

CITY OF DAYTONA BEACH

MINUTES

**SPECIAL
MAGISTRATE
HEARING**

December 14, 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
Sgt. Tracy Miller
Officer Sherri Siracusa
Ms. Colleen Miles, Zoning Officer
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, 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 9:10 a.m.

Mr. Vukelja approved the minutes of the October 12, 2010 Meeting Minutes.

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

CASE NO 22 SMG 12-10-143 – Clyde Foster, Deen Bohler is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 4.3(c), at **119 Aston Grande Drive** - Violation(s) – Dorm living First Notified – 8/5/2010.

Respondent Clyde Foster came forward and was sworn. Mr. Foster stated they have provided the tenants with a notice regarding the dorm living and a notice to vacate the premises.

Mark Reid was present on behalf of his mother who is part property owner, came forward and was sworn. Mr. Reid stated they were not aware they had a dorm living situation. Mr. Reid stated they did apply for an occupational license and have provided the tenants notice to vacate the property so they can be in compliance.

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. Ms. Lankford stated there were four people living at the property who were unrelated and code enforcement received neighbor complaints.

Mr. Jackson asked for the Respondents to contact the Inspector upon the tenants vacating the property.

Ruling

Mr. Vukelja found the Respondents in non-compliance and ordered the Respondents come into compliance by February 2, 2011 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 12-10-150 – D.R. Horton, Inc. - Jacksonville is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 3.6, at **Tournament Drive (Parcel # 5217-05-00-0001)** - Violation(s) – Defective/damaged retaining wall located SW corner of Tournament and Perfect (common area) - First Notified – 8/27/2010.

No one appeared on behalf of the Respondent.

Ms. Lankford testified on behalf of the City and stated the violations consisted of a retaining wall that was broken. Ms. Lankford said there is a conflict between D.R. Horton and the homeowner's association, who is going to be Ms. Lankford stated the property was in non-compliance and recommended the February cut-off date for compliance.

Mr. Curt Vonderosten, manager for the homeowner's association came forward and was sworn. Mr. Vonderosten stated the builder, D.R. Horton constructed the wall and they were to deed the property over to the homeowner's association however the homeowner's association would not accept the deed without the wall being repaired.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 2, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 36 SMG 12-10-157 – Beach Property Investment Group, LLC is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 6.6(a)6 & 9,(b)2, at **126 Orange Avenue** - Violation(s) – Sign with pole and dancer on trailer pulled by a motor cycle and parked on Main Street - First Notified – 10/13/2010.

Mr. Michael Knight, owner, came forward and was sworn. Mr. Knight stated he owned the Crooks Den which was the business at the property. Mr. Knight stipulated to the violations, apologized and stated the violations would not happen again.

Mr. Fitzgerald testified on behalf of the City and stated the property was previously in non-compliance but was currently in compliance as of October 14, 2010 and recommended a Will Fine Order.

Ruling

Mr. Vukelja found the Respondent was previously in non-compliance but was currently in compliance as of October 14, 2010 and for any future repeat violation be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 18 SMG 12-10-139 – John Cicero is 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 304.13), at **121 Mason Park Drive** - Violation(s) – Outside storage, broken windows - First Notified – 9/28/2010.

Respondent, John Cicero came forward and was sworn. Mr. Cicero stipulated to the violations and stated the property was in foreclosure and that he did not have the financial ability to fix the broken windows.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and unsecure due to broken windows. Mr. Stenson requested to amend the Notice to reflect broken windows as an additional violation.

Mr. Jackson requested to amend the notice of violation to add the broken windows.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 2, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved. It was further ordered the property be secured to City standards by December 21, 2010 or the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until the property is secured. Mr. Vukelja further ordered the notice be amended to include broken windows.

CASE NO 1 SMG 11-09-84 – Five Star of Central Fla, Inc. is 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.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the Housing Authority is now the owner and he believed they would be ready to move forward with the project by April 2011. Mr. Stenson further stated Five Star of Central Fla, Inc. was foreclosed.

Ms. Hampton briefed Mr. Vukelja with regard to the foreclosure and transfer of property from the Bank who took over the property from Five Start of Central Fla., and the subsequent sale to the Daytona Beach Housing Authority.

Ruling

Mr. Vukelja ordered the case be continued until the January 11, 2011 Meeting date and requested to know the status of 5 Start of Central Florida, Inc. and/or whether the case needed to be amended to add the Housing Authority as a Respondent.

CASE NO 2 SMG 02-10-22 – Carry Bernadette Smith-Ramsey is 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, Jr. came forward and was sworn. Mr. Smith stated the title was not clear yet as it related to a credit card judgment and he was trying to work with the credit card company to settle on an amount for the judgment.

