



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, August 14, 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.

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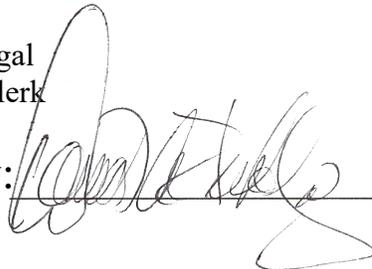
ATTENDEES:

Mr. Robert J. Riggio, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Supervisor
Mr. Steve Alderman, Code Inspector
Mr. Thomas Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. John Stinson, Code Inspector
Ms. Aimee Hampton, Senior Paralegal
Ms. June Barnes, Senior Account Clerk

Approval of Minutes by:
Special Magistrate



Call to Order

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

Approval of July 10, 2018 meeting minutes

Mr. Riggio stated he has reviewed, approved, and executed the minutes of the July 10, 2018 meeting.

Announcements

Ms. Barnes stated the following cases are in compliance:

- Case No. SMG 07-18-70 - Garr Holdings LLC - compliance 8/8/18
- Case No. SMG 07-18-80-Garr Holdings LLC- compliance 7/27/18
- Case No. SMG 06-18-58 - Joseph Longo - compliance 8/2/18
- Case No. SMG 08-18-96 - Nancy K Webb - compliance 8/3/18
- Case No. SMG 08-18-97 - Laundry Sr and Janie - compliance 8/9/18
- Case No. SMG 08-18-86 - Farhan Yanus & Ahmad Amawi - Compliance 8/13/18

Lien Reviews

There were no Lien Reviews to be discussed.

Hearing of Cases

Continued Cases:

CASE # SMG 07-18-79 - Essie Jackson Grayson

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 304.3); City Code Ch. 26 Sec. 26-294, at 845 Wildwood St

Violation(s) - Outside storage, missing building identification, failure to obtain Rental License (RTL).

First Notified - 2/22/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Anthony Jackson, Assistant City Attorney, stated this case has been re-assigned to John Stenson since Ms. Davis was no longer with the City. Mr. Jackson stated Mr. Stenson has asked that this case be continued to September 5, 2018.

Mr. Riggio asked if the building is occupied.

Mr. Stenson stated he did not know and would like an opportunity to obtain additional information before proceeding.

DISPOSITION: The Special Magistrate ordered that the Order of Non-Compliance be amended to order the property to come into compliance by September 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 06-18-61 - Sheila A Minnick & Dillon Property Management (new owner)

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, weeks, 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: Progress Report and determination of a compliance date.

Sheila A (Minnick) Watson was in attendance and was sworn in; and a representative of Dillon Property Management was also in attendance and was sworn in.

Mr. Riggio asked if Dillon Property is the new owner of the property and Ms. Watson stated yes.

The Dillon Property Management representative stated the new roof is scheduled to be installed within the next 2 to 3 weeks and he is proceeding with correcting the other violations and should be in compliance by the next Special Magistrate hearing.

Mr. Jackson stated the inspector reports that progress is being made on the property and asks that the property owner be given until October 3, 2018 to come into compliance.

Jerome McCoy, Code Inspector, stated he has done an inspection on the property and feels the owner is making progress.

Ms. Watson asked if her name could be removed from this action since she no longer owns the property.

Mr. Jackson stated the Statute does not have a provision for someone's name to be removed from a case and stated the case is the responsibility of the person who was originally cited.

DISPOSITION: The Special Magistrate amended the previous Order of Noncompliance and found the property in non-compliance and ordered the respondent to come into compliance by October 3, 2018 or be returned to a subsequent hearing of the Special Magistrate for consideration of a fine of up to \$1,000 for every day thereafter.

CASE # SMG 07-18-68 - Mary Hawkins Yan

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec 6.2.H.7.a; Art. 6 Sec. 6.8.B; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 227 Reva St

Violation(s) - Location of off-street parking; Failure to obtain Business Tax License (BTR); failure to obtain Rental License (RTL).

First Notified - 11/6/2017

ACTION TO BE TAKEN: Impose Fine.

Nobel Gethers, 1355 Noble Avenue, Holly Hill, Florida, was in attendance and was sworn in and stated he has permission to speak on behalf of Ms. Yen who is not in attendance due to a family emergency. Mr. Gethers stated he is close to having the property in compliance and has completed many of the repairs.

