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# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

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## July 9, 2019 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Ms. Aimee Hampton, Senior Paralegal

Captain Scott Lee, Daytona Beach Police Department

Officer Steve Jessmer, 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

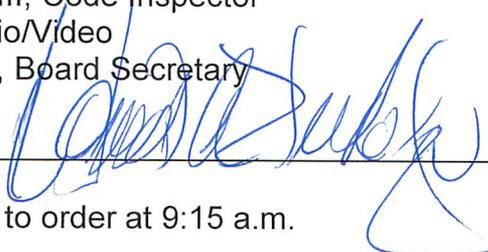
Mr. Mark A. Jones, Code Inspector

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 9:15 a.m.

Mr. Vukelja stated the Minutes of the May 14, 2019 and June 11, 2019 meetings had been signed and approved.

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

Mr. Vukelja asked if there were any announcements.

Ms. Barnes announced the following cases.

**CASE # 9 - 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.

**Compliance 7-3-2019**

**CASE # 10 - 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.

**Compliance 7-3-2019**

**CASE # 11 - 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.

**Compliance 7-3-2019**

**CASE # 12 - 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.

**Compliance 7-3-2019**

**CASE # 22 - 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, 308.1), at **825 N Ridgewood Ave**. Violation(s) – **No permit for fence, rear enclosure, no address numbers, dilapidated pole/sign, missing handrails, outside storage, trash and debris**. First Notified – 1/16/2019.

**Compliance 7/2/2019**

**CASE # 28 - 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.

**Compliance 7-8-2019**

**CASE # 29 - 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 soffit and screen vents. First Notified – 2/6/2019.

**Compliance 7-8-2019**

**CASE # 31 - 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.

***Compliance 7-8-2019***

**CASE # 34 - 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.

***Compliance 7-8-2019***

**CASE # 42 - SMG 07-19-165 - Herbert S B & Lorin Kawesch** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3), at **536 Ruth St.** Violation(s) – Maintenance Code - Missing address numbers, faded and peeling paint, mold and mildew. First Notified – 1/31/2019.

***Compliance 7-8-2019***

**CASE # 50 - SMG 07-19-147 - Promo 05 LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **439 Auburn #101.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/2/2019.

***Compliance 7-5-2019***

Mr. Vukelja called case # 39

**CASE # 39 - 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, 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.

Mr. Wayne Allen McDowell came forward and was sworn in.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports he has had some communication with the respondent as of today.

Mr. Fitzgerald stated the siding on the property was damaged by a hurricane and there was a junk vehicle, outside storage, the house needed to be painted and they have been out of town. He stated they need new storm windows.

Mr. McDowell stated he has new storm windows to go in and he will replace all of the trim around the windows. He stated the house would be painted and siding done in a month but he still needs a contractor for the windows. He stated the siding was not the exact same color and he cannot get aluminum siding like he had anymore. He stated he would use Hardee

Board. He stated the car would be sold. He stated he is thinking a month to get to the progress stage.

Mr. Fitzgerald stated he did not write up the windows because there was nothing wrong with them and was willing to amend to the next cutoff to give the respondent time to come into compliance.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 2019 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1000 per day.

Mr. Vukelja called case # 40.

**CASE # 40 - 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.

Ms. Valerie Bailey came forward and was sworn in. Mr. Barry Hughes, Esquire also came forward.

Mr. Jackson stated the inspector is Tom Clig and he reports he has spoken to Mr. Hughes and additional time was needed to bring the property into compliance. He stated staff is recommending to amend to the next cutoff.

Mr. Hughes stated that Ms. Bailey is the daughter of the owner, who is deceased for about 5 years. He stated she believed the deed to be part of the Life Estate but it was not included. He stated there were issues with the property and that someone had been running an after-hours bottle club which is a not permitted use. He stated he first needed to get the title straight and that he had filed a Petition for Summary Administration and anticipated that Judge Hudson will turn over the property to Ms. Bailey, who is the only beneficiary, and then he will start proceedings to shut down the bottle club. He stated that it would take about 30 days. He stated he may need to file an eviction and if so he would do that by the next cutoff.

**DISPOSITION:** Mr. Vukelja continued the disposition of the fine until the August 13, 2019 meeting for a progress report and the determination of a compliance date.

Mr. Vukelja called case #47.

**CASE # 47 - SMG 07-19-144 - Indigo Lakes Golf Club LP** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 304.2, 304.9, 304.13.2, 604.3), at **312 Indigo Dr.** Violation(s) – Failure to maintain exterior protective treatment, overhang extensions, windows, electrical systems hazards, weeds in parking lot, failure to remove closed business sign. First Notified – 4/4/2019.

Mr. Eddie Peterson came forward and was sworn in.

Mr. Vukelja asked the respondent if he agreed the violations existed or occurred as stated in the Notice of Violation.

Mr. Peterson stated yes.

Mr. Jackson stated the inspector is Tom Clig and he reports the respondent has taken care of all except the sign issue so they believe the property can be in compliance by next cutoff.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine of up to \$1000 per day.

Mr. Vukelja called Case No. SMG 04-19-91 at 311 N Hollywood for GEA Seaside Investments, Inc. The case was not on the agenda.

Ms. Angela Hendry came forward and was sworn in. She stated a fine was imposed to begin July 10, 2019 but the property is in compliance and she would like certification.

Mr. Vukelja asked what the urgency was and stated he believed that a fine was ordered to start tomorrow and she was asking for some relief from that.

Ms. Hendry stated she is asking for reconsideration and that she had brought witnesses that will testify that the windows work properly. She stated she has an expert on windows that will state that the windows are in compliance with Code. She stated the City is requiring them to put in new windows.

Mr. Anthony Jackson, Assistant City Attorney, stated interpretation of the Code is that the windows needed to open and remain open and that the steps taken to repair the windows were not sufficient to accomplish that. He stated the respondent decided to replace the windows. He stated the property is not in compliance according to the inspector and is requesting that the fine remain in effect.

Mr. Vukelja stated the respondent will need to file a Motion for Reconsideration to be heard at the August 13<sup>th</sup> meeting.

Ms. Hendry stated the witness has more than 12 years of experience in construction and will testify that the windows open.

Mr. Jackson stated the City was not notified of Ms. Hendry's request for Reconsideration which should happen at the next meeting.

Mr. Vukelja asked if the expert was local and stated they would hear the case at the next meeting.

Mr. Vukelja called the Lien Review.

