



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, September 11, 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. Steve Alderman, Neighborhood Services Inspector
- Mr. Thomas Clig, Neighborhood Services Inspector
- Mr. Daniel Garcia, Neighborhood Services Inspector
- Mr. Michael Fitzgerald, Neighborhood Services Inspector
- Mr. Mark A. Jones, Neighborhood Services Inspector
- Mr. Jerome McCoy, Neighborhood Services Inspector
- Mr. Cliff Recanzone, Neighborhood Services Inspector
- Mr. John Stenson, Neighborhood Services Lead Inspector
- Ms. Aimee Hampton, Senior Paralegal
- Ms. June Barnes, Secretary

Approval of Minutes by:
Special Magistrate

Call to Order

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

Approval of August 14, 2018 meeting minutes

Mr. Vukelja stated he has reviewed, approved, and executed the minutes of the August 14, 2018 meeting.

Mr. Vukelja thanked Robert Riggio for filling in for him at the August meeting.

Announcements

A minute of silence was held in honor of September 11.

Ms. Barnes stated the following cases are in compliance:

Case No. SMG 06-18 62 - Compliance September 7, 2018

Case No. SMG 08-18-83- Compliance September 7, 2018

Case No. SMG-09-18-118 - Compliance September 11, 2018

Lien Reviews

LR-1

SMG 10-15-42 - 713 Marion Street - Owner: Nivrah Consulting & Investment Group, LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.4, 304.2, 307.1), Violation(s) - Trash and debris throughout the property; overgrown grass/hedges; chipped and faded paint - First Notified - 6/22/2015. Order Imposing Fine/Lien of \$100 per day imposed on December 8, 2015. No compliance date. 100+ days x \$100 = \$10,000 plus recording costs of \$24.00 = Total amount owed \$10,024.00.

Dr. Harvin was sworn in and stated he was representing Nivrah Consulting & Investment Group, LLC.

Mr. Vukelja read a statement into the record from the property owner requesting that the lien be reduced.

Mr. Vukelja asked when the property was brought into compliance.

Mr. Jackson stated the property has not been brought into compliance.

Mr. Vukelja asked why he is hearing the request for lien reduction if the property is not in compliance.

Mr. Jackson stated the case is being presented since the respondent requested that the lien be reduced and, therefore, the case was brought forward.

Mr. Vukelja stated the Special Magistrate does not hear requests for lien reductions until the property is brought into compliance and further stated that it appears the property has not been attended to since 2015.

Mr. Jackson stated staff agrees. Mr. Jackson stated the owner is trying to sell a different property located at 520 S MLK and this lien is encumbering that sale. Mr. Jackson also stated that the property for the lien review is under condemnation as well.

Dr. Harvin stated the property has been in compliance and is owned by one individual. Dr. Harvin stated the property was acquired assuming the previous liens.

DISPOSITION: The Special Magistrate denied the request to reduce the lien.

HEARING OF CASES

Continued Cases:

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 (continued from June 2018). Nicholas Psathas was in attendance and was sworn in.

Mr. Jackson stated an inspection was conducted recently and one repair needs to be made. Mr. Jackson stated the inspector is requesting the respondent be given until October 3, 2018 to come into compliance.

Mr. Psathas stated a few outlets need to be replaced and he will be able to complete the work by October 3, 2018.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance to allow the respondent until October 3, 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 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.

The respondent was not in attendance.

Mr. Jackson stated the inspector recently conducted an inspection and the property remains in non-compliance.

Jerome McCoy, Neighborhood Services Inspector, stated an inspection was conducted; however, the property is a duplex unit and Mr. McCoy was only able to access one unit. Mr. McCoy stated the unit that was inspected did pass; but he would like to allow the respondent additional time in order to inspect the second unit.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance to allow the respondent until October 3, 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 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: Impose Fine.

Jehad Murad was in attendance and was sworn in.

Mr. Jackson stated the inspector advises that the property was inspected; and since it was determined there were additional tenants on the property, an additional rental license is required. Mr. Jackson stated the inspector is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mr. Murad stated he felt he will be able to complete the repairs by the next meeting but stated he owns additional properties and does not know what will be required from those inspections.

DISPOSITION: The Special Magistrate continued Case No. SMG 08-18- 89 to the October 9, 2018 Special Magistrate hearing and a new compliance date will be established at that time.

