

CITY OF DAYTONA BEACH

MINUTES

**SPECIAL  
MAGISTRATE  
HEARING**

March 8, 2011 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida

---

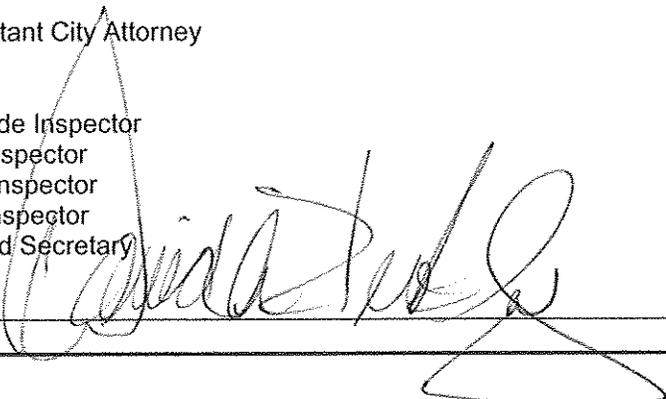
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney  
Sgt. Tracy Miller  
Officer Sherri Siracusa  
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 February 8, 2011 Bike Week Master Plan Appeal Hearing Minutes and the Regular Meeting Minutes.

**Lien Review 1**

**SMG 12-10-139 – 121 Mason Park Drive – John Cicero:** Order Imposing Fine/Lien of \$75.00 per day imposed 1/5/2011 for failing to secure the property by 1/5/2011 cut-off date. Compliance 1/28/2011 = 23 days @ \$75.00 p/day = **\$1,725.00.**

Respondent failed to appear when the case was called.

Mr. Stenson was present on behalf of the City.

**Ruling**

Mr. Vukelja denied the lien review request.

Hearing of Cases:

**CASE NO 1 SMG 12-09-86 – 400 Beach Street Acquisitions, LLC** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IMPC 301.2, 302.4, 304.2, 304.6, 304.7, 304.9, 304.13, 305.3, and 605.1), at **300 N. Beach Street** - Violation(s) – Owner responsible to maintain structures and exterior of property in compliance with IPMC requirements; weeds; protective treatment; exterior walls; roofs and drainage; overhang extensions; window, light and door frames; interior surfaces; electrical equipment and wiring shall be properly installed and maintained - First Notified – 9/14/2009.

Charles Bryant from Redevelopment Department came forward and was sworn. Mr. Bryant stated the City was looking at demolishing some of the buildings and rezoning the property. Mr. Bryant stated the City was requesting a 6 months extension to allow the owner's time to rezone the property because the prior plans for the property have fallen through and they were looking at putting an assisted living facility at the location now.

Mr. Vukelja inquired about the plans for this property and requested clarification about what was going on with the property.

Attorney Rob Merrill from Cobb & Cole appeared for the case. Mr. Merrill stated he is handling the zoning matter for the property owners. Mr. Merrill stated the original zoning for the property was for condominiums which were never built. Mr. Merrill further stated the current project they were now proposing would result in either tearing down some buildings and/or completely rehabilitating them. Mr. Merrill stated the southerly part of the property the City was looking to purchase at some point.

Mr. Fitzgerald was present on behalf of code enforcement and stated they were recommending the six month extension for another progress report.

Ruling

Mr. Vukelja ordered the matter be continued until the September 13, 2011 meeting for a progress report. Mr. Vukelja further emphasized his order was based upon the stipulation between the property owner and the City.