**LR-1 - SMG 11-13-60 - 123 S. Coates - M N M S Holdings, LLC** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 5.16 (c); Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13 and 307.1); Further reference to Chapter 22 Section 22-27 and 22-27(a)3. Violation(s) – Structure damage by fire, broken windows, trash & debris; repair or demolish. First Notified – 7/24/2013. **Order imposing Fine-Lien of \$100.00 per day, effective January 8, 2014. Compliance – February 25, 2014 through demolition. \$4,800.00 plus \$24.00 recording costs = \$4,824.00.**

Ms. Nadine Fahim, owner, came forward and was sworn in. She stated the property was acquired after a fire and secured. She stated they put up “No Trespassing” signs but they were constantly being torn down by vagrants. She stated they found out the property was not up to Code and worked with Inspector Garcia and ultimately agreed to demolish. She stated on November 19, 2013 they were granted an extension by the Special Magistrate and began to get quotes to demo. She stated they chose a demolition company in early January and obtained the permits in mid-February. She stated the property was demolished immediately which brought it into compliance. She stated she owned the property with her brother who was in college in California at the time.

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

**CASE # 1 - 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.

Respondent was not present.

Mr. Jackson stated the case is set for a progress report and compliance has already been set for August 1. He stated Inspector Jones believes that August 1 is a reasonable time for the respondents to come into compliance.

Mr. Jones stated the case is in the hands of Zoning who originally told them they had to bring the buildings back to single family homes because they had made them duplex and triplex units without permits. He stated he does not know if they can have everything resolved by the next cutoff.

Captain Scott Lee, Daytona Beach Police, stated the City is waiting for information from the respondent, since June 21, before they will make a final decision.

Mr. Jackson stated the attorney had attempted to contact him but he left it to the inspector to contact him regarding what needed to be done to come into compliance.

**DISPOSITION:** No action was taken as compliance has already been set for August 1, 2019.

**CASE # 2 - SMG 05-19-101 - GEA Seaside Investments, Inc.** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.A; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.2, 302.3, 304.6, 304.7, 302.1,

304.14, 304.2, 304.9), at **231 N. Hollywood Ave.** Violation(s) – Trash and debris, landscape, exterior siding, window frames & doors, paint, roof, screens, parking and overhangs. First Notified – 1/22/2019.

Ms. Angela Hendry, attorney for GEA Seaside Investments, came forward. Carol Navarro, Property Manager, came forward and was sworn in.

Mr. Jackson stated there was a delay in permit approval but respondent has a permit and is working on compliance. He stated staff believes they can be in compliance by the next cutoff.

Ms. Hendry stated they are asking for 2 months as they need to replace the roof. She stated they have a contract with a roofer and an invoice showing they have already paid.

Mr. Jackson stated the case has been going on since January, and there are a number of properties they are working on and the inspector believes it is reasonable to give them the extra month.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 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 # 41 - SMG 07-19-163 - 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 304.2, 304.7), at **121 S Grandview Ave.** Violation(s) – Maintenance Code - damaged roof partially covered by tarp, paint fading and peeling and missing sides & back of building. First Notified – 2/19/2019.

Mr. Vukelja asked the respondent if she agreed the violations existed or occurred as stated in the Notice of Violation and she stated they agree.

Mr. Jackson stated they believe the respondent can be in compliance by next cutoff so are asking for a finding of Non-Compliance and next cutoff.

Ms. Hendry stated they would be unable to be in compliance by the next cutoff and that the roof needs to be replaced. She stated a permit needs to be pulled and they would need longer than 2 months in order to come into compliance. She stated it would be with the same roofing company as the previous case.

Mr. Jackson stated he did not know if they have signed a contract with the roofing company and since the case started in February of 2019, they would like to make sure they are moving forward diligently and would like to see the contract by the next cutoff.

Ms. Navarro stated they have a roofing contractor but have 3 roofs that need replacing and this is the second that will be done. She stated they have the estimate and will make payment once they give them a date of when they will start.

Mr. Vukelja asked the respondent if he asked them to show up at the next meeting with a contract in hand they would be able to do that.

Ms. Navarro stated yes.

Mr. Jackson stated they would also like to see the application for permit at the next meeting.

**DISPOSITION:** Mr. Vukelja continued the determination of a compliance date until the August 13, 2019 meeting and at that time he expects to see the contract with the roofer and application for permit has been submitted.

**CASE # 3 - 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.

Mr. Sharif Ganby came forward and was sworn in. He stated the new owner is 504 Main Street D B Inc. and he represents the new owner. He stated they inherited the code violations and closing was delayed by 5 weeks. He stated they have started obtaining bids and have spoken to Mr. Alderman and City staff who requested that the building not be torn down and his client agreed. He stated there were a number of issues, with the roof being the most important, but is having difficulty getting contractors and bids. He stated they have one now and are waiting on one more. He stated it would take some time to rectify the violations. He stated they have been working on some ideas as to what they plan to do with the building but haven't made any final decisions. He stated they would start with the roof and hopefully get that done in the next couple of months.

Mr. Vukelja asked the respondent is they even have a concept yet.

Mr. Ganby stated they would renovate the apartment upstairs and do retail downstairs. He said other ideas were being considered such as a micro brewery. He stated the new owner purchased the properties with cash and has the wherewithal to improve the properties.

Mr. Vukelja stated it was a concern as to how to deal with this property on a long term plan but he was not trying to jam them into doing anything prematurely.

Mr. Jackson agreed and stated they would like to see progress reports and benchmarks or accomplishments. He stated the inspector believes in 2 months they could have permits pulled or applied for and probably some progress as to what they plan to do.

Mr. Vukelja asked the respondent what they plan to do when Bike Week comes around and they have the stairway there and pedestrians.

Mr. Ganby stated they plan to address it before Bike Week but are considering removing the stairway and installing a new one in the back of the property on the south side. He stated there was a food vendor who wanted to use the property but he knows they would need to be in compliance to receive income from the property.

Mr. Vukelja stated he would like the life safety issues addressed.

Mr. Ganby asked if they fence the property to prevent access would that suffice.

Mr. Jackson stated he did not know what would be permitted.

Captain Scott Lee stated they would need to speak to Permits & Licensing to see what is allowable.

Mr. Vukelja asked what is before him today.

Mr. Jackson stated they needed a progress report are seeking a compliance date.

Ms. Barnes stated we added the new owner at the last meeting and this is the first time they are appearing.

Mr. Jackson stated they expected the property to be sold.

Mr. Vukelja asked the respondent what they were going to accomplish on this matter in the next 30 days.

