

**SPECIAL  
MAGISTRATE**

City Commission Chambers  
301 S. Ridgewood Ave.,  
Daytona Beach, FL 32115

**David A. Vukelja**  
Special Magistrate

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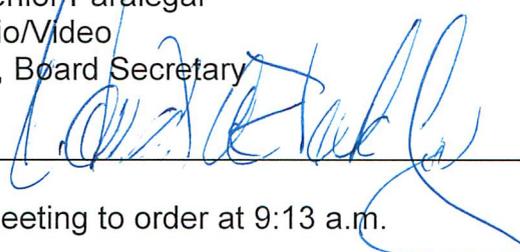
**2019 Bike Week Appeal Meeting  
February 12, 2019**

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney  
Ms. Aimee Hampton, Senior Paralegal  
Captain Scott Lee, Daytona Beach Police Department  
Officer Steve Jessmer, Daytona Beach Police Department  
Mr. James Morris, Deputy City Manager  
Ms. Rose Askew, Zoning  
Ms. Hannah Ward, Zoning  
Mr. Denzil Sykes, Neighborhood Services Manager  
Mr. John Stenson, Lead Code Inspector  
Ms. Aimee Hampton, Senior Paralegal  
Mr. Charles Smarr, Audio/Video  
Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by:  \_\_\_\_\_ Special Magistrate

Mr. Vukelja called the meeting to order at 9:13 a.m.

Mr. Vukelja approved and signed the minutes of the regular January 8, 2019 meeting.

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

Mr. Vukelja asked if there were any announcements.

Ms. Barnes announced the cases that were in compliance or withdrawn from the regular meeting agenda.

Mr. Vukelja stated this is the matter of Casa Del Sweeney at 20 N. Halifax regarding a Bike Week appeal.

Mr. Jim Sweeney, property owner, came forward and was sworn in.

Anthony Jackson, Assistant City Attorney, stated in addition to himself, Deputy City Manager Jim Morris and Rose Askew would be speaking and had been sworn in with staff. He stated this is a Master Plan Appeal which requires an appeal pursuant to the Master Plan Guidelines and the City's Land Development Code. He stated the Master Plan outlined provides under Section Nine for appeals that an applicant submits a timely application and if it is determined to be non-compliant with Section 5.4.C.11 of the City's Land Development Code or any other provisions of these guidelines and thereby denied, participant may appeal the denial. He stated the appeal shall be heard by the City of Daytona Beach Special Magistrate.

Mr. Vukelja asked the definition of cause or good cause and to refresh his memory as to the standard when it comes to whatever relief is being sought by the appellant.

Mr. Jackson stated it says "in determining whether just cause, appellate shall contact the Code Enforcement Administration Office to schedule a hearing and the Special Magistrate may waive compliance with the provision and grant participation and especially then, upon a determination that just cause exists for the non-compliance in determining whether just cause exists, the Special Magistrate shall consider whether the applicant is an individual, the fault of the applicant in creating the condition, whether the applicant is a Corporation or Limited Liability Company or similar business firm, the fault of the firm's principles in creating the condition and then the gravity of the violation. And lastly, any prior opportunity that the applicant and the applicant's business principles had to remedy the condition." He re-stated: the fault of the applicant, the gravity the violation and the opportunity to remedy.

He stated this applicant made one application regarding two addresses on two properties. He stated one was 20 N Halifax Avenue and the other was 24 N Halifax Avenue. He stated the evidence would show, and the presentation from staff would be, that the application initially had both addresses and because of enforcement of rules concerning the 24 Halifax Avenue, the applicant was informed that he would be denied if he had those two properties on the application together so he withdrew the application and reapplied with 24 N Halifax only. He stated the application fee for the property at 20 N Halifax was returned and he never reapplied for the property at 24 N Halifax Avenue and so, from that circumstance alone, he wasn't denied because he never reapplied. He stated had he reapplied, the likelihood is he would have been denied based upon the rules and staff is here to express that however, there was no application denial and from that circumstance alone, there's a jurisdictional question as to whether the Magistrate even has the ability to have anything reviewed since there was no application that was denied.

Mr. Vukelja asked why he was hearing the case.

Mr. Jackson stated because he applied and had he sent in an appeal to a circuit court or an appellate court then we would be standing here doing a motion for dismissal due to lack of jurisdiction but we would not be able to overcome the fact that he applied. He's applying now for an appeal but the appeal has no basis because there is no application ever filed.

