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day; and The Special Magistrate stated if application is made to the Board of Adjustment, the deadline will be extended in order to allow time for the case to heard by the Board of Adjustment.

CASE # SMG 05-18-44 - Faron L. Gallon

Is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1517 Mississippi Violation(s) - Failure to obtain Rental License (RTL). First Notified - 12/27/2017

ACTION TO BE TAKEN: Impose Fine.

Faron Gallon was in attendance and was sworn in.

Mr. Jackson stated a rental inspection was done in January which failed; and an inspection was done on June 4, 2018 which also failed.

Mark Jones stated 5 rental inspections have been done and all have failed. Mr. Jones stated the units are occupied.

Mr. Gallon stated he would like to know if the city feels progress has been made on the property since he feels there have been improvements. Mr. Gallon stated he did plan on selling the property but decided to retain it since the property has been in his family for 50 years. Mr. Gallon stated he has paperwork from a window company that will make repairs. Mr. Gallon stated it will take over 3 weeks to receive the windows once they are ordered.

Disposition: The Special Magistrate ordered the respondent to come into compliance by August 22, 2018 or be returned to the Special Magistrate for imposition of a fine of \$100 per day which will continue to accrue each day thereafter until the property is brought into compliance or the amount of the fine has reached \$15,000.

CASE # SMG 05-18-47 - David L Trimble

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 606 Tanglewood St Violation(s)- Failure to obtain Rental License (RTL). First Notified - 2/27/2018

ACTION TO BE TAKEN: Impose Fine.

Richard Kicklighter was in attendance and was sworn in as a personal representative of David Trimble.

Mr. Jackson stated the owner contacted the inspector yesterday to inform him the tenants are buying the property.

Mr. Kicklighter stated he has been in negotiations with the new owner since January. Mr. Kicklighter stated the property has not been rented since September of 2017. Mr. Kicklighter

provided documentation to the Special Magistrate indicating the property is being purchased by the current occupant, Mr. Panco.

Mr. Jackson stated the lack of a rental license has been remedied by the sale but he would like to see a recorded deed.

Mr. Vukelja asked that Mr. Kicklighter provide a copy of the recorded deed to the city and the city may withdraw this matter once that is received.

Mr. Jackson stated he will indicate the property is in compliance once a recorded deed is received.

Disposition: The Special Magistrate amended the previous order of Noncompliance in order to allow the respondent to come into compliance by July 5, 2018 by providing a copy of the recorded deed for the sale of the property or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 05-18-49 - Yvan Beregi

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 217 N Oleander Ave Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 3/15/2018

Compliance: 6/5/18

CASE # SMG 05-18-50 - Rudean W Davis Trust

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 707 Georgia St Violation(s) - Failure to obtain Rental License (RTL). First Notified - 2/15/2018.

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector is requesting that the respondent be given until the next cut-off date to receive compliance.

Disposition: The Special Magistrate amended the current Order of Noncompliance to allow the respondent until July 5, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

New Cases:

CASE # SMG 06-18-61 - Sheila A Minnick

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.4; 304.2; 304.7; 304.13; 304.13.2; 304.14; 304.15; 305.3; 309.1; 604.3; 605.2), at 532 Orange Ave Violation(s) - Maintenance Code - Smoke Alarms, protective treatment, wecks, structural appearance standards, exterior structure - roofs and drainage, insect screens, pest elimination - infestation, interior surfaces, electrical system hazards, receptacles, inoperable windows, window, skylight and door frames. First Notified - 3/1/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector requests that the respondent be given until the next cut-off date to come into compliance.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-62 - Katherine M Smaha as Trustee for Oleander Heirs Trust

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7; 304.1; 304.13; 304.15; 304.2; 305.3; 605.1; 605.2; 504.1; 305.6; 704.2); City Code Ch. 26 Sec. 26-294, at 148 S Oleander Ave #2 Violation(s) - Dilapidated roof, damaged exterior surfaces, broken/boarded windows, damaged exterior doors, peeling paint, damaged interior surfaces, damaged electrical fixtures, inoperable outlets, plumbing fixtures, damaged interior doors, missing smoke detectors; Failure to obtain Business Tax License (BTR); Failure to obtain Rental License (RTL). First Notified - 4/13/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance, but no work has been done and asked that the respondent be given until the next cut-off date to come into compliance.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-57 - Maria C Ware

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 102 Carnival Dr Violation(s) - Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified - 3/23/2018 ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and the inspector has had no contact from the owner or the management company. Mr. Jackson stated the inspector requests that the owner be given until the next cut-off date to come into compliance.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-58 - Joseph Longo

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1235 Waverly Dr Violation(s) - Failure to obtain Rental License (RTL). First Notified - 4/13/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Laura Gavin with Watson Property Management in Ormond Beach, Florida was in attendance and was sworn in.

