

CITY OF DAYTONA BEACH

MINUTES

**SPECIAL
MAGISTRATE
HEARING**

April 13, 2010 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Officer Steven Jessmer
Mr. Tom Clig, Code Inspector
Ms. Barbara Collins, Code Inspector
Mr. Mark Ellison, Code Inspector
Mr. Robert Kish, Code Inspector
Ms. Vicki Lankford, Code Inspector
Mr. John Stenson, Code Inspector
Mr. Mark Criswell, Chief Building Official
Ms. Colleen Miles, Zoning Officer

Ms. Aimee Hampton, Board Secretary

Approval of Minutes by: _____

Special Magistrate

Mr. Vukelja called the Hearing to order at 9:05 a.m.

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

Mr. Vukelja approved the Minutes for the March 9, 2010 Meeting Minutes.

CASE NO 35 SMG 04-10-70 – Bright Beginnings Academy, LLC has been cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 2.23 - Carnivals and Circuses, at **920 Beville Road** - Violation(s) – Carnival/circus without license/permit - First Notified – 3/12/2010.

Carli Lucia for Bright Beginnings Academy came forward and was sworn. Ms. Lucia stipulated to the violations. Ms. Lucia stated she would no longer have a circus until she obtains a permit.

Mr. Kish testified on behalf of the City and stated the Respondents were previously in non-compliance on March 12, 2010 through March 16, 2010 by having a circuit without a permit. Mr. Kish stated the Respondents were currently in compliance but requested a Will Fine Order be in place.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ruled for any future repeat violation the Respondent be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 1 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 was in Compliance March 31, 2010.

CASE NO 2 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.

Brad Sheppard, receiver for the property, came forward and was sworn. Mr. Sheppard stated all the tenants have been relocated and the units have been boarded up and secured and they all have also been enrolled in the Trespass Arrest Site program with the Police Department. Mr. Sheppard stated they have a person stationed at the property to maintain it. Mr. Sheppard stated a new owner was going to come in and repair the property to get it ready for tenancy.

Mr. Clig testified on behalf of the City and stated the property was secured and recommended a progress report in 60 days.

Mr. Vukelja inquired of the Inspector regarding the circumstances surrounding compliance.

Mr. Jackson stated that it appears there appears to be a bankruptcy along with a foreclosure.

Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondents appear at the June 8, 2010 Special Magistrate meeting for a progress report and the property be maintained to City standards.

CASE NO 3 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.

Respondent was not present.

Mr. Ellison testified on behalf of the City and stated good progress was being made and the City was moving forward with the project. Mr. Ellison stated there was a contractor was supposed to be retained to demolish a section of the property.

Ruling

Mr. Vukelja amended the previous order on non-compliance to require the Respondents appear at the May 11, 2010 Special Magistrate meeting for a Progress Report.

CASE NO 4 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 in compliance April 2, 2010.

CASE NO 5 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 was not present.

Mr. Clig testified on behalf of the City and stated the property was in non-compliance with no progress being made and no contact from the Respondent. Mr. Clig recommended imposing a fine of \$50.00 per day.

Ruling

Mr. Vukelja imposed a fine in the amount of \$100.00 per day against the Respondent effective April 6, 2010 to continue until compliance is achieved.

CASE NO 6 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.

Bernard W. Smith, brother of Carry Smith-Ramsey came forward and was sworn. Mr. Smith stated he was helping his sister with the project and they were in the process of negotiating with Community Development to receive assistance in repairing the home. Mr. Ramsey stated they just received information from Community Development advising them they needed to complete three more things to move forward with the project.

Mr. Stenson testified on behalf of the City and advised he has spoken with Avis Wilkinson with Community Development and she advised that Community Development were still requiring more information from Ms. Ramsey with regard to her application but it was in the process.

Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondent appear at the May 11, 2010 Special Magistrate meeting for a progress report.

CASE NO 7 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 advised the Respondent live is California but was making an effort to come into compliance and she requested amending until the next cut-off date to allow him more time.

Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondent come into compliance by May 5, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 8 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 appeared on behalf of the Respondent. Mr. Watts stated they secured the services of a consultant that is working on a plan with the City. Mr. Watt requested a 30 day progress report in order to allow time for the consultant to review the issues and determine a compliance date.

Mr. Criswell testified on behalf of the City and stated the plans were acceptable and the Respondents have the permit applications and were also going to submit final drawings in a week.

Ruling

Mr. Vukelja amended he previous order of non-compliance to require the Respondents appear at the May 11, 2010 Special Magistrate meeting for a progress report.

CASE NO 9 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 in compliance March 27, 2010.

CASE NO 10 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 was not present.

Mr. Ellison testified on behalf of the City and reviewed the case history and advised the vehicle still remained at the property and the owner could not get a current tag due to his license being suspended. Mr. Ellison recommended imposing a fine of \$25.00 per day with a cap at \$10,000.00.

Officer Jessmer stated he would tag the vehicle per the City's junk vehicle ordinance and have it towed.

Ruling

Mr. Vukelja continued the matter until the May 11, 2010 Meeting for a Progress Report.

CASE NO 11 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 in compliance April 8, 2010.

CASE NO 12 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 still in non-compliance and recommended imposing a fine of \$50.00 per day to be capped at \$25,000.00.

Ruling

Mr. Vukelja imposed a fine against the Respondents in the amount of \$50.00 per day effective April 6, 2010 until compliance is achieved, not to exceed the amount of \$25,000 plus interest.

CASE NO 13 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 in compliance April 5, 2010.

CASE NO 14 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 still in non-compliance and recommended imposing a fine of \$100 per day with a cap at \$10,000.00.

Ruling

Mr. Vukelja imposed a fine against the Respondents in the amount of \$100.00 per day effective April 6, 2010 until compliance is achieved, not to exceed the amount of \$10,000 plus interest.

CASE NO 15 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 still in non-compliance and recommended imposing a fine of \$100 per day with a cap at \$25,000.00. Mr. Ellison stated the property has basically been abandoned and it is a police issue.

Ruling

Mr. Vukelja imposed a fine against the Respondents in the amount of \$100.00 per day effective April 6, 2010 until compliance is achieved, not to exceed the amount of \$25,000 plus interest.

CASE NO 16 SMG 04-10-51 – William James Hutto, Jr. & Kava Shenetta Mallory-Hutto has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 4.1, at **148 Big Ben Drive** Violation(s) – Encroachments (Basketball hoop) in the public right-of-way (ROW) are not permitted - First Notified – 2/13/2010.

Mr. & Mrs. Hutto came forward and were sworn.

Mrs. Hutto stipulated to the violations but stated they were told by their lawn man that the neighborhood kids were bringing out their basketball hoop and leaving it in the right of way.

Ms. Lankford testified on behalf of the City and stated the basketball hoop was allowed but had to be removed from the street when it was no longer in use. Ms. Lankford also stated that the basketball hoop cannot be stored in the front yard either.

Ruling

Mr. Vukelja ordered the case be dismissed.

CASE NO 17 SMG 04-10-52 – 1308 Cadillac Drive Trust dated 7/2/07 has been cited for failure to correct violations of Ch. 90-297 Code of Ordinances, at **1308 Cadillac Drive** - Violation(s) – No occupational license for rental property - First Notified – 12/30/2009.

Respondent was not present.

Ms. Lankford 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 Respondents in non-compliance and ordered the Respondents come into compliance by May 5, 2010 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 18 SMG 04-10-53 – Keech Street Properties, LLC 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, 307.1); Ch. 90-297 Code of Ordinances, at **1010 Cedar Highlands Blvd.** - Violation(s) – Sidewalk and walkway must be maintained in a safe and non-hazardous condition (grass and debris covering sidewalk); Properties must be maintained free from weeds; Trash and debris litter the property; no occupational license for rental property - First Notified – 12/10/2009.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated the property was in non-compliance but there were some small improvements. Ms. Lankford recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondents in non-compliance and ordered the Respondents 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.