Mr. Jackson stated if we go beyond our point, there are matters that the staff will present as to why he would still be denied.

Mr. Vukelja confirmed that initially he applied for both addresses and Mr. Jackson stated that is correct.

Mr. Vukelja stated he withdrew that and Mr. Jackson stated that is correct.

Mr. Vukelja stated he submitted an application for 24 and Mr. Jackson stated that is correct.

Mr. Vukelja stated he apparently forgot about 20 and Mr. Jackson stated he didn't know.

Mr. Vukelja stated he has no application for 20 and Mr. Jackson stated that is correct.

Mr. Vukelja asked about a fee that was returned and Mr. Jackson stated the application fee was returned for 20.

Mr. Vukelja asked if there was a single fee paid for each property and Mr. Jackson stated that is his understanding.

Mr. Vukelja asked if this is to allow parking during Bike Week and Mr. Jackson stated that is correct.

Mr. Vukelja asked, in the past, has parking been permitted at 20.

Mr. Jackson stated that the application expresses that it has, and he believes the staff acknowledges that it has, contrary to what the policy or rules of the Land Development Code are and enforcement may have allowed that to occur when it should not.

Mr. Vukelja asked if historically he was allowed to park at 24.

Mr. Jackson stated he was not sure but since it was permitted he believes the answer would be yes.

Mr. Vukelja asked why they wouldn't have been jointly permitted.

Mr. Jackson stated that would have to be further explained by staff, as to their interpretation of the Land Development Code as it relates to the properties, and there are special exceptions that must be strictly applied and by strict application the property on 20 is a commercial lot and it has a structure and that is not allowed. He stated further clarification can come from staff.

Mr. Vukelja stated let's get more clarification from staff.

Jim Morris, Deputy City Manager stated the review by the Master Plan is within his department and staff and that they would have conducted the review. He handed the Special Magistrate an exhibit and stated he has already provided a copy to the appellant. He stated the Bike Week Master Plan is tied to the map for the Bike Week Master Plan. He stated there is an exception, which is outside the mapped area, and is denoted in the copy. He stated it establishes an exception for properties that are unimproved in and along Halifax Avenue which is where this property is. He stated the process it has employed to review the applications which various people submit, including the appellant. He stated City staff reviews that and coordinates with the Chamber of Commerce, which coordinates the process to develop a

proposed, approved Bike Week Master Plan. He stated the exception should be strictly construed, and in terms of this year in history he will speak to that, but from the perspective of the City Commission, it has instructed them to be very diligent in applying the standards of the Bike Week Master Plan and make sure the various properties conform. He stated as you review the exception you'll see that it provides rare event parking on unimproved vacant lots and is allowed in the area bounded by Main Street and Halifax that is described there. He stated it does not apply to improved property and the applicant's situation is that the property that was approved is undeveloped land and the unapproved property was not approved.

Mr. Vukelja asked him to repeat his statement.

Mr. Morris stated you have two parcels - one is developed with parking in a building and the other parcel is vacant with grass vegetation on it. He stated when you read the exception, the exception allows you to have event parking on unimproved vacant lots which is the portion of the property that was reviewed and approved by the Bike Week Master Plan Committee at the Chamber as well as the Daytona Beach City Commission.

Mr. Vukelja asked if that was 24 N Halifax.

Mr. Morris stated that 24 is the unimproved and 20 is the improved with the building in the parking lot. He stated the modification of the application at the Chamber was to withdraw the improved property and leave the unimproved property in the application that was approved by the Bike Week Master Plan Committee at the Chamber, recommended for approval by the staff, and approved by the City Commission. He stated the application pertaining to 20, the developed property, to his knowledge was not renewed or included in any review, nor did the appellant appear at the City Commission to say that that property should be included or there was a reason that it should be continuing on in the Bike Week Master Plan. He stated they strictly construed the exception because he thought the language mandated it, and that it should be strictly construed, and it was the City Commission's effort to allow some peripheral benefit of properties that were undeveloped in the Main Street area. He stated the whole thrust of the Commission has been to keep improved properties operating and functioning outside of Bike Week, and outside of Biketoberfest, to be a viable part of the community year round which is why he thinks the exception was written the way it is. He stated regardless the applicant does have a history of parking on both properties. He stated they believe those approvals were in error and they went over the Bike Week Master Plan five times before going to the City Commission and before going to the Chamber of Commerce Committee because he wanted to be sure that the direction of the City Commission was followed. He stated while he feels some sympathy for the appellant, from the standpoint of the rules, he thinks the rule determination is correct and he thinks that the appellant recognized that in part when he withdrew the initial application and then did not pursue that at the City Commission. He stated Mr. Jackson raised a question of standing to even be here and he thinks probably there is not standing but that's the threshold determination for the Magistrate to render in any event that he determines what is appropriately before him. He stated he has additional testimony that they will give if necessary. He stated in the interest of time he won't proceed further unless the Special Magistrate wants additional testimony.

