



# The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Tuesday, October 9, 2018  
9:00 AM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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## Attendees:

David A Vukelja, Special Magistrate

## Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney  
 Captain Scott Lee, Police Department  
 Officer Steve Jessmer  
 Mr. Steve Alderman, Code Inspector  
 Mr. Tom Clig, Code Inspector  
 Mr. Michael Fitzgerald, Code Inspector  
 Mr. Daniel Garcia, Code Inspector  
 Mr. Mark A. Jones, Code Inspector  
 Mr. Jerome McCoy, Code Inspector  
 Mr. Clifford Recanzone III, Code Inspector  
 Mr. John Stenson, Lead Code Inspector  
 Ms. Aimee Hampton, Senior Paralegal  
 Mr. Charles Smarr, Audio/Video  
 Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by:  
Special Magistrate

Mr. Vukelja called the meeting to order at 9:00 a.m.

Mr. Vukelja approved and signed the minutes of the September 11, 2018 meeting.

Ms. Barnes swore in members of staff who would be testifying.

Mr. Vukelja asked if there were any announcements on the regular agenda

Mr. Barnes stated there were none other than those already listed on the agenda.

## Cases that are in Compliance:

CASE # 1 SMG 09-18-107 - Helena Sanders

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7, 304.6), at 2804 N Halifax Ave Violation(s) - Damaged fence and loose siding on NW corner. First Notified - 2/19/2018.

Compliance: 10-4-18

### CASE # SMG 08-18-88 - Craig Conway

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1 at 511 Mark Ave Violation(s) - Installed windows without permits. First Notified -5/19/2018.

Compliance: 9-11-2018

### CASE # 17 SMG 08-18-92 - Paul Protentis

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 532 Fairmount Rd. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 3/6/2018.

Compliance: 10-3-2018

### CASE # 25 SMG 09-18-116 - Beach Development Group, LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at 530 N Beach St

Violation(s) - Dilapidated exterior surfaces.

First Notified - 4/13/2018.

Compliance 10-8-2018

Mr. Vukelja called the first case which is a lien review.

## LIEN REVIEW

### SMG 05-06-51 - 329 Division St - Ted Brousseau, Inc.

is cited for failure to correct violations of the Land Development Code, Article 19, Section 1 and Code of Ordinances, Chapter 22. Violation(s) - Failure to make repairs listed on housing inspection report or demolish unsafe structure. First Notified - 2/16/2006. Order Imposing Fine-Lien of \$1,000.00 per day effective June 9, 2006. Not in Compliance. \$15,000.00 maximized, plus \$24.00 recording costs, minus payment of \$1,000.00 = \$14,024.00. Total amount owed \$14,024.00.

Mr. Brousseau came forward and was sworn in.

Mr. Anthony Jackson, Assistant Attorney for the City of Daytona Beach, stated the property was found in non-compliance. He stated a fine that became a lien, was imposed in 2006 and maxed at \$15,000.00 plus the recording fee of \$24.00. He stated there was a period of leniency where a partial release was allowed on the sale of a property that was being encumbered. He stated we are again dealing with a cross-encumbrance and the applicant is asking for relief on this lien. He stated the City's position is that there should be no relief on this lien reduction, not even a partial reduction, and the property is in non-compliance. Mr. Jackson stated that the applicant no longer owns the building.

There was discussion regarding why a property in non-compliance is being brought before the Special Magistrate. Mr. Jackson stated it was to allow the respondent due process. He stated the property has been a problem property and an eyesore for many years.

Mr. Vukelja asked if Mr. Brousseau still owned the property and Mr. Jackson stated that he did not. He asked if the respondent was able to sell the property with the lien on it and Mr. Jackson stated it was quick claim.

Mr. Brousseau stated the issue is due process. He stated that neither his dad nor he knew about the lien and it wasn't noticed. He stated that he drove by the property this morning and it is dilapidated and should have been demolished in 2006. He reiterated that it was a due process issue and he is not in disagreement with everything else that was said regarding the condition of the property.

Mr. Vukelja asked who Chuckie D. Edwards PUC is. Mr. Brousseau stated the tax assessor assigns that as Purchase Under Contract and he was a neighbor who purchased the property from his dad. He further stated Chuckie D was not an agent but lived on the property for 5 or 6 years and there were no problems.

Mr. Vukelja asked Mr. Jackson if he was satisfied as far as service on the respondent and Mr. Jackson stated that he was.

Mr. Vukelja asked why no one had ever demolished the building. Mr. Brousseau stated he did not know.

