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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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## August 13, 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. Michael Fitzgerald, Code Inspector

Mr. Daniel Garcia, Code Inspector

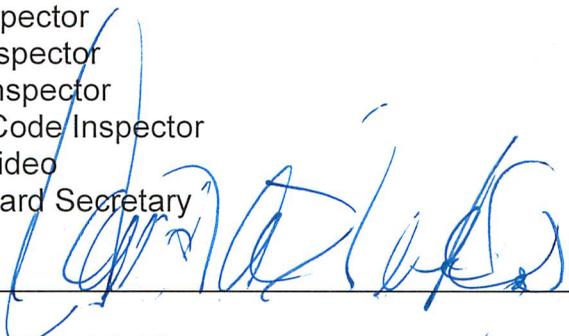
Mr. Mark A. Jones, Code Inspector

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 9:10 a.m.

Mr. Vukelja stated the Minutes of the June 11, 2019 and July 9, 2019 meetings have 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 # 1 - 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.

**Compliance 8-12-2019**

**CASE # 7 - 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.

***Compliance 8-13-2019***

**CASE # 14 - 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.

***Compliance 8-12-2019***

**CASE # 22 - 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.

***Compliance 8-5-2019***

**CASE # 23 - 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.

***Compliance 8-12-2019***

**CASE # 25 - 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 close business sign. First Notified – 4/4/2019.

***Compliance 8-5-2019***

**CASE # 33 - SMG 08-19-181 - Terry Le and Ly Van** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **140 Joyelle Cir.** Violation(s)

– Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/17/2019.

### **Compliance 8-13-2019**

**CASE # 39 - SMG 08-19-176 - SKIB LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.A; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.12. B; Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 605.4, 604.3.1, 308.1, 304.9, 302.1, 304.6, 304.2, 302.9, 301.3), at **645 N Atlantic Av.** Violation(s) – Service fire extinguisher, glue patches on exterior wall, missing wall tiles, dirty overhangs, graffiti, trash containment area, landscape, trim sidewalks, damaged driveway/parking area, trash and debris, extension cords used for wiring, missing overhangs, holes in walls. First Notified – 10/23/2018.

### **Compliance 8-12-2019**

Mr. Vukelja called case #34.

**CASE # 34 - SMG 08-19-183 - Barry Lee Moore** is cited for failure to correct violations of City Code Ch. 42 Art. IV Sec. 42.214, at **129 King Eider Ct.** Violation(s) – Noise violation - irreparable damages. First Notified – 7/24/2019.

Mr. Barry Moore came forward and was sworn in.

Mr. Vukelja asked the respondent if he agrees that the violation occurred as stated in the Notice of Violation and Mr. Moore stated yes.

Mr. Jackson stated the case is here for a noise violation and that it was irreparable and irreversible and could not be undone by those who were affected. He stated there are witnesses to be heard.

Inspector Cliff Recanzone showed the location of the properties on the screen and explained there was excessive noise. He stated the call went out at 2:00 a.m. and the officer that responded was there until 2:34 a.m.

Captain Cavanaugh testified that he responded to a noise complaint at 129 King Eider Court. He stated when he exited his patrol vehicle he could hear loud noise coming from the rear of the residence at 129 which was directly parallel to 125. He stated that was a pool area but the music was coming from inside. He stated he spoke to the reporting party and he stated the music began at approximately 9 p.m. and continued through the night and has been an ongoing issue. He stated Mr. Moore was been cited on 2/25/2015 for the same issue and the citation number was CE2015034.

Mr. Vukelja asked the Captain to rate the level of the noise.

Captain Cavanaugh stated he was not at the point that it was overwhelming him but when he attempted to make contact with the resident no one came to the door.

Mr. Vukelja asked the Captain if he met up with the respondent at some time.

Captain Cavanaugh stated he was not able to and no one ever answered the door. He stated he spoke to Mr. John Rives, the reporting party, and he filled out a statement and was advised of the process.

Mr. Vukelja asked the Captain when he finally left the area.

Captain Cavanaugh stated he was there for about an hour.

Mr. Vukelja asked if the music was continuous throughout the time he was there and he stated yes.

Mr. John Revis came forward and was sworn in. He stated he resided at 125 King Eider Court. Mr. Revis testified there was a history and at the last event the officer responded and was there about an hour. He stated the officer could not get Mr. Moore to come to the door or answer his telephone. He stated the noise was still going on when he got up at 5:30 a.m. and at 10:30 a.m. he went to Mr. Moore's house and knocked on the door. He stated Mr. Moore came to the door, with drink in hand and was mumbling and could hardly stand up. He stated it was an ongoing event and gave examples of other times this has happened and described the apology gifts Mr. Moore had sent him. He stated they reported it to the Homeowner's Association who had sent the respondent a letter without much response. He stated they had called the Police Department on the previous Saturday as well. He stated it had occurred 30 or 40 times in the last 4 years.

Mr. Jackson stated this case is not as a repeat but is egregious and is looking for a \$500 fine and will-fine or repeat violator status for any future violations.

Mr. Moore stated he thought a \$500 fine was pretty extensive and stated he sent the witness a gift card and did receive a letter from the Homeowner's Association. He stated sometimes he doesn't get off work until midnight.

Mr. Vukelja stated he was going to fine the respondent the sum of \$250 this time. He stated the next time the respondent returns to the Special Magistrate for this violation, the fine will be \$2,500 and the next time he returns, the fine will be \$5,000 and it will be \$5,000 for each occurrence thereafter.

**DISPOSITION:** Mr. Vukelja found the respondent was previously in non-compliance and is now in compliance and ordered the respondent to pay a fine in the amount of \$250 to be paid within 30 days. He further ordered that for any future violations the respondent will be returned to the Special Magistrate for a fine up to \$5,000 per occurrence.

**CASE # 3 - SMG 01-19-16 - Harbourside Sunsets COA 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, 304.1, 304.2, 304.3, 304.4, 304.6, 304.7, 304.8, 304.9, 304.10, 304.12, 304.13.1, 304.13.2, 604.3.1 and 605.3), at **900 S. Peninsula Dr.** Violation(s) – Missing and peeling paint, mold and mildew, exterior walls, concrete spalding and cracking, rotting wood, missing

paint, damaged roofing, damaged fascia and soffit, electrical boxes (open wire), exterior electrical fixtures broken, exterior address numbers dilapidated, damaged exterior walls, fence missing paint, dilapidated auxiliary structure, rotten wood, missing paint, missing guardrails and handrails many locations throughout building. First Notified – 9/26/2018.

