

CITY OF DAYTONA BEACH

MINUTES

**SPECIAL  
MAGISTRATE  
HEARING**

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

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ATTENDEES:

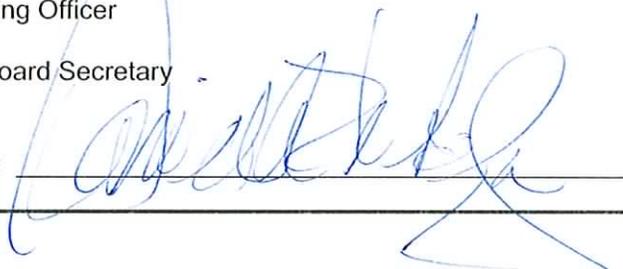
Mr. David Vukelja, Special Magistrate

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 February 9, 2010 Meeting Minutes.

Mr. Vukelja announced he would hear the cases in which the City and the Respondent have come to a stipulation.

**\*\* Cases 33 – 39 were heard at the same time**

**CASE NO 33 SMG 01-10-12 – Halifax Wrecking Company, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7 & 302.8) - Accessory Structures (fence) & Junk Vehicle; Art. 1 Sec. 5.3(b) - Nonconforming use of vacant lot; Art. 13 Sec. 3.6(a) - Salvage/recycling facility conditional use in M-1 district; City Ordinance 90.297, at **Parcel # 39-15-33-32-05-0060 (Wallace Street) & Parcel # 39-15-33-42-00-0040 (Marion Street)** -Violation(s) – Failure to maintain fence; Failure to remove vehicles that are inoperable without a tag; Failure to maintain vacant lot as vacant; Operating a salvage/recycling facility without meeting the conditions of conditional use: without building, without pavement, with outside storage; Failure to obtain occupational license for salvage/recycling facility; Failure to cut tall grass/weeds and remove debris; Failure to obtain permit for grade change including creation of soil mounds - First Notified – 12/4/2009.

**CASE NO 34 SMG 01-10-13 – Halifax Wrecking Company, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7 & 302.8) - Accessory Structures (fence) & Junk Vehicle; Art. 1 Sec. 5.3(b) - Nonconforming use of vacant lot; Art. 13 Sec. 3.6(a) - Salvage/recycling facility conditional use in M-1 district; City Ordinance 90.297, at **Parcel # 39-15-33-42-00-0020 (Marion Street) & Parcel # 39-15-33-42-00-0030 (419 Marion Street)** - Violation(s) – Failure to maintain fence; Failure to remove vehicles that are inoperable without a tag; Failure to maintain vacant lot as vacant; Operating a salvage/recycling facility without meeting the conditions of conditional use: without building, without pavement, with outside storage; Failure to obtain occupational license for salvage/recycling facility; Failure to cut tall grass/weeds and remove debris; Failure to obtain permit for grade change including creation of soil mounds - First Notified – 12/4/2009.

**CASE NO 35 SMG 01-10-14 – Halifax Wrecking Company, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7 & 302.8) - Accessory Structures (fence) & Junk Vehicle; Art. 1 Sec. 5.3(b) - Nonconforming use of vacant lot; Art. 13 Sec. 3.6(a) - Salvage/recycling facility conditional use in M-1 district; City Ordinance 90.297, at **Parcel # 39-15-33-01-26-0074 (Loomis Avenue) & Parcel # 39-15-33-01-26-0075 (Loomis Avenue)** - Violation(s) – Failure to maintain fence; Failure to remove vehicles that are inoperable without a tag; Failure to maintain vacant lot as vacant; Operating a salvage/recycling facility without meeting the conditions of conditional use: without building, without pavement, with outside storage; Failure to obtain occupational license for salvage/recycling facility; Failure to cut tall grass/weeds and remove debris; Failure to obtain permit for grade change including creation of soil mounds - First Notified – 12/4/2009.

**CASE NO 36 SMG 01-10-15 – Halifax Reclamation, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5.3(a) - Non-conforming use; City Ordinance 90.297 - Occupational license required; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8) - Junk vehicle; Art. 17 Sec. 2.189(a) - The parking of large commercial vehicles when not in use; Art. 18 Sec. 6.6(, at **Parcel # 39-15-33-33-00-0070 (Marion Street Lot); Parcel # 39-15-33-32-00-0050 (335 Marion Street) & Parcel # 39-15-33-32-00-0011 (Marion Street)** -Violation(s) – Failure to conform to zoning requirements; Failure to obtain occupational license for salvage yard, auto salvage, and temporary landfill; Failure to remove inoperative/unlicensed vehicles from property; Failure to remove permanent storage containers; Failure to remove pennant string; Failure to remove rubbish and garbage from property; Failure to maintain in good repair accessory structures including fence and including former 504 Live Oak Avenue accessory building; Failure to cut tall grass/weeds and remove debris; Failure to display street address - First Notified – 11/20/2009.

