
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

June 11, 2019 Minutes

Attendees:

Robert J. Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Ms. Aimee Hampton, Senior Paralegal
Captain Scott Lee, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. John Stenson, Lead Code Inspector
Mr. Steve Alderman, Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Clifford Recanzone III, Code Inspector
Mr. Charles Smarr, Audio/Video
Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by:  Special Magistrate

The meeting was called to order at 9:04 a.m.

Ms. Barnes swore in members of the staff who will be testifying.

Mr. Riggio announced a change to the order of the agenda and he will be hearing cases #28 and 36 first.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases.

CASE # 17 - SMG 01-19-14 - Inose LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **536 Washington St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/17/2018.

Compliance 6-6-2019

CASE # 27 - SMG 06-19-122 - 201 Nancy Dr. First Notified date corrected to “posted on 2/26/2019”.

CASE # 44 - SMG 06-19-123 - Suburban Living LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7), at **309 Deeley St.** Violation(s) – Outside storage, damaged accessory structure (fencing). First Notified – 3/26/2019.

Mr. Riggio called the Lien Review.

LR-1 SMG 02-19-35 - 749 S Ridgewood Ave - Worker Investments LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Business Tax Receipt (BTR); failure to obtain Rental License (RTL). First Notified – 11/15/2018. **Order Imposing Fine-Lien of \$100.00 per day effective March 7, 2019. Compliance date – May 9, 2019. \$6,300.00 plus \$24.00 recording costs = \$6,324.00.**

Robert Worker, Owner of Worker Investments LLC, came forward and was sworn in. He stated he rented his property, using a rental company, and did not know he needed a rental license. He stated he had signed an affidavit that he would not rent the property to come into compliance. He stated the property was damaged due to Hurricane Irma.

Mr. Jackson stated the property was held for rent, the inspector is Jerome McCoy, and staff is asking to reduce the amount of the lien to \$1,000. He stated staff has no knowledge of the property actually being rented but there was a sign in the yard.

Mr. Worker stated that even \$1,000 would create a financial hardship and he had a lot of work to do to the property and he had fixed the property as soon as he could. He stated the property was not rented and the rental company should have taken the sign down.

Mr. Worker stated the Notice had gone to his accountant who is no longer his accountant.

Mr. Jackson stated that legal Notice was given based on the address recorded with the Volusia Tax Roll.

DISPOSITION: Mr. Riggio ordered that the fine be reduced to the amount of \$1,000, subject to being paid within 30 days, or fine reverts back to the original amount.

Mr. Riggio called the first case to be heard.

CASE # 36 - SMG 06-19-125 - New Leaf Real Estate LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **323 Taylor.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/8/2019.

Mr. Jed Berman, Esq. came forward. Mr. Darren Gingrich, owner, and Mr. Randy Buchanan, Landscape Architect, came forward and were sworn in.

Mr. Berman stated they have applied for a Rental License (RTL) and the City is requiring the owner to merge 2 parcels in order to obtain it. He stated the owners have been told to go from department to department and is asking to abate for 6 weeks as they need to obtain a survey.

Mr. Jackson stated the owner made application for the Rental License (RTL) in August of 2018 and was denied because of zoning and it has not been resolved and in February 2019, this case was initiated. He stated the zoning change was denied by staff but the property is occupied and therefore they remain in non-compliance. He stated the inspector is Mark Jones and he believes the owner can be in compliance by the next cutoff.

Mark Jones, Code Inspector, stated that until the property is brought into compliance and converted back to a single family unit, they will not change the zoning. He stated the property is currently a triplex, which was done without permits. He stated the Zoning Department notified the owner back in November but has not received notice that it was converted back. Mr. Jones showed a photo taken yesterday with a "for rent" sign out front and stated there were cars and the units appear to be occupied.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and staff is asking for compliance by July 3, 2019.

Mr. Berman stated they are asking for August to be completed.

Mr. Riggio asked if there were 3 tenants.

Mr. Gingrich stated the front building has two units and one is vacant as of two weeks ago. He stated the violation was on the triplex located on another parcel in the back. He stated they had not told the Property Manager not to rent the property because no one from the City told him he could not rent it, and it would be a hardship financially not to rent it.

Mr. Riggio stated he wanted to be clear about how many units are on the property.

Mr. Jones stated the property was remodeled so there were two units, one in the front and one in the back. He stated the third unit was a garage which was converted to a third residence. He stated his understanding is that 2 units are occupied and one is for rent.

Mr. Gingrich agreed.

Mr. Riggio asked if the property was zoned for single-family and Mr. Jones stated yes.

Captain Scott Lee asked what action the respondent would take if the City were to give them until August.

Mr. Gingrich stated he needed to get the license but was having issues with the different departments getting a game plan together. He stated they have a contactor and he has applied for permits but he does not know what the City's requirements are. He stated they have requested an inspection by the City to give them that information.

Mr. Buchanan stated he was hired to combine the lots and bring to code the land issues. He stated they met with TRT in March and they are preparing preliminary plans for them.

Mr. Riggio asked if there was a contractor or engineer.

Mr. Gingrich stated they did have a contractor.

Captain Lee asked if they knew the status of the permits.

Mr. Gingrich stated that was a question for City staff.

Mr. Riggio asked if they were combining two parcels.

Mr. Gingrich stated they had about 5 buildings on two parcels and they were trying to merge them which will allow up to 13 units on the property with ample parking which has been an issue.

Mr. Riggio asked if they were going to have to go to the Planning Board and the City Commission.

Mr. Gingrich stated most likely at some point.

Mr. Jackson stated their plan can take a long time but the City needed to know what the plan was. He stated they needed a progress report at the next meeting to see where they are. He stated they did not want to see the respondents adding additional tenants and establishing something that was not permitted. He stated the case started more than a year ago.

Mr. Riggio stated that Mr. Jones needs to be kept up-to-date on what is going on.

Captain Lee stated it was the property owner's responsibility to keep the Inspector apprised of what is going on with the process. He stated the respondent can solve the problem by not having it rented before he proceeds with the process.

Mr. Riggio asked if the City was willing to allow the units to be rented while the respondents work through the process because it is in violation.

Mr. Jackson stated the City will recognize their efforts to bring the property into compliance.

Mr. Riggio stated the City needs a plan to show that the respondent is working forward in good faith.

Mr. Berman stated he had just gotten involved and they would work out a formally filed plan to see what needs to be resolved.

Mr. Gingrich stated they met with TRT and had put together a plan but zoning will not look at it because of the permitting and code issues. He stated the permits applied for are the road block and they needed them put through before they can move on to the next step.

Mr. Jackson stated these are urgent matters and need to be dealt with and does not want to see them come back next month with nothing done. He stated he would like the order to reflect that there should be no additional rentals until the property comes into compliance.

Mr. Gingrich stated they have some permits but does not have a complete list of the permits they will need.

Mr. Gingrich stated having units vacant would cause a financial hardship.

Mr. Riggio stated if the respondent wants multiple occupants in a single-family dwelling they need to change the zoning. He stated there should be no additional rentals and if a tenant leaves, that unit must remain vacant.

Mr. Jackson stated the City is willing to set compliance for 60 days with a progress report at the next meeting.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter. It is further ordered that the respondent must appear at the July 9, 2019 meeting for a progress report.

CASE # 28 - SMG 06-19-119 - Joseph A. Giallanza is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3, 304.12 and 308.1), at 825 N Ridgewood Ave. Violation(s) – No permit for the fence, rear enclosure, no address numbers, dilapidated pole/sign, missing handrails, outside storage, trash and debris. First Notified – 1/16/2019.