Mr. Jackson stated the property failed the most recent rental inspection and staff is asking that the Order of Non-Compliance be amended to allow the respondent until September 5, 2018 to come into compliance.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and amended the Order of Non-Compliance and ordered the property to come into compliance by September 5, 2018 or be returned to a subsequent Hearing for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 07-18-70 - Garr Holdings LLC

Compliance 8/8/18

CASE # SMG 07-18-80- Garr Holdings LLC

Compliance 7/27/18

CASE # SMG 07-18-72 - Marc-Olivier Kozlowski

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 1240 Cadillac Dr

Violation(s) - Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).

First Notified - 5/15/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that he has had no contact from the property owner. Mr. Jackson stated staff is recommending that a \$100 per day fine be imposed to a maximum of

\$15,000. Mr. Jackson stated a Business Tax Receipt has not been issued so staff is recommending a one-time fee of \$250 be imposed. Mr. McCoy stated there is a tenant on the property, but he has been unable to do an inspection since he hasn't been able to contact the property owner. Mr. McCoy stated the case was initiated by a complaint received on the Code Enforcement complaint line.

DISPOSITION: The Special Magistrate found the respondent in non-compliance as of August 14, 2018 and imposed a fine of \$100 per day effective August 14, 2018 up to a maximum of \$15,000 and that an administrative fee be imposed of \$250 for failure to obtain a Business Tax Receipt.

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.

Susanne Meierer, 1425 Rockledge Lane, was in attendance and was sworn in. Ms. Meyer stated she is the Licensed General Contractor on the project and has obtained a permit. Ms. Meyer stated a dry-in inspection is scheduled for today; and once the shingles are in place, she will ask for a final inspection.

Mr. Jackson stated the inspector asks that the respondent be given until September 5, 2018 to complete the work and come into compliance.

DISPOSITION: The Special Magistrate amended the Order of Non-Compliance and ordered the property to be brought into compliance by September 5, 2018 or be returned to a subsequent Special Magistrate Hearing 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: Progress Report. (Compliance date 9/5/2018).

John Mitchell, 24 East 44 Street, Gainesville, Florida, and Marion Kirkland, 1536 7th Avenue, Gainesville, Florida, were sworn in and stated they are authorized to speak on behalf of the Trust.

Mr. Mitchell stated Wayne's Roofing was hired to replace the roof and R&B Construction is working on the exterior of the building. Mr. Mitchell stated a painter has been hired to paint the exterior of the building and to replace interior drywall. Mr. Mitchell stated the work should be completed within two weeks.

Mr. Jackson stated the inspector feels the work should be completed by September 5, 2018; however, there is another case for a different unit owned by the same individuals on the agenda.

DISPOSITION: The Special Magistrate stated nothing further needs to be done on this item since a compliance date of September 5, 2018 has already been established.

CASE # SMG 06-18-58- Joseph Longo

Compliance 81212018

NEW CASES:

CASE # SMG 08-18-96- Nancy K Webb

Compliance 8/3/2018

CASE # SMG 08-18-97

Compliance 8/9/18

CASE # SMG 08-18-93 - Reginald T Copeland

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 802 Derbyshire Rd

Violation(s) - Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).

First Notified - 6/8/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that there has been no contact from the respondent. Mr. Jackson stated staff is requesting that the property be found in non-compliance and the respondent be given until September 5, 2018 to come into compliance.

Mr. Clig stated he has had no contact from the property owner. Mr. Clig stated he asked the tenant to move the van, but it has not been moved.

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

CASE # SMG 08-18-94 - Reginald T Copeland

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.A, at 802 Derbyshire Rd

Violation(s) - Parking on the grass.

First Notified - 6/11/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector states he has had no contact from the respondent and requests that the respondent be found in non-compliance and ordered to come into compliance by September 5, 2018.

Mr. Clig stated he asked the tenant to move the van, but it has not been moved. Mr. Clig stated there is no Rental License or Business Tax Receipt on file.

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

CASE # SMG 08-18-81 - Nicholas J & Amy Militello

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.6.19.A.3.a, Art. 9 Sec. 9.9.2.A (Ref. FBC IPMC 304.6), at 1148 Champions Dr
Violation(s) - Lack of required permits (expired and unfinaled), outside storage of junk and debris, mildew on exterior surfaces.

First Notified - 5/11/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Amy Militello was in attendance and was sworn in. Ms. Militello provided photographs to the city to show how she is working to achieve compliance. Ms. Militello stated all items are being addressed.

Mr. Jackson stated the inspector reports progress is being made and asks that the respondents be given until September 5, 2018 to come into compliance.

Mr. Stenson stated the permit needs to be finaled and some outdoor storage items need to be removed.

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

CASE # SMG 08-18-82 - James Arps

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.9.2.A (Ref. FBC IPMC 302.1, 302.4, 304.2, 304.13, 304.15, 308.1), at 341 Euclid Ave

Violation(s) - Exterior sanitation, high weeds (overgrown), peeling paint, broken windows, dilapidated exterior doors.

