

**SPECIAL  
MAGISTRATE  
HEARING**

February 9, 2010 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida

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ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney

Ofc. Sherri Siracusa

Mr. Steve Alderman, Code Inspector

Mr. Mark Ellison, Code Inspector

Ms. Vicki Lankford, Code Inspector

Mr. John Stenson, Code Inspector

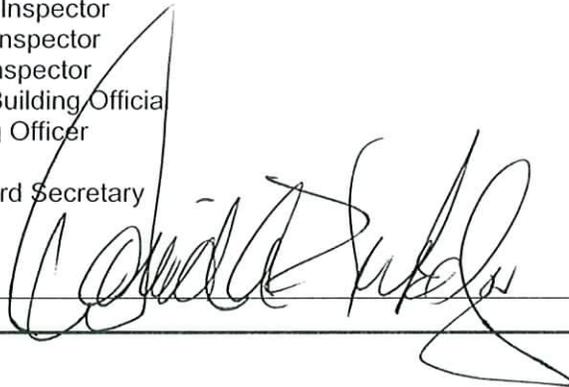
Mr. Denzil Sykes, Code Inspector

Mr. Mark Criswell, Chief Building Official

Ms. Colleen Miles, Zoning Officer

Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:



Special Magistrate

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Mr. Vukelja called the Hearing to order at 9:08 a.m.

Staff members who would be testifying during the Hearing were sworn by Ms. Hampton

Mr. Vukelja approved the Minutes for the January 12, 2010 Meeting Minutes.

**Bike Week Master Plan Appeals:**

**CASE 1: GILLY'S PUB 44 RIVERFRONT – 115 & 116 Main Street** - Requested by Robert E. Lowrey, III  
- Appeal of denial of Bike Week Executive Committee and City Commission for participation in  
Master Plan outside activities for Bike Week 2010 due to 60 ft – contiguous property definition.

Mr. Robert Lowery came forward and was sworn. Mr. Lowery stated he was appealing the denial of Master Plan participation due to the contiguous property definition and he was requesting to use his parking lot across the street as it is 60 feet and not 50 feet as stated in the contiguous use definition and he would be providing for a crossing guard.

Ms. Colleen Miles stated the City stated they did not have a problem with granting the appeal provided Pub 44 provided for a crossing guard for pedestrian traffic as they have in the past.

### Ruling

Mr. Vukelja granted the appeal of Gilly's Pub 44 Riverfront to allow participation in the Bike Week Master Plan outside activities for Bike Week 2010, provided he complied with City's request for crossing guard at the location.

### Lien Review 2

**CEB 04-08-108 – 126 S. Oleander Avenue (Requestor – Attorney Jonathan Mesker, Florida Default Law Group):** Order Imposing Fine/Lien of \$25.00 per day plus a one-time administrative fine of \$250.00 imposed 5/8/2008. Total amount as of 2/4/10 = \$16,175.00.

Attorney Sharon Ruth appeared on behalf of Florida Default Law Group. Ms. Ruth stated she was requesting a partial release of a lien that was foreclosed however the City's lien was not included in the foreclosure and she believe there was a recommendation of the City to charge \$1,500.00 for said partial release. Ms. Ruth stated she has the \$1,500 check for the payment of the partial release at the meeting.

Mr. Fitzgerald appeared on behalf of the City and recommended \$1,500.00 for the partial release of lien.

### Ruling

Mr. Vukelja ordered the lien at 126 S. Oleander which is encumbering the property located at 1511 S. Peninsula be partially released for the amount of \$1,500.00.

**CASE NO 4 SMG 11-09-84 – Five Star of Central Fla, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1), at 214 N Keech Street - Main Number - Violation(s) – Failure to obtain permit(s) for work being done on property -First Notified – 7/10/2009.

Attorney Brad Willard came forward who is representing the Foreclosing Mortgagee US Bank National Association.

Court Appointed Receiver Brad Sheppard came forward.

No one was present on behalf of Five Star of Central Florida.

Mr. Sykes testified on behalf of the City and stated the case should be continued from the March meeting docket until the April Meeting as Mr. Sheppard is stepping in as receiver for the property to board up the units and secure the property.