Mr. Vukelja stated the City Attorney is comfortable with service and there is nothing in the file that indicated service was improper.

Mr. Brousseau again stated he was asking for dismissal on the grounds of due process.

DISPOSITION: Mr. Vukelja stated the property is still not in compliance and denied the lien review.

## Hearing of Cases:

### CASE # 2 SMG 09-18-108 - Shandra Carreira

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.6.A.3 (Ref. FBC Supp IPMC 304.13, 304.3), at 802 N Halifax Ave Violation(s) - Exterior structure - window frames, visible address, landscaping maintenance and outside storage. First Notified - 4/3/2018.

Shandra Carreira came forward and was sworn in.

Mr. Jackson stated that the property is still in non-compliance and Inspector Alderman is asking for a fine to be imposed. He stated he has had only recent communication with the respondent and is asking for the next cut-off date to come into compliance.

Inspector Alderman stated he had opened the case on April 3, 2018 and Ms. Carreira has replaced the landscape, the outside storage issue is complete, and all of the windows are done. He stated the only thing remaining is the upper fascia on the door.

Mr. Vukelja asked Ms. Carreira if she could get the work done by the next cutoff, November 7, 2018, and Ms. Carreira responded that was not enough time. She stated there were extenuating circumstances, weather being one of them, and that she is a full-time caregiver for her 95-year-old grandmother and has 11-year-old twins who reside with her at that address. She stated all the work that had been done has been done by herself and that it is in a historic district, and is an old home, and there is always ongoing maintenance. Ms. Carreira estimated that it would take her by the end of November to complete the work that needs to be done.

Mr. Jackson stated the Inspector feels the respondent has done considerable work and is willing to amend to the December cutoff.

DISPOSITION: Mr. Vukelja amended the original order of non-compliance to December 5, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # 3 SMG 05-18-52 - Margaret Ellen Eberwein

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 302.3, 302.4, 302.8, 304.7); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G at 348 Jackson

Ave Violation(s) - Damaged roof, outside storage, boarded windows, inoperable vehicle and scooters, overgrown shrubs and dilapidated fence. First Notified - 2/13/2018.

Margaret Ellen Eberwein came forward and was sworn in.

Mr. Jackson stated Inspector John Stenson reports that the respondent for the most part is in compliance except the roof. The issues with outside storage seem to come and go but at the moment she's in compliance with those. Mr. Jackson stated she is receiving assistance from an assistance program called VIND and they have submitted a letter saying it may take some time to complete the work and the City is willing to give her the time that she needs and give the respondent until the December cutoff.

Mrs. Eberwein stated she is working with the VIND people and they have told her it could be quite a while, may be up to a year, before they have the volunteers, they need to get it completed. She stated they will get the estimates for the roof, hire the contractors and also assemble the volunteers. She stated she is still submitting paperwork for the project.

Mr. Vukelja asked if the City is familiar with the agency in question and Mr. Jackson responded they were not and that it was a new agency.

Mr. Don Gooding, Community Development Compliance Officer for the City, came forward and was sworn in. He stated he was familiar with VIND and that the city had been communicating with them since the hurricanes. He further stated they have provided assistance to other residents of the City and there is a lengthy period of time to wait for a project to be completed.

Mr. Jackson asked if there were signs of completion on these projects and Mr. Gooding responded he was not familiar with the outcome of VIND activities. He stated in addition to the roof, the Inspector is requesting that the other violations which are in compliance be maintained during this period that we are waiting. Mr. Jackson stated he just wanted to make sure that things are moving forward since the case has been around since February and would like to reassess in December.

DISPOSITION: Mr. Vukelja continued the imposition of a fine to the December 11, 2018 meeting for a progress report and the determination of a new compliance date for the work on the roof. Respondent was ordered to have everything else in compliance by December 11, 2018.

### CASE # 4 SMG 08-18-81 - Nicholas J & Amy Militello

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.6.19.A.3.a, Art. 9 Sec. 9.2.A (Ref. FBC IPMC 304.6), at 1148 Champions Dr  
Violation(s) - Lack of required permits (expired and unfinaled), outside storage of junk and debris, mildew on exterior surfaces. First Notified - 5/11/2018.

Respondent was not present.

Mr. Jackson stated the case is the result of failure to obtain permits, which are uninspected and unfinaled, from May 14<sup>th</sup>.

Inspector Stenson stated that as of yesterday afternoon they have submitted for final review their survey for the patio work and the building inspector, Mr. Snowden, is currently reviewing it and it should be finaled and going through in the next few days. He stated he has taken care of the outside junk and debris and is looking to amend to the November cutoff.