First Notified - 3/15/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the property is in non-compliance and asks that the respondent be given until September 5, 2018 to come into compliance.

Mr. Stenson stated there has been no contact from the property owner and the violations still exist.

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

CASE # SMG 08-18-83 - Katherine M Smaha as Trustee for Oleander Heirs Trust

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.3.4.S, at 148 S Oleander Ave #1

Violation(s) - Work commencing without required permits.

First Notified - 5/9/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

John Mitchell, 24 East 44 Street, Gainesville, Florida stated permits have been secured for the repairs to this property.

Mr. Jackson stated the city is asking that the respondent be found in non-compliance and ordered to come into compliance by September 5, 2018.

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

CASE # SMG 08-18-84 - 919 North Atlantic LLC

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.3.4.S, at N. Atlantic Ave (Parcel #5305-01-45-0070)

Violation(s) - Parking lot construction without permits.

First Notified - 5/17/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Jeff Brock, 444 Seabreeze Blvd., attorney for the respondent, stated a permit has been issued for the project and work is progressing.

Mr. Jackson stated the inspector reports the property is in non-compliance and asked that the respondent be given until September 5, 2018 to come into compliance.

Mr. Stenson stated this is part of a larger project at the Hard Rock Hotel and the area is currently not being used for parking.

Mr. Brock stated he does not believe the work can be completed by September 5, 2018 and asked that additional time be given to complete the work.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 2018 or be returned to a subsequent Special Magistrate Hearing for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 08-18-89 - Jehad G & Nidal G Murad

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 305.3, 309.1, 504.3, 605.1, 605.2); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 148 1st Ave

Violation(s) - Structural Appearance Standards - infestation, plumbing system hazards, electrical equipment (receptacles), failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).

First Notified - 4/19/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Jehad Murad was in attendance and was sworn in.

Mr. Murad stated he has made minor repairs and the home is scheduled to be treated for pest infestation. Mr. Murad stated some rotted wood needs replaced but everything else has been taken care of.

Mr. Jackson stated the inspector reports that the respondent is in non-compliance and asked that the respondent be given until September 5, 2018 to come into compliance.

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

CASE # SMG 08-18-95 - John R Barger

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 638 Cherry St
Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 5/18/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the respondent has asked that this case be continued.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered that this case be continued to the September 11, 2018 Special Magistrate Hearing.

CASE # SMG 08-18-90 - Fred J Hoffmann, Trustee under Business Trust dated 9/9/94 known as Braddock Trust

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.4 (Ref. FBC IPMC 304.2, 304.7, 304.14, 305.3, 309.1, 605.2), at 105 Braddock Ave

Violation(s) - Maintenance Code - Structural appearance standards, protective treatment, roofs and drainage, insect screens, interior surfaces, pest elimination - infestation, receptacles.

First Notified - 4/18/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Fred Hoffman, 82 East Coquina Drive, Daytona Beach, Florida was in attendance and was sworn in. Mr. Hoffman stated the property is in non-compliance, but he is working to bring the property into compliance. Mr. Hoffman stated the tenant has been evicted and work is continuing. Mr. Hoffman stated he will need to get a permit for the window installation. Mr. Hoffman stated he has a business license and rental license that are good through September.

Mr. Jackson stated the inspector reports he has talked with Mr. Hoffman and the property is in non-compliance and feels the repairs should be completed by October 3, 2018.

Mr. McCoy stated he met with Mr. Hoffman but feels the property could be in compliance by October 3, 2018. Mr. McCoy stated a permit will need to be issued for the windows. Mr. McCoy stated the records do not reflect the licenses are in place for the business tax and rental license.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 2018 or be returned to a subsequent Special Magistrate Hearing for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 08-18-99 - Fred J. Hoffman, Trustee of "The Hollywood Trust"

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 824 Hollywood St

Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 6/25/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Fred Hoffman, 82 East Coquina Drive, Daytona Beach, Florida was in attendance and was sworn in. Mr. Hoffman stated he has obtained the Rental License.

Mr. Jackson stated the inspector reports that the respondent applied for the Rental License today and the property must be inspected. Mr. Jackson stated the property is occupied and staff is asking that the respondent be given until September 5, 2018 to come into compliance.

Mr. Jones stated he has not had contact from Mr. Hoffman until today but feels the inspection should be completed by September 5, 2018.

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

CASE # SMG 08-18-85 - John E & Katherine V Martin

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 109 Gala Cir
Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 3/22/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the respondent needs a re-inspection of the property and asks that the respondent be given until September 5, 2018 to come into compliance.