**CASE NO 37 SMG 01-10-16 – Halifax Reclamation, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5.3(a) - Non-conforming use; City Ordinance 90.297 - Occupational license required; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8) - Junk vehicle; Art. 17 Sec. 2.189(a) - The parking of large commercial vehicles when not in use; Art. 18 Sec. 6.6(, at **Parcel # 39-15-33-32-00-0010 (341 Marion Street)** - Violation(s) – Failure to conform to zoning requirements; Failure to obtain occupational license for salvage yard, auto salvage, and temporary landfill; Failure to remove inoperative/unlicensed vehicles from property; Failure to remove permanent storage containers; Failure to remove pennant string; Failure to remove rubbish and garbage from property; Failure to maintain in good repair accessory structures including fence and including former 504 Live Oak Avenue accessory building; Failure to cut tall grass/weeds and remove debris; Failure to display street address - First Notified – 11/20/2009.

**ASE NO 38 SMG 01-10-17 – Robert P. Klenk** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7 & 302.8) - Accessory Structure (fence) & Junk vehicle; Art. 1. Sec. 5.3(b) - Nonconforming use of vacant lot; Art. 13 Sec. 3.6(a) - Salvage/recycling facility conditional use in M-1 district; City Ordinance 90.29, at **Parcel # 39-15-33-32-05-0070 (Wallace Street)** - Violation(s) – Failure to maintain fence; Failure to remove vehicles that are inoperable without a tag; Failure to maintain vacant lot as vacant; Operating a salvage/recycling facility without meeting the conditions of conditional use: without building, without pavement, with outside storage; Failure to obtain occupational license for salvage/recycling facility; Failure to cut tall grass/weeds and remove debris - First Notified – 12/4/2009.

**CASE NO 39 SMG 01-10-18 – Robert P. Klenk** 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) - Exterior surfaces & Premises identification, at **Parcel # 39-15-33-33-00-0080 (327 Marion Street)** - Violation(s) – Failure to paint exterior wall; Failure to display street address - First Notified – 11/20/2009.

Mr. Barry Hughes appeared on behalf of the Respondent.

Mr. Jackson testified on behalf of the City.

### **Ruling**

Mr. Vukelja announced that pursuant to the Stipulation between the parties the matter was continued until the May 11, 2010 Special Magistrate Meeting.

**CASE NO 9 SMG 01-10-11 – RDW Property Management, Inc. & Robert D. Williams** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7, 303.7, 303.15, 303.13, 305.3, 504.1, 605.1); Art. 1 Sec. 5.3(b) & 4.3( c), at **344 Ellsworth Street** - Violation(s) – Failure to keep fence in good repair. Failure to remove junk vehicle accessory; using camper topper as a living unit. Failure to keep exterior doors in good repair. Failure to use dwelling for single family. Failure to keep interior flooring and walls in good repair. Failure to keep plumbing in good repair. Failure to keep roof in good repair. First Notified – 11/13/2008.

Respondent, Robert Williams came forward and was sworn. Mr. Williams stated he was able to remove the tenants and he was able to view the inside of the house. Mr. Williams further advised he has repaired drywall, holes, and cleaned up the property and he also purchased a new stove. Mr. Williams believed he would be in compliance by the May deadline.

Mr. Sykes testified on behalf of the City and advised he was pleased with the progress but would like to inspect the inside.

**CASE NO 19 SMG 03-10-37 – Florida Coca Cola Bottling** has been cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 3.1; Art. 18 Sec. 3.4, at **1331 Moore (aka 222 Fentress)** - Violation(s) – No permit - No development order issued for clearing of land, or clearing; killing or removing vegetation; no clearing permit issued to cut down; destroy or damage trees and native vegetation - First Notified – 12/15/2009.

Attorney Mark Watts from the Law Firm of Cobb & Cole appeared on behalf of the Respondent. Mr. Watts stated the Respondents stipulated to non-compliance but that it was premature to set a compliance date as they needed time to meet with zoning and City staff regarding the issue.