Mr. Vukelja asked what additional testimony.

Mr. Morris stated in respect to the review of the application and why it was not approved, because it is not consistent with the Bike Week Master Plan standards, and to that Ms. Askew will testify.

Mr. Vukelja stated what he is holding in his hand is an exception to a prohibition.

Mr. Morris stated that is correct.

Mr. Vukelja stated the exception as you have indicated is supposed to be strictly construed.

Mr. Morris stated yes.

Mr. Vukelja stated what he is also hearing is that he has parked at both of these locations in the past during the Bike Week events.

Mr. Morris stated it was his understanding that he has. He stated he does not doubt that representation and thinks it was an administrative error and ordinarily administrative error is not entitled to be repeated or relied upon to promote future additional errors. He stated the threshold question is what the respondent thinks, his standing to even appear here because the appellate process wasn't perfected nor was the application reinserted back into the process for review.

Mr. Sweeney stated that two of the things he heard was gravity of the violation and fault of the applicant. He stated he purchased the property in 2005 and at the time there was an exception made for his property and it went before the City Commission and he received the 7-0 vote to park. He stated he made the determination to purchase the property based on that. He stated his business, a three day appraisal, is in that building so he's paying the cost for that building. He stated it is an historic building that is two doors north of Main Street. He showed the Magistrate his parking permits for the last two years and stated he has parking permits for 20 N Halifax and 24 N Halifax dating back to 2005 when he purchased the property. He also showed the Magistrate an article in The News Journal about homeowners and property owners in the area that park legally with professional signage. He showed the Magistrate a picture of his building to show him which one it was.

Mr. Vukelja stated he was familiar with the property.

Mr. Sweeney stated he and his wife live on Peninsula and they invested in this property, it is a rough area and they have been scrapping and clawing to make it and Bike Week parking helps them pay their taxes and insurance. He stated he thinks there has been a lot of confusion over the Master Plan and no one seems to know the history here. He stated before him, it was Rice, Rose and Snell and they did it for years as well. He stated they have been legally doing this the whole time. He stated within the past year he received a call from the Chamber needing an additional fee for permitting of \$300. He stated he told them this is new and they told him he was part of the Master Plan. He stated he told them he didn't think he was part of the Master Plan, that the Master Plan was designed years ago on arterial roads and 20 North Halifax is two doors north of this on the map and they stated he was part of the Master Plan. He stated he told them whatever they want him to do just tell him and guide him through the process. He stated he always had a special exception to do this.

Mr. Vukelja asked why he stated he always had a special exception to do this.

Mr. Sweeney clarified that he always legally did it on 20 North Halifax and a special exception was granted to him to do it on the vacant lot. He stated the issue was parking on the vacant side, it wasn't on the parking lot side. He stated months went by and they said you're not part of the Master Plan. He stated this was never about being part of the Master Plan. It was a special exception - it was always legal to park on this property and City records show that dating back to 2005. He stated they have legally done it and it has been permitted. He stated he understood the essence of the law is they don't want people in single family homes parking on their front yard but we are zoned Residential Professional. He stated his business is run from 24 N Halifax Avenue. He stated they have a paved parking lot.

Mr. Vukelja asked who is going to tell him whether or not these people are in the Master Plan or not. He stated he is suggesting that he's not.

Mr. Sweeney stated he had never withdrawn an application and that he was told by Jennifer Pipes at the Chamber that she would be his only liaison. He stated he was doing everything at her request. He stated his original application at 20 and 24 was all through and he was told he had to do it this way. He stated he didn't withdraw anything. He stated he had the City and the Chamber telling him what he had to do. He stated that's what he did. He stated he did apply just like he did every year.