Mr. Ganby stated they would obtain one more bid on the roof and is asking for ample time to address the issues.

Mr. Vukelja stated they will work with them as long as there is progress and things are getting done.

Mr. Ganby stated they would like 90 days.

**DISPOSITION:** Mr. Vukelja ordered the respondent to appear at the August 13, 2019 meeting for a progress report.

**CASE # 4 - 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 the inspector is Steve Alderman and he reports he has met with the contractor and they are making progress and he would like to amend to the next cutoff.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

**CASE # 5 - 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.

Abraham Ovadia, owner; Tim Shiver, Realtor; and Carl Vandaveuse III, Sunrise Studio came forward and were sworn in.

Mr. Jackson stated the respondents took care of the fence and has a permit for the sign. He stated the inspector is Steve Alderman and he believes the respondents have been given enough time and is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Steve Alderman, Code Inspector, stated the only thing left is the sign and it is a temporary vinyl as of yesterday that is shredding. He stated there was no permit for the sign.

Mr. Vandaveuse stated they have hired a contractor and paid. He stated the contractor told them he had pulled the permit but he did not do it. He stated he is now going through Townsend Signs but has to acquire engineering and obtain the permit. He stated he spoke to them yesterday and they should have the sign guy out to the property in 2 business days to provide the whole plan.

Mr. Vukelja asked the inspector if a sign permit would satisfy the City that something is happening.

Mr. Alderman stated it would take some time to design the sign like the old one but the permit does not take that long.

Mr. Ovadia stated he had completed the design and had everything ready to go, and paid for the sign, but the City told him he needed to use another sign company. He stated he paid for signs 3 times.

Mr. Jackson stated the inspector would like a progress report by the next meeting and are willing to amend to September.

Mr. Vandaveuse stated they were hired by the respondent to design a new sign that was destroyed by the hurricane. He stated they built the logo and sign and the City said it was grandfathered in and now the City is telling him they cannot put it in and has to use another company. He stated the General Contractor took the respondents money and did not deliver a sign. He stated permits is telling them that they want a different LED concept and they are

trying to get the money back from the original contractor. He stated they will have new quotes by the end of the week.

Mr. Jackson stated they can have a permit by the next cutoff.

Captain Scott Lee stated they would set up a meeting with the respondents and P & L to resolve by the next meeting.

**DISPOSITION:** Mr. Vukelja continued the case to the August 13, 2019 meeting for a progress report.

**CASE # 6 - 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.

Kenneth Kelly, Project Manager; and Joan and Joseph Dirsa, owners; came forward and were sworn in.

Mr. Dirsa provided the Magistrate with a large list of things they have already taken care of in addition to landscaping.

Mr. Jackson stated the respondents were making good progress, that it was a large property, and Inspector Alderman believes the respondent can be in compliance by the September cutoff.

Mr. Kelly stated that they had done a general cleanup and that everything except the roof would be in compliance by September 4<sup>th</sup> but that they needed to arrange asbestos remediation. He stated he was also having difficulty finding tiles for the roof since they do not make them anymore.

Mr. Jackson stated the home is a registry home.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 2019 to come into compliance for all issues, except the roof, or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day. It was further ordered the respondent must appear at the September 10, 2019 meeting for a progress report on the roof.

**CASE # 7 - 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.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine for failure to obtain a Business Tax Receipt and Rental License and the inspector is Mark Jones. He stated Mr. Jones reports that they had a re-inspection on July 2nd and there are still a few minor issues they need to take care of. He stated the inspector is asking to amend to the next cutoff.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

**CASE # 8 - 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 is Mark Jones and he has had no contact with the respondent and the property remains in non-compliance and is asking for a one-time administrative fee of \$250 for failure to have a Business Tax Receipt and a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Jones stated he had no contact with the respondent, who had signed for all Notices, and the property is occupied.

**DISPOSITION:** Mr. Vukelja ordered that a one-time administrative fee of \$250 for no Business Tax Receipt be imposed with an additional fine of \$200 per day, commencing July 5, 2019 and continuing to accrue each day thereafter until the amount of the fine reaches a sum of \$15,000 or the property comes into compliance.

**CASE # 13 - SMG 12-18-162 - Krisztian Guti** 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 305.1, 304.14, 304.13, 304.6, 304.2); City Code Ch. 26 Sec. 26-294, at **615 Tanglewood St.** Violation(s) – Work without permit, interior finishes, exterior finishes, screens, windows, exterior walls, paint and failure to obtain Rental License (RTL). First Notified – 8/27/2018.

Erzabet Kroll, mother of the respondent, came forward and was sworn in.

Mr. Jackson stated the property failed rental inspection on May 1. He stated the case has gone on since August 2018 and Inspector Jones has had no contact with the owner. He stated staff is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated on May 1 he was contacted for a required inspection and the inspection failed. He stated they still needed to obtain permits for electric and plumbing work which hadn't been pulled originally. He stated the electrical and plumbing work was done but the respondent has not called for re-inspection by the Building Department.

Ms. Kroll stated the work was done and she is waiting for an inspection. She stated her contractor was supposed to be setting up the re-inspection.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or a fine in the amount of \$100 per day will automatically go into effect and continue to accrue each day thereafter until the property is in compliance or the fine reaches a maximum amount of \$15,000.

**CASE # 14 - 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.

Chris Comino, Property Manager, came forward and was sworn in.

Mr. Jackson stated the inspector is Mark Jones and he reports the property failed rental inspection in May and he has had no contact with the respondent. He stated the property remains in non-compliance and staff is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated he has had no contact with the respondent since the last meeting and described some of the violations that still exist on the property.

Mr. Comino stated they had hired a General Contractor in mid-May and he was supposed to do all the work. He stated they did most of the work that did not need permits and found out the contractor did not pull all of the required permits and then disappeared.

Mr. Vukelja asked the respondent how long it would take to get it done.

Mr. Comino stated he has a meeting tomorrow with another General Contractor and he has spoken to two others. He stated they needed to pull permits for the deck and the washer and dryer plumbing.

Mr. Jackson stated the Inspector would be ok with amending to the next cutoff.

There was discussion regarding a second Notice of Violation issued on the property related to the washer and dryer by another Code Officer.

Mr. Jones stated he would like to get in and finish the rental inspection.

Mr. Vukelja stated that he would like the rental inspection done within 10 days.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

The respondent was directed to communicate with the Inspector.