DISPOSITION: Noting the absence of the respondent, Mr. Vukelja amended the order of non-compliance to November 7, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # 5 SMG 08-18-84 - 919 North Atlantic LLC

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.3.4.S at N. Atlantic Ave (Parcel #5305-01-45-0070). Violation(s) - Parking lot construction without permits. First Notified- 5/17/2018.

Abbas Abdulhussein came forward and was sworn in.

Mr. Jackson stated the Inspector is John Stenson and, after communication with the Building Official, is requesting that we amend to the December cutoff as they resolve the issues for the parking lot construction.

Mr. Vukelja asked what property this parking lot serves. Mr. Stenson responded the property is across the street from the Hard Rock and is owned by the Hard Rock.

Mr. Vukelja disclosed that there may be an issue as he represents the Sons of the Beach in ongoing litigation with Volusia County over the Hard Rock Hotel and is a practicing attorney which means that he is ethically obligated to disclose that and tell them that if they want someone else to consider this matter they are welcome to have it considered by the Code Enforcement Board or another Special Magistrate. If everyone is in agreement as far as what they're looking for, he doesn't mind going forward with consent.

Mr. Jackson stated he has no objections to going forward. He stated the real action is that there should be no parking there and that's why it is roped off until they resolve permitting, storm water runoff and everything else that goes along with the parking lot.

Mr. Vukelja asked if the City was asking for an order to extend the cutoff and if extending compliance would be entered into. Mr. Jackson stated that the City would like to amend to the next cutoff.

Mr. Abdulhussein stated he had no conflict with moving forward with the Special Magistrate and that he agrees with what the City has said.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until December 5, 2018 or be returned for consideration of a fine up to \$1,000 per day. Mr. Vukelja also stated that he wished to alert everyone that if this case reached the point that the City would be looking for any adverse action toward this respondent, such as the imposition of a fine, then the case should be referred to someone else for that decision because he would not be comfortable with that.

## CASE # 6 SMG 07-18-76 - Sana Inc

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.1 0.G at 864 Orange Ave Violation(s) - Window signage more than 25% covered. First Notified - 4/20/2018.

Respondent was not present.

Mr. Jackson stated the Inspector is John Stenson and he reports that his last inspection was on September 22 and there is no proof that respondent is moving forward in good faith to remove the signage issue. Mr. Jackson stated staff is asking that a fine of \$200 per day be imposed to a maximum of \$20,000. He stated it is a commercial business.

Inspector Stenson stated he inherited this case from a former inspector and the violation is for over 25% coverage of the windows. He stated the property owner said that he was going to remove what is in the windows and install storm shutters. He stated respondent has yet to remove anything nor has the installation of the storm shutters occurred. He stated after his last inspection, the owner's brother called him and told him that he would communicate to his brother what he needed to do but there has been no communication since then and no action taken.

DISPOSITION: A fine of \$200 per day is imposed to a maximum of \$20,000, or until compliance is obtained, effective October 4, 2018.

## CASE # 7 SMG 06-18-61 - Sheila A Minnick/ Dillon Property Management

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.4, 304.2, 304.7, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 604.3, 605.2), at 532 Orange Ave Violation(s) - Maintenance Code - Smoke Alarms, protective treatment, weeds, structural appearance standards, exterior structure - roofs and drainage, insect screens, pest elimination - infestation, interior surfaces, electrical system hazards, receptacles, inoperable windows, skylight and door frames. First Notified - 3/1/2018.

Mr. Avinash Ramotar with Dillon Property Management came forward and was sworn in.

Mr. Jackson stated the inspector is Jerome McCoy and the City has received communication from Ms. Minnick regarding the state her health, but the City's position is that her name remain attached is unchanged. Mr. Jackson stated the respondent is making good progress and staff is asking to amend to the next cutoff.

Inspector McCoy stated there is good progress being made, that there was a hold up on permits for the roof, and that the permits were issued to him on September 4, 2018 and is due for a final in the next few days.

Mr. Ramotar stated there was a 6-week delay on the roof as materials were backordered and that they now should be making a lot more progress. He stated they still have several permits to pull for the outside structure and is not sure if he can make it for the next cutoff in November. He stated each permit takes approximately 8 to 10 days.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until December 5, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

## CASE # 8 SMG 07-18-68 - Mary Hawkins Yan

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec 6.2.H.7.a; Art. 6 Sec. 6.8.B; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 227 Reva St Violation(s) - Location of off-street parking; failure to obtain Business Tax License (BTR); failure to obtain Rental License (RTL). First Notified - 11/6/2017.