CASE # SMG 05-18-52 - Margaret Ellen Eberwein

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 302.4, 302.8, 304.7); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G, at 348 Jackson Ave Violation(s) - Damaged roof, outside storage, boarded windows, inoperable vehicle and scooters, overgrown shrubs and dilapidated fence. First Notified - 2/13/2018

ACTION TO BE TAKEN: Progress Report (continued from July 2018).

The respondent was not in attendance.

Mr. Jackson stated the case is on the agenda for a progress report; however, the inspector reports that there has not been any progress in addressing the violations. Mr. Jackson stated the inspector is requesting that the respondent be given until October 3, 2018 to come into compliance.

John Stenson, Neighborhood Services Lead Inspector, stated he visited the property last Thursday and little to no progress has been made. Mr. Stenson stated he has had no communication with the respondent.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the property to be brought into compliance by October 3, 2018 or the respondent 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 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.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports there has been no progress and the city is asking that a fine be imposed of \$200 per day to a maximum of \$20,000.

Mr. Stenson stated the respondent attended the July meeting and stated he had a contractor in place to make the repairs. Mr. Stenson stated the respondent has applied for permits but the work has not been done.

DISPOSITION: The Special Magistrate fined the respondent \$200 per day effective September 6, 2018 which will continue to accrue for every day thereafter until the amount of the fine has reached the sum of \$20,000 or the property has been brought into compliance.

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. 9.2.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.

Mr. Jackson stated the inspector reports the property is in non-compliance and is asking that a fine be imposed of \$250 per day to a maximum of \$15,000.

Mr. Stenson stated the property was inspected on September 4, 2018 and the property is still in non-compliance. Mr. Stenson stated there has been no communication from the property owner. Mr. Stenson stated the property appears to be occupied.

DISPOSITION: The Special Magistrate fined the respondent a fine of \$250 per day effective September 6, 2018 which will continue to accrue for every day thereafter until the amount of the fine has reached the sum of \$10,000 or the property has been brought into compliance.

CASE # SMG 06-18-62 -148 S Oleander Ave #2

Compliance: September 7, 2018

CASE # SMG 08-18-83 -148 S Oleander Ave #1

Compliance: September 7, 2018

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. 9.2.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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mr. Stenson stated the violations have been corrected; however, a survey is required by the Building Department for the permit; and as soon as the survey is received by the Building Department, the permit will be closed.

DISPOSITION: The Special Magistrate amended the original Order of Non-Compliance in order to allow 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 08-18-99 - 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: Impose Fine.

Fred Hoffman was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property was inspected on September 6, 2018. Mr. Jackson stated minor repairs need to be made and the inspector is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mr. Hoffman stated he did not know if he could complete all of the repairs by October 3, 2018 because he will be evicting the current tenants and does not know how long the eviction will take.

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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 08-18-88 - 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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the perm it's have been obtained and a re-inspection is scheduled for today. Mr. Jackson stated the inspector is requesting that the respondent be given until October 3, 2018 to come into compliance.

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 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: Impose Fine.

Joyce Dixon was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property was first cited in October 2017 and has failed numerous inspections and another inspection is scheduled for September 12, 2018. Mr. Jackson stated the inspector is requesting imposition of a fine of \$100 per day up to a maximum of \$15,000.

Mark Jones, Neighborhood Services Inspector, stated he is still trying to finalize the rental inspection. Mr. Jones stated the property has been inspected three times and the items have not been corrected.

Ms. Dixon stated she has not called for an inspection, but all of the repairs have been made. Ms. Dixon stated the last item that needed correction was a window and she obtained the permit for the window. Ms. Dixon stated she is in the process of evicting the tenant and a court date is scheduled for September 20, 2018.

Mr. Jones stated the tenant is the person who scheduled the inspection for tomorrow and the tenant has been on site every time he has conducted an inspection. Mr. Jones stated he has no problem with allowing the respondent until October 3, 2018 to come into compliance.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance to require 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 08-18-100 - 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. 9.2.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: Impose Fine.

Joyce Dixon was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and has some electrical hazards and other concerns. Mr. Jackson stated the inspector is requesting imposition of a fine of \$250 per day to a maximum of \$15,000. Mr. Jackson stated after the respondent was notified of the violations, a new tenant rented the property.

