
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

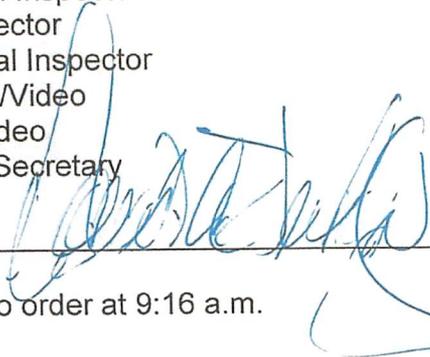
December 10, 2019 Minutes

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, Rental Inspector
Ms. Sara Kirk, Code Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Charles Smarr, Audio/Video
Mr. Joe Graves, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

The meeting was called to order at 9:16 a.m.

Mr. Vukelja approved and signed the Minutes of the November 12, 2019 meeting.

Mr. Vukelja asked if there were any announcements.

Ms. Barnes announced the following cases.

CASE # 3 - SMG 11-19-276 - Lutheran Good Samaritan Soc 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 **338 S Ridgewood Ave (325 S Segrave St.)**. Violation(s) – Failure to maintain wood doorshed, mildew on retaining wall. First Notified – 8/22/2019

Compliance 12/9/2019

CASE # 11 - 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

Compliance 12/5/2019

CASE # 12 - SMG 09-19-207 - Kelly Mia Davari & Jill Lynn Gilleland 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 108.1.5, 304.1, 304.6, 304.7, 304.10), at **919 Tomoka Rd.** Violation(s) – Landscaping, unsafe structure, exterior of structure, exterior walls, damaged roof and damaged decks. First Notified – 7/15/2019

Compliance 11/20/2019

CASE # 17 - SMG 11-19-260 - Dennis T & Terri L Prescott is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A; City Code Ch. 26 Sec. 26-294, at **1328 Imperial Dr.** Violation(s) – Parking in the yard, outside storage, failure to obtain Rental License (RTL) and inspection. First Notified – 8/29/2019

Compliance 12/6/2019

CASE # 18 - SMG 11-19-261 - Cynthia Smith Starks is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.15, 604.3.2.1; 305.3, 304.7, 602.3, 605.2, 504.1, 505.1, 302.8); City Code Ch 90 Sec. 90-297; City Code Ch 26 Sec. 26-194, at **884 Derbyshire Rd.** Violation(s) – Exterior doors, electrical fixtures, interior surfaces, gutters, no heat, outlets, plumbing fixtures, no hot water, junk vehicle, failure to obtain Business Tax Receipt (BTR); failure to obtain Rental License (RTL) and inspection. First Notified – 7/18/2019

Compliance 12/6/2019

CASE # 43 - SMG 12-19-281 - Dennis T & Terri L Prescott is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A; City Code Ch. 26 Sec. 26-294, at **1328 Imperial Dr.** Violation(s) – Parking in the yard, outside storage, Failure to obtain Rental License (RTL) and inspection. First Notified – 8/29/2019

Compliance 11/18/2019

CASE # 49 - SMG 12-19-282 - James Byrne is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 301.2, 304.6, 308.1, 304.2), at **1401 N Atlantic Ave.** Violation(s) – Paint fascia, window and door frames; remove rotted lumber, rotted fascia, plywood over window, rotted siding, paint perimeter wall, paint structure. First Notified – 7/15/2019

Compliance 12/9/2019

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

CASE # 6 - 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 renovations. First Notified – 11/23/2018.

Mr. Danny Vo came forward and was sworn in. He stated he had an inspection yesterday and everything is good and all that is left is for the electrical to be done.

Mr. Anthony Jackson, City Attorney, stated Inspector Garcia agrees and the respondent should be in compliance by the February 5th cutoff as ordered.

There was no action taken as compliance is already set for February 5, 2020.

CASE # 16 - SMG 11-19-253 - Cartwright & Sons LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 302.8, 304.7, 302.7); Art. 6 Sec. 6.19.A.3; Art. 8 Sec. 8.2.A; City Code Ch. 90 Sec. 90-297, at **1102 Mason Ave.** Violation(s) – Outside storage, non-comforming use (living in business), damaged fencing, junk vehicles, damaged roof, damaged wall, failure to obtain Business Tax Receipt (BTR). First Notified – 9/17/2019.

Kevin Korey, Esq. came forward.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance but they are working on it and he is asking to amend to the next cutoff for compliance because they are waiting for a window.

Mr. Korey requested that it be pushed to February because they are dealing with tenant matters and he need to clear the acquisition of the Business Tax Receipt.

Mr. Jackson stated they do have a Business Tax issue and the inspector is ok with amending until February.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 31 - SMG 11-19-267 - Theresa J. Kronman is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **831 N Wild Olive Ave.** Violation(s) – Construction/demolition without a permit. First Notified – 8/15/2019.

Albert Flores, General Contractor, and Theresa Kronman came forward and were sworn in.

