

CITY OF DAYTONA BEACH

MINUTES

**SPECIAL  
MAGISTRATE  
HEARING**

May 11, 2010 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida

ATTENDEES:

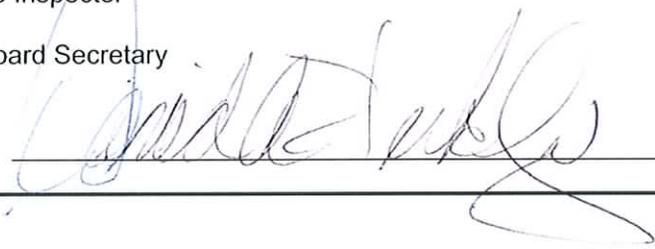
Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney  
Officer Steven Jessmer  
Officer Sherri Siracusa  
Mr. Steve Alderman, Code Inspector  
Mr. Tom Clig, Code Inspector  
Ms. Barbara Collins, Code Inspector  
Mr. Mike Fitzgerald, Code Inspector  
Mr. Robert Kish, Code Inspector  
Ms. Vicki Lankford, Code Inspector  
Mr. John Stenson, Code Inspector

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

**CASE NO 1 SMG 03-09-14 – Harman Investments, L.L.C. and Cortez Investment Group, Inc., John K. Butz, Douglass A. Person & World Wide 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.

Richard Harman came forward and was sworn. Mr. Harman stated they met with an attorney due to the problems they were having with the City regarding the parking lot. Mr. Harman presented an outline to Mr. Vukelja and provided a copy to Ms. Hampton. Mr. Harman stated he was going to put the lot back to sod.

Mr. Alderman testified on behalf of the City and stated the property was still in non-compliance and therefore recommended imposing a fine of \$100 per day. Mr. Alderman stated if the Respondent decides to put it back to sod they should be in compliance within three days.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondents come into compliance by July 7, 2010 or be automatically fined the amount of \$100 per day effective July 7, 2010 until compliance is achieved.

**CASE NO 6 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 James Stowers with Cobb & Cole appeared on behalf of the Respondents.

Ms. Lankford testified on behalf of the City and stated the Respondents have obtained the permit and should have the work completed within 60 days.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondents come into compliance by July 7, 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 7 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 removed the trash from the pickup and moved the trailer. He has leased his truck but it will cost \$3,500.00 in order to insure the vehicle. Mr. Mack further state the trailer is holding all his tools and he cannot afford to pay for a storage unit. Mr. Mack inquired as to what he could do in order to be able to keep his trailer on the property because it is zoned commercial.

Mr. Clig testified on behalf of the City and stated the property was in non-compliance but stated there was progress with starting the truck and working on the vehicle. Mr. Clig advised if he wanted to try and obtain a variance to put a shed up he would need to speak with zoning. Mr. Clig stated the trailer has to be removed from the lot.

Ms. Collins stated Mr. Mack would need to parcel the two separate parcels into one lot in order for him to be able to build a shed on the lot.

Mr. Jackson stated perhaps Mr. Mack should speak with the zoning department regarding his options.

### Ruling

Mr. Vukelja continued the matter until the June 8, 2010 Meeting for a Progress Report and determination of a compliance date.

**CASE NO 25 MG 05-10-81 – Mike Nelson** has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; City Ordinance 90.297, at **330 Michigan Avenue** - Violation(s) – Parking in the yard; No rental license - First Notified – 2/26/2010.

Jay Knox appeared on behalf of Mike Nelson, came forward and was sworn. Mr. Knox stated he was the property manager with Exit Realty. Mr. Knox stated he was not aware of the problem until he received the notice last week as he inherited it from the previous property manager who has passed away. Mr. Knox stated the vehicle situation has been taken care of and he has picked up the paperwork to apply for the rental license.

Mr. Stenson testified on behalf of the City and stated the next cut-off date should be sufficient for compliance.

### **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 plus a one-time administrative fine of \$250.00.

**CASE NO 22 SMG 05-10-78 – Mark Watt** has been cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5; Art. 18 Sec. 4, at **500 N. Beach Street** - Violation(s) – Violation of license restrictions and non-conforming use within the district; Failure to maintain commercial property appearances, outside storage of junk; Failure to paint to cover peeling paint - First Notified – 2/9/2010.

Respondent, Mark Watt, came forward and was sworn. Mr. Watt stated he was in the process of coming into compliance.

Mr. Stenson testified on behalf of the City and stated the next cut-off date should be sufficient for compliance.

### **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 plus a one-time administrative fine of \$250.00.

**CASE NO 3 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 they have applied for a permit to repair the roof and have removed 3 storage containers worth of trash from the back. Mr. Khabazeh further stated they were going to repair the roof and fix the windows.