Mr. Stenson testified on behalf of the City and stated the title was not clear yet and it appears they would not be getting assistance from the City any time in the near future.

Ms. Lankford believed the grant the Respondent was seeking from Community Development was a loan.

Discussions were held amongst City Staff and Mr. Vukelja regarding the possibility of the Respondent renting the other house on the property.

Ruling

Mr. Vukelja continued the case until the January 11, 2011 Agenda.

CASE NO 3 SMG 07-10-97 – Fran J. Lasseter is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.5, 304.13, 304.7); Ch. 90-297 Code of Ordinances), at **314 Cottrill Avenue** - Violation(s) – Rodent harborage; windows and doors; roof and drainage; no rental license - First Notified – 2/4/2010.

Timothy Hassler was present on behalf of the Respondent previously but was excused by the Inspector.

Mr. Stenson stated the property was in compliance with all violations except for the rental license and further stated they had a re-inspection scheduled for the next day. Mr. Stenson recommended amending the compliance date until the next cut-off.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 4 SMG 09-10-116 – Gonzalez Family Revocable Trust dated July 23, 2003 is 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 304.6, 304.13, 302.4, 304.10, 305.3, 304.7, 504.3 and 604.3), at **724 Rawlings Court** - Violation(s) – Outside storage; exterior surfaces; windows/doors; weeds; porch/decking; interior surfaces; roof and drainage; plumbing system hazard; electrical system hazard - First Notified – 4/16/2010.

Respondent was not present.

Mr. Stenson stated the property was in non-compliance but it has been secured to City standards. Mr. Stenson further stated the Respondent had agreed to obtain a demolition permit however that had not happened as the date of the meeting. Mr. Stenson recommended imposing a \$50.00 per day fine with the maximum amount of \$15,000.00.

Ruling

Mr. Vukelja imposed a fine in the amount of \$50.00 per day against the Respondent beginning December 8, 2010 to continue until compliance is achieved or reached the maximum amount of \$15,000.00.

CASE NO 5 SMG 09-10-117 – Robert B. Irving is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1 Supp IPMC 304.13, 305.6, 305.3, 605.2, 304.6, and 604.3); City Code 90-297, at **740 N. Segrave Street** - Violation(s) – Windows/doors; interior doors; interior surfaces; receptacles; exterior surfaces (walls); electrical system hazard; working without permits (fence); and no rental license - First Notified – 7/14/2010.

Respondent was in compliance December 12, 2010.

CASE NO 6 SMG 09-10-118 – Lisa McCarthy is 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 304.2, 302.1, 504.3, 304.8, 304.6, 304.13, 304.14, 605.1, 304.7, 304.6, 602.2, 305.3, 308.1, 302.5, 504.1 and 304.11), at **630 Tanglewood Street** - Violation(s) – Peeling paint; dirt/grime and mildew; plumbing system hazard; awnings; exterior surfaces; windows and frames; screens; electrical wiring; roof and drainage; exterior wall; heating facilities; interior surfaces; infestation; rodent harborage; plumbing fixtures; chimney and towers - First Notified – 6/28/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated there has been no progress towards compliance but the property is secure and the exterior is maintained. Mr. Stenson stated the Respondent was requesting three months for compliance but he was only inclined to allow two months.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until February 2, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved and further ordered the exterior be maintained and the property be secured to City standards and the property shall not be rented occupied or otherwise utilized until compliance is achieved.

CASE NO 7 SMG 10-10-122 – Lillian Day is cited for failure to correct violations of City Ordinance 90-297, at **945 Redwood Street** - Violation(s) – Renting a property without an occupational license - First Notified – 5/12/2010.

Respondent was in compliance December 1, 2010.

CASE NO 8 SMG 10-10-125 – Binky Geneva Pickney as Court Appointed Guardian for is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7 and 304.6), at **136 N. Keech Street** - Violation(s) – Accessory structure (fencing); exterior walls -First Notified – 8/7/2010.

Respondent was in compliance November 19, 2010.

CASE NO 9 SMG 10-10-127 – Daytona Beach Holdings, LLC is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4.4(i); Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.6 and 304.7), at **145 N. Nova Road** - Violation(s) – Commercial appearance standards; exterior surfaces, roof and drainage - First Notified – 7/30/2010.

Respondent was in compliance November 16, 2010.

CASE NO 10 SMG 10-10-128 – Lisa & William McCarthy is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.7, 604.3, 308.1, 304.13, 704.2 and 302.7), at **322 N. Ridgewood Avenue** - Violation(s) – Roof and drainage, electrical system hazard, infestation, windows/doors, smoke detectors, accessory structure (detached garage) - First Notified – 7/29/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the owner has added a new tenant and the property remains in non-compliance. Mr. Stenson recommended imposing a fine of \$50.00 per day with a maximum amount of \$15,000.00.