**CASE NO 2 SMG 01-10-12; 01-10-13; 01-10-14; 01-10-17 – Halifax Wrecking Company, Inc. & Robert Klenk** is 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 - Occupational license required; City Ordinance 78-111 - Overgrown conditions and/or accumulation of debris; LDC Art. 19 Sec. 1.1 (ref. FBC 105.1) - Permits required for excavation work, at **Parcel # 39-15-33-32-05-0060 (Wallace Street) & Parcel # 39-15-33-42-00-0040 (Marion Street); Parcel # 39-15-33-42-00-0020 (Marion Street) & Parcel # 39-15-33-42-00-0030 (419 Marion Street); Parcel # 39-15-33-01-26-0074 (Loomis Avenue) & Parcel # 39-15-33-01-26-0075 (Loomis Avenue); 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; Failure to obtain permit for grade change including creation of soil mounds Failure to obtain occupational license for salvage/recycling facility; Failure to cut tall grass/weeds and remove debris. - First Notified – 12/4/2009.

Attorney Barry Hughes appeared on behalf of Mr. Klenk and stated the property was completely cleaned and the only remaining issue for the southerly properties was the conditional use permit. Mr. Hughes stated all issues regarding cleaning the issues have been resolved except for the conditional use permit.

Mr. Garcia testified on behalf of the City and stated the progress was very good and they were just waiting on the approval of the permits for the conditional use.

Mr. Jackson concurred with Mr. Hughes statements and agreed with a continuance.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 2011 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 3 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 and broken windows - First Notified – 9/28/2010.**

Mr. Stenson stated the property was in non-compliance and recommended imposing a fine of \$200 per day. Mr. Stenson stated the outside storage has been removed but the windows were still broken. Mr. Stenson stated the property was non-owner occupied and it was vacant.

Mr. Vukelja inquired about the maximum fine amounts and the application of the definition of "owner occupied".

Mr. Jackson advised how the City was applying the definition of "owner occupied".

Respondent John Cicero came forward and was sworn. Mr. Cicero stated he was hoping the bank would have taken the property back through foreclosure at this point in time because he does not have the funds to fix the windows and would not be able to fix the windows. Mr. Cicero stated he could not afford the fine either.

Further discussion was held between Mr. Jackson and Mr. Vukelja regarding what constitutes an owner occupied residential property and the application of the maximum fine amounts.

### Ruling

Mr. Vukelja imposed a fine against the Respondent of \$100 per day beginning March 2, 2011 to continue until compliance is achieved or reached the maximum amount of \$15,000.00.

**CASE NO 4 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.

Mr. Fitzgerald testified on behalf of the City and recommended amending the compliance date to the next cut-off to allow the Respondent time to demolish the building as it has been condemned due to fire and further recommended if the structure was not demolished than an automatic fine of \$200 per day with a cap of \$20,000 should be imposed.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 2011 to come into compliance or be automatically fined the amount of \$200 per day beginning May 4, 2011 to continue until compliance is achieved or reached the maximum amount of \$20,000.00.

**CASE NO 5 SMG 02-11-04 – Fred E. Allen** is cited for failure to correct violations of Ch. 90-297 Code of Ordinances, at **345 Garden Street** - Violation(s) – No rental license - First Notified – 11/20/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was still in non-compliance but 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 April 6, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 6 SMG 02-11-05 – Ledoro Properties, Inc.** 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 302.7, 304.13, 605.1, 504.3, 304.6, 305.3, 304.2) and Ch. 90-297 Code of Ordinances, at **143 Harney Street** - Violation(s) – Parking in yard; outside storage; dilapidated fencing; broken windows and doors; electrical installation; plumbing hazard; exterior surfaces; interior surfaces; peeling paint; no rental license - First Notified – 11/4/2010.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was not secured and he has not been contacted by the Respondent. Mr. Stenson stated he would like to impose a fine for the failing to secure the property and keep the meeting date set for May to determine a compliance date since that's when she said he son was going to be in town to take over the property.

**Ruling**

Mr. Vukelja imposed a fine of \$50.00 per day effective March 2, 2011 to continue each day until the property is secured or reached the maximum amount of \$15,000. Mr. Vukelja further stated the Progress Report for determination of a compliance date shall remain on the May 10, 2011 Meeting Agenda.