Ms. Karen Wonsetler, Esq. came forward. She stated the roofing contract had been signed, the materials were ordered and the permit is being submitted. She stated the permit should be done within 30 days and then would require an additional 30 days for compliance after receipt of the permit. She stated Inspector Fitzgerald asked them to re-arrange their timeline to work on some life-safety railing issues before the stucco is done. She stated the same General Contractor is doing the railing and the stucco. She stated if the railing issue is a temporary fix, they could possibly do both the railing and the stucco at the same time so they could be completed by the end of this year. She stated that would leave painting, fencing and other minor issues to early 2020.

Mr. Jackson asked for bi-monthly progress reports.

There was additional discussion regarding the work that needs to be done to the railings.

Inspector Mike Fitzgerald stated the respondent should check with their engineer as to the proper fix for the railings.

Ms. Wonsetler agreed to a 60 day progress report

**DISPOSITION:** Mr. Vukelja rescheduled the determination of a compliance date until the October 8, 2019 meeting.

**CASE # 2 - 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. Anthony Jackson, Assistant City Attorney, stated Inspector Jones reports that the property remains in non-compliance.

Inspector Mark Jones stated they are combining properties to have more units on the site. He stated 2 months ago, in a case before Mr. Riggio, they had 2 units rented and 1 that was vacant. He stated Mr. Riggio ordered that the units remain vacant and if a tenant left, that unit must remain vacant. He stated the respondent was evicting someone from unit 2 and she spoke with the Property Manager on site and she said there was now someone living in Unit 1 which was to remain vacant. He stated the Property Manager called the owner on the phone and he wasn't sure what was going on and whether they were renting the first unit or not. He asked if someone could be at the Magistrate meeting today and the owner stated there was no way anyone could be here at the meeting. He stated they were supposed to be at the last meeting for a progress report and they did not attend but gave a written progress report. He stated he is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Vukelja stated he was not here for the June meeting and asked the inspector what the problem was with the property.

Mr. Jones stated it was a single family residence and they split the house in half, without a permit, and created 2 units. He stated they have a 253 square foot shed in the back that they are renting. He stated the City told them the minimum square footage for a rental unit is 900 square feet. He stated it should be a single family home but combined it with the parcel for 319, which the city already has a fine on, and submitted plans for the same issue.

Captain Scott Lee, Daytona Beach Police Department, stated the respondents are exceeding the use and zoning of the property. He stated the respondents were given a list, by the City, of things that needed to be done to obtain the Rental License and none of those things had been done and respondent had ceased communication with other departments at this time.

Mr. Vukelja asked the inspector what the respondent was to have done to come into compliance by now.

Mr. Jones stated he was to have a Rental License approved and pass an inspection. He stated it started in August of last year when they were denied the license and failed inspection.

Mr. Vukelja stated the respondent either has to go back to a single family home or get what they need to do to rent the property to be in compliance.

Mr. Jones stated that is correct.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until September 4, 2019 to come into compliance or a fine in the amount of \$200 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 # 4 - 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.

Angela Hendry, Esq. came forward. She stated she submitted the roofing contract to Mr. Jackson.

Mr. Jackson stated they agree the roof has been taken care of and the permit is finalized. He stated what remains is that it needs to be painted and Inspector Fitzgerald believes that can be done by the next cutoff.

Ms. Hendry stated they need more time and their priority is repairing all of the roofs on their properties. She stated during Hurricane season painting the house is not a priority and they cannot do the painting for 3 more months.

Mr. Jackson stated the case has been going on since February and the only thing they have left is the painting. He stated the entire building, including the railings, need to be painted.

Mr. Vukelja asked how many roofs they are working on.

Ms. Hendry stated she had seen contracts on at least 5 roofs.

Mr. Vukelja asked if the roof was the primary violation on the property and that had been fixed.

Mr. Jackson agreed and acknowledged the respondents have more roofs to fix.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 6, 2019 to come into compliance or return to the Special Magistrate for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE # 5 - 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. First Notified – 11/23/2018.

Respondent was not present.

Mr. Jackson stated compliance is set for September 4.

Inspector Danny Garcia stated he expected the contractor to be at the meeting. He stated a permit was issued on July 9<sup>th</sup> for exploratory demo to see electricity and plumbing and is waiting for the results. He stated the renovation permit was applied for in February but was put on hold.

Captain Lee stated after the exploratory demo, they needed a site plan review and as of July 29<sup>th</sup>, that hasn't been submitted.

**DISPOSITION:** No action was taken as compliance is already set for September 4, 2019.

**CASE # 6 - 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.

George Howard came forward and was sworn in.

Mr. Garcia stated the interior demo permit was applied for, finalized, and passed on June 6 and they applied for a renovation permit which is under review. He stated there were setbacks with the contractor and is asking to amend to the next cutoff.

Mr. Howard stated they had to register as a General Contractor with Volusia County and had insurance issues. He stated they have their product approvals and they are ready to go.

Mr. Vukelja asked if they will be completed by September 4.

Mr. Howard stated he did not know if they could be completed by that date but they will have the permits in place and project started.

Mr. Garcia stated they would also like to have the respondent maintain the landscaping.

Mr. Howard stated he would have that done today.

Captain Lee stated the reason they asked for the original compliance date is because they were not getting the right amount of communication and progress.

Mr. Jackson stated they would like to have a compliance date at the next meeting.

Mr. Howard stated the progress should go quickly once they get permits because they are traveling 4 hours and staying in hotels and the project will get expensive with those added on costs.

**DISPOSITION:** Mr. Vukelja ordered the respondent to have permits in hand by September 4, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1,000 per day thereafter and the matter is continued until September 10, 2019 the determination of a compliance date. It was further ordered that the exterior must be maintained.

**CASE # 8 - 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 McCoy has had no contact with the respondent and is requesting a fine in the amount of \$100 per day to a maximum of \$15,000 be imposed.

Inspector Jerome McCoy stated he checked to see if a Rental License had been applied for and there was none and he has had no contact with the respondent.

**DISPOSITION:** Mr. Vukelja imposed a fine in the amount of \$100 per day, commencing August 2, 2019, and continuing to accrue until compliance is achieved or the fine reaches a maximum amount of \$15,000.

**CASE # 9 - SMG 07-19-159 - 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 **321 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, Property Manager from Atlantic Realty, came forward and was sworn in. She stated she manages 321 and 323 Adams Street. She stated they contend they are not in non-compliance because they applied for the Rental License and have a State 6-plex license. She stated there was a zoning change. She stated they put in a determination of use request to Rose in Zoning and she is working on it. She stated she sent an email asking for a continuance.