Mr. Jackson stated the property remains in non-compliance and is asking for a fine to be imposed.

Inspector Steve Alderman stated the property was demoed without a permit. He stated she now has the permit approved.

Mr. Flores stated they picked up the permit last Friday and it is an older building and needed engineering. He stated she also found out it is in an historic district and asked to be given until March. He stated they are pouring concrete today. He stated the inspector wants gas lines and electric addressed.

Mr. Jackson stated the City is ok with the March compliance date.

DISPOSITION: Mr. Vukelja continued the disposition of the matter to the January 14, 2020 meeting for a progress report and the determination of a compliance date.

CASE # 45 - SMG 12-19-283 - Amanda Thomas 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; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **837 White Ct.** Violation(s) – No permit (rear enclosure), outside storage, parking in yard, damaged roof. First Notified – 6/26/2019.

Ms. Amanda Suggs, owner, and Mr. Thomas Huger, contractor, came forward and were sworn in.

Mr. Vukelja asked the respondent if she agreed the violations existed on the property as stated in the Notice of Violation and she stated yes.

Mr. Jackson stated Inspector Stenson is looking for the next cutoff for compliance.

Mr. Huger stated he applied for the building permit last week and thinks it will take between 30-45 days from when he obtains the permit.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Mr. Vukelja called the first lien review.

SMG 08-19-180 – 437 Manhattan Av - 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). Violation(s) – Damaged and rotted siding, continued parking on grass, protective treatment. First Notified – 1/31/2019. **Order Imposing Fine/Lien of \$200 per day effective September 10, 2019. Compliance – October 21, 2019. \$4,100 + \$24.00 recording fees plus \$8.36 interest = \$4,132.36.**

Mr. Joseph Solyom, owner, and Mr. Cameron Solyom, son, came forward and were sworn in.

Mr. Joseph Solyom stated he had been sick and he was unable to do the work.

Mr. Cameron Solyom stated he works from sunup to sundown and he has been responsible for getting the work done and the property is in compliance now.

Mr. Vukelja asked the respondent if he lives there.

Mr. Cameron Solyom stated that he and his father both live there and share the expenses. He stated they are in compliance with the parking issues and is asking for a reduction or dissolution.

Mr. Anthony Jackson, Assistant City Attorney, stated the case started in January of 2019 and Inspector Alderman is asking to reduce the fine by 50%. He stated they are asking for \$2,000 because some of the things that needed to be done were easy and the period of time it took to come into compliance.

DISPOSITION: Mr. Vukelja reduced the amount of the fine to \$250 payable within 30 days of the hearing or fine reverts back to the original amount.

SMG 05-17-46 - 232 N. Peninsula Dr. - GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at Violation(s) – Failure to obtain required residential rental license (RTL) First Notified – 1/30/2017. **Order Imposing Fine/Lien of \$200.00 per day and running for 6 days was imposed for failure to apply for permits. Permit applied for on 12/13/2017. \$1,200 + \$24.00 recording fees = \$1,224.00.**

Ms. Angela Hendry, Esq. came forward. She stated the fine/lien should have never been recorded and they had signed an affidavit not to rent. She stated they were in compliance within the deadline of the amended order issued by Mr. Riggio.

Mr. Jackson disagreed and stated the fine was imposed as a secondary order where the respondents were ordered to obtain permits by a certain date. He stated the fine was imposed on December 7, 2017 and the permits were obtained six days later.

Ms. Hendry stated she believed the fine was imposed on December 12 and they obtained the permit on the 13th. She stated it was an auto-fine ordered on December 5th. She stated Mr. Riggio amended the order the following months and she believes it was to find them in compliance.

Mr. Jackson stated they were ordered to apply for the permits and they did so 6 days after.

Ms. Hendry stated they plan to put the reduction money toward their other properties.

Mr. Vukelja asked the respondent what the factual basis of the request for reduction is.

Ms. Hendry stated they applied for the permits the day after the order.

Mr. Vukelja asked if there was a reason the permits were applied for the day after.

Ms. Hendry stated she could not find a record from the previous attorney, Mr. Osborne.

Mr. Vukelja stated he was hearing the respondent say that a fine was ordered on December 12 and they applied for permits on December 13 and it was something that could be done in one day.

Mr. Jackson referred to the minutes of the meeting which stated Mr. Vukelja imposed a fine on December 5th to be effective December 12th until permits are applied for or the fine reaches a maximum amount of \$15,000. He stated they failed to apply and the fine was imposed.

DISPOSITION: Mr. Vukelja reduced the amount of the fine to \$500 payable within 30 days of the hearing or fine reverts back to the original amount.

CASE # 1 - SMG 11-19-254 - Target House Property Solutions LLC 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 308.1), at **610 McCormick St.** Violation(s) – Working without permits, accumulation of rubbish or garbage. First Notified – 12/26/2018.

Mr. Aquino Cole, Managing Member, came forward and was sworn in.