Mr. Joseph Giallanza came forward and was sworn in. He stated he had rectified most of the code violations. He stated he closed on the property in November of 2018 and applied for building permits which were granted for the interior renovation. He stated the permits for the fence and the shed are still under review. He stated the posts needed to be 5 feet behind the setback and they are actually 5'6". He stated TRT requested an engineer and site plan for the fence and Mr. Leek, his architect, is handling the situation and he is waiting for it to be done. He stated he requested additional information from TRT regarding the shed's concrete pad. He stated the building materials are in the shed which was put up to keep the homeless from stealing them.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Danny Garcia. He stated the inspector reports he has had little contact with the respondent but received a packet in the mail. He stated the fence permit is all that is left, it has been since January, and staff is requesting a finding of non-compliance and the next cutoff to come into compliance. He asked the respondent to keep in contact with the inspector.

Danny Garcia, Code Officer, had nothing further to add.

Mr. Giallanza stated he did not mind removing the chain link posts and that he had bought a different kind of fencing to put up that was more decorative. He stated he has an issue with no one answering him regarding the shed that was put up to protect his materials.

Mr. Garcia stated the posts should not have been put up before the permit was obtained. He stated if he removes the posts, the fence will be in compliance. He named the violations that had been corrected and stated the enclosure needs to be put back the way it was and it will be in compliance.

Mr. Giallanza stated when he applied for the permits, the woman told him he could go ahead and put the posts up and he is waiting for something in writing that says the posts have to come down. He stated he had run into a brick wall in Permits.

Mr. Riggio stated the respondent would benefit from hiring a contractor to navigate the permit process.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 1 - SMG 12-18-163 - GEA Seaside Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.12, 304.6, 304.2, 304.14, 304.10, 304.4, 304.15, 304.13, 304.7, 305.3, 603.1, 604.3.2.1, 605.2, 704.2, 602.3 and 304.10), at 21 S Peninsula Dr. Violation(s) – Damaged sidewalk, damaged steps and handrails, damaged exterior surfaces, exterior paint, missing screens, damaged porch and railings, structural supports, damaged exterior doors, broken/inoperable windows, damaged roof, damaged interior surfaces (flooring), inoperable appliances (stove), damaged electrical fixtures, inoperable outlets, lack of required smoke detectors, lack of operable heat source, and damaged balcony. First Notified – 10/12/2018.

Ms. Angela Hendry, attorney for GEA Seaside Investments LLC, came forward. She stated most of the issues had been fixed except for the balcony and they had a company to complete the work but they asked for double the pay and they needed to appeal to the Bankruptcy trustee to get more money to have the problem fixed. She stated the property is vacant and not rented and they would be willing to sign a sworn affidavit stating they will not rent the property until compliance is achieved.

Mr. Jackson stated the City understands the Company is in bankruptcy and understands the situation however past history has shown the affidavit did not have a lot of meaning. He stated the City's desire is for them to continue working toward compliance.

Mr. Riggio asked if the property was in bankruptcy.

Ms. Hendry stated that it was and their intention was to continue to fix the property.

Mr. Riggio asked the Assistant City Attorney for his recommendation.

Mr. Jackson stated they would like to see the respondent continue to work on the property and bring it into compliance but he did not know what kind of time was involved. He stated he knew they were a business and relied on the rent money.

Ms Hendry stated the rentals on the property were being deposited into the court registry so they would not be gaining anything by renting the property.

Mr. Jackson asked the respondent if she gives them an affidavit stating they will not rent the property that that means they will not rent the property.

Ms. Hendry stated yes.

Mr. Jackson stated the owner remains in non-compliance until the affidavit is received and then they will be in compliance so the case would need to be amended until the next cutoff.

Mr. Jackson conferred with Code Inspector Stenson. He stated there are other items that need to be brought into compliance and are concerned about those issues if the property becomes occupied.

Ms. Hendry stated they have taken the property off the market and will not rent it. She stated there is one bankruptcy property that is priority since it is rented.

Mr. Riggio stated the City would be placing a fine on a property that is in bankruptcy.

Mr. Jackson stated the fine may not be enforced but the City would like to impose it. He stated the City would like to see the property brought into compliance but an affidavit would not address the additional concerns on the property such as the balcony and electrical issues. He stated if there is no roadmap at this point to compliance the City is asking for a fine in the amount of \$300 per day to a maximum of \$15,000.

Mr. Riggio asked how many times this property has been before the Board and Mr. Jackson stated at least 6-8.

Ms. Hendry stated it was because they did not know they needed permits.

Mr. Riggio stated how many other properties owned by GEA had been brought into compliance.

Mr. Jackson did not know.

Ms. Hendry stated 20 or more.

Mr. Riggio stated his concern was the Trustee who had the authority to prioritize and determine what money goes for what and the Trustee needs to understand that the City is serious about bringing the properties into compliance.

DISPOSITION: Mr. Riggio ordered the property to be brought into compliance by August 1, 2019 or a fine in the amount of \$300 per day will automatically be imposed until compliance is

achieved or the fine reaches a maximum amount of \$15,000. It is further ordered that the property not be advertised, rented, occupied or utilized until compliance is achieved.

CASE # 2 - SMG 11-18-147 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.8, 305.3, 504.1 and 604.3.1), at **507 Phoenix Ave.** Violation(s) – Maintenance Code - Non-working hot side of bathroom sink, damaged interior surfaces, exterior damage and electrical hazard or missing parts. First Notified – 7/23/2018.

Angela Hendry, attorney for GEA Seaside Investments, came forward. She stated all the violations had been fixed. She stated GEA took it upon themselves to actually fix the balcony which is not listed in the violations and that they are willing to sign a sworn affidavit saying that the property will not be occupied or rented out to the public. She stated it is currently vacant and they have no intention to rent it out. Ms. Hendry asked that case number 2 and 3 be combined because they are the same property and they have pulled permits for the balcony. She stated there is no need for case number 3 because they are not doing any construction.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mike Fitzgerald. Mr. Fitzgerald reports that they're really close here. He stated the exterior damage is what's remaining and it's the City's position, as to the question of combining these, are that they are two separate cases. He stated he would much rather see the property brought into compliance and there has been good communication. He stated the promise not to occupy the property is already part of the order.

Ms. Hendry stated the balcony was the only thing left to fix and they did pull a permit. She stated there was no exterior damage. She stated they retained an architect to pull the drawings and that she has been communicating with Mr. Jackson about the delay by the architect. She stated it delayed them by two or three months in finalizing the drawings which is why they weren't able to come into compliance.

Mr. Riggio asked the respondent if this will this be another matter where they have to have funds released from the trustee.

Ms. Hendry responded possibly. She stated they had just paid a few thousand to an architect and have do not plan to leave the balcony with the plywood on it.

Mr. Riggio asked if there is a time frame of when this can be done.

Ms. Hendry stated they would need 60 days. She stated the property was important to them and they had no intention of sitting back and letting it deteriorate.

Discussion was held regarding the bankruptcy and foreclosure issues.

Mr. Riggio asked the respondent if they have their permit.

Ms. Hendry stated they had gotten it last week.

Mr. Jackson stated there was a substantial delay.

Ms. Hendry stated the delay was due to getting the architectural drawings.

Mr. Riggio asked the City Attorney if they are requesting a fine.

Mr. Jackson stated they are recommending a \$150 fine per day on case #2. He stated they would be recommending the same for case #3. He stated they would agree to compliance by the August cutoff.

Ms. Hendry stated they could be in compliance by the August cutoff.

DISPOSITION: Mr. Riggio ordered a fine, in the amount of \$150 per day be imposed to commence on August 1, 2019 if the property is not in compliance and continue until compliance is obtained or the fine reaches a maximum amount of \$15,000. It was further ordered that, during that time, the property shall not be advertised for rent or occupied until compliance is obtained.

CASE # 3 - SMG 01-19-11 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 507 Phoenix Ave. Violation(s) – Construction without permits. First Notified – 9/11/2018.

Ms. Hendry stated they pulled permits for the construction and have architect drawings that they are submitting to the City so there is no construction done without permits and they are in compliance as of today.

Mr. Jackson stated the permit was obtained after the work was done and the permit has actually been on hold since January. He stated the believed they were in the same situation here and is recommending a fine in the amount of \$150 per day to begin on August first as well.