Mr. Noble Gehtis, relative of Ms. Yan, which had possession of the property for two years, came forward and was sworn.

Mr. Gehtis stated the current renter had been an issue and it had taken 6 weeks to get the inspector in so that he could inspect the property. He stated he is in the process of evicting the current tenants but was unable to at the courthouse last week due to something going on there.

Mr. Jackson stated they are familiar with Mr. Gehtis and that Inspector McCoy reports that everything Mr. Gehtis says is what he's been told, and the tenant is blocking access. He stated that this is a duplex and one of the units has been inspected and the other has not. He stated that there was an issue going on at the courthouse and that the computers were down and acknowledged the fact that he was probably having trouble moving the eviction forward. He stated that the inspector is recommending to amend to the next cutoff.

Inspector McCoy stated he had no additional information and the information put forward by the Attorney and respondent is correct.

Mr. Gehtis stated that he has already purchased everything that needs to be put in but has no access and believes he can be in compliance by November 7, 2018.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 7, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

## CASE # 9 SMG 08-18-89 - Jehad G & Nidal G Murad

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 305.3, 309.1, 504.3, 605.1, 605.2); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 148 1st Ave Violation(s) - Structural Appearance Standards - infestation, plumbing system hazards, electrical equipment (receptacles), failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 4/19/2018.

Mr. Jehad Murad came forward and was sworn in.

Mr. Jackson stated that the case was continued because we had not been inside to know how long it would take for the determination of a compliance date and did not have a reasonable ability to make that determination. He stated they had just applied for the rental license and the inspection is scheduled for late October.

Inspector McCoy stated the original violation was complaint driven for the first apartment and he did that inspection yesterday and it did pass. He stated that the building had other units in it and those are the ones that he had not been able to get into. He stated there were two units, one next-door and one upstairs, and an additional property in the rear that he needs to inspect.

Mr. Murad stated the inspection was scheduled for October 27 and he had a tenant that he had to evict to gain access. He stated when they have their inspection on the 27th that he would have Mr. McCoy inspect the other apartments.

Mr. Jackson stated he was comfortable with the inspections being completed by the end of the month if there are no additional issues. Mr. Jackson clarified that the inspection was scheduled for Saturday the 29th and not the 27<sup>th</sup>.

Mr. Murad stated that the property was adjacent to the new Brown & Brown location. He stated they had contacted him and there was a possibility he would be selling the property to them or another investor.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 7, 2018, with the understanding that on October 29 the remaining units will be made available for inspection or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # 10 SMG 01-18-01 - Chalmer V. & Ann E. Edwards

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 605.2, 704.2, 304.7, 304.10, 304.11, 304.14, 309.1); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at 550 Foote Court Violation(s) - Electrical system hazards; electrical equipment - receptacles; no smoke alarms; structural appearance standards; roof and drainage; exterior surfaces; stairways, decks, porches must be installed; chimney; failure to obtain required residential Rental License (RTL); failure to obtain Business Tax Receipt (BTR). First Notified-10/10/2017.

Ann Edwards came forward and was sworn in.

Mr. Jackson stated that Inspector McCoy reports that the respondent applied for permits through a contractor for a demolition permit on October 4, 2018 and staff is asking for next cutoff to come into compliance regarding the demolition.

Ms. Edwards stated that it became apparent that the house would never be brought up to code and plans to demolish it. She stated the permit was applied for and FPL was pulling the power, the gas company has a permit to pull the meters and the water department has been notified so it will be torn down.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 7, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

## CASE # SMG 08-18-90 - Fred J Hoffmann, Trustee under Business Trust dated 9/9/94 known as Braddock Trust

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, Art. 6 Sec. 6.19.A.4 (Ref. FBC IPMC 304.2, 304.7, 304.14, 305.3, 309.1, 605.2), at 105 Braddock Ave Violation(s) - Maintenance Code - Structural appearance standards, protective treatment, roofs and drainage, insect screens, interior surfaces, pest elimination - infestation, receptacles. First Notified - 4/18/2018.

Mr. Fred Hoffman came forward and was sworn in.

Mr. Jackson stated that Inspector McCoy reports the property remains in non-compliance and Mr. Hoffman has done quite a bit of work toward compliance but is not finished yet, so staff is asking to amend to the next cutoff.