**CASE # 15 - SMG 05-19-108 - Stonegate Properties, LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **166 Kingston Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/28/2019.

Respondent was not present.

Mr. Jackson stated the respondent hasn't done anything and is waiting for windows since May.

Mr. Jones stated he had a rental inspection yesterday and the majority of the items are done but the windows failed because they would not stay up.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

**CASE # 16 - 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 an inspection was scheduled for July 5<sup>th</sup> and there were minor items that needed to be repaired. He stated Mr. Jones would like to amend to the next cutoff to give the respondent time to come into compliance.

Mr. Jones stated there were no life safety issues involved.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

**CASE # 17 - 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 that Inspector Jones was contacted by the respondent yesterday, prior to that he had no contact. He stated the case goes back March 4<sup>th</sup> and is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated he did not know if the work was done but he did have contact with the Property Manager yesterday and has an inspection scheduled for July 12.

Mr. Vukelja stated based on the original inspection how long should it have taken to come into compliance.

Mr. Jones stated he had been unable to get into the property and doesn't know the condition. He stated in November they received a complaint that the property did not have a rental license.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or a fine in the amount of \$100 per day will automatically go into effect and continue to accrue each day thereafter until the property is in compliance or the fine reaches a maximum amount of \$15,000.

**CASE # 18 - 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.

Mr. Jackson stated this case is the same as the last, same owner, different property and no contact. He stated the inspector is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Vukelja asked the inspector if they called to set up an inspection on this property as well.

Mr. Jones stated yes.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or a fine in the amount of \$100 per day will automatically go into effect and continue to accrue each day thereafter until the property is in compliance or the fine reaches a maximum amount of \$15,000.

**CASE # 19 - 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.

Carlos Lira came forward and was sworn in.

Mr. Jackson stated that Inspector Garcia was pleased with the plan on this property and believes they will be in compliance by the next cutoff.

Mr. Lira stated they had taken down the stairs in the back of the building for safety reasons. He stated the issues occurred 3 owners before he purchased the property. He stated they applied for a permit, which was not approved, and they decided to hire Samsula to demolish the property. The respondent provided a copy of the agreement to the Magistrate.

Mr. Vukelja asked when it would be demolished.

Mr. Lira stated he is waiting for Samsula to give him a date. He stated they plan to apply for the permit next week but have told him it will be at least 30 days.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 2019 to come into compliance or be returned to the Special Magistrate for the consideration of a fine up to \$1,000 per day.

**CASE # 20 - SMG 04-19-96 - Christina T. Chau** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.1.A; Art. 3 Sec. 3.4.S.1, at **155 Michigan Ave.** Violation(s) – No permits for renovation. First Notified – 11/23/2018.

Kenley McGee came forward and was sworn in.

Mr. Garcia stated he had walked the property with the owner and they had no permits for plumbing, electrical work and windows. He stated he issued Notice of Violation and the respondents went to the Redevelopment Board who is currently reviewing it. He stated they are asking the respondent to put in a parking lot and landscaping. He stated they will need a final inspection before the property is in compliance.

Mr. McGee stated they had applied twice for the permit.

Mr. Vukelja asked if the inspector had any idea when they can expect the permits.

Captain Lee stated the last application was February 22, 2019 and there were corrections that they are waiting for in order to approve the application.

Mr. McGee stated when he submitted the corrections, they put him before the Redevelopment Board. He stated they needed surveys and plans, which are completed, and if he can get everyone together, they should have a permit.

Mr. Garcia stated he would recommend compliance by September with a progress report in August.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day. It is further ordered that the respondent must appear at the August 13, 2019 meeting for a progress report.

**CASE # 21 - 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, 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. Jackson stated that Inspector Garcia has heard nothing from the respondent over the last couple of months and their permit was under review since June 19<sup>th</sup>. He stated the inspector is asking for a fine in the amount of \$250 per day to a maximum of \$15,000.

Mr. Garcia stated nothing had been done.

Captain Lee stated the property had been a police problem and was condemned. He stated it was zoned single family and the contractor needed to submit a report as to their intention for the interior repairs of the building. He stated the permit is under review. He stated one of the issues is parking and he believes that has been resolved. He stated they request to amend to the next cutoff instead of fining them at this point.

Mr. Vukelja asked if they planned to rehab the property.

Captain Lee stated that is correct and they have submitted a permit.

Mr. Vukelja asked when the last contact with respondent was.

Mr. Garcia stated 2 months ago.

Mr. Vukelja asked if the inspector had tried to contact the respondent and Mr. Garcia stated that he had left a message with the contractor but no return call. He stated a couple of months ago he did a walk through inside with the contractor.

**DISPOSITION:** Mr. Vukelja continued the imposition of a fine until the August 13, 2019 meeting and if he finds that there has been a permit issued, and there is still no contact with the respondent, and that little or no work had been done, he would consider a fine at that time.

**CASE # 23 - 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.

Respondent was not present.

Mr. Jackson stated the inspector is John Stenson and he reports the property remains in non-compliance. He stated the respondent has done nothing since April, there has been no application for permits, and is requesting a fine in the amount of \$300 per day to a maximum of \$15,000 be imposed.

Mr. John Stenson, Code Officer, stated he had 2 phone calls with respondent over the last couple of months but they have taken no action.

**DISPOSITION:** Mr. Vukelja ordered a fine in the amount of \$250 per day be imposed, effective July 5, 2019, until the property is in compliance or the amount of the fine reaches a maximum of \$15,000.

**CASE # 24 - 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 – 2/25/2019.

Mr. Earl McCrary, owner, came forward and was sworn in.

Mr. Vukelja stated the respondent was ordered to obtain all permits by July 9 and the case was continued for the determination of a compliance date.

Mr. McCrary stated they met with Permits & Licensing and the contractor has to re-apply for a permit which has expired on the stucco. He stated there were 4 items which were needed on the stucco requirements and that was submitted last week.

Mr. Jackson stated that no permits have been applied for, or obtained, and it has been since February.

Mr. McCrary stated the permits were applied for but they were cancelled due to documents not submitted in time and last week he was told they need additional information for the permits. He stated they need to re-apply for the permit.

Mr. Jackson stated the project is bigger than just the permits the respondent needed to obtain. He stated the case was continued because without the permits it was hard to gauge when compliance should be set. He stated staff is requesting a fine in the amount of \$300 per day to a maximum of \$15,000 on the issue of permits. He stated they still need to determine compliance for the overall project.

Mr. McCrary stated it was required that he return to give a progress update and has been staying in touch with the inspector.