Mr. Morris stated he is not part of the Bike Week Master Plan and his property is not part of the Bike Week Master Plan area. He stated it has an exception and the exception is there because it isn't part of the Bike Week Master Plan. He stated there is a specific area that roughly parallels Main Street and this property is further north than the Bike Week Master Plan extends. He stated the exception was generated to allow parking on vacant properties at or near Main Street and this property does meet that condition. He stated in respect to permits, while he hasn't seen the permits from 2005 to 2016 that Mr. Sweeney represented existed, they may have issued permits, but those permits were issued in error at least in the face of the code or rules as we know.

Mr. Vukelja asked if he's outside the Master Plan why does he need a permit.

Mr. Morris stated he needs a permit. He stated you are not permitted ordinarily to park on vacant unimproved property.

Mr. Vukelja stated that 20 is not vacant unimproved property.

Mr. Morris stated I know that it is not. He stated the exception was written the way it's written there and he hasn't tried to tell the Magistrate anything other than what the exception says in the wording that is highlighted that is part of the Bike Week Master Plan Guidelines.

Mr. Vukelja stated he did not understand why he can't park as many vehicles on his property as he wants whether you have a Master Plan or not.

Mr. Morris stated from the standpoint of the vacant property, unimproved property isn't permitted to be used.

Mr. Vukelja asked if he was talking 24 now.

Mr. Morris stated yes he was talking about 24. He stated it fits the standards of the exception determined 20 years ago. That's how it fits the standards.

Mr. Vukelja asked it fits the standards.

Mr. Morris stated yes. He stated if you read the language it's vacant, unimproved property.

Mr. Vukelja stated he thought Mr. Morris told him he's not subject to the Master Plan.

Mr. Morris stated this is an exception and allows things outside the defined area of the Master Plan to be used in a fashion related to...

Mr. Vukeja stated as pertains to 24.

Mr. Morris stated no, that it can be freestanding with nothing on it, it could be a separate ownership, and still would be allowed under that exception. He stated that in fact there are others that are permitted that way. He stated from the standpoint of drafting, he understands the consternation, but in terms of the outcome of the rule, the rule was applied as it should have been applied, and as it's been written, and that's the present status of the matter which is why we're here today because we think the denial was appropriate given the rules. If the rules were written or modified, it certainly could be made to incorporate so that both 20 and 24 could be used and arrive at a more apparent logical outcome than what the rules apparently provide for now.

Mr. Vukelja asked how does the Master Plan assert or create any jurisdiction over this property at all.

Mr. Morris stated the Master Plan guidelines permit activities related to properties that are outside the defined Master Plan area. He stated the recognition in the exception is to say you won't have to go through the Bike Week Master Plan process in the mapped area showing a sight plan of what all you are doing. He stated you simply can apply to be included in the parking provisions which is what he is referred to. He stated the parking provisions pertain to vacant, unimproved property and nothing else.

Mr. Vukelja asked what was the fault of the appellant in this instance and what did he do wrong that is precluding him from parking.

Mr. Morris stated he did not think the false standard applies to the case because he's not within the jurisdiction of the provisions to even qualify to assess fault in terms of fault. He stated he didn't think the applicant has fault and thinks that he's made his best efforts to follow the rules and that in the past the rules have not been closely observed and reviewed. He stated they have been now and this is the outcome of that exercise.

Mr. Vukelja asked what is the determination they are looking for him to make?

Mr. Morris stated he was not looking for him to make a determination.

He asked if Mr. Morris thinks he has no jurisdiction over this property as far as this issue is concerned.

Mr. Morris stated he thought he did not have jurisdiction over the property.

Mr. Vukelja asked if that is the determination he was looking for.

Mr. Morris stated no, he thinks the determination is that the proper outcome, by literal application of the rules, has been already determined. He stated the Magistrate should also look to the fact that the appellant did not appear at the City Commission meeting to approve or challenge the decision as relates to number 20. He stated 24 was approved and the appellant was not present at that proceeding either. He stated there is differing testimony in regard to whether or not the property for 20 was withdrawn. He stated the testimony we have from Ms. Askew would be that it was withdrawn.