Mr. Sheppard stated the property consisted of 78 units with 35 still occupied. Mr. Sheppard further stated they are in the process of cleaning out and boarding up all the vacant units and hope to have all the tenants moved in the next 45 days and as the units become vacant they will clean out and board up the units. Mr. Sheppard stated there were also life safety issues they were going to take care of immediately.

Mr. Vukelja reviewed the facts of the case regarding vacating the units and confirming the circumstances involving compliance.

Mr. Willard stated that Five Star of Central Florida was in the process of being foreclosed with a Summary Judgment hearing set for early May. Mr. Willard stated Mr. Sheppard was appointed as receiver because Five Star was not taking care of the property.

Mr. Vukelja inquired as to notice to Five Star for the proceedings on this day.

Ms. Hampton stated Five Star was not noticed to be at the February 9<sup>th</sup> meeting as they were given until March 3, 2010 to come into compliance and noticed to be at the March 9, 2010 Meeting should they not be in compliance by March 3, 2010.

Mr. Vukelja inquired if the mortgagee was listed as a Respondent.

Mr. Jackson stated currently the mortgagee was not listed as a Respondent but believes they should be added.

Mr. Vukelja inquired if the mortgagee was willing to stipulate to being added as a Respondent?

Mr. Willard stated that until the foreclosure was final he believed they could not be added as a Respondent.

Mr. Jackson stated he believed if the mortgagee as control over the property, they have the obligation to bring it into compliance and thus should be added as a Respondent.

Mr. Vukelja stated he believes if he extends the compliance date that it would not prejudice the Respondent despite them not being present at the current proceeding.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to require the property be secured to City standards by April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day and further ordered the case be placed on the April 13, 2010 Special Magistrate Meeting Agenda for a progress report.

### **Lien Review 1**

**CEB 08-07-157 – 122 Cheshire/Henry Michaelsen (Eugene Michaelsen – Son):** Order Imposing Fine/Lien of \$25.00 per day imposed 9/13/07. Compliance 1/18/08; 127 days @ \$25.00 p/day = \$3,175.00.

Ms. Hampton advised Mr. Vukelja that that the requestor was Mr. Eugene Michaelsen who is the son and only heir of the property. Mr. Michaelsen provided written consent to conduct the lien review without his presence as he resides in New York.

Mr. Ellison testified on behalf of the City and appeared on behalf of Inspector Clig. Mr. Ellison reviewed the case history and further recommended a reduction to ten percent of the amount of the lien which would be \$389.55.

Mr. Vukelja reviewed the file and the documentation provided from Mr. Michaelsen and believed the recommended reduction by the City was appropriate in this case.

### **Ruling**

Mr. Vukelja granted the reduction of the lien on 122 Cheshire Road in Case # CEB 08-07-157 to the amount of \$389.55 payable within thirty days or the lien reverts back to the original amount and interest will accrue.

**CASE NO 1 SMG 01-09-02 – Joseph Burton Hardy III, Joyce L. Wright and Juliette Massey** has been cited for failure to correct violations of the Land Development Code, See attached housing inspection report, at **550 Tomoka Road - Violation(s) – Maintenance Code -First Notified – 9/19/2008.**

Mr. Hardy came forward and was sworn. Mr. Hardy stated he should be able to have the floor in compliance by the beginning of next week.

Mr. Stenson appeared on behalf of the City's Code Enforcement Division and stated he was going to defer to Mr. Criswell to provide an update of the case.

Mr. Criswell appeared on behalf of the City and advised that Mr. Hardy did obtain a permit a few days after the last meeting. Mr. Criswell performed an inspection of the damages. Mr. Hardy made the repairs and has requested a final inspection which should be able to be completed by the end of the week.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 2 SMG 03-09-14 – Harman Investments, L.L.C. & Cortez Investment Group, Inc., John K. Butz, Douglass A. Person, & Worldwide Chicago Branch, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1 (ref. 105.1 FBC), at **919 N. Atlantic Avenue** - Violation(s) – No permit for water drainage plan before clearing and improving vacant lot - First Notified – 5/12/2008.

Mr. Richard Harman came forward and was sworn. Mr. Harman stated they were waiting on the City for a permit and further stated after they receive the permit the work should be completed in two months.