Mr. Jones stated the property was inspected in April and minor items were noted but he has had no contact from the respondent in order to schedule the inspection. DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to come into compliance by September 5, 2018 or be returned to a subsequent meeting of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 08-18-86- Farhan Yanus & Ahmad Amawi

Compliance 8/13/18

CASE # SMG 08-18-87 - Leo Abbott Dolphin

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 801 Mulberry St
Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 1/12/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property has failed several past inspections and asks that the property be found in non-compliance and the respondent be given until September 5, 2018 to come into compliance.

Mr. Jones stated at the last inspection, many items passed the inspection; however, the garage door that needed repairs was replaced without a permit. Mr. Jones stated a perm it was issued on August 6, 2018 so the inspection should be completed by September 5, 2018.

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

CASE # SMG 08-18-88 - Craig Conway

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, at 511 Mark Ave

Violation(s) - Installed windows without permits.

First Notified - 5/19/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Craig Conway was in attendance and was sworn in. Mr. Conway stated he was unaware that a permit was needed; and since the property is a rental property, he will have a General Contractor obtain the permit.

Mr. Jackson stated the inspector reports the windows were installed without a permit; and once a permit is secured and the site is inspected, the property should be in compliance by September 5, 2018.

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

CASE # SMG 08-18-91 - Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, at 1134 Berkshire Rd Violation(s) - Installed window without permit.

First Notified - 5/24/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Joyce Dixon was in attendance and was sworn in. Ms. Dixon stated she was unaware a permit was required to install the window. Ms. Dixon stated a permit has been issued for the window installation. Ms. Dixon stated she is in the process of having the tenant evicted so she can gain access to the property to complete the repairs.

Mr. Jackson stated the inspector reports the property is in non-compliance but feels the property can come into compliance by September 5, 2018.

Mr. Jones stated a permit was issued on August 6, 2018 and a final inspection is needed on the windows.

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

CASE # SMG 08-18-101 - Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1134 Berkshire Rd

Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 10/5/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Joyce Dixon was in attendance and was sworn in. Ms. Dixon stated she is evicting the tenant and feels she is complying.

Mr. Jackson stated the inspector reports the property has failed a rental inspection 3 times in the past. Mr. Jackson stated the inspector is asking that the property be found in non-compliance and the respondent be given until September 5, 2018 to come into compliance.

Mr. Jones stated no life safety issues exist that need corrected, but doors need replaced.

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

CASE # SMG 08-18-100 - Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 304.7, 304.14, 304.18.1, 305.3, 402.2, 504.1, 505.4, 604.3, 605.2, 704.2), at 310 Marion St Unit #4

Violation(s) - Roofs and drainage, insect screens, building security doors, interior surfaces, lighting in common halls and stairways, plumbing systems and fixtures, water heating facilities, electrical system hazards, receptacles, smoke alarms.

First Notified - 6/7/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Joyce Dixon was in attendance and was sworn in. Ms. Dixon stated the tenant that created the problems has been removed but Ms. Dixon stated she needs time to make the repairs. Ms. Dixon stated she has rented the property to another individual who she thought would help her make the repairs, but she would also like to remove that tenant.

Mr. Jackson stated the inspector reports this complaint was made by a tenant and the inspector did not receive a response from Ms. Dixon regarding the violations. Mr. Jackson stated the inspector reports the property is in non-compliance and asks that the respondent be given until September 5, 2018 to come into compliance.

Mr. Jones stated there are many items that need repaired, including the water heater and drainage from the sink, but he has not been in the property to re-inspect it.

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

CASE # SMG 08-18-92 - Paul Protentis

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 532 Fairmount Rd

Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 3/6/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Anthony Moronne, 927 Beville Road, stated he is the property manager for Paul Protentis. Mr. Moronne stated the property is vacant. Mr. Moronne stated a Rental License was applied for but there has been no follow-through and the property remains empty. Mr. Moronne stated he is waiting on the contractor to get the permit to replace the windows.

Mr. Jackson stated the inspector reports the property failed previous inspections and asks that the property be found in non-compliance and the respondent be given until October 3, 2018 to come into compliance.

Mr. Jones stated an inspection was done and Mr. Moronne was provided a detailed list of items that need repaired. Mr. Jones stated Mr. Moronne feels the repairs should be completed by September 24, 2018.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 2018 or be returned to a subsequent meeting of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 08-18-98 - Cook Rentals LLC

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 200 Arlington Ave

Violation(s) - Failure to obtain Rental License (RTL).