Mark Jones stated he conducted an inspection along with the property owner on August 31, 2018 and very few of the violations have been corrected.

Ms. Dixon stated she has been making repairs and has filed today to evict the current tenant. Ms. Dixon stated she was not notified of the violations until after the current tenant rented the property.

DISPOSITION: The Special Magistrate scheduled this case for a progress report on October 9, 2018 and ordered that the property is not to be rented if the current tenant leaves and the property is not to be occupied or utilized for any purpose and must be secured until the property is brought into compliance.

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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated a rental license has not been obtained; however, the respondent has submitted a letter which indicates the property will not be rented and, therefore, will not need a rental license. Mr. Jackson stated the letter submitted includes an incorrect address, so the case is not resolved since an incorrect address is indicated in the letter. Mr. Jackson stated the city cannot accept the property as being in compliance until a letter is received that states the correct address.

DISPOSITION: The Special Magistrate amended the Order of Noncompliance to allow the respondent until October 3, 2018 to come into compliance and compliance will include written certification from the property owner delivered to the city that the property will not be occupied or utilized by tenants.

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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated Mr. Copeland is not available due to a recent arrest. Mr. Jackson stated staff is requesting that the Order of Non-Compliance be amended to allow the respondent until October 3, 2018 to come into compliance.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and found the respondent 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 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: Impose Fine.

The respondent was not in attendance.

DISPOSITION: The Special Magistrate amended the previous Order of Non-Compliance and found the respondent 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 per day for every day thereafter.

NEW CASES:

CASE # SMG 09-18-110 - Jack Morris Jr

is cited for failure to correct violations of the Land Development Code, Art. 6. Sec 6.19.A.3, at 708 Kingston Ave Violation(s) - Outside storage. First Notified - 8/3/2018

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 asked that the respondent be given until October 3, 2018 to come into compliance.

Mr. Clig stated the complaint for this property was received from the Utilities Department because the Utilities Department employees were unable to access the meter due to the parking on the sidewalk and outside storage.

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 hearing of the Special Magistrate for consideration of imposition 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. (Continued from August 2018)

John R. Barger was in attendance and was sworn in. Mr. Barger stated he did fail to obtain a rental license; however, violations resulted due to a disgruntled tenant who was evicted. Mr. Barger stated the violations have all been addressed. Mr. Barger stated he made payments to the city and believes he has paid the fees for the Business Tax Receipt and Rental License. Mr. Barger stated he has not received the license from the City of Daytona Beach. Mr. Barger stated he spoke with Karen Baum who advised him the reason he did not receive a Rental License is because he did not pay the fees for an inspection. Mr. Barger stated he attempted to see the City Manager three times and spoke with Bobbie Yarbrough and Shirley Stickney who told Mr.

Barger they would take care of his concerns, but they never did. Mr. Barger stated he is being charged for three inspection fees and he was never notified that an inspection was scheduled.

Mr. Jackson stated the respondent does not have a rental license because he has not paid the inspection fees.

Steve Alderman, Neighborhood Services Inspector, stated the inspections were scheduled through Neighborhood Services. Mr. Alderman stated the tenant stated she was unaware of the inspection and Mr. Alderman provided her with his business card, left, and the inspection was re-scheduled. Mr. Alderman stated he returned two times, and no one answered the door.

Mr. Vukelja stated it does not appear Mr. Barger was contacted regarding the inspections.

Jerome McCoy stated all rental inspections are scheduled through the tenant or the property owner. Mr. McCoy stated the violations Mr. Barger references were for a previous case.

DISPOSITION: The Special Magistrate found the respondent in compliance and dismissed the case.

CASE # SMG 09-18-102 - Anthony Levercia

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4. S.1 (Ref. FBC Supp IPMC 302.8, 304.2), at 1649 Cedar Highlands Blvd Violation(s) - Reroofing without a permit, peeling paint, junk boat. First Notified - 7/2/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated there has been a notification problem and the inspector is requesting that this case be continued to the October 9, 2018 meeting.

DISPOSITION: The Special Magistrate continued the case to the October 9, 2018 Special Magistrate hearing.