Ms. Hendry stated the permit is on hold because they are required to submit architectural drawings and we had to wait a few months for those to be done. She stated she had been communicating with Mr. Jackson about the delay.

Mr. Riggio asked how long these permits were good for.

Mr. Jackson stated typically about 6 months and they are renewable.

Ms. Hendry stated there has already been construction done at the property. She stated they were told that they could complete additional work that did not require permits. She stated they went ahead and started that work in September and that's when they were first notified that we were doing construction without permits. She stated they were not aware that permits were required to do the balcony work.

Mr. Riggio stated they needed to finish the construction and will not be in violation of the code until they get the final sign offs and then those permits will be complete. He stated because you are in the process and you have pulled a permit, it does not excuse the work that has already started.

DISPOSITION: Mr. Riggio ordered a fine in the amount of \$150 per day, to commence on August 1, 2019 and continue until the permit has been closed or the fine reaches a maximum amount of \$15,000 dollars was imposed.

CASE # 4 - SMG 04-19-91 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 604.3, 304.15, 605.4, 605.2, 504.1, 309.1, 304.16, 304.13.2, 305.2, 304.13, 304.6, 304.4, 304.13.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 311 N Hollywood Av. Violation(s) – Broken windows, all window frames need paint, windows fastened shut, rotted window sills/frames, windows do not close, bathroom GFCI, doors need weather strip, water heating wiring, termite infestation, basement hatchway rotted, lower wall falling away from window, hole through concrete wall, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/19/2018.

Ms. Hendry stated they fixed other issues as stated with the exception of the failure to obtain the rental license. She stated yesterday, she did notify the Code Inspector regarding the rental license and that they want to schedule an inspection. So they are acting in good faith to be in compliance.

Mr. Riggio asked the respondent if she was hopeful if they got an inspection that they will pass muster.

Ms. Hendry stated yes, hopefully.

Mr. Jackson stated this complaint arises from a tenant complaint on the property that was vacant, and non-compliant and they've put a tenant there. He stated that's something that's a bit disturbing that they have a tenant in what was a vacant property that was not in compliance that we've been working on since December. He stated there are no permits but this is one that they feel a lot different about because of the fact that they are continuing to expand their non-compliance by adding a tenant and doing work in apartments without permits.

Mr. Jackson stated the inspector is Steve Alderman and he is requesting a fine be imposed of \$150 per day and he believes the work can be done by the next cutoff.

Ms. Hendry stated everything is done they are just waiting for an inspection.

Mr. Alderman stated his concern was that when they did the re-inspection for compliance they were not able to open and close the windows.

Ms. Hendry stated the Code Officer required them to replace all the windows with brand new windows. She stated he said they would not open easily however a teenager in their office could open them up easily. She stated her concern is that they won't obtain an Affidavit of Compliance for that reason and based on the subjective testimony of the Code Officer.

Mr. Riggio stated that it has been several years now but it seems like her company doesn't realize that they can't put someone in a unit until they've obtained a rental license. He stated it seems to be something that the City has dealt with over the course of several years

repeatedly. He indicated to the respondent if a July cutoff date is given there wouldn't be a fine if everything passes inspection and the respondent would probably even have an opportunity go back and fix things if there are some minor things that need to be repaired. He stated they have a tenant in there though and that that troubles him because they now have an occupied structure that requires it to be inspected and licensed and it's not and so unless counsel can persuade him otherwise, he is inclined to go with Mr. Jackson's recommendation.

Ms. Hendry stated there is no way for them to meet the next cutoff if the City is requiring them to install brand new windows. She stated they need to pull permits and need a licensed contractor. She stated they did pay a company to fix the windows and they were able to open up easily.

There was considerable further discussion regarding the windows and the City's requiring them to replace them and the performance of the current windows.

Ms. Hendry stated they would have to go back to the US Trustee and ask for more money. She stated that would be next to impossible because they've already paid someone money to fix the windows. She stated now they would have to go back and say that that fix, that repair, wasn't sufficient because the City is requiring us to have windows that are brand new.

Mr. Alderman stated they have replaced and repaired a number of issues with the exception of the windows adequately. He listed the work that had been done and stated he could not approve windows that looked like they were all screwed together. He stated she brought in a Property Manager yesterday and he was testing a few of them and he had a hard time opening them for her. He stated the woman she brought in was able to get them open. He stated they have been coated with caulking and paint and the only thing that holds the windows up that he opened it were the layers of paint so he couldn't pass it yesterday.

Lead Code Inspector, John Stenson, testified that he was present at the inspection and that the inspector probably would have broken the windows when he tried to open them. He stated the dead bolts on the windows will never pass a real inspection and it is not normal equipment for the windows and doesn't meet the definition of the window working on its own mechanics. He stated those windows did not comply as a means of egress from the unit.

Mr. Riggio asked if there is an accepted standard for window opening.

Mr. Stenson stated there is. He stated the windows that are installed have to be installed properly and they have to operate on their own mechanics, meaning you have to be able open them up and when you let them go, they stay up and when you put them down, and they stay down without having to operate.

DISPOSITION: Mr. Riggio ordered a fine in the amount of \$150 per day to start on July 10, 2019 if the property is not in compliance and allowed the respondent if there is an issue of compliance to return to the Special Magistrate meeting on July 9 to discuss. He stated the matter is different since she has tenants in the property. He stated the fine will continue until compliance or the fine reaches the maximum amount of \$15,000.

Ms. Hendry continued to request additional time and that the repairs made were satisfactory.

CASE # 5 - SMG 05-19-106 - JKM/ECM Properties, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. Chapter 78 Sec. 78-7(a) of the Code or Ordinances), at **951 Dr Mary M Bethune Blvd.** Violation(s) – Outside storage, lack of building permit, landscaping and refuse from construction work. First Notified – 8/14/2018 & 2/26/2019.

Mr. Earl McCrary came forward and was sworn in. He stated they had secured the property to City Standards and are in the process of obtaining the proper permits to repair the property.

He stated he would have all of the documentation turned into the City of the end of the week to start the permitting process

Mr. Jackson stated the case is here for the imposition of a fine. He stated the respondent was ordered to maintain the exterior and secure the property to City Standards and the inspector is John Stenson. Mr. Stenson reports that while the property is secure, there was no attempt, or no attempt had been made, to maintain the exterior of the property and staff is asking for a \$50 per day fine to be imposed until that's taken care of. He stated for the additional violations, they are asking for everything to be completed by the next cut off.

Mr. Stenson stated the case began in 2018 and the respondent had been given ample time to bring the property into compliance. He stated he found out this morning that the respondent has applied for permits. He stated he did secure access to the first floor. He stated they cleaned up around the property but there is still miscellaneous outside storage and debris on the property. He stated they are looking for full compliance by July 3rd.

Captain Lee stated as to the status of this property that they are very happy with what was done and it hasn't gotten worse, and it did improve as Mr. Stenson has testified, but it just isn't the standard that the City desires. He stated they are asking to go ahead and move forward.

Captain Lee asked the respondent if he had a time frame in mind as to when the work will be completed.

Mr. McCrary stated before the next meeting he hoped to have all the permits pulled and started proper construction in order to repair the building.

Mr. Jackson agreed.

DISPOSITION: Mr. Riggio ordered the respondent to appear at the July 9, 2019 meeting and to have obtained all of the required building permits or be returned to the Special Magistrate for consideration of a fine up to \$100 per day. It is further ordered that a compliance date will be set at the July 9 meeting.

CASE # 27 - SMG 06-19-122 - JKM ECM Properties, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.1, 304.2 and 304.6), at **201 Nancy Dr.** Violation(s) – Outside storage, dirt & grime and rotted wood. First Notified – 2/26/2019 (posted).

Mr. McCrary stated there were 3 items, 1 - to have the debris from the exterior removed and he notified the tenant there to remove it. He stated he understands that's been done. He stated 2 was to pressure wash the building and they did that. He stated the 3rd item is the rotten wood and they contacted a roofer because of the fascia where the rotten wood is. He stated it was going to require a roofing permit and the roofer has indicated that his timeline is going to be about 60 days out.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Danny Garcia. He stated the inspector reports he has had no contact from the respondent since the last meeting and this case began in February, the property remains in non-compliance and is asking for compliance by the next cutoff.