Mr. Stenson testified on behalf of the City and stated the excessive outside storage still remained but the extension on the back has been removed. Mr. Stenson stated the property was enrolled in the trespass arrest site program.

### **Ruling**

Mr. Vukelja continued the matter until the June 8, 2010 Meeting for a progress report and further ordered the property be secured and not occupied or utilized until compliance as well as remove all trash and outside storage or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 4 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 Smith, brother to Carry Smith-Ramsey came forward and was sworn. Mr. Smith stated they were still trying to clear the title for Community Development to be able to proceed with the funding. They were still in the application process and clearing the title to property.

Mr. Stenson testified on behalf of the City and stated the Respondents were still trying to clear the title in order to proceed with the application process for Community Development.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to require the Respondent's appear for a progress report on June 8, 2010, and further ordered the property be secured, the exterior maintained and the property not be occupied until compliance is achieved.

**CASE NO 26 SMG 01-10-11 – RDW Property Management, Inc. and Robert 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 making a lot of progress and he anticipates having the work completed by July.

Mr. Clig testified on behalf of the City and stated good progress was being made and he recommended amending the cut-off date for 60 days.

### **Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until July 7, 2010 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**CASE NO 2 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.**

Mr. Charles Bryant appeared on behalf of the City's Redevelopment department and stated they were making progress towards demolishing a section of the property and they were working with the property owner. Mr. Bryant asked for a continuance of 60 days in order to allow time for the asbestos survey.

Mr. Fitzgerald testified on behalf of the City's Code Enforcement Department and recommended a progress report for next month.

## Ruling

Mr. Vukelja continued the matter until the June 8, 2010 Meeting for a Progress Report.

**\*\*Cases 27 to 33 were all heard simultaneously.**

**CASE NO 27 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 28 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 29 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 30 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 31 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.

**CASE NO 32 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 33 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.

Attorney Barry Hughes appeared on behalf of the Respondents. Mr. Hughes stated the Respondents and the City have come to an agreement with regard to some of the properties and the remaining properties they were going to request a continuance.

Mr. Hughes advised that with regard to the southern cluster of properties they were stipulating to non-compliance with a compliance date in six months with a three month progress report. With regard to the northern cluster of properties the parties stipulated to a continuance of six months.

Mr. Kish testified on behalf of the City and requested the Cases be consolidated into two main cases. Mr. Kish stated the Southern Group consisted of Case Number's SMG 01-10-12, SMG 01-10-13, SMG 01-10-14 and SMG 01-10-17. Mr. Kish further advised the Northern Group consisted of Case Number's SMG 01-10-15, SMG 1-10-16, and SMG 01-10-18.

### **Ruling**

Mr. Vukelja ordered based upon the stipulation between the City and the Respondent that Case Number's **SMG 01-10-12, SMG 01-10-13, SMG 01-10-14 and SMG 01-10-17** are consolidated and further found in non-compliance and ordered the properties be in compliance by November 3, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and further ordered a progress report at the August 10, 2010 Special Magistrate Meeting.

Mr. Vukelja ordered based upon the stipulation between the City and the Respondent that Case Number's **SMG 01-10-15, SMG 1-10-16, and SMG 01-10-18** are consolidated and further continued the finding of non-compliance until the November 9, 2010 Special Magistrate Meeting.

**CASE NO 5 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 property was in non-compliance and recommended imposing the one-time administrative fine of \$250.00.

### Ruling

Mr. Vukelja ordered the one-time administrative fine of \$250.00 be imposed against the Respondent effective May 5, 2010.

**CASE NO 8 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 in compliance May 9, 2010.

**CASE NO 9 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. Clig testified on behalf of the City and stated the property was in non-compliance and recommended imposing a fine.

Ofc. Jessmer stated he noticed the car to be towed per the City's junk vehicle ordinance but the Respondent requested a hearing so they were going to withdraw the towing and proceed with the Magistrate Action.

### Ruling

Mr. Vukelja ordered a fine of \$25.00 per day be imposed against the Respondent effective May 11, 2010 until compliance is achieved.

**CASE NO 10 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 imposing the one-time administrative fine.

### Ruling

Mr. Vukelja ordered the one-time administrative fine of \$250.00 be imposed against the Respondent effective May 5, 2010.

**CASE NO 11 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 advised there has been no progress or contact from the Respondents and recommended imposing a fine of \$25.00 per day with a cap at \$10,000 plus a one-time administrative fine of \$250.00.

**Ruling**

Mr. Vukelja ordered a fine of \$25.00 per day be imposed against the Respondent effective May 5, 2010 until compliance is achieved, not to exceed the amount of \$10,000.00 plus a one-time administrative fine of \$250.00.