Mr. Jackson stated the property remains in non-compliance and Inspector Recanzone reports that nothing has been done since October 28. He stated the respondent does not have permits and there have been no applications made as of yesterday. He stated the Inspector is requesting a fine in the amount of \$100 to a maximum of \$15,000. He stated the Notice was issued in December of 2018.

Mr. Cliff Recanzone, Code Inspector, stated the tires are still on the property. He stated Permits & Licensing sent an email that the work he was doing was a bigger scope of work than the permit he is requesting and there has been no inspection.

Mr. Vukelja asked if the property was secured and Mr. Recanzone stated yes.

Mr. Vukelja asked if the property was occupied and Mr. Recanzone stated no.

Mr. Cole stated he had been keeping in contact with the inspector and had paid a general contractor to pull the permits and didn't know he had to make sure that he had. He stated the house across the street is condemned and he pulled the oil and tires off the property because it looked so bad and stacked them up and now has to figure out how to dispose of them. He stated once the stop work order was issued, he stopped but he was just securing the property since everytime he does something, it gets destroyed.

There was discussion regarding whether he can pull the permit.

Mr. Cole stated there is something going on with his current contractor and he will have to hire a new one to pull the permits. He stated he will go to P & L and get the permits.

Mr. Vukelja asked the respondent what his plans are for the property.

Mr. Cole stated it was a duplex and he was going to fix it up and sell it.

Captain Scott Lee was sworn in. Captain Lee stated the P & L department emailed the contractor and told him they are trying to do more than is allowable and he will need a contractor to get the permits. He stated the City would request to amend at the next cutoff.

Mr. Cole stated he was checking on the property every day and that the church next door put up a barrier which helped.

Mr. Cole was give the forms to sign up as a Tresspass Arrest site.

DISPOSITION: Mr. Vukelja continued the matter to the January 14, 2020 meeting and ordered that the property be secured to City Standards and exterior maintained or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 2 - SMG 11-19-275 - 1825 Brentwood Road Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.G, at **1541 S Ridgewood Ave.** Violation(s) – Mildew on retaining wall. First Notified – 8/1/2019.

Respondent was not present.

Mr. Jackson stated the respondents have a work order for pressure washing and Inspector Clig is asking to amend to the next cutoff for compliance.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 4 - SMG 09-19-212 - Inversiones Prieto Mendez LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.7, 304.13, 605.1), at **640 Orange Ave.** Violation(s) – Broken windows, crumbling exterior walls, dilapidated roof and garage, electrical fixtures broken. First Notified – 5/10/2019.

Mr. Atilio Prieto, owner, and Mr. Elkin Hernandez, translator, came forward and were sworn in.

Mr. Jackson stated the property remains in non-compliance and the respondents have no permits. He stated Inspector Kirk reports there has been minimal progress and is asking for a fine in the amount of \$100 to a maximum of \$15,000 be imposed.

Mr. Hernandez stated Mr. Prieto is looking for a company to do the roof. He stated the estimates he has gotten are high and another was busy. He stated he found out the permit for the windows had expired.

Ms. Sara Kirk, Code Inspector, stated the permit expired on November 12. She stated he has made some progress, painted and removed part of the roof.

Mr. Hernandez stated Mr. Prieto stated he is just missing the inspection. He stated the walls had been fixed and he has painted the house.

Mr. Vukelja asked how long it would take to do the roof once they get a contractor.

Mr. Hernandez stated Mr. Prieto stated about a week.

Mr. Vukelja stated the permits must be issued, final and inspected by the Building Department. He stated the respondent needs to call Ms. Kirk for inspection of compliance.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 5 - SMG 11-19-263 - Frederick M. & Sabrina Metivier 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 304.3), at **608 Willie Dr.** Violation(s) – Parking in yard, premises identification. First Notified – 7/17/2019.

Respondent was not present.

Mr. Jackson stated Inspector Kirk has done 6 re-inspections on this property and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000. He stated she had communication in July and they said they would get it done but have not.

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 December 10, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 7 - SMG 05-19-113 - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1), at **550 N Ridgewood Ave.** Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia has had communication with the respondent and he has a roof permit. He stated the inspector would like to amend to the February 5 cutoff.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 8 - SMG 10-19-220 - DME Sports LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **448 S Beach St.** Violation(s) – No permit for the existing parking overlay with asphalt. First Notified – 3/25/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia reports the respondent is making good progress and expects to be done in a couple of days and is asking to amend to the next cutoff.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 9 - 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.

Michelle Poore came forward and was sworn in.

Mr. Jackson stated the respondent is working with the City and needs to go before the Commission. He stated Inspector Garcia would like to amend to the March meeting. He stated the Inspector is requesting that the property be secure and maintained.

Ms. Poore stated they are donating the property to the city and she was told it will be voted on by the Commission in about 30-60 days.

DISPOSITION: Mr. Vukelja continued the matter to the March 10, 2020 meeting.