Ruling

Mr. Vukelja imposed a fine of \$50.00 per day against the Respondent beginning December 8, 2010 to continue until compliance is achieved or reached the maximum amount of \$15,000.00.

CASE NO 11 SMG 11-10-130 – Federal National Mortgage Association is cited for failure to correct violations of City Ordinance 90-297, at **933 Madison Avenue** - Violation(s) – No occupational license
First Notified – 9/1/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended imposing a fine.

Ruling

Mr. Vukelja imposed the one-time administrative fine of \$250.00 fine against the Respondent effective December 8, 2010.

CASE NO 12 SMG 11-10-131 – David Walker is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1), at **147 Kingston Avenue** - Violation(s) – Working without permits - First Notified – 9/23/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was still in non-compliance by working without permits and no progress or contact. Mr. Stenson further stated this Respondent has a history of obtaining permits and letting them expire without completing or progressing on the work and therefore the Inspector requested a \$500.00 per day fine.

Ruling

Mr. Vukelja imposed a fine of \$250.00 per day against the Respondent beginning December 8, 2010 to continue until compliance is achieved or reached the maximum amount of \$15,000.00.

CASE NO 30 SMG 12-10-151 – Elliot Meadows is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1. (ref. FBC Supp IPMC 301.2, 301.3, 302.1, 302.3, 302.4, 302.5, 302.7, 302.9, 303.12, 303.15, 303.7, 303.8, 303.9 & 303.10), at **220 N. Halifax Avenue** - Violation(s) – Maintenance Code: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blighting problem or adversely affect the public health or safety; Sanitation; Weeds; Rodent Harborage; Accessory structures; All exterior doors, door assemblies roof and flashing shall be sound, tight, and not have defects and all maintained structurally sound and in good repair - First Notified – 9/1/2010.

Respondent was not present.

Ms. Colleen Miles, City Zoning officer came forward and was sworn. Ms. Miles presented the history of the property and stated this current owner went to Court for a zoning issue.

Mr. Fitzgerald testified on behalf of Code Enforcement. Mr. Fitzgerald recommended 90 days to come into compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 2, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 13 SMG 11-10-132 – Stamenko & Dusanka Angelov is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 301.1, 301.2, 302.1, 302.2, 302.3, 302.4, 302.5, 302.7, 303.12, 303.13, 303.13.1, 303.14, 303.15, 303.10), at **115 S. Grandview Avenue** - Violation(s) – The Building needs to be repaired to City Standards: Poorly maintained house - paint, trim, remove loose coverings, damaged encapsulates loose putty, and/or deteriorated plaster and peeling paint, doors, stairways - First Notified – 5/26/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondents were making good progress and recommended amending the cut-off date until the February meeting.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent to come into compliance by February 2, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 14 SMG 11-10-135 – Matthew Jones & Anna Alastra is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5.3, at **37 N. Peninsula Drive** - Violation(s) – Non-conforming use - utilizing a single family house as multifamily - First Notified – 6/11/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondents has pulled the permits and recommended the January cut-off for compliance.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent to come into compliance by January 5, 2011 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 12-10-136 – Charles N. & Janet G. Lyons is cited for failure to correct violations of Ch. 90-297 City Code, at **821 Harrington Street** - Violation(s) – No Rental License - First Notified – 10/9/2010.

Respondent was in compliance November 19, 2010.

CASE NO 16 SMG 12-10-137 – Harriet Foreman Estate is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 504.3), at **241 Jefferson Street** - Violation(s) – Plumbing system hazard (No water service) - First Notified – 10/22/2010.

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 for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 17 SMG 12-10-138 – Patricia P. Watson-Goebel is cited for failure to correct violations of Ch. 90-297 City Code, at **112 Mason Park Drive** - Violation(s) – **No Rental License** -First Notified – 9/7/2010.

Respondent was in compliance November 18, 2010.

CASE NO 19 SMG 12-10-140 – James R. & Ruth Gilbert is cited for failure to correct violations of Ch. 90-297 City Code, at **730 McArthur Court** - Violation(s) – No rental license - First Notified – 9/18/2010.

Respondent was in compliance November 30, 2010.

CASE NO 20 SMG 12-10-141 – Robert B Irving is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp Sections of the IPMC as Outlined in the Attached Housing Inspection Report), at **322 Fulton Street** - Violation(s) – See Housing Inspection Report - First Notified – 10/13/2010.

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 for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 21 SMG 12-10-142 – Edward G. Taylor; Anthony J. Taylor & Christopher J. Taylor is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8) & City Ordinance 90-297, at **950 Tomoka Road** - Violation(s) – Junk vehicle; no rental license First Notified – 9/3/2010.