Mr. Garcia stated this is the first time he's heard of this and he did not know that roof had damage. He stated he observed damage to only the fascia wood in the front and rear and it seemed minimal. He stated if the respondent is saying it is excessive, he will need to obtain a permit. He stated he needs a re-inspection to determine if the roof is damaged. He stated there are numerous satellite dishes on the roof and they need to come down.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 6 - SMG 03-19-68 - Nancy Braun is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 214 S Oleander Ave. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/15/2019.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Jerome McCoy. Mr. McCoy reports that the property had a rental inspection on April 12 and failed. He stated they scheduled a re-inspection for June 3rd but the respondent did not show. He stated the inspector has had no other contact from the respondent and is asking for a fine in the amount of \$200 per day be imposed to a maximum of \$15,000.

Mr. McCoy agreed with what the City Attorney stated.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$200 per day, effective June 11, 2019, be imposed until compliance is achieved or reaches a maximum amount of \$15,000.

CASE # 7 - SMG 05-19-102 - Nancy Braun is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3.108.1.5; Art. 6.19.A.3; Art 6 Sec. 6.19.A.4; Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.5, 302.7, 304.2, 505.3, 304.13.2, 501.2, 304.13, 304.6, 304.9, 302.1, 304.14, 304.10, 505.1), at 214 S. Oleander. Violation(s) – Permits needed, foundation repair, carport anchor pole, rotted sill plate, no water, electrical panel, broken window, windows not working, trash and debris, rotted window frames, paint structure, rotted

siding, overhangs dropping, property maintenance, screens, glazing, porch. First Notified – 1/16/2019.

Mr. Jackson stated the prior case was just the need for a rental license and this case contains the issues for work that were being done without permits, and all the various work indicated that was done as they continued working without permits - even after having a Stop Work Order. He stated the inspector is asking for a \$200 per day fine to a maximum of fifteen thousand dollars on this case as well.

Mr. McCoy agreed with what the City Attorney stated.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$200 per day, effective June 11, 2019, be imposed until compliance is achieved or reaches a maximum amount of \$15,000.

CASE # 8 - SMG 04-19-89 - 319 San Juan LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 120 Marion St. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/6/2019.

Mr. Herbert Kawesch came forward and was sworn in.

Mr. Riggio stated the case was continued for the determination of a compliance date.

Mr. Kawesch stated he has started the work and has an inspection by the City scheduled for July 5th. He stated it would take about 2 months for complete compliance.

Mr. Jackson agreed.

Mr. McCoy suggested to amend to the August 1, 2019 cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until August 1, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 9 - SMG 04-19-97 - Herbert S. B. and Lorin Kawesch is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 536 Ruth. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/13/2019.

Mr. Kawesch stated they have applied for the Rental License (RTL) and the first inspection by Code Inspector Mark Jones revealed a few items left. He stated he should be in compliance by July 3, 2019.

Mr. Jackson stated staff is asking for compliance by the next cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 10 - SMG 03-19-56 - Tommie Law is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1.5, 301.3, 302.4), at 432 Alamanda St. Violation(s) – Landscape, weeds, unsafe structure, no permit. First Notified – 12/27/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of fine and the inspector is Jerome McCoy. He stated Mr. McCoy reports that he hasn't heard anything from the respondent and the property remains in non-compliance. He stated the rebar had been capped but no permits have been pulled. He stated the inspector is asking for a fine in the amount of \$150 per day to a maximum of \$15,000.

Mr. Riggio asked if the respondent had been notified of today's hearing.

Ms. Barnes stated Notice was sent.

Mr. Riggio asked the inspector if the representations of Mr. Jackson are what he observed at the property.

Mr. McCoy stated yes. He stated he was ordered to return for a decision as to whether he was going to build on it or demolish the slab.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$150 per day, effective June 11, 2019, be imposed until compliance is achieved or reaches a maximum amount of \$15,000.

CASE # 11 - SMG 05-19-112 - Richard D Hancock is cited for failure to correct violations of The Land Development Code, Art. 11 Sec. 11.5; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.13, 304.14, 305.3, 305.6, 308.1, 404.4.2, 404.6, 603.1, 604.3, 605.1, 704.2), at 125 Pierce Ave. Violation(s) – Dorm Living, smoke alarms, sanitation, window, skylight and door frames, insect screens, interior surfaces, interior doors, rubbish and garbage, occupancy limitations - access from bedrooms, occupancy limitations - efficiency unit, mechanical appliances, electrical system hazards, electrical system - installation. First Notified – 4/29/2019.

Mr. Richard Hancock came forward and was sworn in. Mr. Hancock stated he has taken care about three quarters of the problems. He stated he has had his water and power shut off and would have them back by the end of the week. He stated he has been shut out of his house for about a couple of weeks and can be in full compliance in about three weeks.

Mr. Riggio asked the respondent if he can be in compliance by July 3rd.

Mr. Hancock stated yes. He stated he got rid of all of the people in the house and there is no more dorm living on the property. He stated he just needs more time and he is on a very small fixed income. He stated he has replaced and fixed all the windows, fixed all the tile and changed the dead bolts. He stated he also put up smoke alarms. He stated he was doing his very best. He stated he got off the beaten path for a while and is trying to get back to just being

himself and he has been living there for 32 years and doesn't want any problems with the neighbors or the Police Department.

Mr. Jackson stated the case was opened in March and it was posted with a 24-hour notice due to complaints and the fact there were 16 people living there with no water and no electric and there were extensive police issues. He stated it was condemned because of no water.

Mr. Jackson stated this property remains in non-compliance and not enough has been done, staff is requesting a fine in the amount of \$1,000 per day to a maximum of \$10,000. He stated this is a very serious issue and they believe a fine of a thousand dollars is in order because of how egregious the violation was and how much it was ignored. He pointed out that the Police Department and Code Enforcement have spent a tremendous amount of time and resources have been invested in the problem that was created by this property. He stated the City is continuing to have to baby sit and monitor the situation.

Mr. Hancock stated he is going to come into compliance and is doing the best he can but he cannot do it overnight.

Mr. Riggio asked for testimony and background from the inspector, Cliff Recanzone, and Captain Lee.

Mr. Recanzone stated there was a search warrant done on the property and there were 16 people living on the property at that time. He stated the entire structure was only 600 square feet. He stated the property has been condemned and everybody had to leave the property. He stated some work has been done but there is still bedding on the front porch and food sitting in that dresser on the picture. He stated every week they are having these calls to this to this property.

Captain Lee stated neighbors voiced their concerns and as they began to look into this property they discovered is this is one of a few properties that pop up in the City where it's contributing to criminal activity that's going on in the neighborhood. He stated one of the first indicators of that criminal activity was the amount of bicycles on the property. He stated the City's bicycle thefts are through the roof in this district and there were hundreds of bikes in and out of this property over a several month period. He stated the Police conducted narcotics investigations there which is what resulted in the search warrant that Mr. Recanzone was speaking about when they came in and inspected the property. He stated they continue to have problems where people are gravitating back to the property. He stated they have experienced several attempts of car breaks in that immediate area and people are being seen going back to this property and they have spoken to the owner of the property numerous times and attempted to get him to take matters into his own hand and establish compliance but it has not happened. He stated many of the things that he needs to do now do not require him to spend any money – he just has to tell people to leave the property and not return to the property or call the police if they did return back to the property and he failed to take those actions and that's really why we ended up where we're at now. He stated they still continue nightly to have to monitor this.

Mr. Hancock stated he was trying to clean up and is glad they are all out of the house and he told them don't ever come back.

Ms. Diane Diamond came forward and was sworn in. She stated she has known Richard for many years and what has happened with him really saddens her. She stated she came down from St. Augustine to help him out and to keep the people out. She stated she wants to help them get everything cleaned up and help him get back his life back on track.