CASE NO 19 SMG 04-10-54 – James Cotton, Jr. & Rebecca Cotton has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7, at **1050 Imperial Drive** - Violation(s) – Peeling paint - First Notified – 12/28/2009.

Ms. Rebecca Cotton and Daisy Jackson came forward and were sworn. Ms. Cotton stipulated to the violations. Ms. Jackson stated the house was going to be repainted and remodeled by the Community Development Department with the City.

Ms. Lankford testified on behalf of the City and recommended six months for a progress report.

Ruling

Mr. Vukelja found the Respondents in non-compliance and ordered the Respondent to appear at the June 8, 2010 Special Magistrate meeting for a progress report.

CASE NO 20 SMG 04-10-55 – Loggerhead Daytona Marina, LLC has been cited for failure to correct violations of the City Ordinance 42.214(a)(2) at **721 Ballough Road** - Violation(s) – Noise violation - First Notified – 3/1/2010.

Attorney Jason Neufeld appeared on behalf of the Respondents. Mr. Neufeld contested the violation and stated that the police department did not use the sound meters to measure the sound each time they were called out and filed the complaints. Mr. Neufeld further stated that the Respondents wanted to be good neighbors and were going to purchase their own sound meters so they can make sure to monitor the levels of sound.

Witnesses Craig Thornton, Patricia and Donald Smith, and Cheryl Taft were all sworn.

Mr. Ellison testified on behalf of the City and stated that Caribbean Jacks was the Respondent and the violation consisted of noise. Mr. Ellison submitted emails and police reports regarding the complaints. Mr. Ellison stated they were previously in non-compliance and currently in compliance requested a Will Fine Order be entered.

Mr. Jackson stated that the violations was issued based upon a Complaint Affidavit prepared by the Officer. Mr. Jackson further read the ordinance regarding the noise violations.

Mr. Vukelja inquired if the property owner has a measurement tool and if the noise was a measurable standard.

Ms. Colleen stated there was a decibel level measurement outlined in the code.

Mr. Craig Thornton stated he used to reside close to Caribbean Jacks but moved because he could not stand the noise. Mr. Thornton further stated the noise was offensive.

Ms. Cheryl Taft stated she resided across the street from the canal from Caribbean Jacks stated recently the noise has gotten louder than usual and she has had to turn the television up all the way to hear it.

Mrs. Patricia Smith and presented a calendar of her documentation of the violations. Ms. Smith stated they obtained a sound meter and showed Mr. Vukelja the sound meter that she uses from her property.

Mr. Smith stated that they have lived there for 26 years and advised the noise is too loud with drums and amplifiers. Mr. Smith stated they do not have anyone over to visit because it gets so loud.

Mr. Neufeld stated the sound levels were absolutely reasonable and further stated he has been advised by several other neighbors that Caribbean Jack's was a good neighbor. Mr. Neufeld further presented rebuttal with regard to the witness testimony. Mr. Neufeld further stated they were willing to take measures to appease the situations with the neighbors.

Discussions were held between Mr. Vukelja and Mr. Neufeld with regard to the meaning of the will fine order.

Ruling

Mr. Vukelja found the Respondents previously in non-compliance but were currently in compliance and further ordered for any future repeat violations they be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 21 SMG 04-10-56 – Burgoyne Properties, Inc has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 6.6(a) & 2.6, at **116 N. Beach Street** - Violation(s) – No sign and banner permit, signs on right-of-way - First Notified – 3/3/2010.

Respondent was in compliance April 1, 2010.

CASE NO 22 SMG 04-10-57 – Jose Morales has been cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 2.111, at **111 S. Grandview Avenue** - Violation(s) – Outside activity, parking vehicles no permit - First Notified – 2/27/2010.