CASE # 10 - SMG 09-19-200 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **137 Congress Ave.** Violation(s) – Lack of required permits (demo). First Notified – 7/3/2019.

Mr. Jackson stated the property remains in non-compliance and a permit was issued on December 6. He stated Inspector Stenson is asking to amend to the January cutoff.

Ms. Poore stated it needs quite a bit of work and needs to be re-built. She stated they obtained the permit on Friday and would be willing to appear at the next meeting for a progress report.

Mr. Vukelja asked if the electric was on.

Ms. Poore stated no.

Mr. Vukelja asked if the property was secure.

Ms. Poore stated one side of the building was missing.

Mr. Vukelja asked if the respondent was allowed to rebuild.

Inspector John Stenson stated yes.

DISPOSITION: Mr. Vukelja continued the matter to the January 14, 2020 meeting for a progress report and the determination of a compliance date.

CASE # 40 - SMG 12-19-292 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.1.1, 304.2, 304.3, 304.4, 304.6, 304.7, 304.13.1, 304.13.2, 304.15), at **832 Madison Ave.** Violation(s) – Abandoned building, dilapidated garage accessory structure, damaged exterior surfaces,

damaged roof, paint fading and peeling, damaged windows and doors, no address numbers. First Notified – 9/16/2019.

Mr. Vukelja asked the respondent if she agreed the violations existed at the time Notice was given.

Ms. Poore stated yes.

Mr. Jackson stated Inspector Fitzgerald believes this case can be in compliance by the next cutoff.

Inspector Michael Fitzgerald stated this is a dilapidated garage which can be repaired or demolished.

Ms. Poore stated they are working with an architect. She stated there was a mailbox with a street number now and they pulled the garage door so that it is secure. She stated the house was gutted because of a fire. She stated if she can get her permit she can have the garage done by the next cutoff. She stated the house would take longer and she would need to go through planning and zoning. She stated if the owner demolishes the house he cannot put it back in the same spot because of zoning. She stated the property is vacant.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and continued the matter to the January 14, 2020 meeting. It is further ordered that the exterior must be maintained and property secured to City Standards 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 10-19-218 - Nates Holding LLC Etal is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.2, 304.13); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **220 Reva St.** Violation(s) – Landscaping, outside storage, damaged roof, peeling paint, broken windows, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/22/2019.

Jody Pritt, Property Manager, came forward and was sworn in.

Mr. Jackson stated the respondents should be done by the next cutoff and asked to amend.

Mr. Stenson stated all violations had been addressed except two junk vehicles. He stated he has more roof works and one of the vehicles belongs to the tenant.

Ms. Pritt stated the January cutoff was no problem.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 14 - SMG 10-19-242 - Mazie & John Anthony is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A

(Ref. FBC Supp. IPMC 302.8, 304.13), at **1417 Forest Ave.** Violation(s) – Outside storage, off-street parking, junk vehicles, boarded windows. First Notified – 7/22/2019.

Respondent was not present.

Mr. Jackson stated the property remains in non-compliance.

Mr. Stenson stated all that is left is to fix a couple of windows and is asking to amend to the next cutoff.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 15 - SMG 10-19-243 - Ernest Omar & Annette Kashif 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; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **881 Derbyshire Rd.** Violation(s) – Parking in the yard, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL) and inspection. First Notified – 7/29/2019.

Respondent was not present.

Mr. Jackson stated the property remains in non-compliance since July 2019 and Inspector Stenson is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Stenson stated the case started as a junk vehicle on the grass. He stated they put the junk vehicle in the driveway and it is still inoperable with no tags.

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 December 5, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

Mr. Vukelja called for a break at 10:26 a.m.

Mr. Vukelja resumed the meeting at 10:36 a.m.

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

Mr. Elkin Hernandez stated that he found out in November that the outside property is actually on City property and the Public Works department has already started to fix it.

Captain Lee stated the respondent is coordinating with other departments and it will take time.

Mr. Vukelja asked if the Notice of Violation was mute.

Mr. Jackson stated he did not know but the survey says the principal repairs are on City property.

Captain Lee stated a small portion is shared and asked to amend to the February cutoff.

Mr. Elkin stated he has a permit to make improvements in their dumpster area.

DISPOSITION: Mr. Vukelja continued the determination of a compliance date to the February 11, 2020 meeting.

CASE # 30 - 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.

Mrs. Joan Dirsa came forward and was sworn in.

Mr. Jackson stated the property remains in non-compliance and is requesting a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Vukelja asked the respondent if she was renting rooms and Ms. Dirsa stated yes.

Mr. Alderman stated there are new details which Ms. Dirsa will explain.

Ms. Dirsa stated they had run out of money and the property is in foreclosure. She stated that people were not paying rent and they had been sick. She stated the property is in foreclosure and had filed bankruptcy to continue the foreclosure so it would not be recorded. She stated there is a short sale to occur on the property.

Mr. Jackson confirmed the December 5th bankruptcy would stop the foreclosure case and asked to continue the case.