**CASE NO 12 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.

Respondent was not present.

Mr. Clig testified on behalf of the city and stated he has not been contacted by the Bank and further recommended imposing a fine of \$25.00 per day to be capped at \$20,000.00.

Ms. Hampton advised she did find a recorded Quit Claim Deed back to Felicia Martin which was recorded on April 16, 2010.

Mr. Jackson stated the history of the case and advised they were supposed to be correcting the recording of the Deed In Lieu, however he believed by recording a Quit Claim Deed that did not remove their responsibility of compliance.

**Ruling**

Mr. Vukelja ordered a fine of \$100 per day be imposed against the Respondents effective May 5, 2010 until compliance is achieved, not to exceed the amount of \$20,000.00.

**CASE NO 13 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 was not present.

Mr. Stenson testified on behalf of the City and stated the property was still in non-compliance and recommended a compliance date for the next cut-off period.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to require 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 plus a one-time administrative fine of \$250.00.

**CASE NO 14 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 recommended amending the compliance date until July because the Respondent is in the process of changing the screen enclosure from white to a bronze color and allow him time to get approval from LPGA Homeowner's association and then subsequently the City.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to require the Respondent come into compliance by July 7, 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 15 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.

Respondent was in compliance May 4, 2010.

**CASE NO 16 SMG 05-10-71 – Charles Trust dtd 6/5/08** has been cited for failure to correct violations of City Ordinance 90-297, at **544 N. Charles Street** - Violation(s) – No rental occupational license - First Notified – 3/4/2010.

Respondent was in compliance May 4, 2010.

**CASE NO 17 SMG 05-10-72 – Navarra Construction, Inc.** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3; Art. 8 Sec. 2.7 and Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8), at **521 Pine Street** - Violation(s) – Outside storage; Parking in the yard; Junk vehicle - First Notified – 2/15/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended the next cut-off date.

### 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 18 SMG 05-10-73 – Navarra Construction, Inc.** has been cited for failure to correct violations of City Ordinance 90-297, at **521 Pine Street** - Violation(s) – No rental occupational license - First Notified – 5/20/2009.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended the next cut-off date.

### 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 one-time administrative fine of \$250.00.

**CASE NO 19 SMG 05-10-75 – Geoffrey H. & Ricci M. Ballard** has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7, at **507 Bowman Avenue** - Violation(s) – Boat/trailer storage in front of residence over 24 hours - First Notified – 3/17/2010.

Respondent was in compliance April 28, 2010.

**CASE NO 20 SMG 05-10-76 – Geoffrey H. & Ricci M. Ballard** has been cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 3.1, at **507 Bowman Avenue** - Violation(s) – Erecting wall or fence, no permit - First Notified – 3/17/2010.

Respondent was in compliance April 28, 2010.

**CASE NO 21 SMG 05-10-77 – Herbert C. Lowe, Oralia S. Lowe, Elizabeth Sanchez Lowe, Alexander John Lowe, and Eric Herbert Lowe** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4, 5 & 6, at **214 N. Beach Street** - Violation(s) – Erecting signs without permits, non-conforming signs within a redevelopment district - First Notified – 3/25/2010.

Respondent was not present.

Mr. Clig testified on behalf of the City and advised the property was in non-compliance and they applied for permits and advised it would take approximately 60 days to come into compliance.

Ms. Hampton advised the ownership changed to ORA Sancast, Inc.

#### **Ruling**

Mr. Vukelja amended the case style to change to ORA Sancast, Inc. and further found the Respondent in non-compliance and ordered the Respondent come into compliance by July 7, 2010 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 23 SMG 05-10-79 – WP Enterprises of Palm Beach, LLC** has been cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 6.2, 6.4, at **118 E. Fairview Avenue** - Violation(s) – Erecting sign no permit, non-conforming - First Notified – 3/5/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and advised the Attorney for the business was requesting a continuance until next month's meeting.

#### **Ruling**

Mr. Vukelja ordered the matter be continued until the June 8, 2010 Special Magistrate Meeting.

**CASE NO 24 SMG 05-10-80 – Joseph S. & Sandra I. Palmer** has been cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.2 and 304.7); City Ordinance 90.297, at **133 Fairview Avenue** - Violation(s) – Failure to repair roof defects and remove mildew from exterior; No rental license - First Notified – 12/3/2009.

Respondent was not present.

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 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 plus the one-time administrative fine of \$250.00.

**Miscellaneous Business**

1. Ms. Hampton and Mr. Jackson advised Mr. Vukelja about the scheduling of the Code Enforcement Workshop for the City Commission.

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