Respondent Jose Morales came forward and was sworn. Mr. Morales stated he had a permit, state license and county license. Mr. Morales stated he inquired about applying for a parking permit but they would not give him the application.

Mr. Ellison testified on behalf of the City and stated the violations were parking in his parking lot during bike week without a permit. Mr. Ellison stated they had previously had a will fine order against the Respondent but it has expired and he was parking again during special events and was seeking a will fine order again.

Ms. Colleen Miles, City Zoning Officer testified and stated every special event the Respondent come in and requests a parking permit but is denied because he is not allowed to park vehicles on his property. Ms. Miles stated the zoning of the property denies the permission for the parking.

Mr. Mark Criswell, Chief Building Official stated the section of the code related to this particular violation was in the Master Plan Guidelines and it is not a permitted use South of Main Street to park for special event parking.

Michael McKee testified on behalf of the Respondent and stated he believed the City was saying the Respondent was not allowed a special permit. Mr. McKee stated he was looking where to find the code that says he was in non-compliance and they were not available.

Ruling

Mr. Vukelja found the Respondents previously in non-compliance but were currently in compliance and further ordered for any future repeat violations they be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 23 SMG 04-10-58 – Regions Bank d/b/a Regions Mortgage and Felicia Martin 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), at **343 N. Segrave Street** - Violation(s) – Failure to repair items listed on the housing long form report, exterior walls, trim, windows and sanitation - First Notified – 1/19/2010.

Attorney Judith Lane appeared on behalf of the Regions Bank and stated she was appearing on behalf of Leah Mayersohn and advised they have filed a motion to continue. The Attorney stated the Quit Claim Deed transferring the property back to Ms. Martin was in the process of being recorded.

Mr. Vukelja reviewed Regions' Motion to Continue and discussed the case status and history and the circumstances of the case.

Mr. Ellison testified on behalf of the City and stated the property has been an eyesore for a long time and the City needs someone to take responsibility for the property. Mr. Ellison stated there were transients getting into the property as well.

Mr. Jackson acknowledged believed if the Magistrate proceeded with a finding of non-compliance that there would not be a problem once they have corrected the ownership problems to remove the Bank from the case.

Ruling

Mr. Vukelja added Ms. Felicia Martin as a Respondent.

Mr. Vukelja denied Regions Bank's motion to continue the hearing but reserved ruling on the argument regarding Region's bank being a respondent in the proceeding, and further found the Respondents in non-compliance and ordered the Respondents come into compliance by May 5, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance and further ordered the property be secured within ten (10) days and not rented, occupied or otherwise utilized until compliance.

CASE NO 24 SMG 04-10-59 – Samuel Merrill, Jr. 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. 8 Sec. 2.7, at **515 Brentwood Drive** - Violation(s) – Roof and drainage; Parking in yard - First Notified – 1/30/2010.

Respondent was in compliance April 12, 2010.

CASE NO 25 SMG 04-10-60 – John Labosco has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8), at **155 Center Street** - Violation(s) – Parking in yard; junk vehicles - First Notified – 3/2/2010.

Respondent was in compliance April 6, 2010.

CASE NO 26 SMG 04-10-61 – David & Gladys Malin has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7, at **162 Center Street** - Violation(s) – Parking in yard and parking RV in yard - First Notified – 1/30/2010.

Respondent was in compliance April 2, 2010.

CASE NO 27 SMG 04-10-62 – Phyllis Hatten 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 302.7, 302.8, 304.2), at **713 Marion Street** - Violation(s) – Outside storage, dilapidated fencing and shed, junk vehicles, peeling paint - First Notified – 1/11/2010.

Phyllis Hatten – Harvin and James Harvin came forward and were sworn. Ms. Harvin stipulated to the violations. Ms. Harvin requested more time for compliance than 30 days.

Mr. Harvin stated there was not a previous repeat violation of peeling paint.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommend 30 days for compliance. Mr. Stenson stated the old case was brought into compliance but there was a new case for excessive outside storage and recommended 60 days to come into compliance. Mr. Stenson the city stipulated the peeling paint was not a repeat violation.