Ms. Lankford testified on behalf of the City. Ms. Lankford recommended non-compliance and a continuance until the next cut off date for a progress report.

### **Ruling**

Mr. Vukelja ordered based upon the Stipulation of the parties and found the Respondent in non-compliance and ordered a Progress Report for the April 13, 2010 Special Magistrate Meeting.

### **Lien Review 1**

**SMG 09-09-78 – 610 McCormick Street: Atlantic Pacific, Inc.:** Order Imposing Fine/Lien of \$100.00 per day imposed 11/4/2009. Compliance 11/18/09; 14 days @ \$100.00 p/day = **\$1,400.00.**

Respondent, Kerry Bones came forward and was sworn. Mr. Bones stated he did not live in the County but he believed the violation was for no rental occupational license and he stated he was not renting the house. Mr. Bones further stated he paid the water bill and had the water turned back on once he realized the water was turned off. Mr. Bones stated he let someone live there with the understanding they were going to pay the electric and water however the person living there did not pay the electric or water.

Mr. Ellison testified on behalf of the City and stated there was basically a squatter living in the residence and the property also had other issues regarding appearance standards. Mr. Ellison stated there was a sign for a rental with a phone number and he called the number and spoke to Mr. Bones mother. Mr. Ellison stated he believed notification was provided. Mr. Ellison stated the City did not recommend a reduction based upon the circumstances of the case.

Mr. Jackson read an excerpt of the September 2009 Minutes from the case.

Mr. Vukelja reviewed the circumstances of the case.

### **Ruling**

Mr. Vukelja denied the Lien Review Request.

### **Lien Review 2, 3, and 4 were heard together**

**SMG 07-06-96 – 541 Wallace Street: Arthur Crump:** Order Imposing Fine/Lien of \$200.00 per day imposed 7/21/2006. Compliance 1/20/2010; 1,279 days @ \$200.00 p/day = **\$255,800.00.**

**SMG 07-06-97 – 420 Maple Street: Arthur Crump:** Order Imposing Fine/Lien of \$250.00 per day imposed 8/4/2006. Compliance 1/22/2010; 1,267 days @ \$250.00 p/day = **\$316,750.00.**

**SMG 11-08-176 – 418/420 Maple Street: Arthur Crump:** Order Imposing Fine/Lien of \$250.00 per day imposed 1/6/2009. Compliance 1/22/2010; 381 days @ \$250.00 p/day = **\$95,250.00.**

Mr. Ellison testified on behalf of the City and stated Lien Review 2, 3, and 4 are all owned by Mr. Crump and therefore the City recommended consolidating Lien Review 2, 3, and 4. Mr. Ellison stated the City recommended a reduction of \$5,000.00 for all three cases as the Respondent has recommended that was the amount he can pay.

Respondent Arthur Crump came forward and was sworn. Mr. Crump stated 420 Maple Street was a mistake because the demolition of the house occurred 1 day after obtaining the permit.

### **Ruling**

Mr. Vukelja found that based upon the stipulation of the parties and the circumstances involved in the case that Lien Reviews 2, 3, and 4 were consolidated and further ordered the total amount of the Lien be reduced to the sum of \$5,000.00 payable within 60 days or the lien reverts to the amount of \$35,000.00 with interest.

## **HEARING OF CASES**

**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.**

Respondent was in compliance March 8, 2010.

**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.** have 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 appeared on behalf of all Respondents and was sworn. Mr. Harman stated they were still waiting on permits. Mr. Harman stated he has handed in the changes for the latest revisions.

Mr. Alderman testified on behalf of the City and advised that no permit has been filed yet. Mr. Alderman stated once Mr. Harman obtained the permit he should be able to obtain compliance within 30 days.

Mr. Vukelja requested clarity on the progress.

Mr. Ellison stated he spoke with Colleen Miles, the City Zoning Officer who advised there have been revisions that have to be resubmitted.

**CASE NO 3 SMG 08-09-62 – Kelly R. Dougherty** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1 (ref. 604.3, 504.3, 302.4, 304.13 and 304.7 IPMC), at **639 Winchester Street - Violation(s) – Inadequate power service, inadequate water service, weeds, broken windows, and roofs and drainage - First Notified – 4/20/09; 5/14/09.**

Respondent, Kelly Dougherty came forward and was sworn. Mr. Dougherty stated he doesn't know who had the water turned back on. He stated he was trying to figure out what had happened because he did not know who had the water turned back on.