CASE # SMG 09-18-104 - Cassandra Lee

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 702.3, 704.2); Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.2.B.3 - F; Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.5, 602.1, 604.3); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 913 Lewis Dr Violation(s) - Single family home turned into a duplex, infestation, no heat, no means of egress, smoke alarms, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 7/2/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated there has been a notification problem and the inspector is requesting that this case be continued to the October 9, 2018 meeting.

DISPOSITION: The Special Magistrate continued the case to the October 9, 2018 Special Magistrate hearing.

CASE # SMG 09-18-118 -N Atlantic Ave (Parcel #5305-01-46-0190)

Compliance as of September 11, 2018

CASE # SMG 09-18-105 - Harpreet Suri

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 334 Georgetown Dr Violation(s) - Zoning

Violation - This property is zoned SFR-5. Short term rentals, known as "Other Accommodations," are not a permitted use in this zoning district. First Notified - 6/25/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector would like a finding of compliance/non-compliance.

Daniel Garcia, Neighborhood Services Inspector, stated the owner was doing short-term rentals. Mr. Garcia stated the owner has withdrawn the rental advertisements and has submitted a letter that outlines the cancellations of future tenants. Mr. Garcia stated an adjacent property owner is in attendance who would like to speak regarding this case.

Ann Hedberg, 337 Fordham Drive, Daytona Beach, Florida stated there have been numerous cars at the property with out of state plates and constant noise. Ms. Hedberg stated the property was sold and the new owner has also conducted short-term rentals at the site. Ms. Hedberg stated the owners have taken away their peace and normal way of life. DISPOSITION: The Special Magistrate found the respondent in non-compliance but noted the respondent is presently in compliance but for any future violation, the respondent will be returned to the Special Magistrate for consideration of a fine of up to \$5,000 per occurrence.

CASE # SMG 09-18-109 -639 N Ridgewood Ave

Compliance as of September 7, 2018

CASE # SMG 09-18-111 - Elvina Miller

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8), at 550 N. Ridgewood Ave Violation(s) - Damaged exterior surfaces - peeling paint, roof, flashing and drainage, broken windows, rubbish, garbage, trash and debris. First Notified - 5/14/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports he has had no contact from the respondent and is asking for an Order of Non-Compliance effective October 3, 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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 09-18-112 - Bulldog LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 208 Fairview Ave Violation(s) - No Address numbers, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 3/1/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Chris Coroneos, 290 Golden Saddle Land, Ormond Beach, Florida was in attendance and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed.

Mr. Coroneos stated yes.

Mr. Vukelja found the respondent in non-compliance.

Mr. Jackson stated the inspector reports the respondent is working on the property and feels the property can be in compliance by October 3, 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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 09-18-116 - Beach Development Group, LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at 530 N Beach St Violation(s) - Dilapidated exterior surfaces. 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 and asks that the respondent be given until October 3, 2018 to come into compliance.

Mr. Garcia stated he met with the property owner on Friday, September 7, 2018 and the property should be brought into compliance by October 3, 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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 09-18-103 - Jones of Volusia, Inc.

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7), at 621 Ruth St Violation(s)- Damaged wooden fencing, paint around front door. First Notified - 2/13/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports he had contact from the respondent by telephone today and that is the first time he has talked with the respondent. Mr. Jackson stated the respondent indicated he will be in compliance by October 3, 2018.

Michael Fitzgerald, Neighborhood Services Inspector, stated the fence is down and the front door needs painting.

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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 09-18-106 - Tambra N. Davis, Trustee or her successors in trust of the TAMBRA N. DAVIS Management Trust dated June 1, 2005

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.2, 304.6, 304.7, 304.9, 304.13, 304.13.1, 304.13.2), at 2301 S. Peninsula Dr.

Violation(s) - Abandoned, unsecured building, fading and peeling paint, severely damaged roofs and drainage, broken windows. First Notified - 1/26/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Edward Hamby, 2995 N. Ocean Shore Blvd., Flagler Beach, Florida was in attendance representing the respondent and was sworn in. Mr. Hamby stated he is the Project Manager for the new roof.

Mr. Vukelja asked if the respondent agreed the violation exists.

Mr. Hamby stated yes.

Mr. Vukelja found the respondent in non-compliance.

Mr. Fitzgerald stated a timeline is needed from the contractor for completion of the repairs.