Mr. Vukelja asked how far away the respondent is from having permits.

Mr. McCrary stated he should have the permits by next week.

Mr. Vukelja asked the respondent how long should construction take.

Mr. McCrary stated to complete the project is probably 90 days out and discussed the requirements by the City to issue the permit.

**DISPOSITION:** Mr. Vukelja continued the imposition of a fine to the August 13, 2019 meeting for the determination of a compliance date.

**CASE # 25 - 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. Margaret Eberwein came forward and was sworn in.

Mr. Jackson stated the respondent was speaking with the attorney for VIND regarding paperwork to establish the ownership to Ms. Eberwein. He stated the paper was signed and denied by the Judge because they had to notify family members in Texas and it is unknown what the timeline for compliance is. He stated the inspector is asking for a fine in the amount of \$50 per day as it has been well over a year.

Mr. Vukelja asked what still needs to be done.

John Stenson, Code Officer, stated all that remains is the roof. He stated she cannot pull a permit to have the work done until the property is in her name.

Ms. Eberwein stated the only other thing VIND needs is a death certificate for her brother in Texas which she is working on getting.

**DISPOSITION:** Mr. Vukelja continued the ruling on the imposition of a fine until the September 13, 2019 meeting.

Mr. Vukelja called for a break at 11:20 a.m. He proposed to the respondents who were still waiting that if they would stipulate to their property being in non-compliance and they will come into compliance by August 1, 2019 then he will render his order as a group so that they can get out sooner.

The respondents to the following cases came forward to the Board Secretary and agreed to stipulate their property is in non-compliance and that they will come into compliance by August 1, 2019.

**CASE # 48 - SMG 06-19-132 - Raquel S Trout** is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **101 Flicker Way**. Violation(s) – Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations" are not a permitted use in the zoning district. First Notified – 4/8/2019.

**CASE # 52 - SMG 07-19-161 - Gibson Family 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 **1117 S Ridgewood Ave**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/23/2019.

**CASE # 55 - SMG 07-19-157 - Studner DMI LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **120 Tarragona Way**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/15/2019.

**CASE # 56 - SMG 07-19-149 - Viva Homes LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **280 S Seneca Blvd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/23/2019.

**CASE # 60 - SMG 07-19-162 - Boardwalk at Daytona Development, LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.12.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1, 302.9, 302.1), at **25 Boardwalk.** Violation(s) – Rubbish & garbage; trash & debris, outside storage and graffiti. First Notified – 1/28/2019.

Mr. Vukelja announced for the record that the following stipulations have been made.

Case #48 - Raquel S. Trout, Respondent

Case #52 - Gibson Family Investments LLC, Respondent

Case #55 - Scott Studner for Studner DMI LLC, Respondent

Case #56 - Ann Hart, Respondent for VIVA Homes LLC and

Case #60 - Mark McDonald, Respondent for Boardwalk at Daytona Development LLC

**DISPOSITION:** Mr. Vukela found these respondents in non-compliance and ordered that they will come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter.

Mr. Vukelja called the remainder of the cases with respondents present.

**CASE # 44 - SMG 07-19-164 - Mt Carmel Homes Inc** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.10, 304.13, 304.13.1, 305.1, 305.3, 309.1, 309.4, 402.2, 402.3), at **372 N Lincoln St.** Violation(s) – Maintenance Code - paint fading and peeling, exterior property - fascia missing pieces, damaged exterior decorative features, broken or missing overhang extensions, damaged soffit, damaged concrete stairs, damage to interior surfaces, holes, paint, non-working exterior lighting, pest infestation, broken glass in window, damaged playground structure, dirt and grime, trash and debris and damaged exterior doors. First Notified – 4/10/2019.

Ms. Carolyn Johnson, President of the Board of Directors and Mary Williams, Vice-President of the Board, came forward and were sworn in.

Mr. Vukelja asked the respondents if they agree the violations existed at the time Notice was given and they stated yes.

Mr. Vukelja asked the City Attorney how long could reasonably be expected for the case to come into compliance.

Mr. Jackson stated the inspector is Mike Fitzgerald and he expects this to be a lengthy project and would like to ask for progress reports to include a timeline. He stated they would like the first progress report once they have contractors and permits in place.

Mr. Fitzgerald stated this is a large apartment complex and the entire building is being rehabbed. He stated they had started to paint, hired contractors and repaired a lot of the soffit that was missing.

Ms. Johnson stated they have done some work such as install smoke detectors exterior lighting on the building has been upgraded to LED. She stated they have monthly pest control coming in and they need to complete the painting of the building. She stated they have renovated 8 apartments of a 28 unit apartment complex and believes it will take approximately 3 months to complete the painting, weather-permitting. She stated they are a newly formed Board, with 7 members, who meet weekly.

Mr. Fitzgerald stated they are also renovating the interior of the apartments.

Ms. Johnson had pictures for the Special Magistrate. She stated the inspector had been a great support in letting them know what needs to be done.

Mr. Jackson stated the City would agree to a progress report starting in September.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to appear at the September 10, 2019 for a progress report and the determination of a compliance date.

**CASE # 57 - SMG 07-19-154 - 1024 Atlantic Ave LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 7 Sec. 7.2.M.9; Art. 8 Sec. 8.2.C, at **833 N Atlantic Ave.** Violation(s) – Violation of Approved Site Plan, non-conforming use. First Notified – 6/6/2019.

Androse Bell, Manager, came forward and was sworn in.

Mr. Jackson stated the inspector is Steve Alderman and he reports that part of the site plan limits the use of specific parking lots. He stated the City was advised that certain lots, such as Section 5 at this address, have violated the permitted use, especially during large events where they are allowing parking of large vehicles. He stated the parking lot was intended to be a parking area for valet and staff and include shielded lighting. Mr. Jackson read the section of the agreement regarding the use of the western satellite parking lot.

Mr. Vukelja stated he was seeing pictures of buses and RVs and asked if that is the violation.

Mr. Bell stated that weekend there was a jet ski event and their parking lot has no gate and RVs and campers snuck in and were unable to get out because of other vehicles and cars blocking them in. He stated they were living in the parking lot. He stated they have increased security and have not had that issue since then. He stated they are looking at options for gates and key card entry to keep this from happening in the future.

Mr. Jackson stated there are residents of the surrounding neighborhood that wish to testify and this has been a re-occurring problem.

Mr. Vukelja asked if the parking lot was paved and Mr. Bell stated that it was.