First Notified - 6/28/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mark and Pamela Cook, 12217 Lashbrook Court, Jacksonville, Florida, were in attendance and were sworn in. Mr. Cook stated he and his wife own Cook Rentals LLC. Mr. Cook stated the address on the violation needs to be corrected. Mr. Cook stated the correct address is 202-1 and 202-2 Arlington Avenue. Mr. Cook stated the record reflects that an inspection was held on July 13, 2018 and a re-inspection date of July 18, 2018 is listed in the materials, but he was never informed of a re-inspection. Mr. Cook stated the inspector could not have accessed the property since the units are locked and the tenant in the first-floor unit stated there was no inspector on site on July 13, 2018.

Mr. Jackson stated the inspector checked with Permits & Licensing and a Rental License has not been issued. Mr. Jackson stated the property is in non-compliance and a Rental License is needed.

Mr. Jones stated the property was inspected on April 23, 2018 and Mr. Cook was in attendance. Mr. Jones stated the property failed the inspection and a detailed list was provided to Mr. Cook. Mr. Jones stated he has since talked with Mr. Cook and they indicated that they may return the property to a storage unit in order to avoid the expense of making the window repairs. Mr. Jones stated the first-floor unit is rented and the unit is in non-compliance. Mr. Jones stated a rental license is tied to one property so he will have to check to see what address was listed on the rental license application.

Ms. Barnes stated 202 Arlington is listed on the Volusia County tax rolls.

Mr. Cook stated the factual issue he would like to correct is that the property was not re-inspected on July 18, 2018.

Mr. Jackson stated the factual issue is that the respondent is in non-compliance. Mr. Riggio stated if Mr. Cook feels a re-inspection was not conducted, he should have contacted Mr. Jones.

Mr. Cook stated Mr. Jones has been very difficult to communicate with and he has been non-responsive. Mr. Cook stated all of the violations in Unit 1 have been completed. Mr. Cook stated all of the violations have been corrected in Unit 2 except the windows. Mr. Cook stated he has been unable to retain a contractor for the window repairs. Mr. Cook stated he feels he has been engaged in a pattern of discrimination and a resident in the neighborhood is constantly contacting Code Enforcement about the property.

Mrs. Cook stated the neighbors are using Code Enforcement to harass them.

Mr. Riggio stated this is not a Court of Law that considers other items; Mr. Riggio stated he is here to address the code violations.

Mrs. Cook stated she spoke with John Stenson who informed her the records show that the respondent was a "no show" for an inspection on June 20, 2018. Mrs. Cook stated she had no

knowledge of the inspection. Mrs. Cook stated she was told a re-inspection would be conducted within 10 days. Mrs. Cook stated she stayed in Daytona Beach for 3-1/2 weeks and heard nothing from the inspectors. Mrs. Cook stated she called the city 3 or 4 times and Mr. Jones visited the property on April 23, 2018 and she made a list of corrections that needed to be made on the property. Mrs. Cook stated that Mr. Jones stated to her that she "apparently did not want to comply." Mrs. Cook stated 75% of the work was completed within 10 days and she wants to support the system when it is reasonable and fair. Ms. Cook stated there are 16 blighted properties within one mile of her home and she feels she is being targeted.

Mr. Riggio asked Mr. Jackson if there are two separate rental applications for this property, one for the downstairs and one for the upstairs.

Ms. Cook stated two separate inspection fees are paid.

Mr. Jones stated one license is issued for two units.

Mr. Riggio asked if the license could be separated for the two units since the Cook's stated that the first-floor unit is repaired and may be in compliance.

Mr. Jones stated the application could be amended for one rental unit and they could add the second unit at a later date.

Mr. Jackson stated if the Cook's decided to not rent the second-floor unit, the first-floor unit could be inspected and licensed. Mr. Jackson stated regarding Ms. Cook's statement that she is being harassed, if violations are called into the city, the inspectors look into the complaint to make a determination.

Mr. Riggio stated the issue before him is a rental property without a rental license. Mr. Riggio stated typically, respondents are given time to come into compliance and he is trying to suggest a remedy to come into compliance and for the Cook's to not have to return the Special Magistrate in September. Mr. Riggio stated he suggests removing the second story unit from the rental license and to have the Cook's provide the city with an affidavit that the second-floor unit will not be rented.

Mr. Cook stated he could accept that.

Mr. Jackson stated the city will need an affidavit stating the second-floor unit will not be a rental unit.

Ms. Cook asked who she could talk to about the abuse she receives from her neighbors through numerous complaints filed on the Code Enforcement complaint line.

Mr. Riggio suggested Ms. Cook talk with either her elected officials or the City Manager.

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

MISCELLANEOUS BUSINESS

There was no Miscellaneous Business.

ADJOURNMENT