Mr. Jackson stated it's been recommended to him that it sounds like there's an effort now and the City would ask for the fine to be imposed after 30 days as opposed to immediately.

DISPOSITION: Mr. Riggio ordered that a fine in the amount of \$1000 per day, effective July 11, 2019 automatically be imposed, if compliance is not achieved, until compliance is achieved or reaches a maximum amount of \$15,000.

CASE # 12 - 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 Supp. 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.

Ms. Eberwein came forward and was sworn in. She stated that the lawyer is proceeding forward to get the papers on the house done so that the roofing company can begin.

Mr. Jackson stated the case is before you for a progress report and started back in 2018 from a complaint. He stated she has a program assisting her in accomplishing the roof work that was necessary for compliance. He stated it is an organization that is able to assist and she has been doing the steps necessary to gain their assistance. He stated the last thing they needed done was to modify the deed and that's what the lawyer has taken care of. He stated they should be able to get the work done and Inspector Stenson believes that they can have this done by next cut off and she can be in compliance.

Mr. Riggio asked the respondent if that worked for her and she said yes. He reminded the respondent to be present at the hearing next month because a fine would be considered if the work is not done.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 13 - SMG 05-19-104 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 319 San Juan Ave. Violation(s) – Working without permits. First Notified – 1/24/2019.

Mr. Carlos Mira came forward and was sworn in.

Mr. Mira stated he purchased the property in 2013 and the owners 2 or 3 times before him did not obtain a permit for a deck. He stated they applied for the permit and it was sent back because they should have applied for a full permit of renovation of the property.

He stated he had to hire an architect and engineer in order to give them the plans for a full permit. He stated he has been working with Mr. Garcia.

Mr. Garcia stated he purchased this property with existing violations. He stated they were going to demo the property would put it in compliance but now they say they want to make repairs so the permits were needed for the stairs and portions of the deck and the railings and some steps in the back. He stated he tried to apply for it and they would not issue a permit just for that. He stated they wanted to pull all permits which he has just apply for so he's going to need a little more time and it is under review now. He stated he would like to have the permits applied for and a progress report at the next hearing.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 9, 2019 for a progress report and the determination of a compliance date.

Mr. Riggio called for a break at 12:05 p.m.

The meeting resumed at 12:18 p.m.

CASE # 16 - SMG 04-19-81 - Harold W Hunter, Jr & Lisa Hunter Davis is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **803 Madison**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/18/2018.

Donald Davis, husband to the owner, came forward and was sworn in. He stated he was almost finished with what they are supposed to get done and are within a few days of being finished. He stated he talked to the inspector about it.

Mr. Jackson stated the respondent has appeared before but there has been no change. He stated the inspector had no contact with the respondent and inspections had been scheduled and then canceled back on June 20, June 29, August 28, September 19 and November 9th. He stated the notice was posted on December 18. He stated the recommendation from staff is a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated the case has been going on for a year. He stated an inspection yesterday failed because there was no water and had some minor items that he could not see when he first inspected it. He stated last month, the Special Magistrate granted them an extension because they said they would be done by the cutoff but it is still dragging on.

Mr. Davis stated the problem was that he had a tenant living there and he couldn't get him out of the property. He stated he had animals on the property and when the inspector came to inspect, they wouldn't be there. He stated that was the holdup until two months ago and then it took him a month to get rid of the fleas on the property so he could go back to working on it.

Mr. Riggio asked the respondent if he can be done next week.

Mr. Davis stated yes.

Mr. Riggio asked the respondent if he could have everything in compliance by June 18th, which would be next Tuesday.

Mr. Davis stated yes.

Mr. Riggio asked if the City would have a problem with finding the respondent in compliance by June 18th.

Mr. Jones stated that would be fine if he can get in and get a rental inspection and it passes.

Mr. Davis stated that he should and he expects it would pass now. He stated he has done other inspections on at least four properties of his in the past so he's aware of what is required of the inspection.

Mr. Riggio asked Mr. Davis if he had a problem with a fine that would commence on June 18th if the property is not in compliance.

Mr. Davis stated okay.

Mr. Riggio stated the respondent needs to work closely with Mr. Jones and get this done.

DISPOSITION: A fine in the amount of \$100 per day, effective June 18, 2019, was imposed to a maximum of \$15,000 if the property was not in compliance by that date.

CASE # 22 - SMG 03-19-52 - Rebuild the Block, LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3. Sec. 3.4.S.3, at 735 Mercedes Dr. Violation(s) – Property renovations without permits. First Notified – 1/14/2019.

Mr. Johan Lyn-Cook came forward and was sworn in. Mr. Lyn-Cook stated they obtained the permits and have been working on the property. He stated they could not meet the previous deadline due to funding. It stated it was a whole house renovation. He stated he is communicating with the inspector and he needed additional time to come into compliance. He stated he would like an additional 90 days.

Mr. Riggio asked the respondent what his timeline realistically was.

Mr. Fitzgerald stated the property was already fenced and all that is left is to paint.

Mr. Lyn-Cook stated he did not want to cut corners and 60 days would be tight.

Mr. Jackson stated they would like to see the exterior of the property done within two weeks and the major permits closed within 60 days.

Mr. Lyn-Cook stated that was in his schedule. He stated they had already cleaned up everything and secured it and the concrete slab is the only thing left is painting. He stated they already replaced the rotten wood and there were only cosmetic things to do on the outside. He stated the interior would take him at least 60 days.

DISPOSITION: Mr. Riggio ordered that the exterior work on the property be completed within 10 days or the respondent will be returned to subsequent meeting for consideration of the

imposition of a fine. It is further ordered that the current Order of Non-compliance be amended to allow the respondent until August 1, 2019 to come into compliance on the inside issues.

CASE # 37 - SMG 06-19-126 - Surfside Villas Condominium Association, Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.2, 302.3), at 101 S Peninsula Dr. Violation(s) – Sidewalks - hazardous conditions, rotting wood and foundation wall on the north side of the property dilapidated. First Notified – 2/26/2019.

Mr. Sanjay Marcus came forward and was sworn in. Mr. Marcus stated he needed more time in order to hire a professional contractor.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Mike Fitzgerald. He stated the inspector realizes there a good amount of work to do and is asking for a finding of non-compliance and for the respondent to return to the July 9, 2019 meeting for a progress report and the determination of a compliance date.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to return to the July 9, 2019 meeting for a progress report and the determination of a compliance date.

Mr. Marcus asked if he could be fined.

Mr. Riggio explained he was not being fined right now but must appear at the July 9 meeting.

CASE # 43 - SMG 06-19-114 - JFK Capital Group, LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at 509 Braddock Ave. Violation(s) – Property renovations without permits. First Notified – 4/17/2019.

Klber Banra came forward and was sworn in. He stated he was aware of the violations, had hired a General Contractor who had pulled the permits today.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is John Stenson. He stated the inspector reports the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Mr. Riggio asked the respondent if he would be able to come into compliance by the July 3rd cutoff.

Mr. Banra stated the contractor is going to redo the staircase and that it could take at least two months to finish.

Mr. Riggio told the respondent he needed to make a good faith effort and if at the next meeting he needed additional time, they may be willing to give him more time.

Mr. Banra stated if they are finished by the cutoff, they don't have to come back.

Mr. Jackson stated that is correct.

Mr. Riggio stated if he is not in compliance, he needs to come to the next meeting to explain why he is not in compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 45 - SMG 06-19-120 - 534-544 Dr. Mary M. Bethune Blvd. LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.9), at **&538-534 Dr Mary M Bethune Blvd. (Parcel # 533897040060)**. Violation(s) – Graffiti. First Notified – 1/31/2019.

Respondent was not present.

Mr. Riggio asked if the respondents were notified of the Hearing.

Ms. Barnes stated they were.

Mr. Jackson stated the case is here because of graffiti. He stated the property was in non-compliance but has now been brought into compliance. He stated staff is asking for a finding Non-Compliance/Compliance and the inspector is Tom Clig.