Mr. Hoffman stated it took him a month to pull the window permits and that they have submitted the application and the city came back with questions. He stated they are in the process of answering those questions regarding the shutter system to add to the permit. He stated he is sure that they will have the windows in by the next cutoff but doesn't know about the shutter system. He stated he will get it done as fast as he can.

Mr. Jackson stated the inspector thinks there might be further issues, but they do not have an issue with amending to the December cutoff.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until December 5, 2018 or be returned for consideration of a fine up to \$1,000 per day.

## CASE # 12 SMG 08-18-99 - Fred J. Hoffman, Trustee of "The Hollywood Trust"

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 824 Hollywood St Violation(s) - Failure to obtain Rental License (RTL) First Notified - 6/25/2018.

Mr. Jackson stated Inspector Jones reports that he has been in communication with Mr. Hoffman on this case and that he has a trouble tenant and has initiated eviction. He stated staff is requesting to amend to the next cutoff.

Mr. Hoffman stated the judge ordered mediation and they went to mediation and it did not work out. He stated that he had a hearing this afternoon at 2:30 before the judge. He stated that the tenant had put 3 large holes in the wall and the day before the rental inspection the tenants broke the door handle off from the inside which he had previously fixed. During the rental inspection, he stated the screws had been removed from the hinges of a door.

Mr. Vukelja asked if the tenant was obstructing his ability to go near the property and Mr. Hoffman stated he just didn't want to go near her.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 7, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter. Respondent was ordered to notify the Magistrate when he gets possession of the property and the tenant issues are resolved.

Mr. Hoffman stated, on the advice of the Magistrate, he is diligently keeping records.

## CASE # 14 SMG 08-18-101 - Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1134 Berkshire Rd. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 10/5/2017.

Ms. Joyce Dixon came forward and was sworn in.

Mr. Jackson stated that Inspector is Mark Jones and he reports the respondent is waiting for the tenant to move but the Inspector can find no record of an eviction being filed. He stated this has been going on for a year now and the City is asking for a fine in the amount of \$100 per day be imposed with a maximum of \$15,000.

Inspector Jones stated the respondent has applied for a rental license and since then, she has failed rental inspections in December 2017, February 2018 and April 2018. He state when he spoke with her she said that she still had not been able to get into the property and that the tenant was supposed to be moving sometime this month.

Mr. Vukelja asked why she had failed on these rental inspections and Mr. Jones stated there were things that just were not repaired. He stated on the last inspection, April 4, there were some doorknobs and some blue tape over an electrical outlet and other minor items, but they had not been corrected. He stated there was an inspection scheduled for last month but the inspection was not held because it had been scheduled through the tenant and Ms. Dixon asked that the Inspector not go in until she was present and had a chance to make sure the items were corrected.

Ms. Dixon stated that was because the renter would not let her in to do what she needed to do. She stated she did not know when the last time Mr. Jones had been out there but there was no tape there now and she has filed for eviction. She also stated she has a contract to sell the property.

Mr. Vukelja asked why she doesn't just let him do his inspection if the tenant will let him in and Ms. Dixon responded she had not done the work.

Mr. Vukelja asked Inspector Jones if he had any idea of how long it would take the respondent to come into compliance if she could get in there and Inspector Jones responded a day.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance to allow the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # 15 SMG 08-18-100 - Joyce Dixon, as Trustee of the Joyce Dixon Revocable Trust dated September 15, 2006

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.14, 304.18.1, 305.3, 402.2, 504.1, 505.4, 604.3, 605.2, 704.2), at 310 Marion St Unit #4. Violation(s) - Roofs and drainage, insect screens, building security doors, interior surfaces, lighting in common halls and stairways, plumbing systems and fixtures, water heating facilities, electrical system hazards, receptacles, smoke alarms. First Notified - 6/7/2018.

Mr. Jackson stated the last inspection was on August 31 and at that time Inspector Jones found a new tenant in place and nothing was ever done toward compliance.

Mr. Jones stated that Mrs. Dixon had implied that she was getting the tenant out so that she could perform the repairs. He stated he had not been back to the residence and has had no communication from Ms. Dixon as to the status of the repairs. He stated there were open electrical panels, electrical wiring issues on the hot water heater and there were outlet issues as well. He stated there were also major plumbing issues and a keyed deadbolt that were taken care of but the remaining items from the inspection had not been taken care of.

Ms. Dixon stated she goes to court with that tenant's eviction on Thursday and hopefully he will be removed. She stated when she went there, the tenant called the police and stated that she had beat him up, so she is afraid to go there.