Mr. Jackson stated they would like to leave the cases separate. He stated the respondent did ask for a new use determination.

Ms. Barnes stated that the name had been changed on case #9 and 10, at the respondent's request, from Real Wealth to Common Wealth at the July meeting.

Ms. Cross agreed. She stated 323 is landlocked behind 321.

Mr. McCoy stated that was the issue with zoning and the reason for the use determination because you can't cross a parcel to get to another one.

Mr. Vukelja asked when the inspector is expecting the ruling.

Mr. McCoy stated it was submitted on the 29<sup>th</sup> and it should take about 30 days for zoning to do the research and is asking to amend to the next cutoff.

Mr. Vukelja asked the respondent, once the ruling is made, how long it will take him to come into compliance.

Mr. McCoy stated when the ruling is made, the respondent may be in compliance.

Ms. Cross stated the previous owner rented as a six-plex and they are saying this is a single family and they cannot have a Rental License so that has to be cleared up and then determine if they can have a state 6-plex license or 2 3-plex licenses.

**DISPOSITION:** Mr. Vukelja continued the determination of a compliance date to the September 10, 2019 meeting for cases 9 and 10.

**CASE # 10 - SMG 07-19-160 - 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 **323 S Adams St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/1/2019.

Mr. Vukelja called for a break at 10:14 a.m.

The hearing was resumed at 10:29 a.m.

**CASE # 11 - 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.

Respondent was not present.

Mr. Jackson stated Inspector McCoy reports the respondent had a recent rental inspection and still has minor repairs and is asking to amend to the next cutoff.

**DISPOSITION:** Noting the absence of the respondent and based upon the city's representation, 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 \$1,000 per day.

**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. Margaret Eberwein came forward and was sworn in.

Mr. Jackson stated Inspector Stenson heard from their attorney and they are waiting for paperwork and believes the respondent can be in compliance in 60 days so is asking to amend to the October cutoff. He stated there was an issue of ownership and needing a signature of a deceased relative.

Mr. Vukelja asked the respondent if she believes she will be in compliance by the October cutoff.

Ms. Eberwein stated it is very possible.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until October 2, 2019 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 13 - 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 Inspector Jones reports this is a rental inspection case that goes back to January 2019, the respondent failed 2 inspections and it is an occupied property. He stated staff is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated there were very few items that needed to be corrected and he has spoken to them about it but has heard nothing back.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector, Mr. Vukelja imposed a fine in the amount of \$100 per day, commencing August 2, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

**CASE # 15 - 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 Inspector Fitzgerald reports they are waiting for a permit to final and are doing more work than was requested. He stated staff is requesting to amend to the October 2, 2019 cutoff.

**DISPOSITION:** Based on the attorney's presentation, Mr. Vukelja amended the current order of non-compliance to allow the respondent until October 2, 2019 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 16 - 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 the foundation wall on the north side of the property is dilapidated. First Notified – 2/26/2019.

Mr. Sahim Marcus came forward and was sworn in.

Mr. Marcus stated they needed to repair a retaining wall and he got an estimate from Gladiator fence for \$1,600 but when he came to pull permits, the city said they could not replace the RR ties and had to replace with masonry. He stated he received two quotes for \$58,000 and \$45,000 to replace 25 feet. He stated the city has an issue with the current RR ties because they are sitting on the sidewalk. He stated he had an idea to take them out and put in a slope and level the dirt but the contractor spoke with the City, they told him he couldn't do the slope and had to do a retaining wall. He stated he received a quote for \$30,000 and they are in the process of taking out the old stuff but needs more time. He stated they had already given them a down payment to do the work.

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

Mr. Marcus stated he did not know but they are in the process of obtaining the permits.

Mr. Fitzgerald stated the project needs engineering and they believe it will take at least to the October cutoff.

Mr. Marcus stated the barrier needs to be taken down and the trees have to be removed as well in order to push the sidewalk at least 4 feet over to their property. He stated the dumpster on the other side of the retaining wall has to be moved to the other side of the building.

Mr. Jackson stated, after speaking with Denzil Sykes, Neighborhood Services Manager, they believe a progress report at the October meeting would be needed but they would like for the permits and everything to be done.

Mr. Marcus agreed.

Mr. Vukelja asked how much land was there between the barrier and the sidewalk on the inside of the property.

Mr. Marcus stated about 15 feet.

There was further discussion regarding the distance inside the proposed retaining wall and why the respondent couldn't just remove the retaining wall.

Mr. Marcus stated Ms. Ward would not allow them to do that.

**DISPOSITION:** Mr. Vukelja ordered the respondent to return to the October 8, 2019 meeting for a progress report.

**CASE # 20 - 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.

Mr. Brent Hadaway, contractor, came forward and was sworn in.

Mr. Jackson stated Inspector Alderman reports the property remains in non-compliance but they are working on it and making progress. He stated they have permit approval and is asking to amend to the October cutoff.

Inspector Steve Alderman stated he has had good contact with the respondent and the pillars, which were leaning over the street, are in control. He stated they obtained the permit for their removal and now have an exploratory demo permit for the front stairs but have had contractor issues.

Mr. Hadaway stated they have obtained an exploratory demo to see what they have underneath the soil and what they need to do to replace the pillars and make the site sound and ADA compliant. He stated they did not want to take down the whole front of the building as it is an historical building. He stated they would start the demo this week and the funding is

there to finish the project. He stated they would remove the horizontal slab and get behind the steps to make sure it can be repaired or they have to pump fill in and pack it. He stated the railings and steps are out of Code. He stated they had replaced the cedar siding on the building and they are going to do work on the interior.

Mr. Vukelja asked if, by October 2, the respondent will have resolved the issues of the damaged concrete deck, guard rail, hand rail and the pillar will be gone.

Mr. Hadaway stated he hopes so.

**DISPOSITION:** Mr. Vukelja amended the current order of non-compliance to allow the respondent until October 2, 2019 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 21 - 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.

Respondent was not present.

Mr. Jackson stated Inspector Alderman reports that permits have been applied for.

Mr. Alderman stated the rotted illegal sign is still there and he received an email from the property owner two weeks ago stating everything was good to go and the permits were issued on August 8. He stated the respondent had been working on the sign permit for 3 months.

Mr. Vukelja asked if the respondent was also supposed to have a permit for fencing.

Mr. Alderman stated the fence had been removed and the outside storage and landscaping has been taken care of. He stated the sign was the biggest issue.