Mr. Stenson testified on behalf the City and stated the re-inspection and the property was still in non-compliance and stated on March 5, 2010 he checked with the utilities who advised the meter was pulled. Mr. Stenson stated in addition to no water on the property and there was now illegal power being run to the property. Mr. Stenson recommended imposing a fine of \$20 per day not to exceed \$20,000.00.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance and further ordered the Respondent come into compliance by April 6, 2010 or an automatic fine of \$25.00 per day will be imposed April 6, 2010 until compliance is achieved.

**CASE NO 4 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 still in non-compliance with the outside storage and a roof with tar paper only. Ms. Lankford stated she received a call from the Respondent after being away on vacation who stated they were in compliance but she since she just arrived back into town she had not had a chance to perform a re-inspection and therefore recommended amending until the next cut off date to allow time for her to re-inspect the property.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance and further ordered the Respondent come into compliance by April 6, 2010 or an automatic fine of \$50.00 per day will be imposed April 6, 2010 until compliance is achieved.

**CASE NO 5 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 who requested the compliance date be amended until the next cut-off date due to good progress on behalf of the Respondent.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to require the Respondent come into compliance by April 6, 2010 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 6 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.

Ms. Delorice Ryles came forward and was sworn. Ms. Ryles stated she was appearing for her brother because he just had a baby and the baby was sick. Ms. Ryles advised Mr. Deloach had contacted someone to paint the house but they did not do the work. Ms. Ryles stated she has contacted a painter who would start painting this afternoon.

Mr. Ellison testified on behalf of the City. Mr. Ellison state the violations existed of painting and when he contacted the Respondent a few days ago he was surprised the work was not completed.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance and further ordered the Respondent come into compliance by April 6, 2010 or an automatic fine of \$25.00 per day will be imposed April 6, 2010 until compliance is achieved.

**CASE NO 7 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 Mohammad M. Khabazeh came forward and was sworn. Mr. Khabazeh stated the person who was left in charge of the property while he was out of the country enrolled the property with the Trespass Arrest Site Program. Mr. Khabazeh further stated there were remodeling plans that were being prepared. Mr. Khabazeh further stated he believe the plans would be completed by the end of May and the permit for construction being pulled by June.

Mr. Stenson testified on behalf of the City who stated the property was in non-compliance and further stated a squatter was living on the property. Mr. Stenson stated the property could be brought into compliance within a week. Mr. Stenson requested the property be secured to City standards.

### Ruling

Mr. Vukelja continued the determination of the imposition of a fine until the May 11, 2010 Meeting for a Progress Report and further ordered the exterior of the property be cleaned, maintained, trash removed and secured to city standards and further ordered the property be sign up on the trespass arrest site.

**CASE NO 8 SMG 01-10-09 – Heiko H. Folkerts & Ralph Gernster** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1. (ref. FBC Supp IPMC 302.3, 302.4, 302.7, 303.2, 303.6, 303.7, 303.10, 303.12, 303.13, 305.1, 305.2.1, 305.3, 305.3.1, 306.4, 504.3, 506.2, 601.2, 603.1, 604.3, 605.1, 701.2 and 704.2), at **119 Thomasson Avenue** - Violation(s) – Sidewalks and driveways; weeds; accessory structures (fencing); gates; exterior structure; protective treatment; exterior walls; roofs and drainage; stairways-decks-porches- and balconies; handrails and guards; windows; accumulation of rubbish or garbage; rubbish storage facilities; disposal of garbage; garbage facilities; Extermination (owner-multi-occupancy); plumbing system hazards; drainage maintenance; mechanical and electrical requirements (responsibility); mechanical appliances, electrical system hazards and installation; Fire safety requirements (owner responsibility); Fire protection systems (installation -building fire alarm) - First Notified – 10/22/2009.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated there were some junk vehicles that remained and some exterior issues that needed to be completed but the Respondents were making good progress and recommended amending the compliance date to the next cut off.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondents 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 10 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 advised he has had no contact from the Respondent and there has been no progress on the property. Mr. Sykes recommended imposing a fine of \$100.00 per day not to exceed the amount of \$8,000.00.

### Ruling

Mr. Vukelja imposed a fine against the Respondent in the amount of \$100.00 per day effective March 3, 2010 until compliance is achieved not to exceed the amount of \$8,000.00 without prejudice to interest.