Mr. Vukelja asked if there were facilities, such as electricity, out there and Mr. Bell stated there was not.

Mr. Vukelja asked for the permitted use document that the City Attorney had read at the beginning of the case.

Mr. Jackson stated that Case #57 is Parcel #2.

Captain Lee stated the lot abuts a residential community. He stated there is a dirt lot south which is where the pictures of the RVs and campers are parked with pop-outs out. He stated they were using it for commercial trailers to move the jet skis and they had generators out which were running the whole time.

Mr. Bell stated they did not want campers and RVs in their parking lots and reiterated they have 3 bids for gates and are working on that now. He stated they also have security and their valet parking people monitor the lot. He stated the attendees of the County promoted event were using the street to park their trucks and using the ATVs to move the jet skis to the water. He stated the next time an event is held they will plaster the area with tow trucks and start towing those who are parking illegally or call the police.

Captain Lee stated they had met with management at the Hard Rock and they were completely responsive to the issues that are occurring but he wants to get a system in place so that it doesn't keep occurring and affecting the residential community.

Mr. Vukelja stated that this was not a one-time event and Captain Lee stated that is correct.

Mr. Vukelja asked the respondents if the gates would solve the problem.

Mr. Bell stated it hoped that it would and that with these issues there is a problem finding parking for their guests. He stated they would not be allowing RV's in the lots.

Mr. Jackson stated there is a prohibition in the Code for overnight parking.

Ms. Anita Gallentine and Tracey Remark came forward and were sworn in.

Ms. Remark stated the parking lot was for valet and employee parking and produced 2 letters from James Morris, who was the attorney of record for the Hard Rock, that testifies that at the Seabreeze Neighborhood meeting this was discussed and they were told that was the purpose and sole use of the parking areas. She stated the Owner, Mr. Morris and the City reiterated several times at meetings that this was strictly employee and valet parking. She stated she also has pictures for the Special Magistrate. She stated the people camping were kind enough to invite her in and tell her how wonderful the Hard Rock employees were to send them to that parking lot and that they would be parking there overnight so that no one stole their jet skis because the Hard Rock did not patrol the lot. She stated they were going to send them to the dirt lot but were afraid the campers would get stuck. She stated the Hard Rock gave the

people in the parking lot permission to use their outside water faucet to wash down the jet skis and themselves. She stated this event happened 3 weeks after another event and they would like a finding of Non-compliance/compliance so that this won't happen again. She stated she has an email from the owner of the Hard Rock saying he has told Mr. Bell he needs to follow the PD agreement. She stated she met with the owner in May and he went over Mr. Bell's head to let them know there was a misunderstanding regarding the use of the lot. She stated they made the main lot at the hotel a "pit area" and closed it off and put up signs that said "authorized personnel only" so it was not even guest parking.

Mrs. Gallentine stated she lived directly behind the parking lot and has a duplex on Grandview and are the most affected by these issues. She stated when the owner originally purchased the property it was supposed to be a Westin which would have been a very different clientele and they spent many meetings negotiating what a satellite parking lot would be. She stated she came to the Commission meeting and thanked the owner for mitigating the issues that would result from the parking lot. She stated she has numerous pictures of the events and motor vehicles that are parking in that lot. She stated most of the incidents happen on the weekend when Code is not working. She stated as a 20 year neighbor she would like to see a will-fine imposed.

Mr. Vukelja asked what dual use design mean.

Ms. Remark stated, in talks with Mr. Morris, normally in parking lots they stripe it for parking spaces but with this agreement since they are allowing light trucks and trailers, at the north and south end, but not against the back wall, they would not have to stripe it but leave it open to park length-wise.

Mr. Vukelja stated to the respondent that the lot is to be used only for employee and valet parking. He stated he heard him regarding getting gates and codes.

Mr. Bell stated the agreement also states light trucks and trailers and their valets do not park someone's trailer. He stated there is a lot of grey area in the agreement and the agreement still says Westin on it. He stated they valet every guest at no charge, there is zero self-parking and they are the only hotel that does that. He stated they had escorted numerous trailers to the lot during Bike Week and Biketoberfest to that lot for parking. He stated the valet drivers are told just show me where to go, you are not driving my \$100,000 truck.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and further found that the respondent is now in compliance and further ordered for any future violations shall be returned to the Special Magistrate for consideration of a fine of up to \$5,000 per occurrence.

**CASE # 58 - SMG 07-19-155 - 900 North Atlantic Ave LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 7 Sec. 7.2.M.9, at **918 N Atlantic Ave**. Violation(s) – Violation of approved zoning site plan. First Notified – 6/6/2019

Mr. Jackson stated there was a rock concert in the parking lot. He stated that is the parking lot south of the structure itself. He stated the City has limitations for parking lots.

Mr. Vukelja asked which parcel this covers and Mr. Jackson stated #1.

Mr. Jackson read the requirements and allowable parking uses for Parcel #1. He stated the permitted use is a parking lot.

Captain Lee stated April 28 they were called to the property to address a concert that was going on. He stated hotel management took action to disperse the event. He stated he was not present and the Magistrate would need to speak to the witnesses who were present.

Mr. Vukelja asked if this event was at the main hotel and Mr. Bell stated it was and in a general parking lot adjacent to the hotel.

Mr. Bell stated they had Classic Cars meeting in the parking lot to admire each other's cars. He stated on Sunday at 1:00 pm a tractor trailer came and dropped a stage and within 30 minutes were playing music. He stated there was no advertised event, there was no charge to park in the lot, and he received a call and they immediately shut it down.

Ms. Remark stated they got home at 4:00 p.m. and they could hear the music on Halifax in their car. She stated she called the Hard Rock and spoke to a manager and she said it's only going on for the afternoon. She stated she told that manager if it isn't stopped she would call the police. She stated by the time she got off the phone with her, the music had stopped. She stated it was the Cyclones event and was advertised that there would be music.

Ms. Gallentine stated her windows were shaking. She stated in the beginning it was just DJ music and then the big trailer came with speakers pointed west. She stated then a 7 piece band started playing.

Mr. Jackson stated that this kind of event would require a temporary permit. He stated to the respondent that he must police his property and is responsible for what happens there.

Mr. Vukelja stated it sounds like this was a one-time event and that Mr. Bell has been responsive. He asked the City Attorney what relief he was seeking.

Mr. Jackson stated they are seeking a will-fine but does not expect there will be any further issues. He stated that a will-fine is good for 5 years from the time imposed and Mr. Bell may leave and someone else come in and they would like a threat of repeat violation deterred.