The Special Magistrate asked if Ms. Gavin believed the violations exist.

Ms. Gavin stated all of the repairs have been made except for the windows. Ms. Gavin stated the windows have been ordered and are expected to be received in three weeks. Ms. Gavin stated the

permit has been applied for and Ms. Gavin provided documentation of the window order to the Special Magistrate.

The Special Magistrate found the respondent in non-compliance based on the testimony provided by Ms. Gavin.

Mr. Jackson stated the inspector reports the property failed inspection in September 2017 and is in agreement with allowing additional time in order to make the repairs.

Mr. Jones stated the property has not been inspected since December 2017. Mr. Jones stated property management has been contacted but the property manager has stated the property is not ready for a re-inspection.

Ms. Gavin stated she spoke with Karen Baum about 3 weeks to a month ago and advised that the repairs have been made. Ms. Gavin stated she was told the inspector would like to make one inspection and asked that the inspection be done when everything was complete.

Mr. Vukelja stated he would like an inspection done on the other repairs within the next two weeks and 60 days will be allowed in order to make the window repairs.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered that the premises be made available for inspection by the City's inspector within the next two weeks and that the property be in compliance by August 8, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-59 - Douglas E Davis, Jr

is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 8.2.A, at 634 Aberdeen St

Violation(s) - Property zoned single family - has 2 rental units. First Notified - 3/28/2018

Compliance: 6/4/18

CASE # SMG 06-18-60 - Nanette G Singler

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1015 Cedar Highlands Blvd Violation(s) - Failure to obtain Rental License (RTL). First Notified - 11/13/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Nanette Singler was in attendance and was sworn in.

Mr. Vukelja asked Ms. Singler if the violations exist.

Ms. Singler stated yes.

The Special Magistrate found the respondent in non-compliance.

Mr. Jackson stated the tenants remain and no inspections have been made. Mr. Jackson stated the inspector feels the property can be brought into compliance by the next cut-off date.

Ms. Singler stated she has filed an eviction notice on the tenants. Ms. Singler stated she inherited the property and does not know how to take care of it. Ms. Singler stated she has an attorney who is working to deed the property to Halifax Hospital since they have a lien on the property for unpaid medical bills. Ms. Singler stated repairs were made but they did not pass the inspection.

Ms. Singler stated the tenants would not cooperate with items, such as moving the car parked on the property in order for the house to be painted in the area where the car is parked.

Marian Matthews, the tenant at 1015 Cedar Highlands Blvd., was sworn in. Ms. Matthews stated the wall was pressure cleaned but nothing has been painted.

Mr. Matthews stated the rent has been paid but he was unaware a rental license was required. Mr. Matthews stated he has not seen an inspector at the property. Mr. Matthews stated there is mold in the house and there was a leak that caused damage and resulted in an excessive water bill which he paid. Mr. Matthews stated he has lived there six years and he has nowhere to go if they are evicted.

Mr. Jackson stated the inspector feels the property can be brought into compliance by the next cut-off date.

Ms. Singler stated she does not know what needs to be done in order to bring the property into compliance. Ms. Singler stated the tenants never made her aware that there were violations, or she would have taken care of them.

Mr. Jackson stated the inspector will provide Ms. Singler with a list of violations.

Mr. Vukelja stated a compliance report will be required at the July 10, 2018 meeting and a compliance date will be established at that time.

Disposition: The Special Magistrate ordered that this item be scheduled for the July 10, 2018 for a progress report.

CASE # SMG 06-18-67 - IH3 Property Florida LP% Altus Group US Inc

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 113 Carnival Dr Violation(s) - Failure to obtain Rental License (RTL). First Notified - 4/20/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 6/7 /18

CASE # SMG 06-18-63 - End Poverty Now Inc.