**CASE NO 11 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.

Bishop L. Williams came forward and affirmed to tell the truth. Mr. Williams stated they were working on the violations and were requesting 90 days to get everything in order.

Schowonda Denise Williams came forward and affirmed to tell the truth. Ms. Williams stated they were working on the plans to submit for permits.

Mr. Sykes testified on behalf of the City and stated the property was secured and the exterior was being maintained. Mr. Sykes stated they began work without permits and were in the process of obtaining plans to be able to pull the permits.

### **Ruling**

Mr. Vukelja ordered the case be continued until the June 8, 2010 Meeting for a Progress Report and further ordered the property be secured and maintained to city standards.

**CASE NO 12 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.

Respondent was in compliance March 2, 2010.

**CASE NO 13 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 in compliance March 4, 2010.

**CASE NO 14 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 testified on behalf of the City and stated the owner lived in California and was making progress. Ms. Lankford requesting amending the compliance date until the next cut off.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to require the Respondent come into compliance by April 6, 2010 or be returned to a subsequent meeting for consideration of the one-time administrative fine of \$250.00.

**CASE NO 15 SMG 02-10-31 – Rose Mary Johnson** has been cited for failure to correct violations of 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 in compliance March 9, 2010.

**CASE NO 16 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 in compliance March 3, 2010.

**CASE NO 17 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 in compliance February 22, 2010.

**CASE NO 18 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 testified on behalf of the City and stated the property was in non-compliance and recommended imposing a fine of \$25.00 per day not to exceed the amount of \$8,000.00.

Mr. Vukelja inquired from staff the status of the property and case since Mr. Hopkins was deceased.

### **Ruling**

Mr. Vukelja ordered a fine in the amount of \$25.00 per day be imposed effective March 3, 2010 and continue until compliance is achieved not to exceed the amount of \$8,000.00 without prejudice to interest.

**CASE NO 20 SMG 03-10-38 – Horace Mack** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8); Art. 17 Sec. 2.189(a), at **S Martin Luther King Blvd. - Violation(s) – Unlicensed/inoperable vehicle(s) on property; parking commercial vehicles on unimproved surfaces; inoperable vehicles considered outside storage - First Notified – 5/22/2009.**

Respondent Horace Mack came forward and was sworn. Mr. Mack stated he had a tractor and commercial vehicle on the property and he further stated he has been parking the vehicle on the land for 30 years without a problem.

Mr. Sykes testified on behalf of the City. Mr. Sykes stated he has been working with Mr. Mack since May 2009 and has been told he was working on getting a driver but he has not yet.

Mr. Ellison stated any vacant lot does not allow storage without a primary structure on it.

### **Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the case be continued to the May 11, 2010 for a Progress Report. Mr. Vukelja requested the Respondent present some alternatives to what he can do with the vehicle.

**CASE NO 21 SMG 03-10-39 – Jaas Corp** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4.4 (c), at **200 S. Martin Luther King Blvd. -Violation(s) – Failure to keep exterior walls in good repair -First Notified – 12/15/2009.**

Respondent was not present.

Mr. Sykes testified on behalf of the City and advised the property was in non-compliance with the violations consisting of chipping paint on the exterior walls and further 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 April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 22 SMG 03-10-40 – Minnie L. Long** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1) (ref. FBC Supp IPMC 303.3 & 303.10), at **504 S. Martin Luther King Blvd.** - Violation(s) – Failure to obtain permits for repairs; Failure to display house numbers; Failure to keep car port in good repair  
First Notified – 12/24/2009.

Respondent was not present.

Mr. Sykes testified on behalf of the City and advised the property was in non-compliance but the owner resided out of town and has requested 60 days for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by May 5, 2010 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 23 SMG 03-10-41 – Geoffrey H. & Ricci M. Ballard** has been cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 2, at **507 Bowman Avenue** - Violation(s) – Storage of boat and utility trailers - First Notified – 1/13/2010.

Respondent Geoffrey Ballard came forward and was sworn. Mr. Ballard contested the cite of the land development code which was cited on the notice. Mr. Ballard stated he did not believe the boat was classified as a large recreational vehicle or a commercial vehicle and further stated the gross weight was less than 10,000 pounds.

Mr. Ellison testified on behalf of the City and stated he believed he cited the correct code. Mr. Ellison stated he believed the boat would qualify as a large recreational vehicle.