Mr. Vukelja stated he did not think that Statute prohibits that activity. He asked the respondent if his full-service hotel has entertainment facilities.

Mr. Bell stated yes.

Mr. Vukelja stated the Statue states "full-service hotel and related uses" and is talking about Parcel 1. He stated it also says "including but not limited to" which means they are not a limitation but an illustration. He stated the question is whether having the little concert in the parking lot is an accessory use to a full-service hotel, and it clearly contemplates

entertainment facilities, so he is questioning whether the respondent is in non-compliance at all because he does not think he is.

Mr. Jackson stated he would still expect that he would need a temporary permit and there would be outdoor sound restrictions.

Mr. Vukelja stated he could understand needing an outside temporary permit but that is not what the Statute addresses.

Mr. Jackson stated it is still an outdoor event and must conform to the Code.

Mr. Vukelja asked what is mean by exterior accessory uses.

Mr. Jackson stated he is not a part of developing the PDA process. He stated he would like to continue the case and bring in someone from Planning or Counsel who drafted the documents.

Mr. Vukelja stated full-service hotel and related accessory use means he can use his parking lot to entertain his guests.

Mr. Jackson stated the question is if this was the best way to cite the violation but the respondent would need to conform to the elements of the Code.

Mr. Vukelja asked the City Attorney if he wanted to withdraw the violation or if he wanted the Magistrate to rule on it.

Mr. Jackson stated they would withdraw the case.

**DISPOSITION:** Mr. Vukelja ordered the case is withdrawn.

**CASE # 59 - SMG 07-19-153 - 919 North Atlantic LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 7 Sec. 7.2.M.9; Art. 8 Sec. 8.2.C, at **919 N Atlantic Av.** Violation(s) – Violation of Approved Site Plan, non-conforming use. First Notified – 5/10/2019.

Mr. Vukelja stated he would recommend Mr. Bell familiarize himself with the permits that are required for outside entertainment and activities.

Mr. Jackson stated Case #59 is for parking on an unimproved surface but the City will withdraw this one as well based on the way it was cited. He stated, for the record, parking should not be allowed on it.

**DISPOSITION:** Mr. Vukelja ordered the case is withdrawn.

**CASE # 62 - SMG 07-19-145 - Adventure Estates LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **1450 S Palmetto Ave.** Violation(s) – Removed trees without a permit – irreparable damage. First Notified – 1/19/2019.

Mr. Robert Bomberger came forward and was sworn in.

Mr. Vukelja asked the respondent if he agrees the violations existed as stated in the Notice of Violation.

Mr. Bomberger stated the property was purchased September 2018 and the trees were cut down by the previous owner according to the previous Property Manager.

Mr. Vukelja asked to see the deed to the property and asked what was on the property.

Mr. Bomberger stated it was a 20-unit apartment complex.

Mr. Vukelja stated he was presented with a text message by the respondent that states Adam cut down the trees around 2015. He stated he has a closing statement that the property was acquired in September of last year.

Mr. Jackson stated the violation is removal of the trees without a permit which is a land use violation and removal is irreparable damage. He stated even though the respondent stated he did not do it, it is on the property he owns. He stated Mr. Garcia was advised the trees were removed and he went to verify that. He stated they are asking for a fine of \$500 per tree for approximately 10 trees that were removed.

Mr. Garcia stated he was on the property in 2019 when the trees were there. He stated there were trees removed from previous hurricanes but these trees were there. He stated he has pictures from another case in 2014 that show the trees there. He stated Google Earth shows a street view in June of 2016 where the trees were there and submitted a photo.

Mr. Vukelja asked if there was any way of knowing how freshly cut the trees were.

Mr. Garcia stated the ones in the picture show the growth and that they were recently cut and some that were down for a long time. He stated there were approximately 10 that were cut.

Mr. Bomberger stated he had the trees trimmed because they were in the gutters and there was one stump from a dead tree that was 10 or 15 feet tall and he had that cut down.

Mr. Vukelja asked who did the work.

Mr. Bomberger stated Tree Solutions.

Mr. Garcia stated the complaint generated from someone who stated they were the owner and were complaining about tree brush and branches on the property adjacent.

Mr. Bomberger stated there was a limb overhanging the driveway from the adjacent property that he had trimmed and that was what the brush was.

Mr. Garcia stated after that he had a tenant that said the owner had removed some trees.

Mr. Vukelja stated the evidence is too speculative.

**DISPOSITION:** Mr. Vukelja found the respondent was not in non-compliance.

**CASE # 53 - SMG 07-19-159 - Real Wealth Trustee Services, LLC as Trustee of the 321-323 S Adams Street Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **321 S Adams St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/1/2019.

**CASE # 54 - SMG 07-19-160 - Real Wealth Trustee Services, LLC as Trustee of the 321-323 S Adams Street Land Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **323 S Adams St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/1/2019.

Ms. Patricia Cross, All Atlantic Realtor, and Mr. Don Harkins, Property Manager came forward and were sworn in.

Mr. Vukelja asked the respondents if they agree that the property was in non-compliance at the time of the Notice of Violation.

Ms. Cross stated they do not feel the property was in non-compliance.

Inspector Jerome McCoy stated there are 2 parcels – 321 S Adams and 323 S Adams St - and that's why there are 2 cases and they are required to obtain a Rental License (RTL). He stated he did not have any contact in the beginning and when he posted the property he spoke to the Property Manager who said they already had a state license for the property. He stated he spoke to Permits & Licensing and they had denied the use.

Mr. Vukelja asked what the dispute was.

Mr. McCoy stated the dispute is whether a rental license is required. He stated their argument is that all they need is a Business Tax Receipt (BTR) because the building is a 6-plex but with the separate parcels, that makes it 2 separate properties and they need a Rental License which is required up to 4 units.

Ms. Cross stated they worked with the buyers and the previous owners had run the property as a 6-plex with the primary address as 321 S Adams St and did not have a Rental License (RTL) because it was operated as a 6-plex and you had to go through the front building to get to the back building. She stated he has a Business License for the front apartment and a state license for both buildings. She stated they put in a request to transfer the Business Tax Receipt (BTR) from the prior owner to the new owner and P & L denied the license because it was licensed as a single-family residence. She stated it is not now and has never been a single family residence. She stated she has county records that show that. She stated she has the deed where the both buildings are combined and the lot description includes both

properties. She stated the county records do not have them combined and stated that the City has to request that. She stated she was told she needs to put in a use determination to Zoning and Planning. She stated the Notices are written to Real Wealth Trustee Services and that is not the current deeded owner and has transferred to Commonwealth Trust Services, LLC trustee of the 321-323 S Adams Street Land Trust and would like to amend the name on the cases.