Mr. Alderman testified on behalf of the City and stated the Respondents have submitted the application for a permit. Mr. Alderman stated there were three remaining items that needed to be addressed before a permit could be issued. Mr. Alderman stated the City would like to amend until the next cut-off for a progress report and if no progress than he would like the imposition of a fine.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance by May 5, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved. Mr. Vukelja further ordered a progress report for the March 9, 2010 Special Magistrate meeting.

**CASE NO 3 SMG 11-09-81 – Peter Lee** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IMPC Sections as referenced on the attached Housing Inspection Report), at **519 N. Ridgewood Avenue** - Violation(s) – Sections of the IPMC as referenced on the attached Housing Inspection Report - First Notified – 8/12/2009.

Respondent Peter Lee came forward and was sworn. Mr. Lee stated has completed a good portion of the vinyl on the outside and also put in electric base board heaters and was working on finishing the grout for the tiling. Mr. Lee stated he was waiting on more vinyl to come in from Lowes. Mr. Lee further stated he should need two more months for compliance.

Mr. Stenson testified on behalf of the City and stated Mr. Lee is making good progress and he would be agreeable to 60 days compliance.

### Ruling

Mr. Vukelja amended the previous order of non-compliance and ordered the Respondent come into compliance by April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 5 SMG 12-09-86 – 400 Beach Street Acquisitions, LLC** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IMPC 301.2, 302.4, 304.2, 304.6, 304.7, 304.9, 304.13, 305.3, and 605.1), at **300 N. Beach Street** - Violation(s) – Owner responsible to maintain structures and exterior of property in compliance with IPMC requirements; weeds; protective treatment; exterior walls; roofs and drainage; overhang extensions; window, light and door frames; interior surfaces; electrical equipment and wiring shall be properly installed and maintained - First Notified – 9/14/2009.

Charles Bryant from the City's Redevelopment Department testified on behalf of the City. Mr. Bryant stated on January 27<sup>th</sup> the City submitted the request for bid to have the rear building of 300 N. Beach Street to be demolished. Mr. Bryant said the bid would be awarding the afternoon of February 16<sup>th</sup>. Mr. Bryant stated they would get someone over there to secure the property.

Mr. Ellison testified on behalf of the City's Code Department and stated the property was secured but someone recently broke in and it was presently unsecured. Mr. Ellison recommended a progress report in April due to Bike Week and asbestos surveys.

### Ruling

Mr. Vukelja ordered the case be placed on the April 13, 2010 Agenda for a Progress Report and further ordered the property be maintained secured to City standards.

**CASE NO 6 SMG 12-09-92 – Ronald Mitchell & Jacqueline Babbs Mitchell** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp. IPMC 304.7); Art. 18 Sec. 7.3 and Sec. 4.4; Art. 8 Sec. 2.7; City Code 90-297, at **1624 Cedar Highlands Blvd.** - Violation(s) – Roof is in an unfinished condition (tar paper only); materials are stored on exterior of property; vehicles parked on unimproved surfaces; yard not maintained (high weeds, grass, trash, and debris); no occupational license for rental - First Notified – 8/4/2009.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated the property was in non-compliance regarding the outside storage is better but is still present despite there being a minimal amount to correct. Ms. Lankford stated she was requesting the imposition of a fine with regard to the outside storage in the amount of \$25.00 per day with a cap of \$6,704.00 which is ten percent of the just property value.

Mr. Vukelja stated he was not willing to cap the fine just yet.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance with regard to the outside storage by March 3, 2010 or be automatically fined the amount of \$50.00 per day until compliance is achieved. The compliance date for the correction of the roof remained March 3, 2010.

**CASE NO 7 SMG 01-10-01 – Lance L. Thate & Lace J. Thate, JTRS** has been cited for failure to correct violations of the Ch. 90-297, at **824 Pinewood** - Violation(s) – No rental occupational license - First Notified – 10/26/2009.

Respondent was in compliance February 2, 2010.

**CASE NO 8 SMG 01-10-02 – Joice C. Perry** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 301.2, 301.3, 305.1, 305.3 & 604.3), at **324 Aleatha Drive** - Violation(s) – Failure to repair interior surface and electrical; keep vacant property safe - owner is responsible - First Notified – 7/10/2009.