**CASE NO 7 SMG 02-11-06 – The Bank of New York Mellon, fka The Bank of New York, as Trustee for the Certificate Holders Alternative Loan Trust 2006-HY11, Mortgage Pass-through Certificates, Series 2006 HY-11 and Ali Darren Jafroodi** are cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 505.1, 603.1, 704.2, 304.14, 602.3, 604.3, 304.2) and Ch. 90-297 City Code of Ordinances, at **503 Ruth Street** - Violation(s) – No hot water; inoperable appliances; no smoke detectors in bedrooms; no window screens; no heating system; electrical system hazards; peeling paint; and no occupationanl license - First Notified – 12/10/2010.

Ali Jafroodi came forward and was sworn. Mr. Jafroodi submitted a letter from his attorney advising he was going through a divorce currently and his wife had filed an injunction against him and he was not receiving his mail. Mr. Jafroodi stated he believed almost every issue was resolved. Mr. Jafroodi stated he has not received rent from the tenant as well.

Mr. Stenson testified on behalf of the City and stated there has been no change to the property and the property was in non-compliance and suggested the next cut-off to come into compliance.

Ms. Sandra Watkins came forward and was sworn. Ms. Watkins stated she was the tenant in the property and she did not have any heat and no hot water since November. Mr. Watkins stated he did not trust Mr. Jafroodi's maintenance man and further stated she was going to be leaving the property in two weeks and requested the repairs not be made until after that.

Mr. Jerry Kingerly came forward and was sworn. Mr. Kingerly stated he was Mr. Jafroodi's maintenance man and it would take longer than the Inspector's suggestion to hire electricians and perform the repairs.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 2011 to come into compliance or the Respondent will be automatically fined the amount of \$100.00 per day effective May 4, 2011 until compliance is achieved or reached the maximum amount of \$15,000.00. Mr. Vukelja further ordered as of March 23, 2011 the property is to not be rented, utilized, or otherwise occupied until compliance is achieved or the Respondent will be returned for consideration of a fine up to \$1,000 per day.

**CASE NO 8 SMG 02-11-07 – Madrake Daytona Corp.** is cited for failure to correct violations of Ch. 90-297 Code of Ordinances, at **524 Arnold Drive** - Violation(s) – No occupational license - First Notified – 10/20/2010.

Respondent was in compliance March 1, 2011.

**CASE NO 9 SMG 02-11-14 – Samuel J. Merrill, Jr.** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 303.2), at **1237 Essex Road** - Violation(s) – Deteriorated, damaged soffit/fascia - First Notified – 11/24/2010.

Ms. Lankford testified on behalf of the City and recommended amending until the next cut-off date to come into compliance.

Mr. Merrill came forward and was sworn. Mr. Merrill requested an extension until the next cut off.

### Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 6, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day.

**CASE NO 10 SMG 02-11-15 – Jules Xavier Junker** is cited for failure to correct violations of City Ordinance 90-297, at **551 Fairmount Road** - Violation(s) – No occupational license for rental property First Notified – 12/2/2010.

Respondent was in compliance March 7, 2011.

**CASE NO 11 SMG 02-11-17 – George Joseph Nighland Revocable Living Trust dtd 12/22/04** is cited for failure to correct violations of City Ordinance 90-297, at **1200 Imperial Drive** - Violation(s) – No occupational license - First Notified – 10/25/2010.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated the Respondents have applied for the license but the inspection failed and she recommended amending until the next cut-off date to allow for compliance to fix the items in disrepair.

**Ruling**

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 6, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 12 SMG 03-11-20 – Joseph P. & Barbara Daley** is cited for failure to correct violations of City Ordinance Ch. 90-297, at **904 Derbyshire Road** - Violation(s) – No occupational license - First Notified – 10/30/2010.

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.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent to come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 13 SMG 03-11-21 – Zeldia D. Cooks** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8), at **1144 Edith Drive** - Violation(s) – **Inoperable (junk) vehicle on site** - First Notified – 11/22/2010.