Mr. Vukelja asked when the property owner expects to be in compliance.

Mr. Alderman stated he did not know and he had not been in contact with Townsend signs who is doing the work. He stated he believes it can be done within 30 days.

Captain Lee asked the Magistrate to allow more time and stated there were issues with other City Departments which are now straightened out.

**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 \$1,000 per day thereafter.

**CASE # 26 - 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 and Mr. Thomas Huger came forward and were sworn in.

Mr. Jackson stated even though they asked for a fine last month, circumstances forced them to continue the case for a new compliance date and they remain in non-compliance. Inspector Stenson is requesting the next cutoff for them to come into compliance.

Mr. Vukelja asked if the structure was as bad as it looks.

Inspector John Stenson stated that it was. He stated the case began on August 14, 2018 and showed current pictures.

Mr. Vukelja asked what will happen between now and the next cutoff.

Mr. Stenson stated he hoped permits would be pulled. He stated he met Mr. Huger, the contractor, this morning who is going to assist the respondent with his property.

Mr. Vukelja asked if the property was a single family home at one time.

Mr. Stenson stated it was 2 structures on one parcel and he could not remember when the property had been in compliance. He stated it had been in that state for quite some time. He stated it is a single family structure but did not know what the layout would be when they got done with it.

Mr. Huger stated the respondent had issues with the previous contractor. He stated he was just brought on board and has a set of plans and is bringing subcontractors in and hopes to have application for building permit in the next 30 days.

Mr. Vukelja asked once they obtain the permit how long will the work take.

Mr. Huger stated it depends on the subcontractor's schedules but he would anticipate 60 to 90 days.

Mr. Vukelja asked if it would be a single family home.

Mr. Huger stated it would be a duplex.

Mr. McCrary stated it was zoned for a duplex and has 2 water meters.

Mr. Vukelja asked if it was a bottom floor, top floor duplex and Mr. McCrary stated yes.

Mr. Vukelja asked how much square footage was the building.

Mr. McCrary stated he thought about 1200 for each floor and there are 2 floors.

Mr. Jackson stated he would like to see permits and a progress report at the next meeting.

Mr. Vukelja asked when the application for permit would be filed.

Mr. Huger stated in the next couple weeks.

Captain Lee stated there is a note in the file that Ron Roberts in P & L is waiting to speak to the respondent.

**DISPOSITION:** Mr. Vukelja ordered the respondent to have submitted his application for permit by September 4, 2019 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter. He continued the determination of a compliance date to the September 10, 2019 meeting.

**CASE # 27 - SMG 08-19-177 - Earl C McCrary III** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i., Art. 9 Sec. 9.2.A; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1107 Lakewood Park Dr.** Violation(s) – Parking in front yard, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/25/2019.

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

Mr. McCrary stated yes.

Mr. Vukelja asked how long it would take the respondent to come into compliance.

Mr. Jackson stated they would like compliance by the next cutoff.

Mr. McCrary stated he has applied for the Rental License and is just waiting for the inspection. He stated he has asked the tenant to remove the car from the grass. He stated September 4 works for him.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 30 - SMG 08-19-173 - Real Potential Property Holdings LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **635 Tanglewood.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/4/2019.

Mr. Lawrence Namdar, Property Manager, came forward and was sworn in.

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

Mr. Namdar stated he agrees the property is in non-compliance.

Mr. Jackson stated Inspector Jones reports he has not been able to inspect the interior and is asking for next cutoff for the property to be brought into compliance.

Mr. Jones stated he met with the manager on site last month and he has applied for a permit to do foundational work. He stated he did a walkthrough with him on the 25<sup>th</sup>, in one of the units that was vacant, and he believes there is a substantial amount of work to be done. He stated he is looking to the Manager to see when the 4-plex can be in compliance. He stated he does not believe the next cutoff is enough time to get the work done and for him to get through all 4 units.

Mr. Namdar stated the property has been under the property management services of Ms. Kate Jones, realtor at Next Home All American Realty. He stated in April he received a letter stating that the building needed a Rental License and he contacted Mr. Jones and then came to City Hall and applied for the license. He stated he instructed the person at City Hall to contact Ms. Jones to schedule the inspection which was not done and the following month Ms. Jones was relieved of her duties. He stated he came to the property immediately and had not been there since 2017 and was appalled at the condition and he contacted a foundation repair company and they did an estimate. He stated he was informed by the estimator that it would be 4 weeks to complete the work but that did not happen. He stated he found out the permit was not even applied for until 8 weeks later which would have been late July. He stated he has the permit signed off early this month. He stated the reason the foundation work needed to be done first was that it was causing everything to be out of square. He stated the building is about a hundred years old and there are 40 windows that need to be addressed. He stated he believes the rest of the issues are cosmetic and his plan is not only to bring the property into compliance but to exceed compliance. He stated he is asking for 3 months to complete the work.

Mr. Vukelja asked if the property was occupied.

Mr. Namdar stated it was occupied by two non-paying tenants which Ms. Jones had put in place.

Mr. Vukelja asked if he has started eviction process.

Mr. Namdar stated he had not started the process as one of the tenants is a single mother with a young child.

Mr. Vukelja asked when the Inspector could perform his inspection so the respondent will know what is required for compliance.

Mr. Namdar stated as soon as he received the Notice he called Mr. Jones to come and look at the interior.

Mr. Jackson stated the Inspector would like to get into the occupied spaces sooner rather than later.

Mr. Vukelja asked the respondent if he had plans to rent the other 2 units.

Mr. Namdar stated not until all of the work is complete. He stated he would not be able to make the September 10<sup>th</sup> hearing and will be out of state.

Mr. Vukelja told the respondent he could advise Mr. Jones so that he can report the status to him at the meeting.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered that Inspector Jones be provided access to the property by September 4, 2019 and must return to the September 10, 2019 meeting for the determination of a compliance date.

**CASE # 31 - SMG 08-19-174 - Investment Of Ankh LLC** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **817 Lewis Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/29/2019.

Mr. Jerome Thompson came forward and was sworn in.

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

Mr. Thompson stated he agreed with the painting. He stated his sister lives there and they had a conversation about it when she moved in. He stated Mr. Jones came by and he met with him. He stated he applied for Rental License on July 26.

Mr. Jackson stated Inspector Jones reports he made contact with the owner and the property is owned by an LLC and needs a Rental License. He stated the inspector is asking for the next cutoff to be brought into compliance.

Mr. Vukelja asked if there was anything mechanically that the respondent needs to know about or take care of.