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 for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 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 23 SMG 12-10-144 – Cyril & Roseann M. Javurek is cited for failure to correct violations of City Ordinance 90-297, at **1023 Cadillac Drive** - Violation(s) – No occupational license - First Notified – 7/20/2010.

Respondent was in compliance December 10, 2010.

CASE NO 24 SMG 12-10-145 – Steve D. & Valerie Kane is cited for failure to correct violations of City Ordinance 90-297, at **1197 Champions Drive** - Violation(s) – No occupational license - First Notified – 10/14/2010.

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 Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 25 SMG 12-10-146 – Rebecca A. Taylor is cited for failure to correct violations of City Ordinance 90-297, at **564 Fairmount Road** - Violation(s) – No occupational license - First Notified – 10/14/2010.

Respondent was not present.

Mr. 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 Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 26 SMG 12-10-147 – Juanita C. Armstrong is cited for failure to correct violations of City Ordinance 90-297, at **1115 Madison Avenue** - Violation(s) – No occupational license - First Notified – 9/16/2010.

Respondent was not present.

Mr. 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 Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 27 SMG 12-10-148 – Edison & Mariella Puentes is cited for failure to correct violations of City Ordinance 90-297, at **335 Perfect Drive** - Violation(s) – No occupational license - First Notified – 9/3/2010.

Respondent was not present.

Mr. 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 Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 28 SMG 12-10-149 – Charles Kirk Winstead & Rebecca A. Hedrick is cited for failure to correct violations of City Ordinance 90-297, at **108 Zaharias Circle** - Violation(s) – No occupational license - First Notified – 10/11/2010.

Respondent was not present.

Mr. 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 Respondent in non-compliance and ordered the Respondent come into compliance by January 5, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 31 SMG 12-10-152 – Martha M. Bailey is cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 2.111 (a)(b), at **238 N. Halifax Avenue** - Violation(s) – No Permit - Operating a paid parking lot without a permit - First Notified – 10/10/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondent was previously in non-compliance but currently in compliance and therefore recommended a Will Fine Order.

Ruling

Mr. Vukelja found the Respondent previously in non-compliance but was in compliance as of October 13, 2010 and for any future repeat violation be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 32 SMG 12-10-153 – Richard Postlewait is cited for failure to correct violations of City Ordinance 90-297, at **716 Harvey Avenue** - Violation(s) – No occupational license - First Notified – 11/4/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondent was in non-compliance and recommended the next cut-off for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent be in compliance by January 5, 2011 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 12-10-154 – Sharon Elizabeth Westlund Revocable Trust dtd 4-30-01 is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.4 (a)(b)(c)(d) & 5.5; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 303.2 & 303.6), at **736 Main Street** - Violation(s) – Maintenance Code: Peeling, flaking, chipped paint - First Notified – 5/19/2010.

Respondent was in compliance December 13, 2010.

CASE NO 34 SMG 12-10-155 – T. & K. & K. Investment Co is cited for failure to correct violations of the Land Development Code, Art. 17 Sec. 2.111 (a), at **823 Main Street** - Violation(s) – No Permit -Outside display of merchandise - First Notified – 10/20/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondent was previously in non-compliance but currently in compliance and therefore recommended a Will Fine Order.

Ruling

Mr. Vukelja found the Respondent previously in non-compliance but was in compliance as of October 21, 2010 and for any future repeat violation be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE NO 35 SMG 12-10-156 – Wilda & Marion Kirkland is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5.3 (a)1,2,3; City Ordinance 90-297, at **148 S. Oleander Avenue** Violation(s) – Illegal non-conforming uses of a duplex into 3 or 4 units; no rental license - First Notified – 10/11/2010.

Respondent was in compliance November 24, 2010.

CASE NO 37 SMG 12-10-158 – Robert & Chantal Pesce is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 303.13, 303.13.1, 303.13.2, 303.14, 303.15, 303.2, 303.6, 605.2, 504.1, 301.2, 304), at **128 S. Wild Olive Avenue** - Violation(s) – Maintenance Code: Cracked stucco; fascia board; receptacles covers missing; screens & doors; bath tubs - First Notified – 9/1/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the Respondent 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 January 5, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 38 SMG 12-10-159 – Trust No. 219 c/o Dennis C. Riggins, Trustee is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 504.3) & Ch. 90-297 Code of Ordinances, at **219 North Street** - Violation(s) – Plumbing system hazard & no occupational license - First Notified – 11/4/2010

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the Respondent was in non-compliance and requested a compliance date of 10 days due to the water hazard.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondents come into compliance by December 24, 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.

Miscellaneous Business:

1. Discussions were held regarding Bankruptcies as they relate to code enforcement liens/cases.

Adjournment: The meeting was adjourned at 10:47 a.m.