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.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

**CASE NO 14 SMG 03-11-22 – Daniel Lucas** is cited for failure to correct violations of City Ordinance Ch. 90-297, at **1213 Essex Road** - Violation(s) – No occupational license - First Notified – 11/10/2010.

Respondent was in compliance March 7, 2011.

**CASE NO 15 SMG 03-11-23 – Nicole C. Duhart** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8) & Art. 8 Sec. 2.7, at **1269 Essex Road** Violation(s) – Inoperable (junk) vehicle on site; parked on unimproved surface (grass) - First Notified – 11/16/2010.

Respondent was in compliance March 7, 2011.

**CASE NO 16 SMG 03-11-24 – James & Pattanum George** is cited for failure to correct violations of City Ordinance 90-297, at **116 Joyelle Circle** - Violation(s) – No occupational license - First Notified – 11/17/2010.

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.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 17 SMG 03-11-25 – Lisa A. Imperto** 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 304.14, 304.2 & 302.7), at **158 Arlington Avenue # 1** - Violation(s) – Outside storage, screens, peeling paint and fencing - First Notified – 1/24/2011.

Ms. Lisa McCarthy came forward and was sworn. Ms. McCarthy stated she would do her best to bring it into compliance but she may run into tenant issues and she also has other properties she is currently working on to bring into compliance.

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

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by June 8, 2011 or be returned to a subsequent meeting for consideration of a fine of \$1,000.00 per day until compliance is achieved.

**CASE NO 18 SMG 03-11-26 – S.C. Gay Properties, LLC** is cited for failure to correct violations of City Ordinance 90-297, at **317 Congress Avenue** - Violation(s) – No occupational license - First Notified – 1/13/2011.

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 April 6, 2011 or be returned to a subsequent meeting for consideration of a one-time fine of \$250.00.

**CASE NO 19 SMG 03-11-27 – Ronald Lee Helgemo Trustee** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp 304.13 IPMC) & Ch. 90-297 Code of Ordinances, at **309 Cottrill Street** - Violation(s) – Windows screwed shut; no occupational license - First Notified – 12/21/2010.

Respondent was in compliance February 28, 2011.

**CASE NO 20 SMG 03-11-28 – Steve V. Elmer** is 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 **814 Forest Lane** Violation(s) – Parking in yard; junk vehicles - First Notified – 1/29/2011.

Mr. Elmer came forward and was sworn. Mr. Elmer stated he disagreed with the violations because his tenant has removed the cars.

Mr. Charlie who is Mr. Elmer's tenant came forward and was sworn. Mr. Charlie stated the antique car is his and it is licensed and insured.

Mr. Stenson testified on behalf of the City and stated the property was previously in non-compliance but was currently in compliance and recommended a will fine order to deter any future violations. Mr. Stenson stated there were too many cars on the property and some were covered in tarps so he was unsure whether or not the vehicles were licensed.

Mr. Jackson clarified the issue was parking in the yard and not necessarily the amount of cars that were on the property just as long as they were all parked in the driveway.

#### Ruling

Mr. Vukelja found the Respondent previously in non-compliance but was currently in compliance and 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 21 SMG 03-11-29 – James G. Frost is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3, at **318 Hobart Avenue** - Violation(s) – Outside Storage - First Notified – 11/8/2010.

Respondent was not present.

Mr. Matthew Cecil the tenant came forward and was sworn.

Mr. Stenson testified on behalf of the City and stated the violations consisted of outside storage of items under the carport.

Mr. Cecil agreed he was leaving tools in the carport because he was working on his car but he has since cleaned everything up.

#### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 22 SMG 03-11-30 – Jewell Lovett Testamentary Trust dtd. 8-30-04 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 304.7, 304.13, 304.2 & 105.1), at **441 Jefferson Street** - Violation(s) – Outside storage; roof and drainage; windows/doors; exterior surfaces; working without permits; unsecured property - First Notified – 8/2/2010.