Mr. Jackson stated that since we did not have a compliance date, staff is asking for the next cutoff.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and allowed the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # SMG 08-18-98 - Cook Rentals LLC

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 200 Arlington Ave. Violation(s) - Failure to obtain Rental License (RTL). First Notified - 6/28/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Mark Jones and reports that this property remains in non-compliance. He stated the respondents were to provide an affidavit saying they were not going to rent the property. He stated that we drafted an affidavit which was sent it to them, and it was never was returned. He stated staff is asking that a fine be imposed of \$100 per day to a maximum of \$15,000.

Mr. Jones stated that he has not received the signed affidavit and has not reinspected the property for compliance. He stated that he spoke to Mr. Cook on October 3rd who confirmed receiving the affidavit, which was sent on September 12th, but has not received a signed and notarized copy.

DISPOSITION: Noting the absence of the respondent, a fine of \$100 per day, commencing October 4, 2018, and continuing to accrue each day thereafter until the property is in compliance or the fine reaches a maximum of \$15,000 was imposed.

### CASE # 18 SMG 08-18-93 - Reginald T Copeland

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 802 Derbyshire Rd. Violation(s) - Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified - 6/8/2018.

Mr. Reginald Copeland came forward and was sworn in.

Mr. Jackson stated we had previously given the respondent additional time because of his unavailability. He stated the inspector is Tom Clig and he reports he has not heard from Mr. Copeland. He stated there has been no application for rental license and that nothing has been done since June of 2018. He stated staff is asking for a fine of \$100 per day to a maximum of \$15,000 plus a one-time fee of \$250 for failure to obtain a Business Tax Receipt (BTR).

Inspector Clig stated this was a neighborhood complaint regarding the second case which is a car that is parked on the grass and when he posted the property, the tenants said they would notify the owner, but he has heard nothing from Mr. Copeland. He stated this morning at 8:30 a.m. the blue vehicle was parked again on the lawn.

Mr. Copeland stated that he did not feel like he had adequate notice and the notice that he obtained from the licensing and permit office has the incorrect address. He stated that he had Glen Urquhart, the building official, come to his property because he didn't understand what they wanted him to do before he submitted an application for business and rental licenses. He stated Mr. Urquhart came and explained to him what he needed to do and he doesn't see any problem in coming into compliance by the next cutoff but is requesting more time.

Mr. Jackson stated that the tax roll does have the address that the Notice was sent to and was used pursuant to statute.

Mr. Copeland gave us a corrected address and stated he would correct the information with the Tax Roll.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and allowed the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

### CASE # 19 SMG 08-18-94 - Reginald T Copeland

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.A at 802 Derbyshire Rd. Violation(s) - Parking on the grass. First Notified - 6/11/2018.

Mr. Jackson stated since this is from June of this year, staff is asking for a \$100 per day fine to the maximum of \$15,000. He stated the inspector reports that the violations have not been addressed and there still parking on the grass.

Mr. Copeland stated the car belonged to a tenant that has been given several notices not to park on the yard and that he was in the eviction process. He stated they are under federal housing and he has given them a 30-day notice to move.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and allowed the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter. He stated that Mr. Copeland needs to address this issue with his tenant if he wants to avoid future fines and show the Magistrate that he has taken some action to remove the tenant if need be.

### CASE # 20 SMG 09-18-110 - Jack Morris Jr

is cited for failure to correct violations of the Land Development Code, Art. 6. Sec 6.19.A.3 at 708 Kingston Ave. Violation(s) - REPEAT VIOLATION - Outside storage. First Notified - 8/3/2018.

Mr. Jack Morris Jr came forward and was sworn in.

Mr. Jackson stated the inspector is Tom Clig and he reports that the property remains in non-compliance since August 2018 with outside storage and we are requesting a fine of \$250 per day to a maximum of \$10,000.

Inspector Clig stated this is a repeat violation from Inspector Stenson's case of January 8, 2013. He stated the smokers and other things in the front yard are the exact same pictures that Inspector Stenson had on his last case of November 8, 2018. He stated he went out there at 8:35 this morning and they were still there.

Mr. Morris stated that he needed a little bit more time. He stated he has had health issues and was unable to accomplish what needed to be done. He stated that the issues had been cleared up but they did not stay that way and he needed at least a week and a half in order to come into compliance.

DISPOSITION: Mr. Vukelja amended the current order of non-compliance and allowed the respondent until November 7, 2018 to come into compliance or a fine of \$250 per day will automatically go into effect and will continue to accrue each day thereafter until the property is in compliance or the fine reaches \$10,000.