Mr. Vukelja asked when a Rental License is required.

Mr. Jackson stated up to 4 or less realty units need a Rental License (RTL). He stated when they constructed the buildings, they did it on 2 parcels and each parcel has 3 units.

Mr. Vukelja asked if it had always been 2 parcels.

Mr. Jackson stated he did not have knowledge of that, and they need to sit down and work it out with the City, but it is currently in violation of the Code.

Ms. Cross stated they would get 2 licenses but they were not given the opportunity to get them as they were denied due to it being a single-family residence.

**DISPOSITION:** Mr. Vukelja continued the determination of a compliance date, in Case # 53 and #54, to the August 13<sup>th</sup>. It was further ordered that the name be substituted as Commonwealth Trustee Services for Real Wealth Trustee Services.

**CASE # 26 - 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, 304.15, 304.19); City Code Ch. 90 Sec. 90-297 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.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000 until compliance is achieved.

Mr. Fitzgerald stated they have done a lot of work and he expects them to be completed by the next cutoff and would like to amend to the next cutoff.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1000 thereafter.

**CASE # 27 - 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 he has had communication with the respondent and he is confident it will be in compliance by the next cutoff so is asking to amend to the next cutoff for compliance.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1000 thereafter.

**CASE # 30 - SMG 02-19-33 - Jo-Ann M. Teel** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2.H.7.a; Art. 9 Sec. 9.2.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 Inspector Fitzgerald reports the property was scheduled for a re-inspection on July 1<sup>st</sup> but that did not happen and is willing to amend to the next cutoff.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1000 thereafter.

**CASE # 32 - 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 the property is still in non-compliance and is asking for a fine in the amount of \$100 per day to a maximum amount of \$15,000.

**DISPOSITION:** Mr. Vukelja ordered that a fine be imposed of \$100 per day, commencing July 5, 2017 and continuing to accrue thereafter until such time as the property is in compliance or the amount of the fine reaches the sum of \$15,000.

**CASE # 33 - 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.

Respondent was not present.

Mr. Jackson stated this is an issue with a dual order. He stated Inspector Fitzgerald reports the property is in compliance for the exterior violations and a compliance date has been set for August 1, 2019 so no action is needed.

Mr. Vukelja made a finding that the exterior violations are in compliance.

**CASE # 35 - 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 reports that the property has new owners and would like to add the new owners to the case and give the new owners 60 days to come into compliance.

**DISPOSITION:** Mr. Vukelja amended the case to add Wilgens Mesalien as the new owner and further ordered that the respondents must come into compliance by September 4, 2019 or return to the Magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 36 - 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.

Respondent was not present.

Mr. Jackson stated the case is before you for a progress report.

Mr. Fitzgerald stated the respondent is a Condo Association and the wall has deteriorated more than 50% so it needs to be removed. He stated to remove it will require an engineer and

they will need to obtain permits. He stated he would request a progress report at the next meeting.

**DISPOSITION:** Mr. Vukelja continued the case to the August 13, 2019 meeting for a progress report and the determination of a compliance report.

**CASE # 37 - 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 that the property remains in non-compliance. He stated the case initiated on January 25, 2019 and is asking that a fine be imposed of \$300 per day to a maximum of \$15,000.

Mr. Fitzgerald stated this was an abandoned building, he has had no contact with the respondent, there is a huge hole in the roof and no improvements have been made.

**DISPOSITION:** Mr. Vukelja ordered that a fine in the amount of \$250 per day, commencing July 5, 2017, and continuing to accrue thereafter until such time as the property is in compliance or the amount of the fine reaches the sum of \$15,000 was imposed.

**CASE # 38 - 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.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the respondent has done a good bit of work and is making good progress. He stated staff is asking to amend to the next cutoff for compliance.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until August 1, 2019 to come into compliance or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

#### **NEW CASES:**

**CASE # 43 - SMG 07-19-166 - Mark C & Kimberly C Avery** is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at **123 Sea**

**Spray St.** 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. First Notified – 5/1/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property is in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance. He stated the inspector has been in contact with the respondent.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 45 - SMG 07-19-146 - TRSTE LLC TR 531 Model Land Trust** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; (Ref. FBC Supp. IPMC 302.1, 302.7, 304.3 and 505.3), at **531 Model St.** Violation(s) – Maintenance Code - someone living in a tent on the property, no water, outside storage, trash and debris and missing address numbers. First Notified – 4/10/2019.

Respondent was not present.

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

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 46 - SMG 07-19-158 - Wal-Mart Stores East LP** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7), at **949 Mason Ave.** Violation(s) – Maintenance Code - Damaged chain-link fence, vacant lot maintenance. First Notified – 4/16/2019.

Respondent was not present.

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

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 49 - SMG 07-19-148 - BMS Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **736 Alabama St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/12/2019.

Respondent was not present.

Mr. Jackson stated Inspector Mark Jones reports the property is in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 51 - SMG 07-19-150 - Common Wealth Trust Services LLC TR** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **757 Terrace Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/2/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jerome McCoy reports he has had no contact with the respondent, the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 61 - SMG 07-19-143 - Daytona Thunder LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13), at **820 Main St.** Violation(s) – Roof repair, sheetrock damage and plywood over window. First Notified – 3/11/2019.

Respondent was not present.

Mr. Jackson stated Inspector Steve Alderman reports the respondent has done nothing and he has had no contact with the respondent. He stated the inspector is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

Mr. Alderman stated he spoke to the property owner this morning and he has a contractor and the permit should be in place by now and the window should be replaced within 10 days.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 63 - SMG 07-19-156 - Hecks Property Management LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.13), at **217 Lynne Dr.** Violation(s) – Broken window and damage to column-post. First Notified – 11/6/2018.

Respondent was not present.

Mr. Jackson stated Inspector Danny Garcia reports he has had contact with the respondent and the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 64 - SMG 07-19-152 - Nova 1210 Enterprise LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A; City Code Ch. 90 Sec. 90-297, at **1210 N Nova Rd (violation at 1186 N Nova Rd).** Violation(s) – Failure to obtain Business Tax Receipt (BTR). First Notified – 7/12/2018.

Respondent was not present.

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

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

There was no miscellaneous business and the meeting was adjourned at 1:25 p.m.