Mr. Jones stated he has applied for the Rental License, he just needs to have an inspection.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 36 - SMG 08-19-170 - Valerie A White** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3.a, at **906 Lewis Dr.** Violation(s) – No permit for garage enclosure, outside storage. First Notified – 7/1/2019.

Mr. Steven Van Arnum and Valerie White came forward and were sworn in.

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

Mr. Jackson stated the inspector expects the property to be in compliance by the next cutoff.

Mr. Van Arnum stated that he is waiting on the plans before he can file for a permit.

Mr. Jackson stated they would like the respondent to have permits by September 4 and compliance by October 2.

**DISPOSITION:** Mr. Vukelja ordered the respondent to submit her permit application by September 4, 2019 and be in compliance by October 2, 2019. Failing either of those events respondent will be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 37 - SMG 08-19-175 - Pentecost Church of God Inc.** 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, 304.2, 304.3, 304.4, 304.7, 304.13, 304.13.2, 304.14, 304.15, 505.3, 505.4, 506.1, 601.2), at **450 Arthur St.** Violation(s) – Maintenance Code: Dilapidated house. First Notified – 6/3/2019.

Ms. Tameka Brown, Board Secretary, came forward and was sworn in.

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

Ms. Brown agreed there was a dilapidated building on the property and stated the property was donated.

Mr. Jackson stated Inspector Fitzgerald reports the house is in dilapidated condition and he is asking that the property be brought into compliance by the next cutoff.

Mr. Fitzgerald stated the house needs to be demolished and is asking for compliance by next cutoff.

Mr. Jackson stated the inspector has had no communication with the respondent.

Mr. Vukelja asked the respondent what she intended to do with the property.

Ms. Brown stated they had someone come in and clean up the property and they have taken the fence down. She stated they are in the process of getting a contractor to tear it down.

Mr. Vukelja asked if the respondent knew how long that was going to take.

Ms. Brown stated she did not.

Mr. Vukelja asked the inspector what he can reasonably expect the owner and church to do before the next cutoff.

Mr. Fitzgerald stated hire a contractor and apply for the permit.

Ms. Brown stated they were not prepared to hire a contractor by September 4. She stated her mom is in charge of the church and she is an older lady and it will take longer.

Mr. Vukelja asked if the property was a police issue.

Captain Lee stated it was no more of an issue than any other vacant property. He suggested she sign up for the trespass arrest program and Ms. Barnes gave her the application.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to have a contract and permit in hand by September 4, 2019 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter. It was further ordered that respondent must return to the September 10, 2019 meeting for the determination of a compliance date.

**CASE # 38 - SMG 08-19-168 - D & P Investments LLC** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297, at **639 N Grandview Ave 110**. Violation(s) – Failure to obtain Business Tax Receipt (BTR) for scooter/golf cart rental business. First Notified – 5/22/2019.

Mr. Tyler Donahue came forward and was sworn in.

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

Mr. Donahue agreed and stated they were now in compliance.

Mr. Jackson stated they agree with the respondent that they are now in compliance and is asking for a will-fine for any future violations.

Mr. Donahue stated they have applied for the Business Tax Receipt and it didn't get processed quick enough and he was violated. He stated they have a license to rent vehicles but the license specifies a type but not a specific vehicle, like an electric scooter. He stated the BT is in restriction of what they want them to do. He stated they are providing different types of vehicles for people with mobility issues and they tell him they are not allowed so he needs some clarification.

Mr. Vukelja asked if there were any previous violations that warrant a will-fine.

Mr. Jackson stated there are locations not approved and the BTR is limited which he is exceeding.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and has since come into compliance and for every future violation be returned to the Special Magistrate for consideration of a fine up to \$5000 per occurrence.

**CASE # 19 - SMG 02-19-25 - 504 Main St LLC/ 504 Main Street D. B. 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 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 Gundy came forward and was sworn in. He stated they had a roofing company come out and make a bid which they have accepted with WKL to re do the roof and should have the staircase removed by the next meeting. He stated he needed to find a brick mason and get together with Inspector Alderman to find out what needs to be done on the west side of the building.

Mr. Jackson stated they had no contact with the respondent, they had hoped that the stairs would have been taken care of, and is asking that they be addressed by the next cutoff.

Mr. Alderman stated the complaint came in reference to the structural integrity of the building and they expected him to get a roof permit and address the structural issues and lateral cracking of the building. He stated the issues were causing problems with the adjoining buildings. He stated they did a walkthrough of the property and were concerned with the structural issues. He stated they wouldn't pass a structural inspection and would have to repair it. He stated the City was hoping that they would get an engineering report and a permit to repair the roof.

Mr. Vukelja asked the respondent when he anticipated WKL starting work.

Mr. Gundy stated he was going to their office today to sign a contract. He stated all of this information is news to them since the violations have existed for months and months. He stated when they purchased the property there was nothing addressed about engineering, walls collapsing or structural integrity and if it was that much of an emergency why it wasn't addressed with the prior owners.

Mr. Vukelja stated he assumed WKL had been out to the site and Mr. Gundy confirmed.

Mr. Vukelja also confirmed the roof, stairs and brick work were projects to do and Mr. Gundy stated that is right.

Mr. Vukelja stated the City is looking for some engineering certification that shows the building is sound.

Mr. Gundy asked when the walkthrough occurred. He stated it was not during their ownership.

Mr. Alderman stated it was prior to.

Mr. Gundy asked if the walkthrough was recorded and stated that they didn't get any notice that it happened or these requests were in discussion.

Captain Lee stated that in a previous hearing, the respondent was ordered to provide that information before the purchase. He stated there have been numerous orders requiring inspections to make sure it's sound. He stated some of them have been life safety issues such as the stairs. He stated there was also an order that would mandate that the Building Official tour the second floor to make sure it is structurally sound but that has not happened.

Mr. Gundy stated disclosure was not done. He stated these violations have existed for months and months and they were never notified of any life safety issues.

Captain Lee stated the Building Official has never been on the second floor of the building. He stated he is requesting that the Permits and Licensing Department have access to come in and inspect.

Mr. Vukelja stated that would be remedied in the next 10 days. He asked who was going to contact Mr. Gundy regarding scheduling the inspection.

Captain Lee stated Mr. Alderman will contact Mr. Gundy and set up the meeting between him and the building department.

Mr. Vukelja stated Mr. Gundy needs to relay to the roofing company that the City has concerns, from an engineering standpoint, regarding the soundness of the building and they would like to know what they think about it and if the meeting cause them to require an engineering certification, then he will expect that to be done.