Mr. Jackson stated the Special Magistrate had asked the question regarding this property and the fact that it's physically outside of the Master Plan and if there was no Master Plan would he be able to do what he's doing in terms of would the parking otherwise be allowed. He stated the Land Development Code would not allow him to do paid parking on that developed lot and parking there is only parking that's associated with its use and that would not allow for the paid parking on that lot, even without the Master Plan it's not permitted.

Mr. Vukelja asked how he has been allowed to do it in the past.

Mr. Morris stated with the special erroneous issue of a permit. He stated it should not have been issued but he's been allowed to do it and he has been permitted.

Mr. Jackson stated the position of the staff is for the status not to roll forward and make that a satisfaction of a requirement of the Master Plan as well as requirement of the code.

Mr. Vukleja stated that he can be making an exception to the master code for the Master Plan. He stated it would be recognition of the estoppel as far as the City is concerned to complain about something they've sanctioned for countless years.

Mr. Morris asserted that estoppel does not apply to a regulatory mistake.

Mr. Vukelja stated he is apparently being asked to make a decision regarding the equities here if we're satisfied that he even has jurisdiction over this.

Mr. Morris stated he was not satisfied the Special Magistrate has jurisdiction over it.

Mr. Sweeney stated through this whole process he thinks everyone realized it was somewhat of an injustice and Mr. Morris and Mr. Chisholm said, as he introduced himself to the City Commission a couple of weeks ago to let them know who he was, that he had to go through the appeal process. They told him that's his next meeting. He asked when it was and contacted Ms. Barnes for the appeal application. He stated he was new to this process. He stated he did it in 05 and he usually keeps all my paperwork and he can show permits dating back to 05. He stated that what he heard was them telling him to come to the appeal process and now they are saying there's no jurisdiction. He stated this is where you told me to come.

He stated he has been doing what the City has told him to do since 2005, in good faith, without one violation. He stated they take some of their funds and use it as a taxpayer insurance. He stated they reinvest in the property and restore the historic house and that it was dilapidated.

Mr. Vukelja stated he was familiar with the history. He stated at one point he was told he was supposed to be considering fault, gravity and opportunity to remedy.

Mr. Sweeney stated the rule needs to be modified and asked how do they go about changing the LDC modification to allow this to happen.

Mr. Vukelja asked if it is the City's position is that he's not part of the Master Plan for Main Street.

Mr. Jackson stated all he could do is interpret the testimony that he has and to look to staff and what he is hearing is that exception has been made in terms of the review process. He stated this is an exception that allows certain things, paid parking on an unimproved surface, but not allow something that's outside of the Land Development Code and outside the Master Plan which is paid parking on an improved surface. He stated an application on the unapproved surface was approved and the application for the approved surface was withdrawn.

Mr. Vukelja asked what the previous approvals were based on.

Mr. Jackson stated he did not know that answer.

Mr. Vukelja asked was it the Master Plan or was it City ordinances and regulations in general.

Mr. Jackson stated staff members may have a better answer.

Mr. Vukelja stated he is being told this is an exception. He stated he is presuming that means it's an exception to some general prohibition about parking on improved properties but yet he was allowed to park there in the past, what was the basis for those approvals, was it a special exception.

Mr. Morris stated they do not know the basis of the prior approvals. He stated they are applying the current rules to the current situation. He stated the permits were issued in error under the current rules but they haven't got a statutory history for him that would tell him how the rules have progressed from 2005 until this day.

Mr. Jackson stated the Master Plan is approved annually. He stated the Master Plan guidelines are subject to modification and amendment throughout the years. He stated he did not know what happened over the years.

Mr. Vukelja stated we have a citizen here who has worked hand-in-hand with the City going back to 2005 and been permitted to do exactly what he's wanting to do right now. And it's been allowed for quite some time. Now we have come to the realization that it shouldn't have been allowed at all. And we now seek to enforce that which we haven't enforced in the past.

Mr. Jackson stated he accepted that summary.

Mr. Vukelja stated if he's not subject to the Master Plan what relief is available to him. Where does he go if not here.

Mr. Jackson stated if indeed the application was made and denied then he would be here. He stated the other alternative would be to go to the Commission and seek whatever special permission but would look to staff as to the manner through which that is done. He stated he would have gone to the Commission. He stated he is not sure what the dialogue was that caused him to miss going and seeking a remedy through the Commission, but that wasn't done.

Mr. Vukelja stated setting aside going to the City Commission and begging, what relief is there on the books for him that would permit him to do what he's wanting to do and what in fact he has done for some time now.