DISPOSITION: Mr. Vukelja continued the case to the January 14, 2020 meeting.

CASE # 33 - SMG 12-19-289 - Halifax Realty Inc TR is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **308 Michigan.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/30/2019.

Frank Volker, President and Trustee, came forward and was sworn in.

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

Mr. Volker stated he can't affirm or deny. He stated the tenant was supposed to take care of the issues.

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

Inspector Mark Jones stated the respondent is in non-compliance and does not have a current Rental License.

Mr. Volker stated the next cutoff was reasonable.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 41 - SMG 12-19-293 - Lovely Group Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.6, 302.7, 302.8, 304.1, 304.1.1, 304.2, 304.6, 304.8, 304.9, 304.13, 304.13.1, 104.13.2, 304.15, 305.1.1, 305.3, 306.1, 306.1.1, 308.1, 308.3.1, 503.1, 506.3, 604.3, 604.3.1, 60, at **600 W Intl Speedway Blvd.** Violation(s) – Commercial code violations damaged windows and doors, damaged driveways and parking - asphalt and concrete, outside storage, trash and debris, damaged landscaping, overgrown grass and weeds, paint fading and peeling including interior and exterior building and accessory structures, junk vehicles, exterior structure damage around the air conditioning in back, electrical hazards interior and exterior, bathroom door and missing lock, grease traps containment, grease build up all over the exterior of container. First Notified – 9/25/2019.

Thomas Huger, contractor, came forward.

Mr. Vukelja asked the respondent if he agreed the violations existed on the property as stated in the Notice of Violation and he agreed.

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

Mr. Huger stated his plans are 90% completed for the building permit and he expects it will take between 90 and 120 days to complete. He stated he has a PowerPoint presentation to show to the Magistrate.

Mr. Jackson stated they agree it will take at least 90 days but they would like a progress report next month so that they know progress is being made.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to return to the January 14, 2020 meeting for a progress report and the determination of a compliance date.

Mark Oslizlo came forward and was sworn in.

Mr. Jackson stated the next 4 cases are all the same status and staff is requesting to amend to the next cutoff for compliance.

CASE # 20 - SMG 10-19-227 - Loland LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1018 Cadillac.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2019

CASE # 21 - SMG 10-19-231 - Loland LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **928 Berkshire**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/15/2019

CASE # 22 - SMG 10-19-234 - Loland LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1010 Berkshire**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/8/2019

CASE # 23 - SMG 10-19-236 - Loland LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1138 Berkshire**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/23/2019

For cases #20-23, Mr. Vukelja ruled as follows:

Mr. Oslizlo stated they were all done and are waiting for inspections which are already scheduled.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 19 - 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.

Mr. Jackson stated the property failed re-inspection on October 17 and Inspector Jones has heard nothing from the respondent and is asking for a fine in the amount of \$200 to a maximum of \$15,000.

Mr. Mark Jones stated there is a lot of work to be done on all 3 units and the Magistrate had ordered an inspection on the safety issues at the October hearing, within 10 days, which was done on October 17th and failed due to problems with the windows and GFCIs. He stated he has not heard anything since.

Ms. Hendry stated they had done some of the work and asked to submit photos. She stated she spoke to Karen Baum who told them they would be charged with inspection fees each time there is an inspection. She stated she believes the window locking hardware that was installed brings the windows to code. She stated they had replaced the GFCI's except for one which is connected to a light.

Mr. Jones stated per the International Property Maintenance Code, the windows must be able to open easily and stay up. He stated the windows need to be repaired properly or replaced because they are emergency exits. He told the Magistrate other issues he doesn't think have been addressed.

Mr. Vukelja asked the inspector how much time it should take to repair the windows.

Mr. Jones stated 30 days.

Ms. Hendry stated they needed engineering drawings for the railings and are having issues with their architect.

Mr. Jones confirmed that more than 4 steps from ground to landing need a railing.

Mr. Jackson read IPMC code 304.13 and 304.13.2 window codes which the City has adopted and does not believe the current mechanism is in compliance.

Mr. Vukelja asked if this was a major project.

Mr. Jones stated he has had numerous inspections and owners have been able to fix the windows. He described what needs to be done to repair the windows.

Ms. Hendry stated she searched on Google and Amazon and these are acceptable window hardware.

Mr. Vukelja asked what the drawback is with no having the windows to code.

Mr. Jones stated no easy egress for bedrooms. He stated it took two of them to open and latch the windows.

There was further discussion regarding how the windows can be repaired to meet code standards.

Mr. Vukelja found that the latch does not meet the code and asked how much time was needed to refit the windows so that they operate as originally intended. He stated the requirements for a rental property are higher and this is a life-safety issue.

Mr. Jones stated 60 days with them having to get bids and get the work done.

Ms. Hendry stated they would need to get money from the bankruptcy.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to the Special Magistrate for consideration of a fine up to \$1000 per day thereafter.