Captain Lee clarified that the meeting that they would like to have set up is with the Building Department and not Code.

**DISPOSITION:** Between now and September 4, 2019, Mr. Vukelja ordered the respondent to allow the inspection of the building which will also appease WKL and failing that, you will have to obtain an engineering certification as to the soundness of the roof before anyone sets foot on it. It was further ordered that respondent must return to the September 10, 2019 meeting for a progress report.

**CASE # 18 - 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.

Mr. Barry Larkins, Halifax Landscaping, came forward and was sworn in. He stated he was not here for Wal-mart but was here to give an update as a subcontractor.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance, they are working on it, it is a vacant lot, and they have some issues with the fencing and the lot needs to be maintained. He stated staff is asking to amend to the next cutoff.

Mr. Fitzgerald stated the property was contracted to clear the fencing area so the fence could be repaired. He stated it wasn't maintained since Father Lopez was demoed. He stated they

are requesting that the underbrush be removed and the lot cleared up to 8 feet so that you can see through it.

Mr. Larkins stated that it was 26 acres.

Captain Lee stated it is creating quality of life issues for the neighborhood. He stated the trees were allowed to grow and the dead vegetation should be removed up to 8 feet so the property can be policed more effectively. He stated they are in the process of signing up for the trespass arrest program. He stated the holdup with the fence is on the side of the City because there is a text amendment pending for vacant properties.

Mr. Larkins agreed and said they were allowed to make minor repairs to the fencing. He stated it was about 95% secure. He stated the original layer of compliance was to secure fencing, trespass signs and locks and he is doing a walkthrough with Daytona Beach Police Officer Sargent Danny Diaz tomorrow for security issues. He stated the second layer of the compliance is that they want to be able to see through the property from Mason Ave, to Nova Road, to Madison. He stated he believed they were 5 days away from being in compliance on the first layer.

Mr. Fitzgerald stated the maintenance of the property should look the same as of that day.

**DISPOSITION:** Mr. Vukelja ordered that the respondent to secure the fence lines, put up the no trespassing signs and remove anything on the fence before September 4, 2019 or return for consideration of a fine up to \$1,000 per day thereafter. It is further ordered that the canopy of the interior must be cleared up to 8 feet and underbrush removed by October 2, 2019 so that you can see through the property or return for fine.

**CASE # 41 - SMG 08-19-180 - Joseph Solyom** 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. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.2), at **437 Manhattan Av.** Violation(s) – Damaged and rotted siding, continued parking on grass, protective treatment. First Notified – 1/31/2019.

Mr. Joseph Solyom came forward and was sworn in.

Mr. Vukelja asked the respondent if he agrees the violations existed or occurred as stated in the Notice of Violation and Mr. Solyom stated yes.

Mr. Jackson stated Inspector Alderman reports the property remains in non-compliance and he believes the property can be in compliance by the next cutoff.

Mr. Vukelja asked the respondent if he could be in compliance by the next cutoff.

Mr. Solyom stated sure.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**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.

Mr. Vukelja stated this is an administrative request that the July 18 Order Imposing Fine-Lien be amended to October 2, 2019.

Ms. Olivia Vanessa Lloyd came forward and was sworn in.

Mr. Jackson stated this is a case where there was communication from the respondent to the Inspector regarding tragic events, the loss of a child, and was asking for 2 months and was out of town dealing with that. He stated there was an Order of Non-compliance issued and a deadline set and she missed that deadline. He stated she later indicated she was in the process of selling the property and staff has spoken to the person that is purchasing the property but this fine presents an obstacle.

Captain Lee stated he was contacted by Ms. Lloyd and asked to review the circumstances and he found there was a communication gap between her and the inspector and is asking to rescind the fine and continue the process but giving her time to come into compliance. He stated he could also not find where the respondent was property noticed before the fine was imposed.

Ms. Lloyd stated she had lost her daughter and she did not pay attention to the mail. She stated she did as much as she could and she was out of town at the last meeting.

Mr. Vukelja stated the City is requesting to rescind the fine.

**DISPOSITION:** Mr. Vukelja ordered the July 18, 2019 Order Imposing Fine/Lien is vacated and Amended the last order of non-compliance to give the respondent until the October 2, 2019 meeting to come into compliance or a fine in the amount of \$1,000 per day will be imposed until compliance is achieved or the fine reaches a maximum amount of \$10,000.

Mr. Vukelja called for a break at 12:10 p.m.

The hearing resumed at 12:16 p.m.

**CASE # 28 - SMG 08-19-171 - GEA Investments Inc.** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **330 N Peninsula.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/8/2019.

Ms. Angela Hendry, Esq. and Ms. Carol Navarro, Property Manager, came forward. Ms. Navarro was sworn in.

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

Mr. Jackson stated Inspector Jones reports there was a missed scheduled inspection on August 2<sup>nd</sup> and there is a new scheduled inspection on August 19 and the inspector believes they can be in compliance by the next cutoff.

Ms. Hendry stated they were in between maintenance and repairmen and are concerned if issues pop up that they may not be in compliance by the next cutoff. She stated they are willing to provide a progress report at the next hearing.

Mr. Jackson stated they are asking for next cutoff.

Ms. Hendry stated they are in Chapter 11 and funds are limited. She stated that issues related to life and health at all of their properties are taking precedence.

**DISPOSITION:** Mr. Vukelja continued the determination of a compliance date to the September 10, 2019 meeting.

Mr. Vukelja called the first Miscellaneous Business case.

**MB -1 - 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.

Mrs. Hendry stated the City's finding them in non-compliance is very arbitrary and propitious. She stated they have addressed all the issues in the Notice of Violation. She stated they obtained a Rental License in the same year and a different code officer put them in compliance for the windows and now this Code Officer finds them in non-compliance. Ms. Hendry stated the issue is the windows which can be easily repaired and the City believes they do not easily open up. Ms. Hendry stated she had a video on her ipad of a GEA employee opening the windows and offered testimony by Ms. Navarro who would state the windows are easily openable.

Mr. Jackson explained the Fine was automatically imposed by Mr. Riggio and respondent requested the Motion for Reconsideration at the last hearing. He cited Section 304.1 regarding window hardware and 304.13.2 of the International Property Maintenance Code. He stated the inspector discovered the windows did not meet the code on inspection and what a previous inspector found is irrelevant. He cited the code stating that the windows must open easily and hold in place. He stated the inspector will testify that the windows are not sufficient.

There was further discussion regarding the introduction of video to the proceedings and what the video shows with a GEA employee opening the window.