### CASE # 21 SMG 09-18-103 - Jones of Volusia, Inc.

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp /PMC 302.7), at 621 Ruth St. Violation(s) - Damaged wooden fencing, paint around front door. First Notified - 2/13/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Michael Fitzgerald and he reports that there has been no change and that the property remains in non-compliance and is asking for a \$250 per day fine to the maximum of \$15,000.

Inspector Fitzgerald stated he has had no contact with respondent and that they had completed a lot of the work but there is still stuff left to be done. He stated he believe it's about 80 to 85% done. He stated they had not called for an inspection.

Mr. Jackson stated that since the respondents were 80 to 85% done that the city would ask for the next cutoff in order to come into compliance.

Inspector Fitzgerald stated the case has gone on for about 7 months and he has never had contact with the respondent.

Mr. Jackson stated that this may be a case where an auto fine is appropriate since it has been since February.

DISPOSITION: Noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and allowed the respondent until November 7, 2018 to come into compliance or a fine of \$100 per day will automatically go into effect and continue to accrue each day thereafter until the amount of the fine reaches \$15,000 or the property is brought into compliance.

### CASE # 24 SMG 09-18-112 - Bulldog LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 208 Fairview Ave. Violation(s) - No address numbers, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 3/1/2018. Chris Coroneos came forward and was sworn in.

Mr. Jackson stated the inspector is Danny Garcia and he reports that he has paperwork indicating that there is an eviction proceeding in progress and is asking that we amend to the next cutoff.

Mr. Coroneos stated he was having of issue with the tenant because when he bought the building it was a three unit but was actually only approved as a two unit. He stated all the trash and stuff had been cleared up and that the tenant was removed last Tuesday. He stated he had paid a deposit to a roofing company and found a contractor to apply for the permits after the fact. He stated he is hoping that the work that has been done is done right and the permit will be issued.

Inspector Garcia agreed that he would need more time because he has had delays because of the rain. He stated he has cleaned up a lot of the property and made progress and that he still needs to convert from a two unit to a three-unit license. He stated he would like a progress report in 60 days.

DISPOSITION: Mr. Vukelja continued the imposition of a fine until the December 11, 2018 meeting for a progress report and hopefully compliance by January 2, 2018.

### CASE # 22 SMG 09-18-113 - Promo 05 LLC

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; City Code Ch. 90 Sec. 90-297, at & 227-225 N Oleander Ave. Violation(s) - Adding a third apartment in the basement of the front building - no permit for electrical, plumbing, new porch, new stairs and demo, Failure to obtain Business Tax License (BTR). First Notified - 3/17/2018.

Respondent was not present.

Mr. Jackson stated the inspector was Michael Fitzgerald and the case is back for a progress report.

Inspector Fitzgerald stated he was expecting the respondent to be there today.

Mr. Vukela asked the Inspector if respondent has complied with not renting, using or occupying the property and Inspector Fitzgerald stated yes. He stated that the roof had been completed and that he would like to allow the respondent until the December cutoff to come into compliance.

DISPOSITION: Noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and allowed the respondent until December 5, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

## CASE # 23 SMG 09-18-111 - Elvina Miller

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.2, 304.6, 304.7, 304.13, 304.8), at 550 N Ridgewood Ave.

Violation(s) - Damaged exterior surfaces - peeling paint, roof, flashing and drainage, broken windows, rubbish, garbage, trash and debris. First Notified - 5/14/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that this is a complaint driven violation that is reoccurring and never seems to get better. He stated staff is asking for a \$500 a day fine to the maximum of \$15,000.

Mr. Garcia stated that they are constantly parking on the grass he has an additional case that he will be bringing next month and is asking for a will fine. He stated some of the outside storage has been removed but the property remains in non-compliance. He stated that he had to post the property and has had no contact with respondent.

DISPOSITION: A fine of \$500 per day, commencing October 4, 2018, and continuing to accrue each day thereafter until the property is in compliance or the fine reaches a maximum of \$15,000 was imposed.

## New Cases

### CASE # 26 SMG 10-18-121 - Berean Baptist Church Inc of Daytona Beach Florida

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.1.A; Art. 6 Sec. 6.2.H.7.A, at 211 Madison Ave Violation(s) - Illegal Parking. First Notified - 9/12/2018.

The respondent was not present.

Inspector Garcia stated this case is in compliance, but it is a repeat violation and he is seeking a will-fine. He stated the owner of the church had allowed the owner of the RV to park on the church property and that he gets his mail there. He stated the parking had occurred after the Notice of Violation and but not in the last week and a half.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and has subsequently come into compliance and ordered for every future violation the respondent be returned to the Special Magistrate for consideration of a fine up to \$5,000 per occurrence.