CASE # 28 - 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) – Damaged roof partially covered by tarp, paint fading and peeling and missing sides & back of building. First Notified – 2/19/2019.

Ms. Hendry stated they pulled a permit and a the property needs a new roof. She stated the stucco would be painted by the end of the month.

Mr. Jackson stated we are in the same place as the month before last and is asking for a fine in the amount of \$250 per day to a maximum of \$15,000.

Ms. Hendry stated their priority had been 232 N Peninsula and 113 N Hollywood which just got new roofs and this property is up next for painting.

Mr. Vukelja asked how much work had been done on this property.

Mr. Fitzgerald stated a couple of months ago the roof was replaced with a permit and now it needs painting.

Ms. Hendry stated they have had 2 previous painting companies that fell through and will have it painted by the end of the month.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until January 8, 2020 to come into compliance or a fine in the amount of \$100 per day will automatically be imposed and continue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 29 - SMG 01-19-11 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **507 Phoenix Ave.** Violation(s) – Construction without permits. First Notified – 9/11/2018.

Ms. Hendry stated they have replaced the garage door and passes on a different code case and are in compliance. She stated there was a problem with the contractor's insurance and he updated it and as a result the inspection is scheduled for tomorrow. She stated the property is vacant and they would have to pay staff to wait on the inspector. She stated she has requested that they waive the inspection fee and thought that had been done when she spoke with a permit inspector. She stated they could not get the inspection scheduled before the hearing.

Mr. Jackson stated he is not aware of an inspection being scheduled and the respondent had been trying to get the inspection fees waived. He stated Inspector Alderman is requesting a fine in the amount of \$250 per day to a maximum of \$15,000.

Captain Lee stated there is a building permit inspection scheduled for tomorrow and reminded the respondent that she will also need an inspection by the Code Inspector.

Ms. Hendry clarified that they have a Building permit inspection.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until January 8, 2020 to come into compliance or a fine in the amount of \$100 per day will automatically be imposed and continue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 47 - SMG 12-19-295 - GEA Seaside Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **21 S Peninsula Dr.** Violation(s) – Lack of required permits for work being performed. First Notified – 11/4/2019.

Mr. Vukelja asked the respondent if she agreed the violations existed on the property as stated in the Notice of Violation.

Ms. Hendry stated no that they are not required to pull the permits as they are replacing the siding in portions and they are attempting to repair it. She stated she asked for clarification why they needed to pull a permit and was given a general answer from the inspector.

Mr. Jackson stated the respondent is misunderstanding that they need to pull a permit because there is a code case.

Mr. Stenson stated there was more than one case on this property and the respondent is attempting to address violations on the outside of the property. He stated the wood under the siding is rotten and he took it to the Building Inspector and he said they needed to replace all of the wood and that she needs a permit. He stated the work stopped and was done without permits. The respondent failed to obtain a permit and he issued a stop work order.

Ms. Hendry objected to the building inspector's comments and that he is not here to testify.

Mr. Vukelja stated he was told they replaced siding and the Inspector had observed decayed wood. He asked the respondent why she thought she could do the work without a permit.

Ms. Hendry stated the work did not go toward the structure of the property and they were just fixing portions and it was a repair and replace job.

Mr. Vukelja asked if they observed wood rot when they replaced the siding.

Ms. Hendry stated she did not know and was not there.

Mr. Vukelja stated the Inspector observed wood rot which is structural.

Ms. Hendry stated she was not sure. She stated the inspector was not granted access and it was not tenant occupied and she was not present.

Mr. Vukelja asked what the respondent needs to do to remedy the situation

Mr. Stenson stated her licensed contractor would need to get a building permit to perform the repairs.

Captain Lee stated in most cases replacing siding does affect the structural part of the building. He stated unless she has something from the building department stating she doesn't need a permit, she needs that permit.

Mr. Vukelja asked how long it should take to come into compliance.

Mr. Stenson stated by the next cutoff.

Ms. Hendry stated there was no way to make it by the next cutoff. She stated she would present a progress report at the next hearing.

Mr. Henson stated they have been working on this property for quite a while.

Mr. Vukelja stated they had been issued a stop work order and Mr. Stenson agreed.

Mr. Vukelja asked if was feasible that the respondent would have permits by January 8.

Mr. Stenson said yes.

Captain Lee stated it was feasible that she would have applied

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and continued the case to the January 8, 2020 meeting for a compliance date where he would expect the respondent to already have a contractor and applied for a permit.

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.

Ms. Hendry stated they just completed an inspection at this property and all of the windows are easily openable with the locking mechanism and all windows work except the one in the room with boxes and it is a storage room. She stated there was a fine in place by Mr. Riggio. She stated Mr. Vukelja reviewed videos and photos showing the window was easily openable.

Mr. Jackson stated the Magistrate determined after watching the video that the windows were not easily openable and the respondent needed to work on it have a re-inspection several months ago. He stated the case has been continued about 3 times. He stated the assessor hardware was added to hold them up. He stated there is a different code for the windows in the storage room.