Mr. Jackson stated the issue is a matter of egress and would need to be opened by even a child in case of emergency.

Mr. Vukelja read portions of the Motion for Reconsideration aloud which contained a timeline of the decisions and events in the case and asked the respondent if she agreed.

Ms. Hendry stated that in June she did not think they had a Rental License and that's why she asked for more time. She stated she was later advised they the License was paid for and issued by Rental Inspection staff.

Mr. Vukelja asked Ms. Hendry if she had been ready to proffer evidence at the July meeting that the windows worked.

Ms. Hendry stated yes.

Mr. Vukelja stated that the Special Magistrate had ordered an auto-fine to be imposed on July 10<sup>th</sup> and the hearing was scheduled for July 9<sup>th</sup> in case she wanted to be heard at the meeting. He stated that she showed up at the July hearing and he told her she needed to file a motion for re-hearing and that now she was here to show the evidence that the windows were operational.

Ms. Hendry stated yes.

Mr. Vukelja asked Ms. Hendry if she was satisfied that the windows were operational before the other Special Magistrate's order went into effect.

Ms. Hendry stated yes.

Mr. Jackson stated the video needed to be made public and objected to the admission of the video and photographic evidence. He stated it is an occupied residence and may affect the rights of the tenants if it is made public and may be confidential under the public records laws and exempt and the City does not want to broadcast those.

Mr. Vukelja asked the respondent to show him only the video of the employee opening the window.

The respondent showed the Special Magistrate a video on her ipad of a GEA employee opening the windows.

Ms. Navarro stated they walked the premises with the Code Officers and after they spoke about some minor repairs they went to two windows and she opened them and they were easy to open. She stated it was the inspection that was the subject of the June meeting.

Ms. Hendry questioned Inspector Alderman regarding his experience and his inspection of the property and the problems with the construction of the windows.

Mr. Alderman described his interpretation of the code and stated that he was not sure the windows could be fixed adequately and believed they should be replaced.

Ms. Hendry submitted a letter from her window contractor explaining the windows are easily openable and up to code as well as a copy of the previous inspector's Affidavit of Compliance and a copy of the code which were entered into the file as exhibit 1. Ms. Hendry asked the Inspector why it took him so long to notify GEA that the windows were not easily openable.

Mr. Alderman stated that was not possible and his Notice was dated 12/18/2018 and his complaint from the tenant was for "window frame in the kitchen separated from the walls, second floor window is broken and leaking and other things".

Ms. Hendry stated at the inspection on June 10<sup>th</sup> the Inspector did not notify GEA that the windows were not openable.

Mr. Alderman stated he believed he stated it when he tried to open the first window and it would be on his AXON video. He stated at the inspection he had tried 5 of the windows and they did not work appropriately. He stated he mentioned that that time it was not going to work.

Ms. Hendry asked Inspector Alderman if he stated at the inspection that he was not going to issue an Affidavit of Compliance because of the windows.

Mr. Alderman stated he did not make that statement. He stated he told them it was not going to work correctly and that there is still a plastic window in the front of the house.

Ms. Hendry stated GEA is disputing that testimony. She stated the windows were in better condition than when they obtained the house and received a rental license.

Mr. Vukelja asked the respondent if she is referring to when they obtained a rental license back in February 2018.

Ms. Hendry stated yes and it was in the same year since this case was opened in December 2018. She stated if the order is not amended they are asking for clarification from Mr. Alderman. She stated some of the windows are fixed and are not required to be openable.

Mr. Alderman stated there is a difference in construction terminology and a fixed window does not mean screws, caulking and glue or paint.

Ms. Hendry stated there are fixed windows in the kitchen and they do not open.

Mr. Vukelja stated that the respondent's own video shows there worker wrestling to get the window open.

Ms. Hendry stated her testimony would be that she had not opened the windows but she had seen Ms. Navarro and her tenants open the windows. She stated she had witnessed the

repairs done at the property by licensed repairmen. She stated that was her opinion and not testimony.

Mr. Jackson stated the City would like to present their AXON video and although he didn't actually show the video, he would like to make it part of the record. After further discussion he stated he would hold the video until the next meeting.

Mr. Vukelja asked when the last time the City had been out to inspect the property.

Mr. Alderman stated it was before the June meeting and he made contact with Ms. Hendry and tried to set up an appointment with her on Thursday for the following Monday with Rental Inspector Mark Jones who is more qualified than he is. He stated her response was she had to get with the tenant to make time and that was it.

Mr. Vukelja asked when the last time any work was done to the windows.

Ms. Hendry stated it was before the June meeting and before the Inspector came and inspected. She stated Mr. Alderman came on the property and saw the contractor working on the windows. She stated if the City was allowed to enter their video into the record then she wanted her photos and video submitted.

Mr. Vukelja told the respondent to submit it to counsel and to find out how it should be submitted so that it doesn't violate the rights of the tenant.

DISPOSITION: Mr. Vukelja continued the case to the September 10<sup>th</sup> hearing.

Mr. Vukelja reminded the respondent that there is a \$150 per day fine running and stated if he saw windows that someone had to wrestle with, then that was bad; if they open with relative ease, then that is good.

Mr. Jackson stated that even though he didn't show the AXON video, and since there is a prior appeal, he would like it as part of the record because it shows the experience the officers had when they tried to open the windows.

Mr. Vukelja asked what the video would show.

Mr. Jackson stated it would show Ms. Navarro knocking on and jiggling the window to make it open.

Mr. Vukleja asked when it was taken in relation to the last inspection.

Mr. Jackson stated it was taken as part of the June 10<sup>th</sup> inspection. He stated the City is requesting that the officers not be called out for inspection unless it includes the operation of the windows.

Ms. Hendry agreed.

Mr. Vukelja called Miscellaneous Business #2.

Mr. Jackson stated there was no Motion for Reconsideration filed and they are not happy with the inspection and want to address where they differ.

Ms. Barnes stated the Special Magistrate has the Orders but they have not been signed.

Ms. Hendry stated that is not the stance of GEA Seaside. She stated they were not disagreeing with the inspections but were advised at the June hearing to bring it up with the Special Magistrate judge at the August hearing if there are any issues with the properties. She stated there were delayed permits for 507 Phoenix which prevented them from meeting the compliance date.

Ms. Hendry stated she believed Mr. Riggio told her to bring up any issues at the August meeting if they were not able to comply with the compliance date.

Mr. Jackson stated he believed that the orders were to impose a fine if respondent did not meet the deadline.

Mr. Vukelja asked the respondent where she was now as far as compliance is concerned on the 3 cases.