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 304.2; 304.5; 304.13; 304.13.1; 304.13.2; 304.14), at 1001 S Ridgewood Ave Violation(s) - Abandoned building - vacant, protective treatment, foundation walls, window, skylight, door frames, glazing, inoperable windows and insect screens. First Notified - 1/23/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-64 - Calvary Global Ministries Inc

is cited for failure to correct violations of the Land Development Code, Art. 4 Sec. 4.1.A; Art 5. Sec. 5.2.A.2; City Code Ch. 26 Sec. 26-294, at 313 Earl St Violation(s) - This property is zoned RP. Short term rentals, known as "Other Accommodations," are not a permitted use in this zoning district. First Notified - 2/2/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-65 - Russell Louis Vitt

is cited for failure to correct violations of the Land Development Code, Art. 4 Sec. 4.1.A; Art 5. Sec. 5.2.A.2; City Code Ch. 26 Sec. 26-294, at 2066 S Halifax Dr Violation(s) - This property is zoned SFR-5. Short term rentals, known as "Other Accommodations," are not a permitted use in this zoning district.

First Notified - 4/2/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Faith Kidwell was sworn in and spoke representing the respondent. Ms. Kidwell stated she is Mr. Vitt's personal and business assistant. Ms. Kidwell stated she does not believe the violations exist.

Mr. Jackson stated the inspector reports the property is being advertised for short-term rental which is not permitted in a residential area.

Michael Fitzgerald, the City's inspector, stated the property is zoned for single family and short-term rentals are not permitted. Mr. Fitzgerald provided information regarding an Airbnb ad for the property.

Ms. Kidwell stated notice of violation was not received by Mr. Vitt. Ms. Kidwell stated Mr. Vitt wants to share the property without cost. Ms. Kidwell stated there is litigation about Airbnb properties in the State of Florida and asked for continuance of this case.

The Special Magistrate found the respondent in non-compliance.

Mr. Jackson stated the respondent could be in compliance by the cut-off date by not renting the property and removing the ads. Mr. Jackson stated he has no knowledge of the respondent being part of any active litigation at this time.

Disposition: The Special Magistrate found the respondent in non-compliance and ordered the respondent to complete into compliance by July 5, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 06-18-66 - Wesley & Debora K. Stewart

is cited for failure to correct violations of the Land Development Code, Art. 4 Sec. 4.1.A; Art 5. Sec. 5.2.A.2; City Code Ch. 26 Sec. 26-294, at 135 Park Ave Violation(s) - This property is zoned SFR-5. Short term rentals, known as "Other Accommodations," are not a permitted use in this zoning district. First Notified - 4/2/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Wesley Stewart was in attendance and was sworn in. Mr. Stewart stated he does not feel the violation occurs or exists. Mr. Stewart stated he believes the validity of the city's code is being challenged in the Circuit Court.

Mr. Jackson stated he is aware there is active litigation by certain property owners against the city concerning the enforcement of this ordinance. Mr. Jackson stated this respondent is not a party to that litigation. Mr. Jackson stated he is not aware of any orders or decrees suspending the enforcement of this ordinance.

Mr. Stewart stated he called Mr. Jackson four or five times and left a voice mail stating he is part of this litigation. Mr. Stewart stated he is asking that action be abated until a determination is

made on the litigation. Mr. Stewart stated he is in compliance since his property has been removed from Airbnb, but he feels enforcement should be abated until the litigation is determined. Mr. Stewart stated he will not be able to afford the home without the rental income and will have to sell it.

Mr. Jackson stated as of right now the respondent is in compliance since the ad has been removed from Airbnb and would ask that the respondent state for the record that he will not rent the property short-term until he is permitted by law to do so.

Michael Fitzgerald stated the property is located in a single-family zoning district where short-term rentals are not permitted.

Mr. Vukelja stated he could not suspend the enforcement of the city's ordinance.

Disposition: The Special Magistrate found the respondent in Compliance/non-compliance and stated for every future violation, the respondent will be returned to the Special Magistrate for consideration of a fine of up to \$5,000 per occurrence.

Miscellaneous Business

There was no miscellaneous business.

Adjournment

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