### CASE # 27 SMG 10-18-122 - Ingersoll Financial LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 302.7, 304.1, 304.2, 304.6, 304.19, 308.1, 308.2.1), at 231 Lexington Dr. Violation(s) - Trash and debris, cracks, holes, needs protective treatment & painting, dirt and grime on exterior surface, damaged gate and wall. First Notified - 5/7/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the property remains in non-compliance and also noted that the property is in bankruptcy. He stated the City is asking for a finding of non-compliance and until the next cutoff to come into compliance.

Inspector Garcia stated the property has been in an abandoned condition for a long time and recently showed signs they were doing some work. He stated he has had no contact with the owners and when he posted the property, workers stated they would notify the person in charge.

DISPOSITION: Noting the absence of the respondent, Mr. Vukelja found the respondent in non-compliance and ordered the respondent to come into compliance by November 7, 2018 or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE # SMG 10-18-123 - Land Trust Properties, LLC a Florida limited liability company as Trustee under that certain land trust dated April 1, 2015, and known as Cheshire Land Trust

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A; Art. 4. Sec. 4.1.A; Art. 5 Sec. 5.2.A.2, at 108 Cheshire Rd. Violation(s) - Zoning violation - the property is zoned SFR-5. Short term rentals, known as "Other Accommodations," are not a permitted use in the zoning district. First Notified - 7/25/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports that the property is now in compliance, but we are asking for a finding of non-compliance/compliance based on the nature of the violation.

Inspector Fitzgerald stated the property was being rented out as a short-term rental and he explained that to the owner. He stated because she has a Company that lists it, it took her a long time to stop it from being rented but she has now accomplished that.

DISPOSITION: Noting the absence of the respondent, Mr. Vukelja found the respondent was in non-compliance and has subsequently come into compliance and for every future violation, the respondent will be returned to the Special Magistrate for consideration of a fine up to \$5,000 per occurrence.

CASE # 29 SMG 09-18-102 - Anthony Levercia

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1 (Ref. FBC Supp IPMC 302.8, 304.2), at 1649 Cedar Highlands Blvd Violation(s) - Reroofing without a permit, peeling paint, junk boat. First Notified - 7/2/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Clifford Recanzone and he reports he has had no contact from the respondent and is asking for the next cutoff for the property to be brought into compliance.

Inspector Recanzone stated nothing has been done on the property.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

CASE # 30 SMG 09-18-104 - Cassandra Lee

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 702.3, 704.2); Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.2.B.3 - F; Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 302.5, 602.1, 604.3); City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 913 Lewis Dr. Violation(s) - Single family home turned into a duplex, infestation, no heat, no means of egress, smoke alarms, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified - 7/2/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Clifford Recanzone and he reports the property remains in non-compliance and that there was a new tenant put in the property. He stated the property appears to be in foreclosure and is asking for the next cutoff for the property to be brought into compliance.

Mr. Recanzone stated this was a tenant complaint and when he went for the inspection, he found two different compartments in the building. He stated he has had no contact with the property owner and when he went to post the property, he found that there was a new tenant in the front apartment.

DISPOSITION: Mr. Vukelja found the respondent in non-compliance and ordered the respondent until November 7, 2018 to come into compliance or be returned for consideration of a fine up to \$1,000 per day thereafter.

## MISCELLANEOUS BUSINESS

Mr. Jackson reported they are now doing CodeStat at the Police Department, which is similar to ComStat where you look at the computer-generated statistics of what's being done. He stated that it's the citizen's opportunity to see the progress we are making, and the audience is able to ask questions and report any violations of great concern.

Captain Lee, District 2 Patrol Captain, introduced himself and stated that Code now falls under him. He stated that they have implemented CodeStat as a transparency process for the public to be able to get information and be educated as to the process and hopes this will also allow us to present a better product to the Boards.

He stated additionally they have a new program called Code Walk where the public is invited to come out and walk a specific neighborhood with the Code Officers and learn what things are and are not code violations. He stated they would walk a selected area and point out any code violations along the way as a group.

Mr. Jackson stated they had also adopted a trespass program where an individual can be trespassed from a public property, pursuant to certain case law findings, where they have a due process opportunity to appeal. He stated we were in the last stages of getting the procedures into place and that the appeal of someone who was being trespassed from a public place would be appealing to the magistrate.

## ADJOURNMENT