Mr. Vukelja stated he gave additional time for the respondent to come into compliance after he determined the window did not work well to him, and then Mr. Riggio sat at the next hearing.

Mr. Jackson stated at that hearing they stipulated the review to continue the case until Mr. Vukelja returned.

Mr. Vukelja asked who entered the original fine on July 9, 2018.

Mr. Jackson stated it was an auto fine entered by Mr. Riggio and then the respondent filed for reconsideration.

Mr. Vukelja asked if the earlier conversation affected this property.

Ms. Hendry stated it is the same locking mechanism.

Mr. Vukelja asked if the windows had been repaired.

Ms. Hendry stated they have been repaired and she thinks the contractor was licensed but she hasn't spoken to them since the repair. She stated since the Magistrate found the locking mechanism not to be sufficient and they were going to repair the other property she would like more time and to amend the order to come into compliance.

Mr. Vukelja asked if they were going to do it.

Ms. Hendry stated they were.

Mr. Vukelja stated the respondent is recognizing that she must have the windows replaced on this property the same as the earlier property.

Ms. Hendry stated yes.

Mr. Vukelja told the respondent to have them fixed within 60 days and he would vacate the order.

DISPOSITION: Mr. Vukelja vacated the previous fine and allowed the respondent until February 5, 2020 to rework the windows to work as originally intended.

Mr. Jackson stated they re-inspected yesterday and the property is still not in compliance.

CASE # 24 - SMG 11-19-248 - Land Trust Service Corp Trustee No 416 is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **416 N Oleander**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/20/2019.

Respondent was not present.

Mr. Jackson stated the property remains in non-compliance and Inspector Jones is requesting a fine in the amount of \$100 per day to a maximum of \$15,000. He stated the respondent had cancelled the reinspection. He stated they were first notified in June of 2019.

Mr. Vukelja asked the Inspector if he knew why the respondent cancelled the inspection.

Mr. Jones stated there are 2 rental units on the property which needed to pass to get the Rental License and they have done nothing to one of them so the respondent cancelled the inspection.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$100 per day, commencing December 5, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 25 - SMG 11-19-256 - David R. Roy is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1420 N Grandview**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/25/2019.

Respondent was not present.

Mr. Jackson stated the respondent has had 3 prior inspections and the property remains in non-compliance. He stated the respondent was notified in May of 2019 and Inspector Jones is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Jones stated there are some items they can't seem to get fixed. He stated some of the items from the original inspection in March have not been fixed, He stated the violations include a shutter off the window, paint or wood rot on the back of the building and a shed that was removed but left the bottom channel which was a trip hazard. He stated they had no closet doors and

there is a window sill that has wood rot. He stated on June 6 these items were still outstanding and he went back on the 7th and the same items were not completed and he hasn't heard from them since.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$100 per day, commencing December 5, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 27 - SMG 06-19-135 - Remco LLC/Wilgens Mesalien 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 nothing had been done and the property is on the demolition list. He stated Inspector Fitzgerald is asking for a fine in the amount of \$250 per day to a maximum of \$15,000.

Mr. Fitzgerald stated the property was condemned by the City.

Captain Lee explained the condemnation process.

Mr. Vukelja stated he assumed the property owner was still responsible.

Captain Lee agreed and stated they had been notified of the process along the way.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$250 per day, commencing December 5, 2019, and continuing to accrue each day thereafter until compliance is achieved or the fine reaches a maximum amount of \$15,000.

CASE # 32 - SMG 12-19-279 - Hecks Property Management LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **217 Lynne Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/26/2019.

Respondent was not present.

Mr. Jackson stated the Inspector received a letter from Ms. Heck requesting a continuance as she was scheduled to appear in trial at 9:00 this morning but there are no contestable issues.

DISPOSITION: Mr. Vukelja continued determination of compliance to the January 14, 2020 meeting.

CASE # 34 - SMG 12-19-278 - Shafaat & Carol Ahmed 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 301.3, 302.4, 302.8, 304.2, 304.3, 304.13, 304.13.1, 308.1), at **755 Derbyshire Rd.**

Violation(s) – Property maintenance violations, overgrown yard and unsightly trees, weeds and vegetation and lawn, outside storage, trash and debris, damaged brick post in exterior yard, address numbers on the house, junk vehicle parked in the front yard with no tag on grass, damaged/broken windows, dirt and grime, faded and peeling paint.

First Notified – 5/29/2019.

Respondent was not present.

Mr. Fitzgerald stated he is requesting a finding of non-compliance and next cutoff to come into compliance.,

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 35 - SMG 12-19-284 - Arkady & Gregorey Izrailov is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B - Commercial Property Maintenance; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.2, 302.4), at **W Intl Speedway Blvd (Parcel ID 5339-02-57-0161)**. Violation(s) – Lack of commercial property maintenance, outside storage, trash & debris, erosion of soil, no commercial lot maintenance - trees, dead branches, overgrown grass and noxious weeds. First Notified – 9/11/2019.