Mr. Clig stated the owners are selling the building and they have repainted it but the respondent is a repeat violator and is asking for a finding of Non-Compliance/Compliance.

DISPOSITION: Mr. Riggio found the respondent was previously in non-compliance and is now in compliance and for any future violations will be returned to the Special Magistrate for consideration of a fine up to \$5,000 per each occurrence.

CASE # 46 - SMG 06-19-131 - Claude B. Kendrick, Jr. 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 **217 Fountain Lake Blvd.** Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accomodations" are not a permitted use in the zoning district, failure to obtain Rental License. First Notified – 5/2/2019.

Mr. Claude B. Kendrick Jr came forward and was sworn in. He stated he received Notice of Violation on the 7th and contacted the inspector to let him know that the property had been taken off line. He stated once he was notified, he stopped renting immediately and applied for a Rental License (RTL). He stated he did not know he was in violation. He stated he did not know the neighborhood was sensitive toward short term rentals.

Mr. Jackson stated staff would like an affidavit stating he will not short-term rent the property and staff would recommend the respondent be found in non-compliance and given until the next cutoff to come into compliance. He stated the respondent would be able to rent the

property but he needs a license and it can't be short-term. He stated he cannot have a contract that is under 6 months.

Mr. Kendrick stated he had been paying taxes at 19% and thought that it was ok.

Mr. Jackson stated short-term rentals are not allowed in that zoning district.

Mr. Kendrick stated that it was a family property and they come and enjoy the property and that is the intent. He stated he moved extremely fast to get the money and get the application and everything here and made arrangements to fly down here to make sure that he was here for the inspection because he doesn't want any trouble with the City at all. He stated he just wants to come and enjoy the state and the property.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Tom Clig. He stated the inspector reports the property remains in non-compliance and is asking to amend to the July 3 cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 47 - SMG 06-19-133 - Jonathan Rowe is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.E.1; Art. 8 Sec. 8.2.A; City Code Ch. 90 Sec. 90-297, at 724 George W Engram Blvd. Violation(s) – Illegal sign, non-conforming use and failure to obtain Business Tax Receipt (BTR). First Notified – 3/4/2019.

Mr. Mayer Bailey, renter, came forward and was sworn in. He stated a Notice was placed on his door by a Policeman and he is not sure what he should do.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Tom Clig. He stated the inspector reports the property remains in non-compliance and is asking for compliance by the next cutoff.

Mr. Clig stated the case began as a Police complaint from a large amount of people gathering there. He stated the respondent was using a parking lot from a Jamaican restaurant and catering to them in the parking lot. He stated they had put up a Tropical sign and that it needed to be taken down or obtain a permit. He stated they also needed to apply for a liquor sales license.

Mr. Riggio asked if there was outside sales activity.

Mr. Clig stated yes.

Mr. Riggio stated these activities need to be corrected by the property owner.

Mr. Clig stated he spoke to the property owner and she stated she was having issues with the tenant. He stated she told him her tenant refused to correct the violations and has activities

there at night on Fridays and Saturdays where there is food and other non-permissible activities.

Mr. Bailey stated it is no longer going on and he had taken down the sign.

Mr. Riggio stated the request by staff is to find the property in non-compliance and they are requesting the property be brought into compliance by July 3rd which would mean no more signs and that the respondent needed to obtain a permit.

Mr. Bailey stated that the property owner has a license and holds events on the property.

Mr. Riggio stated he does not have a permit for the sign. He stated the respondent is trying to run a commercial business without a license.

Mr. Clig stated the property is zoned commercial but he does not have a Business Tax License or a sign permit.

Mr. Jackson stated they cannot have events there that are sponsored by a business. He stated if the outside is going to be rented to someone, they must get a permit. He stated if you take food from your restaurant and sell it down the street, you are using the property for business purposes and need a license.

Mr. Riggio stated the City is requesting compliance by July 3rd.

Mr. Bailey asked for more time until he gets things straightened out.

Mr. Riggio stated the City does not want to encourage people to continue to break the Code and all they have to do is go down to City Hall and apply for the necessary permits. He stated they would be event permits and not construction permits. He stated the July 3rd cutoff will give him about 3 weeks to get his permits and then he will be in compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 48 - SMG 06-19-134 - 507 Loomis Land Trust, Trustee Services LLC as Trustee is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.B; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.4; Art. 8. Sec. 8.2.A; Art. 8 Sec. 8.2.B; Art. 8 Sec. 8.2.D; Art. 8 Sec. 8.2.E; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.7, 302.8, 302.9, 304.1, 304.2, 304.3, 3, at **507 Loomis Ave.** Violation(s) – Zoning - commercial property violations; failure to obtain Business Tax Receipt (BTR); non-conforming use; non-conforming accessory; discontinued use; expansion of use - non-functional elements; exterior gates - hardware missing or condition; exterior doors; door assemblies missing or broken; exterior property in disrepair; missing premises identification; peeling and fading paint; outside storage, trash and debris; graffiti; junk vehicles; dilapidated exterior accessory structures; noxious weeds and grounds maintenance - exterior hardscapes damaged. First Notified – 1/17/2019.

Robert Klink came forward and was sworn in. He stated they are not running a business out of there. He stated he is the Trustee for the trust and they are wanting to get rid of all of the fuel tanks and equipment and cleaning up the property and then they are going to put the property on the market.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Mike Fitzgerald. He stated the inspector reports the respondent has already done a lot of the work already and expects that they can be in compliance by next cutoff. He stated they are also asking for a finding of non-compliance.

Mr. Riggio asked the respondent if he could be in compliance by July 3rd.

Mr. Klink stated yes.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 50 - SMG 06-19-136 - Joseph Dirsa is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13, 304.12, 304.10, 304.8, 304.7, 304.6, 304.4 and 304.2), at 1209 S Peninsula Dr. Violation(s) – Garage paint, trash and debris, window frames, rotted wood on porch, ADA access and upper deck, rotted railings, roof damage, support columns rotted and main structure paint. First Notified – 2/12/2019.

Joseph Dirsa came forward and was sworn in. He stated the property was damaged by a hurricane. He stated he had gotten estimates from two roofers and a painter.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Steve Alderman. He stated the inspector reports the property remains in non-compliance and is asking for next cutoff to come into compliance.

Mr. Alderman stated the case began as a public compliant. He stated the respondent had a contractor but he was gone. He stated they had done some painting.

Mr. Dirsa stated that the structure is one of the oldest in Daytona and has an historical designation. He stated he has to go through the Main Street Redevelopment Board for approval to correct the violations. He stated they are going to be starting from the roof down but it has a big, tall steeple and it isn't going to be easy. He stated there are a lot of railings and pillars and an ADA compliance ramp that isn't in compliance.

Mr. Alderman stated he would like to see some progress within a month.

Mr. Riggio stated he did not see it coming into compliance quickly and that this would be a long term project.

Mr. Alderman stated they had made some progress and cleaned up the outside storage. He stated they would need a General Contractor because of the engineering. He stated they will need permits for almost everything.

Mr. Dirsra stated they already have a contractor and sub-contractor.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and ordered the respondent to appear at the July 9, 2019 meeting for a progress report and the determination of a compliance date.

CASE # 51 - SMG 06-19-137 - C. Ann Carlson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1), at 345 N Seneca St. Violation(s) – Outside storage, trash and debris and parking in the grass. First Notified – 1/17/2019.

Shawn McLaughlin, renter, came forward and was sworn in.

Mr. Riggio asked the respondent if he was authorized to speak for the owner.

Mr. McLaughlin stated she had a death in the family and was out of town and that he is the one that left me mess in the yard. He stated she told him she couldn't make it back and for him to come to the meeting. He stated he spoke to the inspector and within a day, it will be up to code. He stated he had someone cutting the grass now.

Mr. Riggio asked Mr. Jackson if they should continue without the owner.