Respondent was not present.

Mr. Ellison testified on behalf of the city and stated he requested amending until the next cut-off date for compliance as they are in the process of pulling permits to take care of the work required.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 9 SMG 01-10-03 – Galaxy Buick, Inc. and Daytona Auto Body & Repair, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5 & 6, at **538 Ballough Road** - Violation(s) – Erecting signage with no permits; non-conforming to redevelopment standards - First Notified – 10/20/2009.

Respondent was in compliance January 26, 2010.

**CASE NO 10 SMG 01-10-05 – Earnest Deloach, Jr. & Delorice Ryles** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.2 & 304.3), at **615 Clark Street** - Violation(s) – Failure to paint exterior trim and unpainted surfaces - First Notified – 11/6/2009.

Respondent was not present.

Mr. Ellison testified on behalf of the City and recommended amending the previous order until the next cut-off date for compliance based upon good communication and progress.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 11 SMG 01-10-06 – Mohammad M. Khabazeh** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.7, 304.3, 304.13 and 304.2), at **812 Magnolia Avenue** - Violation(s) – Outside storage; roof and drainage; identification numbers, broken windows and exterior surfaces - First Notified – 10/16/2009.

Respondent was not present.

Mr. Stenson testified on behalf of the City and recommended amending the previous order until the next cut-off date for compliance because the Respondent has just returned from being out of the country for the last four months and the property owner requested some time to clean up the property.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to order the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

### **New Cases:**

**CASE NO 12 SMG 02-10-19 – Theo Cox** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8 and 302.7); Chapter 90 Sec. 90-297 Code of Ordinances, at **857 Magnolia** - Violation(s) – Failure to remove outside storage from property; No occupational license for auto repair business; Failure to remove unlicensed/unregistered vehicles from property - First Notified – 5/19/2009.

Respondent Theo Cox came forward and was sworn. Mr. Cox stipulated to the violations and agreed to the 45 days to remove the vehicles.

Mr. Sykes testified on behalf of the City and stated he believed it would take approximately 45 days to remove the vehicles.

### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance.

**CASE NO 13 SMG 02-10-20 – MTAG Cust for Stever Management, LLC** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC - see housing inspection report), at **703 1/2 S. Martin Luther King, Jr.** - Violation(s) – See attached housing inspection report - First Notified – 6/24/2009.

Respondent was not present.

Mr. Sykes testified on behalf of the City and stated the property was in non-compliance for the dilapidated and unsecured property. Mr. Sykes further stated he has obtained signatures for the notice of violation however he has not been contacted by anyone to date. Mr. Sykes stated it would take approximately 30 days to demolish the structure.

### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 14 SMG 02-10-21 – Schowonda Denise Williams** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IMPC - See sections of attached housing inspection report, at **517 McLeod Street** -Violation(s) – See attached housing inspection report - First Notified – 8/21/2009.

Respondent was not present.

Mr. Sykes testified on behalf of the City and stated the violations were the result of a fire which has been boarded up and secured, however they have begun work on the inside of the property without permits and he has not been contacted by the Respondents.

Mr. Sykes stated if they pull permits and perform the work for rehabilitation should take approximately 90 days.

Mr., Jackson recommended scheduling the matter for a progress report at the March meeting to see if the Respondents are responsive and if they aren't establishing a 30 day compliance date for demolition.

### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the case be placed on the March 9, 2010 Special Magistrate Agenda for a Progress Report and determination of a compliance date.

**CASE NO 15 SMG 02-10-22 – Carry Bernadette Smith-Ramsey** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.10, 304.13, 304.2, 304.6, 604.3, 504.3 and 304.4); Chapter 90 Sec. 90-297 Code of Ordinances, at **210-214 College Park Drive** - Violation(s) – Outside storage, exterior stairs, windows, exterior paint, exterior surfaces, inadequate power services, inadequate water services, structural members, no rental license - First Notified – 11/25/2009.