Mr. Hamby stated the truss engineering has been received and he is waiting for the final plan drawings. Mr. Hamby stated as soon as the drawings are received, he will apply for the permit and will start work as soon as the permit is issued. Mr. Hamby stated the work should be completed within two months of receiving the permit.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by November 7, 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 09-18-113 - Promo 05 LLC

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; City Code Ch. 90 Sec. 90-297, at & 227-225 N Oleander Ave Violation(s) - Adding a third apartment in the basement of the front building- no permit for electrical, plumbing, new porch, new stairs and demo, failure to obtain Business Tax License (BTR). First Notified - 3/7/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance

Juan Petricio, 225 N. Oleander, Daytona Beach, Florida was in attendance and was sworn in representing the respondent.

Mr. Vukelja asked if Mr. Petricio agreed that the violations exist as stated in the Notice of Violation.

Mr. Petricio stated yes.

Mr. Vukelja found the respondent in non-compliance.

Mr. Jackson stated the inspector reports there are a number of things which will require permits and a contractor. Mr. Jackson stated the inspector feels it may take a couple of months to get the work completed and suggests a progress report be provided at the October 9, 2018 meeting.

Mr. Petricio stated he lives in Ft. Lauderdale. Mr. Petricio stated a permit for the roof has been issued and he hopes to start work in the next couple of days. Mr. Petricio stated he is having difficulty in locating a general contractor. Mr. Petricio stated the property has been vacant for over two years.

DISPOSITION: The Special Magistrate scheduled this case for a progress report at the October 9, 2018 Special Magistrate Meeting. The Special Magistrate stated the property is not to be rented, occupied, or utilized for any purpose whatsoever until the property is brought into compliance.

CASE # SMG 09-18-114 - Calvary Global Ministries Inc

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3, at 301 Earl St & 313 Violation(s) - No permit to enclose porches. First Notified - 6/14/2018 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 asked that the respondent be given until October 3, 2018 to come into compliance.

Reed Berger, Redevelopment Director, was in attendance and was sworn in.

Michael Fitzgerald, Neighborhood Services Inspector, stated the property was cited for enclosing a porch without a permit. Mr. Fitzgerald stated the permit should be issued this week for the demolition and to put the porch back as it was previously. Mr. Fitzgerald stated he would like to give the respondent until November 7, 2018 to achieve compliance.

Mr. Berger stated the property is in the Seabreeze Historic District and is a contributing building. Mr. Berger stated he has no issues with what is being done if the property is restored to what it was previously, and the permit is secured.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by November 7, 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 09-18-117 - Michael D Molnar

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, at 2607 S Peninsula Dr Violation(s) - Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations," are not a permitted use in the zoning district. First Notified - 7/25/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is currently in compliance and would like a finding of non-compliance with a will fine.

Michael Fitzgerald stated this was a short-term rental and the property owner has been instructed that short-term rentals are not permitted. Mr. Fitzgerald stated he has received an email from the property owner stating the ad has been removed and Mr. Fitzgerald verified that the ad has been removed.

DISPOSITION: The Special Magistrate found the respondent in non-compliance, and found that the respondent is presently in compliance, and for any future violation will be returned to a subsequent hearing of the Special Magistrate for consideration of a fine of up to \$5,000 per occurrence.

CASE # SMG 09-18-107 - Helena Sanders

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7, 304.6), at 2804 N Halifax Ave Violation(s) - Damaged fence and loose siding on NW corner. First Notified - 2/19/2018 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 asked that the respondent be given until October 3, 2018 to come into compliance.

Steve Alderman, Neighborhood Services Inspector, stated he has spoken with the property owner and the fence has been repaired. Mr. Alderman stated the property owner has stated the work should be done within the next couple of weeks.

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 hearing of the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 09-18-108 - Shandra Carreira

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.6.A.3 (Ref. FBC Supp IPMC 304.13, 304.3), at 802 N Halifax Ave Violation(s) - Exterior structure - window frames, visible address, landscaping maintenance and outside storage. First Notified - 4/3/2018

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 asked that the respondent be given until October 3, 2018 to come into compliance.

Steve Alderman, Neighborhood Services Inspector, stated he has spoken with the property owner and the landscape maintenance has been completed. Mr. Alderman stated repairs to the fascia need to be completed and the property owner feels the work can be completed by October 3, 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 hearing 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