Ms. Hendry stated they have obtained a permit for 507 Phoenix and they are getting bids for the repair of the balcony and hope to have it repaired by the next cutoff.

Mr. Vukelja asked what needed to be done for Miscellaneous Business case #2

Ms. Hendry stated what they had repaired and stated that all that is left are the screens and if the Code Officer has an issue with the paint.

Mr. Vukelja asked when that would be in compliance.

Ms. Hendry stated they are asking for the November 6 cutoff.

Mr. Vukelja asked the respondent if she said at the June meeting that she thought the time allowed would be insufficient for them to come into compliance.

Ms. Hendry stated she believes so and at that time they had not been issued a permit.

**MB-3 - 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, electrical hazard or missing parts. First Notified – 7/23/2018.

**MB-4 - 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.

**DISPOSITION:** With regard to MB-3 and MB-4, Mr. Vukelja amended the last order of non-compliance and allowed the respondent until September 4, 2019 to come into compliance or be returned for consideration of a fine up to \$1000 per day thereafter. He verbally vacated the Order Imposing Fine from the June meeting.

**MB-2 - 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.

Mr. Vukelja asked Inspector Stenson when he inspected the property last.

Mr. Stenson stated the last inspection was July 25<sup>th</sup>. He stated he believes there is more work to do besides screens and paint. He stated they put a layer of concrete over the sidewalk and it is missing the right handrail. He stated there is still damage to the exterior surfaces and the wood is rotted. He stated the ceiling and porch are dilapidated and water damaged. He continued to list damaged doors and frames. He stated he did not know what the interior was like and had not been in it in some time.

Mr. Vukelja asked what fixes the respondent was planning to do to MB-3.

Ms. Hendry stated the overhang over the garage which was complicated and she did not know if she could meet the compliance date.

Mr. Vukelja stated he is standing by his ruling on MB-3.

Ms. Hendry stated they needed to order special screens.

Mr. Stenson stated the property was not to be rented or utilized and the property was rented again on July 26 and is currently occupied. He stated there was a note on the front door from GEA to the tenant regarding utilities and rent.

Mr. Vukelja stated the inspector is telling him the property is not in compliance.

Mr. Stenson stated it is not.

Mr. Vukelja stated if the property is not in compliance, the respondent does not get to ask for reconsideration.

Mr. Jackson stated request for consideration is not accepted once the order is in place and nothing had materially changed.

Ms. Hendry stated they pulled the permit, fixed the balcony and it passed.

Mr. Vukelja stated there are still things to be done for them to come into compliance which is why Mr. Riggio fined them and asked the respondent what she told him to cause him to fine them.

Ms. Hendry stated that GEA is in Chapter 11 and they are trying to address all of the issues.

**DISPOSITION:** Mr. Vukelja ordered the respondent to come into compliance by September 4, 2019 or come back to the September meeting for consideration of a fine up to \$1,000 per day.

**CASE # 17 - 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 remains in non-compliance and still has no water. He stated staff is asking for a fine in the amount of \$250 to a maximum of \$15,000.

Mr. Vukelja asked the Inspector if they were sleeping in a tent on that property.

Mr. Fitzgerald stated the owners have someone living in it but it is gone now. He stated there are still issues with the outside storage and the biggest problem is there is no water.

Mr. Vukelja asked the Inspector if he had contact with the respondents.

Mr. Fitzgerald stated he had some communication a long time ago with the owner who told him that someone moved into the house. He stated he told the respondent to evict them and they said they couldn't because they didn't know who they were.

**DISPOSITION:** Mr. Vukelja imposed a fine in the amount of \$250 per day, commencing August 2, 2019, and continuing to accrue until compliance is achieved or the fine reaches a maximum amount of \$15,000.

**CASE # 29 - SMG 08-19-169 - Charles W Mecklem and Amelia J. Mecklem as Trustee of the Amelia J. Mecklem Revocable Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **640 Madison Av.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/19/2019.

Respondent was not present.

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

Mr. Jones stated the property failed rental inspection at the end of April and they had a re-inspection August 2<sup>nd</sup>. He stated there were a few windows to be repaired and he believes they can easily be in compliance by the next cutoff.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 32 - SMG 08-19-178 - Constantine Christoforakis** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **908 Derbyshire**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports the property is in non-compliance, he has had no contact with the owner, and the property is occupied. He stated he is asking for next cutoff for the property to be brought into compliance.

Mr. Jones stated the property is still occupied.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 35 - SMG 08-19-172 - H & H Hospitality Consulting Inc** 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 302.7, 304.1.1, 304.2, 304.6, 304.14, 304.15, 305.3, 305.6, 308.1; NFPA 1, 13.7.4.9; Sec 22-27, at **632 S Segrave St**. Violation(s) – Exterior & interior walls, windows, doors, soffit, fascia, insect screens, smoke detectors. First Notified – 5/28/2019.

Respondent was not present.

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

Mr. Garcia stated they were ordered to repair or demolish and the Chief Building Inspector has determined that the building cannot be repaired.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by October 2, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 40 - SMG 08-19-179 - Anthony M Morrone** 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 302.1, 308.1, 305.2, 304.13.1, 304.13, 304.10, 304.4, 304.3, 302.4 and 301.3), Art. 6 Sec. 6.19.A.4, at **315 Seaview Av.** Violation(s) – Exterior property maintenance, trash & debris, porch roof damage (permit needed), broken windows, interior ceiling fallen, protective treatment. First Notified – 1/8/2019.

Respondent was not present.

Mr. Jackson stated Inspector Alderman reports he has had no contact with the respondent and the property remains in Non-compliance and is asking for next cutoff for the property to be brought into compliance.

Mr. Alderman stated the roof is leaking, ceiling is falling and he has had no contact with the respondent.

**DISPOSITION:** Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by September 4, 2019 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

**CASE # 24 - SMG 04-19-79 - Evelyn Rodriguez** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.4, 304.13, 304.15, 305.1.1, 305.2, 305.3), at **1111 Hampton Road.** Violation(s) – Failure to maintain exterior structural members, windows, door frames, doors, interior structure, unsafe conditions, interior structural members, interior surfaces. First Notified – 10/15/2018.

Captain Lee stated case #24 was called into compliance and is asking to continue the case until the next cutoff and stated the inspector was not present today.

**DISPOSITION:** Mr. Vukelja withdrew his compliance determination and continued the matter to the September 4, 2019 for consideration of a fine up to \$1000 per day.

The meeting was adjourned at 1:22 p.m.