Respondent was not present.

Mr. Fitzgerald stated he is requesting a finding of non-compliance and next cutoff to come into compliance.,

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 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 12-19-285 - Herbert Green, Jr. 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, 302.2, 302.4, 302.8, 308.1), at **825 George W Engram Blvd**. Violation(s) – Junk vehicles, outside storage, trash and debris, vacant land with no property maintenance, soil erosion. First Notified – 9/25/2019.

Respondent was not present.

Mr. Jackson stated the property was previously in non-compliance and is in compliance as of December 9, 2019 and is asking for a will-fine.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent is formerly in non-compliance and currently in compliance and for any future violations be returned to the Special Magistrate for consideration of a fine of up to \$5,000 per occurrence.

CASE # 37 - SMG 12-19-286 - Pinkie Garcia is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 308.1), at **647 Winchester St.** Violation(s) – Vacant land, outside storage, trash and debris, overgrowth. First Notified – 7/31/2019.

Respondent was not present.

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

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 38 - SMG 12-19-287 - TRSTE LLC Trust & 228 N Adams St Land Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 605.1, 605.2, 704.2, 304.2, 304.7, 304.13, 304.13.1, 304.13.2, 305.2, 305.3, 305.4, 309.1, 309.2, 309.3), at **228 N Adams St.** Violation(s) – LIFE SAFETY - electrical deficiencies, including open receptacles and missing smoke detectors. Paint fading and peeling, dirt and grime, damaged roof, damaged windows and door frames, damaged window glazing, interior structural deficiencies including ceiling damaged by water, damaged floor, pest infestation. First Notified – 10/31/2019.

Respondent was not present.

Mr. Fitzgerald stated the property is in non-compliance and he is requesting the safety violations be brought into compliance within 48 hours and the remainder by next cutoff.

Mr. Jackson stated it would be difficult to have the order done in 48 hours.

It was agreed by Code staff that they would like compliance on safety issues within 5 days.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent to bring all life safety issues of electrical deficiencies, including open receptacles and missing smoke detectors into compliance within 5 days of when the order is executed. It was further ordered that respondent must come into compliance on all other violations by January 8, 2020. Failing either requirement, respondent may be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 12-19-291 - Beach Dayt Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.B; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 302.9), at **812 W Intl Speedway Blvd.** Violation(s) – Commercial maintenance code violations - Outside storage, trash and debris, sign depicting an unopened business, lawn maintenance violations, graffiti painted on exterior walls, no maintenance to City's right of way or curbside, overgrown grass and weeds. First Notified – 9/26/2019.

Respondent was not present.

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

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 42 - SMG 12-19-280 - Lisa Goberdahn is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1025 Cadillac Drive**. Violation(s) – No address numbers, landscaping, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/6/2019,.

Respondent was not present

Mr. Fitzgerald stated he is asking for a finding of non-compliance and requested next cutoff to come into compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 44 - SMG 12-19-290 - Dennis T & Terri L Prescott is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.6, 504.3), at **1328 Imperial Dr**. Violation(s) – Damaged driveway, exterior surfaces, plumbing system hazard (inadequate back siphonage). First Notified – 10/26/2019.

Respondent was not present.

Mr. Stenson stated the property is in non-compliance and he is requesting next cutoff to come into compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 46 - SMG 12-19-288 - Jessie Edwards is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7 (2nd violation), 302.8), at **544 Heineman St**. Violation(s) – Parking in the yard, outside storage, accessory structure (frame), accessory structure (fencing). First Notified – 10/16/2019.

Respondent was not present.

Mr. Stenson stated the property remains in non-compliance and he is requesting to amend to the January cutoff for compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 48 - SMG 12-19-294 - Reginald Copeland is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.7, 304.7, 304.14, 305.3, 305.6, 604.3.1.1, 605.1); NFPA 1, 13.7.1.4.9; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **724 Mercedes Ave.** Violation(s) – Expired permits unfinished, permits required for roof work, permits needed for new installed rear window and enclosed structure, outside storage, off-street parking, damaged driveway surfaces, damaged fencing, damaged roof, missing screens, interior surfaces, interior doors, plumbing fixtures, front door bell and wiring, electrical equipment, smoke detectors, failure to obtain Rental License (RTL) and inspection. First Notified – 9/5/2019.

Respondent was not present.

Mr. Stenson stated the property remains in non-compliance and he is requesting next cutoff for the property to be brought into compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the Inspector, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by January 8, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Mr. Vukelja asked if there was any Miscellaneous Business. Mr. Jackson stated the City regenerated the Board of Building Codes to review properties. He stated they would inspect and determine properties that should be of condemnation. He stated that is where the demolition list comes from. He stated once determination is made by the Building Inspector, they are sent to the Building Board to determine if it can be repaired.

The meeting was adjourned at 12:10 p.m.