Lafreida Small, Trustee of the Trust came forward and was sworn and stipulation to the violations.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended at least two months for compliance. Mr. Stenson stated the property was secured and it was sign up on the Trespass arrest site with the police department.

#### Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by June 8, 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 23 SMG 03-11-31 – Paul L. Jones & Sadie P. Lee** is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7 (a); Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.2), at **701 Kingston Avenue** - Violation(s) – Boat parked in yard; Outside storage; peeling paint - First Notified – 10/27/2010.

Respondent was not present.

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

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day

**CASE NO 24 SMG 03-11-32 – Ali Darren Jafroodi** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC 105.1), at **149 Madison Avenue** - Violation(s) – No permit - First Notified – 1/12/2011.

Mr. Jafroodi came forward and was previously sworn. Mr. Jafroodi requested 60 days to obtain a new contractor in order to pull a new permit.

Mr. Stenson testified on behalf of the City and stated the previous permit was issued on May 11, 2010 and expired on September 11, 2010. Mr. Stenson stated he would like to see a permit issued by the next cut-off date.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent pull permits by May 4, 2011 and obtain full compliance by June 8, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and further ordered the property not be rented occupied or otherwise utilized until compliance is achieved or the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

**CASE NO 25 SMG 03-11-33 – Carl Woods** 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 302.8), at **535 Brentwood Drive** - Violation(s) – Outside storage; junk vehicle - First Notified – 2/7/2011.

Respondent Carl Woods came forward and was sworn. Mr. Woods stipulated to non-compliance.

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 April 6, 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 26 SMG 03-11-34 – Ana Pacheco, Sara M. Pacheco & Rafael Pacheco, JTRS** is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; Art. 18 Sec. 7.3; Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.8), at **873 Madison Avenue** - Violation(s) – Parking in yard; outside storage; junk vehicle - First Notified – 12/30/2010.

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 April 6, 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 27 SMG 03-11-35 – James E. Jelks & Alice Mae Jelks** is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8 & 304.2), at **967 Madison Avenue** - Violation(s) – Parking in the yard; outside storage; junk vehicles; peeling paint - First Notified – 1/15/2011.

Ms. Alice Jelks came forward and was sworn. Ms. Jelks stipulated to the violations and stated she needed 60 days to complete the painting.

Mr. Stenson testified on behalf of the City and stated the Respondent was making good progress.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by May 4, 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 28 SMG 03-11-36 – Justin Matthew Kirby** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC 105.1), at **648 Mason Avenue** - Violation(s) – Working without permits - First Notified – 2/4/2011.

Respondent was in compliance March 2, 2011.

**CASE NO 29 SMG 03-11-37 – Edmondson O. Asgill** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3, at **410 Pleasant Street** - Violation(s) – Outside storage - First Notified – 1/15/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the Respondent was previously in non-compliance but was currently in compliance but he recommended a will fine order for any future repeat violations.

**Ruling**

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

**CASE NO 30 SMG 03-11-38 – Caroline Daytona Properties, LLC** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7), at **629 Tucker Street** Violation(s) – Accessory Structure (fencing) - First Notified – 1/7/2011.

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 for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by April 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

**MISCELLANEOUS BUSINESS**

**CASE NO SMG 11-10-131 – David Walker** was cited for failure to correct violations of Land Development Code Art. 19 Sec. 1.1 (ref. FBC 105.1) at **147 Kingston Avenue** - Violation(s) – Working without permits: Order imposing Fine/lien of \$250.00 per day imposed on 12/8/2010 with a maximum amount of \$15,000.00.

Mr. Stenson testified on behalf of the City and requested the vine be vacated and released based upon administrative error.

**Ruling**

Mr. Vukelja ordered the fine be vacated and lien released on SMG 11-10-131 for 147 Kingston Avenue.

**Adjournment:** The meeting was adjourned at 10:25 a.m.