Mr. Jackson stated it seems that if it's not permitted, it's not permitted, and it's a zoning matter and zoning doesn't permit it.

Mr. Morris stated the staff's position is there is no other avenue, that the parking lot is a parking lot associated with a commercial structure. The code doesn't permit it to be used for paid parking at any time. The exception does not permit it to be used for paid parking at any time. The exception permits unimproved property, not otherwise dedicated to the business, to be used in relation to Bike Week or Biketoberfest presuming that you go through the process to make sure that it's included in that for those streets that are defined in the exception. So what we've done from a staff perspective, whether it's palatable or not, is to consider what the rule permits and what it does not permit from a land use perspective and a wider community perspective. We've got numerous situations where people would love to do other things that their neighbors don't necessarily want to have existing next to them. That's why we have a Land Development Code that permits certain things and doesn't allow other things. That's what we have in this instance. So in respect to the developed parking lot, which is part of a commercial enterprise, there is no other avenue other than some rezoning that might do something else to the property which probably would not be approved in that it would serve to further degrade the area. That's the rationale in the exception which is just simply what it is. We're not trying to justify what the exception said, we're right lip reading it and applying it and that's what's occurring here from an administrative perspective.

Mr. Sweeney stated you are encouraging bulldozing properties so people can park in that area. As far as the neighbors are concerned I'm not an eyesore. I'm the nicest house there with the exception of across the road. There are beautiful houses on the river. He stated he's done everything to make it not an eyesore. He stated his neighbors all know him and if it's some type of variance he needs from neighbors he would be glad to do that. If he has to go before the City Council, he would be glad to do that. He stated that's why he introduced himself two weeks ago when he was told he to go to the appeal and not the Commission. He stated he just wanted to introduce himself and let everybody know clearly how egregious this is and he will remedy it however they would like the remedy. He stated he just doesn't understand.

Mr. Vukelja stated they are definitely encouraging people not to rely on what they've been told by the City of Daytona Beach. He stated as it pains him to say it, he is denying his appeal because the legislation that has been put under his nose says very specifically that the only

parking that's going to be permitted is on unimproved vacant lots. He stated the respondent unfortunately relied upon what he had been told by the City to his disadvantage and probably been damaged by it too. He stated given the fact that this was an income stream that you relied upon in acquiring this property and maintaining the property as the City would love you to do so, that having been said, I'm sorry to say I'm denying your appeal.

Mr. Sweeney asked what is his process from here and can he appeal this to the City Council at the next meeting or does he have to seek counsel and go through that whole arduous horrible process that he doesn't want to go through. He asked if he could do that civilly or is he going to be strong armed by the City. He asked if he can I go to the next City Council meeting.

Mr. Vukelja directed Mr. Sweeney to Mr. Jackson, City Attorney, and stated the gentleman is entitled to an answer as to what his recourse is from here.

Mr. Jackson stated there is no appeal provision provided in the Code for his next step. So the next step would have to be in accordance with appellate rules procedures and he assumes the next step would have to be at the circuit court but he would have to ask his own counsel.

Mr. Sweeney stated you are saying that I need to get counsel.

Mr. Jackson stated that is Mr. Sweeney's choice. He stated he was telling him there is no provision in the code for what happens next.

Mr. Sweeney asked if the Circuit Court of Appeals is his next step.

Mr. Vukelja stated Mr. Jackson is telling him to go and hire a lawyer.

Mr. Sweeney stated he did not want to go hire a lawyer.

Mr. Jackson stated those are the appellant rules and he can take a look at the appellate rules and procedure as it relates to our code but there's no provision.

Mr. Sweeney stated there is no path for this to follow with the City and he has to go hire a lawyer with the exorbitant fees that the City will have to pay if he wins the case. He asked if the City Attorney should be consulted.

Mr. Vukelja pointed at Mr. Jackson and stated that is the City Attorney.

Mr. Sweeney asked Mr. Jackson if he was the City Attorney.

Mr. Vukelja wished Mr. Sweeney good luck.

Mr. Sweeney stated he didn't think he was going to need it. He stated it is just going to be a lot more costly for him. He stated he would see them again and he was never gonna lay down that this is a matter of principle.

Mr. Vukulja called the first case on the agenda of the regular meeting of the Special Magistrate.