Mr. Jackson stated the case could still be heard with his testimony as a witness. He stated the inspector reports the property remains in non-compliance and is asking for next cutoff for it to be brought into compliance.

Mr. Riggio asked Mr. McLaughlin if his testimony was that it could be done in a couple of days.

Mr. McLaughlin stated he should have it finished today.

Mr. Riggio asked the inspector if he had anything to add and he did not.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 54 - SMG 06-19-140 - Walter H. & Mildred Fields is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2 and 304.5), at 548 Ruth St. Violation(s) – Missing paint, rotten wood and damaged fencing. First Notified – 1/24/2019.

Mildred Fields and Meril Kirk, daughter, came forward and were sworn in. Ms. Kirk stated they did not have the funds available but are now making progress. She stated they went to the

landfill for paint on Friday but it has been raining and they have been unable to paint. She stated she is requesting additional time.

Mr. Riggio asked if this was a residential structure.

Ms. Kirk stated it was a residence. She stated it is family owned and not rented.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Mike Fitzgerald. He stated the inspector reports the property remains in non-compliance but doesn't think it is going to take more than a couple of days and is asking to amend to the next cutoff.

Mr. Riggio asked the respondent if they could have it done by July 3rd and Ms. Kirk stated yes.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 56 - SMG 06-19-142 - Elephant Group Hotel 7 Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art 6 Sec 6.8.F; Art. 6 Sec. 6.8.C; Art. 6 Sec. 6.8.D; Art. 3 Sec. 3.4.S.1, at **2401 N Atlantic Ave.** Violation(s) – Rotted illegal sign, sign maintenance, no permit for sign, no permit for fences, outside storage and property landscape. First Notified – 4/10/2019.

Tim Scheiber, real estate agent; Evan Ovadia, owner; and Carl Van Cleave, Sunrise Signs, came forward and were sworn in.

Mr. Ovadia stated that his English was not good and that he purchased the property before August 2017. He stated the property had been damaged by hurricane and he had sought help from FEMA regarding the signs but after 2 years they did not give him enough money. He stated he had done some painting and tried to put up a nice fence and spoke to the inspector who walked the property with him and told him what needed to be done. He stated he went to the permits department and spoke to Lisa and she told him he was not allowed to do some of the things. He stated he worked with the CRA.

Mr. Scheiber stated that he was hired as a contractor and they would be able to replace the sign which is run down.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Steve Alderman. He stated the inspector reports the property remains in non-compliance and is asking for next cutoff for the property to be brought into compliance.

Mr. Van Cleave stated the sign would be fixed by the next cutoff. He asked the Special Magistrate if he can keep the fence.

Mr. Riggio directed the respondent to speak with the Code Officer.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 14 - SMG 05-19-113 - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1), at 550 N Ridgewood Ave. Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019.

Respondent was not present.

Mr. Riggio asked if respondent was notified of the hearing.

Ms. Barnes stated yes.

Mr. Jackson stated the inspector reports the property remains in non-compliance and is asking until the next cutoff for the property to be brought into compliance.

Mr. Garcia stated he is asking to amend to the next cutoff and he has had no other contact with the respondent other than the on-site inspection.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day. It is further ordered that the property continue to be secured and maintained to City Standards.

CASE # 15 - SMG 04-19-76 - Bat Development, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 640 Tanglewood Court. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/4/2019.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of fine and the inspector is Mark Jones. He stated Mr. Jones reports that he has not heard anything from the respondents and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated he had not heard anything from the respondent and was hoping he would be here. He stated not having any information from him, he is recommending a fine of \$100 to a maximum of \$15,000.

DISPOSITION: Mr. Riggio imposed a fine of \$100 per day, effective June 11, 2019 to continue until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 18 - SMG 03-19-62 - J Weiss Family Limited Partnership is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 825 N Oleander Ave. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/18/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of fine and the inspector is Mark Jones. He stated Mr. Jones reports the property failed inspection of April 3 and is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones agreed.

DISPOSITION: Mr. Riggio imposed a fine of \$100 per day, effective June 11, 2019 to continue until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 19 - SMG 04-19-80 - Leslie J. Tiffany is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 344 Pierce Avenue. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/25/2019.

Respondent was not present.

Mr. Jackson stated Mr. Jones inspected the property on May 1 and it failed inspection. He stated staff is asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 20 - SMG 04-19-84 - Suzanne N. Slaughter, Trustee of the Suzanne N. Slaughter Revocable Trust No. 1 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 425 University. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/15/2019.

Respondent was not present.

Mr. Jackson stated the inspector is asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 21 - SMG 02-19-33 - Jo-Ann M. Teel is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A.; Art. 6 Sec. 2.H.7.a (Ref. FBC Supp. IPMC 302.5, 304.13, 304.15, 305.1.1, 305.3, 305.6, 309.1, 504.3, 602.3, 603.1, 605.2, 605.4); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **633 Florence St.** Violation(s) – Rodents, damaged windows and doors, damaged and unsafe interior surfaces, bug infestation,

plumbing hazards, no heating supply, broken mechanical appliances, broken receptacles, damaged electrical wiring, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified – 9/17/2018.

Respondent was not present.

Mr. Jackson stated Mr. Fitzgerald reports the property is done except for the Rental License (RTL).

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 23 - SMG 04-19-94 - Reed Murril Hayse is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7), at 128 Kingston Ave. Violation(s) – Outside storage, trash and debris, damaged chain link fence and car parked in the front yard grass. First Notified – 11/14/2018.

Respondent was not present.

Mr. Jackson stated Mr. Fitzgerald reports the property remains in non-compliance and is asking for next cutoff for the property to be brought into compliance.

DISPOSITION: Mr. Riggio amended the current order of non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day.

CASE # 24 - SMG 05-19-107 - Zip Home Deals LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13.2, 304.14, 504.3, 602.3, 604.3); City Code Ch. 26 Sec. 26-294, at 706 Orange Ave. Violation(s) – Heating facilities, windows will not stay open, missing screens, GFI circuit in the kitchen is not resetting, damaged plumbing, failure to obtain Rental License (RTL). First Notified – 12/3/2018.

Respondent was not present.

Mr. Jackson stated Mr. Fitzgerald reports the property is still in non-compliance and is asking for a fine in the amount of \$150 per day to a maximum of \$15,000.

Mr. Riggio asked if the inspector if that was correct.

Mr. Fitzgerald stated that it is.

DISPOSITION: Mr. Riggio imposed a fine of \$150 per day automatically be imposed if the property is not in compliance by July 3, 2019 and continue until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 25 - SMG 02-19-25 - 504 Main St LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1.5, 301.1, 304.1.1, 304.6, 304.7, 304.9, 304.10, 304.12, 304.13.1, 306.1.1, 308.1, 604.3), at 504 Main St. Violation(s) – Structural Appearance Standards, dangerous stairs, roof leaks, unsafe masonry, exterior walls, roof and drainage, dangerous fire escape, broken windows, unsafe stairs and brick walls cracking, rubbish accumulation and electrical hazard. First Notified – 10/10/2018.

Respondent was not present.

Mr. Jackson stated that the property had be sold and they are requesting until the next cutoff in order for the new owners to be notified of the proceedings.

Ms. Barnes stated she would add 504 Main Street D.B. Inc. to the case.

DISPOSITION: Mr. Riggio continued the case until the July 9, 2019 meeting for a progress report and the determination of a compliance date.

CASE # 26 - SMG 05-19-99 - Laundsy Williams & Betty Jean Hines is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.9), at 1026 Continental Dr. Violation(s) – Graffiti. First Notified – 9/27/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of fine and the inspector is Tom Clig. He stated Mr. Clig reports he has had no communication with the respondents and is requesting a fine in the amount of \$100 to a maximum of \$10,000 be imposed.

Mr. Clig stated the case was for graffiti and it is still on the house.

DISPOSITION: Mr. Riggio imposed a fine of \$100 per day, effective June 11, 2019, and continue until compliance is achieved or the fine reaches a maximum amount of \$10,000.