Respondent Carry Bernadette Smith-Ramsey and Bernard Smith, Jr. came forward and were sworn. Mr. Smith stated he was speaking on behalf of his sister who agreed the violations do exist except for the property being occupied as the property has not been occupied in three years. Mr. Smith further stated they were in the process with the City for rental rehabilitation to be able to provide affordable rental housing.

Mr. Stenson testified on behalf of the City and requested a progress report in 60 days and further that the actual work would take approximately two months to complete. Mr. Stenson further stated the property needed to be secure to City standards in the interim. Mr. Stenson requested a progress report for the April Meeting.

Mr. Smith stated there are squatters from time to time on the property.

### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the case be placed on the April 13, 2010 Agenda for a progress report and further ordered the property be maintained and secured to City standards and the property remain unoccupied until compliance is achieved. Failing any of the previous condition the Respondent shall be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 16 SMG 02-10-23 – Bette Howard** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 504.3), at **349 Garden Street** - Violation(s) – Inadequate water service - First Notified – 11/21/2009.

Mr. Donald Williams came forward and was sworn. Mr. Williams stated he was the brother of Bette Howard. Mr. Williams stated he was the occupant/renter of the property, came forward and was sworn. Mr. Williams stated he did have the authority to speak on behalf of his sister and stated he did not have the money to have the water turned back on. Mr. Williams stated he did not want to have his sister fined so he would vacate the property.

Mr. Vukelja reviewed the fax submitted by Ms. Howard and inquired if he had the authority to speak on behalf of his sister and if he agreed to the violations as stated on the Notice of Violation.

Mr. Stenson testified on behalf of the City and stated the only way to obtain compliance is to obtain water services or vacate the property because it is a violation.

Mr. Vukelja inquired if there was any relief to individuals who do not have the financial means to pay their water bills.

Mr. Stenson advised the utility billing department does arrange for payment plans.

### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 17 SMG 02-10-24 – Edward R. Brown & Sharlene C. Brown** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.2); Ch. 90 Sec. 90-297 Code of Ordinances, at **636 Florence Street** - Violation(s) – Peeling paint; no occupational license for rental- First Notified – 12/3/2009.

Respondent was not present.

Mr. Stenson stated cases # 17 and # 18, the Notice of Violation were mailed to opposite people.

Mr. Jackson stated since there was a notice issues and since there was a possibility that the issues could be resolved by the next meeting he would recommend a withdrawal.

Mr. Stenson withdrew Case # 17, 636 Florence Street.

**CASE NO 18 SMG 02-10-25 – Catherine Brown Johnson** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8 & 304.2), at **711 Washington Street** -Violation(s) – Junk vehicles and peeling paint - First Notified – 9/10/2009.

Respondent was not present.

Mr. Stenson withdrew Case # 18, 711 Washington Street due to notice problems.

**CASE NO 20 SMG 02-10-27 – The Carrot Family Trust Under Agreement Dated 12/28/90** has been cited for failure to correct violations of Ch. 90 Sec. 90-297 Code of Ordinances, at **1049 Berkshire Road** - Violation(s) – No current occupational license on rental property -First Notified – 10/26/2009.

Scott Singler, came forward and was sworn and stated he was the Trustee of the Trust and further advised he does not agree with the Notice of Violation. Mr. Singler he applied and received an inspection for the occupational license on November 3, 2009 which was five days after received the original Notice of Violation was sent to him. Mr. Singler further stated that the occupational license that was issued to him was only good for 11 months despite him paying for a 12 month license and he also noticed the spelling on the license shows the spelling for Berkshire as "Birkshire".

Ms. Lankford testified on behalf of the City and advised that notice was sent out but her research showed no occupational license. Ms. Lankford stated had she received a phone call from Mr. Singler advising her he obtained his license she could have looked into it and confirmed.

### Ruling

Mr. Vukelja continued the determination of compliance or non-compliance in order to allow the Inspector to verify the license.

**CASE NO 19 SMG 02-10-26 – WMA Properties, LLC** has been cited for failure to correct violations of the Ch. 90 Sec. 90-297 Code of Ordinances, at **951 Berkshire Road** - Violation(s) – No occupational license - First Notified – 11/3/2009.

Respondent was in compliance February 8, 2010.