Mr. Jackson stated the property had a running fine from a previous case and stated they needed to come into compliance to be able to resolve the old liens.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by June 2, 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 04-10-63 – Norman H. Riley has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1); Ch. 90-297 Code Ordinances, at **340 Taylor Avenue** - Violation(s) – No permit for fencing; no occupational license for rental - First Notified – 2/5/2010.

Respondent Norman H. Riley came forward and was sworn. Mr. Riley presented pictures and stated he misplaced the letter but he agreed the violations existed. Mr. Riley presented a request for permit and also provided some pictures the Magistrate with regard to neighboring fences. Mr. Riley stated he may look into requesting a variance but it would cost approximately \$800. Mr. Riley further stated he did not have a license for rental and further stated he was not renting. Mr. Riley requested to put on record the definition of the term renter as read from the Webster's dictionary. Mr. Riley then began to read the definition of the term rent. Mr. Riley stated he allowed a young man move in to keep up the property.

Mr. Stenson 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 appear at the Special Magistrate Meeting on May 11, 2010 for a progress report.

CASE NO 29 SMG 04-10-64 – Paul Protentis has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1), at **532 Fairmont Road** - Violation(s) – Failure to obtain a permit for the re-roof installed - First Notified – 1/13/2010.

Respondent was in compliance April 7, 2010.

CASE NO 30 SMG 04-10-65 – Ali A. Naser has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1), at **116 Hagge Street** - Violation(s) – Failure to obtain a permit for the installed entrance screening enclosure - First Notified – 11/18/2009.

Respondent was not present.

Ms. Collins 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 May 5, 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 04-10-66 – Johnny Evans has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.7, 304.13.1, and 304.2), at **1044 Hampton Road** - Violation(s) – Failure to repair/replace the damage roof and fascia; Failure to replace all broken windows; Failure to clean and paint the exterior walls and fascia - First Notified – 1/11/2010.

Respondent Johnny Evans and Pamela Evans came forward and were sworn. Mr. Evans stipulated to the violations and stated Mr. Evans got sick and they are having difficulty keeping up with the property.

Ms. Collins testified on behalf of the City and stated the property was in non-compliance and recommended a progress report at the June 8, 2010 Meeting. Ms. Collins stated she was going to direct the Respondents to Community Development Department for assistance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent appear at the June 8, 2010 Special Magistrate meeting for a progress report and further amended the case style to reflect the last name as "Evans" not "Evan".

CASE NO 32 SMG 04-10-67 – Ralph S. Hanger 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 **1128 Hillcrest Drive** - Violation(s) – Failure to remove the inoperative, untagged, or unlicensed vehicle(s) from property - First Notified – 2/8/2010.

Jerry Swindell appeared on behalf of the Respondent and was sworn. Mr. Swindell stipulated to the violations and it was his truck that was the subject of the violation. Mr. Swindell stated he could be in compliance by May 5, 2010.

Ms. Collins testified on behalf of the City 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 May 5, 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 33 SMG 04-10-68 – Jose F. & Biana E. Gonzales has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 302.8), at **512 Mark Avenue** - Violation(s) – Failure to remove the inoperative, untagged, or unlicensed motor vehicle(s) from property - First Notified – 2/16/2010.

Respondent was in compliance April 12, 2010.

CASE NO 34 SMG 04-10-69 – Samuel & Patricia White 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 **554 Mark Avenue** - Violation(s) – Failure to remove the inoperative, untagged, and disrepair motor vehicle(s) from property First Notified – 2/22/2010.

Respondent was in compliance April 12, 2010.

Miscellaneous Business

1. Mr. Vukelja inquired of the status of the Halifax Wrecking and Reclamation cases.
2. Mr. Vukelja inquired when 919 N. Atlantic was coming back on the Agenda.
- 3.

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