Mr. Jackson stated the proper cite is Art. 17 Sec. 2.189 and further stated they would be happy to continue to matter to allow time to come into compliance. Mr. Jackson further read Art. 17 Sec. 2.189.

**Ruling**

Mr. Vukelja amended the notice of violation to state Art. 17 Sec. 2.189 and further ordered the matter be continued to the April 13, 2010 Meeting for the determination of compliance or non-compliance.

**CASE NO 24 SMG 03-10-42 – Palm Beach Homebuyers, LLC** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8), at **619 Clark Street** - Violation(s) – Junk vehicle storage - First Notified – 11/7/2009.

Respondent was in compliance February 28, 2010.

**CASE NO 25 SMG 03-10-43 – James G. Frost** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8 & 302.4), at **318 Hobart Avenue** - Violation(s) – Junk vehicle storage; Failure to remove weeds - First Notified – 1/14/2010.

Matthew Cecil appeared on behalf of Mr. Frost and was sworn. Mr. Cecil stipulated to the violations and stated his vehicle was the subject of the violations.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and further 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 26 SMG 03-10-44 – Jay J. Curtiss** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8), at **326 Hobart Avenue** -Violation(s) – **Junk vehicle storage** - First Notified – 12/17/2009.

Respondent, Jay Curtiss came forward and was sworn. Mr. Curtis stipulated to the violations and stated he cannot get rid of the vehicle because he has a lien on the vehicle but does not have a current license because he got into an auto accident and he needed to pay damages before getting his license.

Mr. Ellison testified on behalf of the City and recommended the next cut off date for compliance.

Mr. Vukelja reviewed the circumstances of the case with City Staff and the Respondent.

**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 per day until compliance is achieved.

**CASE NO 27 SMG 03-10-45 – M & M Holdings, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4, at **955 W. International Speedway Blvd.** - Violation(s) – **Commercial property appearance standards; Failure to maintain** - First Notified – 8/28/2009.

Respondent was not present however Mr. Ellison stated he had spoken with the Respondent who offered to come to the meeting but Mr. Ellison excused him.

Mr. Ellison testified on behalf of the City and 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 April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 28 SMG 03-10-46 – Carl V. & Georgia E. Tripp** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 301.3, 302.1 and 304.2), at **308 Loomis Avenue** - Violation(s) – **Failure to maintain sanitation and exterior protection** - First Notified – 12/26/2009.

Respondent was not present.

Mr. Ellison testified on behalf of the City and 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 April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 29 SMG 03-10-47 – Gloria Stoughtenger, Life Estate** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5 & 7, at **316 San Juan Avenue** - Violation(s) – Failure to remove outside storage of junk & debris - First Notified – 12/2/2009.

Respondent was not present.

Mr. Ellison testified on behalf of the City and 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 April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 30 SMG 03-10-48 – Charnette B. Bullock** has been cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 5 & 7, at **320 San Juan Avenue** - Violation(s) – Failure to clean or paint exterior walls, trim, front stairs - First Notified – 12/24/2009.

Respondent was not present.

Mr. Ellison testified on behalf of the City and 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 April 6, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 31 SMG 03-10-49 – Barry & Penny Compton** has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 3, at **437 S. Segrave Street** - Violation(s) – No permit for fence - First Notified – 1/5/2010.

Respondent was not present.

Mr. Ellison testified on behalf of the City and stated the property was in non-compliance and recommended the next cut off date for compliance. Mr. Ellison further advised the Respondents were unable to attend the meeting but were asking for 60 days for compliance.

**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 per day until compliance is achieved.

**CASE NO 32 SMG 03-10-50 – Ella K. Wellington** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC -see attached housing inspection report); City Ordinance 22-28, at **632 S. Segrave Street** - Violation(s) – Failure to repair items listed on the housing inspection report (see attached form); Unsafe Structure - First Notified – 1/5/2010.

Respondent was not present.

Mr. Ellison testified on behalf of the City and stated the property was in non-compliance and recommended the next cut off date for compliance. Mr. Ellison further advised the property appears that the owner has walked away from the property.

### **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 per day until compliance is achieved.

### **Miscellaneous Business**

1. Mr. Vukelja discussed the code regarding recreational vehicles.
2. Mr. Vukelja inquired about the upcoming Meeting for businesses of Seabreeze Historical Meeting.

**Adjournment:** The hearing was adjourned at 11:10 a.m.