**CASE NO 21 SMG 02-10-28 – Samuel J. Merrill, Jr.** has been cited for failure to correct violations of Ch. 90 Sec. 90-297 Code of Ordinances, at **1142 Berkshire Road** - Violation(s) – No occupational license – First Notified – 9/28/2009.

Respondent was not present.

Ms. Lankford stated the property was in non-compliance and recommended the next cut-off date for compliance.

#### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 22 SMG 02-10-29 – Elias Amir** has been cited for failure to correct violations of Ch. 90 Sec. 90-297 Code of Ordinances, at **116 Brasswood Court** – Violation(s) – No occupational license – First Notified – 9/29/2009.

Respondent was not present.

Ms. Lankford stated the property was in non-compliance and recommended the next cut-off date for compliance.

#### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 23 SMG 02-10-30 – Deborah L. Rivers** has been cited for failure to correct violations of Ch. 90 Sec. 90-297 Code of Ordinances, at **920 Essex Road** – Violation(s) – No occupational license – First Notified – 12/1/2009.

Respondent was in compliance January 28, 2010.

**CASE NO 24 SMG 02-10-31 – Rose Mary Johnson** has been cited for failure to correct violations of the Ch. 90 Sec. 90-297 Code of Ordinances, at **1324 Imperial Drive** - Violation(s) – No occupational license for rental property - First Notified – 11/10/2009.

Respondent was not present.

Ms. Lankford stated the property owner was in the process of evicting the tenants and were hoping they would have the tenants evicted by the next cut-off date.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 25 SMG 02-10-32 – James Lamar Shubert** has been cited for failure to correct violations of the Ch. 90 Sec. 90-297 Code of Ordinances, at **1344 Imperial Drive** - Violation(s) – No occupational license - First Notified – 10/27/2009.

Respondent was not present.

Ms. Lankford stated the property was in non-compliance and recommended the next cut-off date for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 26 SMG 02-10-33 – Toni E. & Darrell N. Green, Sr.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.7), at **842 Lewis Drive** - Violation(s) – Roof in disrepair; not sound or weather tight - First Notified – 11/10/2009.

Respondent was in compliance February 2, 2010.

**CASE NO 27 SMG 02-10-34 – Merrill Properties, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.7 and 307.1); Art. 8 Sec. 3.6; Art. 18 Sec. 7.3, at **850 Lewis Drive** - Violation(s) – Roof is not sound, covered by tarp; accumulation of trash and rubbish on exterior of property; fence that is not plumb and upright, free from defects; material stored on the exterior of the property - First Notified – 11/9/2009.

Respondent was not present.

Ms. Lankford stated she has not heard from the property owner but there has been some activity on the property. Ms. Lankford stated the property was in non-compliance and recommended the next cut-off date for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 28 SMG 02-10-35 – Melvin & Lucille Evans** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.2, at **1046 Thunderbird Drive** - Violation(s) – Parking trailer in the front of a residence - First Notified – 12/2/2009.

Respondent was not present.

Ms. Lankford stated the property owner was present at the meeting earlier in the morning and stated she explained the circumstances of the violation to the Respondent and believed they may have it corrected by the next cut-off date.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 3, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00

**CASE NO 29 SMG 02-10-36 – John E. Hopkins** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7), at **1061 Thunderbird Drive** - Violation(s) – Unmaintained landscaping, accessory structure (wall) not maintained in good repair - First Notified – 11/6/2009.

Respondent was not present.

Ms. Lankford stated the property owner is deceased but is still the owner of record. There is a Lis Pendens however the City wants to move forward with action due to the nature of the violations.

**Ruling**

Mr. Vukelja stated based upon the Inspector's report and understanding the absence of the Respondent but further noting no one else having appeared on behalf of the Respondent, Mr. Vukelja found the Respondent in non-compliance and further ordered the Respondent or the Respondent's representative or anyone functioning on behalf of the Respondent to come into compliance by March 3, 2010 or be returned to the Special Magistrate for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**Miscellaneous Business**

1. Mr. Vukelja inquired of staff as to the available remedies for people who cannot afford water.
2. Mr. Vukelja stated his opinion with regarding to handling the outstanding running fines and liens.

**Adjournment:** The hearing was adjourned at 11:00 a.m.