CASE # 29 - SMG 06-19-110 - WMA Properties, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 517 Westmoreland. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/4/2019.

Respondent was not present.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Mark Jones. He stated the inspector reports the property remains in non-compliance and is asking to amend to the next cutoff in order for the property to come into compliance.

Mr. Jones stated they had applied for the Rental License in March but have had no rental inspection.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 30 - SMG 06-19-111 - WMA Properties, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at 1166 Bryn Mawr. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/5/2019.

Respondent was not present.

Mr. Jackson stated the case is here for a finding of compliance or non-compliance and the inspector is Mark Jones. He stated the inspector reports in order to rent the property it needs a re-inspection and staff is asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 31 - SMG 06-19-115 - KCVL Investments, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 432 Auburn #101. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/8/2019.

Respondent was not present.

Mr. Jackson stated the property failed inspection and is asking to amend to the next cutoff in order for the property to come into compliance.

Mr. Jones stated they had one inspection and it failed. He stated they have not scheduled a second inspection yet and is asking for next cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 32 - SMG 06-19-116 - KCVL Investments, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 432 Auburn #104. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/8/2019.

Respondent was not present.

Mr. Jackson stated the property failed inspection in May because of no water and is asking for a finding of non-compliance and to amend to the next cutoff.

Mr. Jones stated they should be able to come into compliance by the next cutoff.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 33 - SMG 06-19-117 - KCVL Investments, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **428 Auburn #202**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/6/2019.

Respondent was not present.

Mr. Jackson stated the property failed inspection on May 29th and the inspector is asking to a finding of non-compliance and to amend to the next cutoff in order for the property to come into compliance.

Mr. Jones agreed.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 34 - SMG 06-19-118 - KCVL Investments, LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **428 Auburn #203**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/6/2019.

Respondent was not present.

Mr. Jackson stated the property had failed inspection due to no water. He stated it remains in non-compliance and is asking for a finding of non-compliance and to amend to the next cutoff.

Mr. Jones agreed.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 35 - SMG 06-19-124 - FC Resi 1 LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1218 Sunset Cir**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/8/2019.

Respondent was not present.

Mr. Jackson stated the inspector reports the property remains in non-compliance and is asking for a finding of non-compliance and to amend to the next cutoff in order for the property to be brought into compliance.

Mr. Jones stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 38 - SMG 06-19-127 - John L. Stevens Life Estate is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.9), at 314 N Seneca St. Violation(s) – Maintenance Code - rotten fascia boards over carport. First Notified – 1/15/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports he has had contact with the respondent and is requesting a finding of non-compliance and that the owner be given until the next cutoff in order to come into compliance.

Mr. Fitzgerald stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 06-19-128 - Varnita M. Smith is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 304.3, 304.7, 304.8, 304.13, 304.13.1, 304.13.2, 304.15, 305.3, 604.2, 604.3), at 539 S Keech St. Violation(s) – Maintenance Code - Appearance standards/Abandoned property, no address numbers, unmaintained landscaping, electrical system hazard (power line laying on the ground on side of house), unsecure property (side door and rear door), damaged interior surfaces (ceilings, walls), outside storage, dilapidated fencing, broken windows, damaged exterior doors, damaged roof, unregistered vacant property. First Notified – 1/25/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance, he has had no contact with the respondent, and is requesting a finding of non-compliance and that the owner be given until the next cutoff in order to come into compliance.

Mr. Fitzgerald stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 40 - SMG 06-19-129 - Olivia Vanessa Lloyd is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7, 304.8), at **521 Tomoka Rd.** Violation(s) – Maintenance Code - damaged soffit and fascia, rotten wood, peeling and faded paint. First Notified – 1/24/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is requesting a finding of non-compliance and that the owner be given until the next cutoff in order to come into compliance.

Mr. Fitzgerald stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 41 - SMG 06-19-130 - Amelia J. Mecklem & Charles W. Mecklem as trustees of the Amelia J. Mecklem Revocable Trust Dated September 26, 2003 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 1106 Lewis Dr. Violation(s) – Maintenance Code - rotten wood, damaged fascia board and faded and peeling paint. First Notified – 1/14/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports that the property remains in non-compliance and is requesting a finding of non-compliance and that the owner be given until the next cutoff in order to come into compliance.

Mr. Fitzgerald stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 42 - SMG 06-19-121 - Calvary Global Ministries, 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 and 304.13), at 301 Earl St. (210 N Peninsula Dr - 5305-08-12-0051). Violation(s) – Damaged concrete deck entrance, guard/hand rail, obtain permit, unsafe pillar, debris/obstruction of sidewalk and structural members. First Notified – 1/24/2019.

Respondent was not present.

Mr. Jackson stated Inspector Alderman reports that the property remains in non-compliance and is requesting a finding of non-compliance and that the owner be given until the next cutoff in order to come into compliance.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 49 - SMG 06-19-135 - Remco LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7,

304.2, 304.6, 304.13 and 304.15), at 397 Jefferson St. Violation(s) – Dilapidated, unoccupied structure, outside storage, trash and debris, landscaping, damaged shed, paint fading and peeling, exterior surfaces, broken windows and broken doors. First Notified – 10/26/2018.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald is requesting a finding of non-compliance and the next cutoff to come into compliance.

Mr. Fitzgerald stated that is correct.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 52 - SMG 06-19-138 - Jose F. & Blanca G Arevalo is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13.1), at 1082 Sheridan Rd. Violation(s) – Broken glass in window - boarded up. First Notified – 1/23/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property is still in non-compliance and is requesting a finding of non-compliance and the next cutoff to come into compliance.

Mr. Riggio asked the inspector if that is correct.

Mr. Fitzgerald stated yes.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 53 - SMG 06-19-139 - Wayne Allen & Andra Lee McDowell is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.2 and 304.6), at 336 Morningside Ave. Violation(s) – Faded and peeling paint, exterior wall, missing siding, peeling paint on fascia and soffit, junk vehicle with no tag and outside storage, trash and debris. First Notified – 2/7/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property is still in non-compliance and is requesting a finding of non-compliance and the next cutoff to come into compliance.

Mr. Riggio asked the inspector if that is correct.

Mr. Fitzgerald stated yes.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 55 - SMG 06-19-141 - Gerard Victor McKown Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2 A (Ref. FBC Supp. IPMC 304.2 and 304.13), at 2115 N Halifax Ave. Violation(s) – Faded and peeling paint, exterior, windows, doors, torn soffitt and screen vents. First Notified – 2/6/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property is still in non-compliance and is requesting a finding of non-compliance and the next cutoff to come into compliance.

Mr. Riggio asked the inspector if that is correct.

Mr. Fitzgerald stated yes.

DISPOSITION: Mr. Riggio found the respondent in non-compliance and allowed the respondent until July 3, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

Miscellaneous Business

SMG 04-19-78 - 701 Kingston Avenue - Paul Jones, Jr. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.4, 304.5, 304.6, 304.7, 304.13.2, 304.14, 304.15, 305.1.1), at. Violation(s) – Failure to maintain exterior structural members, foundation walls, exterior walls, roofs and drainage, inoperable windows, insect screens, exterior doors, interior structure - unsafe conditions. First Notified – 11/20/2018.

March 7, 2019	– CEB 2 Notice of Hearing and Notice of Violation were sent.
March 12, 2019	– Clerk of Court shows deeds where Mr. Jones sold the property to Golex Properties and Golex Properties sold the property to MEIN Investments, LLC.
April 9, 2019	– First appearance before the Special Magistrate on April 9, 2019. Respondent was not present. Compliance was set for May 8, 2019.
May 13, 2019	– Volusia County Property Appraiser's report shows ownership had changed to MEIN Investments, LLC.
May 14, 2019	– A fine/lien of \$200 per day was imposed.

ACTION TO BE TAKEN: Request for Dismissal.

DISPOSITION: Mr. Riggio rescinded the previous May 14, 2019 Order Imposing Fine-Lien for 701 Kingston Avenue.

The meeting was adjourned at 3:05 p.m.