

CITY OF DAYTONA BEACH MINUTES

JANUARY 10, 2017 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

**SPECIAL
MAGISTRATE
HEARING**

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Supervisor
Mr. Tom Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Jerry Sanders, Code Inspector
Mr. John Stenson, Code Inspector
Mr. Denzil Sykes, Code Inspector
Mr. Charles Bryant, Redevelopment
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

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

Mr. Vukelja approved the November 8, 2016 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following case was in compliance:

CASE NO 16 SMG 01-17-01 – Mohammad M. Khabazeh is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3 and 307.1), at **812 Magnolia Avenue** - Violation(s) – Unmaintained Vacant lot with Trash/debris, tires, inoperable vehicles/trailers; Groups of individuals congregating and sleeping on vacant lot causing nuisance conditions - First Notified – 11/28/2016.

COMPLIANCE 1/9/2017

Ms. Hampton swore in all members of staff who would be testifying.

Lien Review 1

CASE NO SMG 12-10-159 – Trust No.219 c/o Dennis C. Riggins, Trustee – New Owner: Susan Hounsom Family Partnership, LTD 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.** Order Imposing Fine-Lien of \$75.00 dollars per day effective December 24, 2010 plus a one-time administrative fine of \$250.00. Compliance date: 11/3/2016 = \$15,000.00 plus one-time \$250.00 and \$89.60 interest and recording costs of \$22.00. Total owed: \$15,361.60.

Susan Hounsom came forward and was sworn.

Mr. Vukelja reviewed the case file.

Ms. Hounsom explained at the time of the tax deed sale she purchased the property at tax deed sale since she also owned the mortgage. Ms. Hounsom stated the fines were for relatively small items, with no license to rent and a minor plumbing issue. Ms. Hounsom stated she would like the lien reduced to \$250.00.

Mr. Jackson stated the Respondent also has a case number 7 and in anticipation of that staff was going to ask for fine and because there is an open and active case that was unresolved and the first suggestion is that the Respondent may want to wait until the other case is resolved but if not, then City was recommending the lien be reduced to \$5,000 subject being paid within 30 days and compliance in 30 days.

Mr. Vukelja was not inclined to base the lien review on the other case especially in light of the litigation that is going on with the county.

Ms. Hounsom stated the litigation is regards to the previous owner had 3 or 4 properties he was losing to tax deed sale and was it Mr. Riggins who claimed he was in bankruptcy at the time the property went for tax deed sale and it shouldn't have. Ms. Hounsom stated that litigation has been settled and resolved.

Mr. Vukelja asked what the previous violations were.

Mr. Stenson stated the previous violations were the property was occupied without water, and it was a police issues on the property that typically come along with squatters.

Mr. Vukelja inquired if the property was occupied over the years.

Ms. Hounsom stated it was occupied at the time she purchased the tax certificate in June of 2015 but they were not tenants. Ms. Hounsom stated there are tenants in the property now.

Mr. Vukelja inquired as to how the property came into compliance.

Ms. Hounsom stated when she purchased the property it was horrible and included feces and rats and old furniture and it was probably the worst condition she's seen in her many years of property management. Ms. Hounsom stated she rehabilitated the property and put approximately \$20,000 into the property.

Ruling

Mr. Vukelja ordered the lien be reduced to the amount of \$1,500 subject to be paid within 30 days or the lien reverts back to the original amount.

Hearing of Cases

CASE NO 1 SMG 07-16-38 – Binny Enterprises, 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, 302.4, 302.7, 304.2, 304.3, 304.6, 304.7, 304.8, 304.10, 304.12, 304.13, 304.13.1, 304.13.2); Art. 6 Sec. 6.10.D; Art. 6 Sec. 6.10.E.1, 6.10.E.2, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.C.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3.; Art. 6 Sec. 6.19.A.4; Art. Sec. 6.19.B.; Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.4.; Art. 7 Sec. 7.2.N.9, at **509 E. International Speedway Blvd.** - Violation(s) – No permit; outside storage of trash and debris; high grass and weeds; accessory structure dilapidated; peeling and fading paint; missing address numbers; exterior walls have holes and breaks; deteriorated roof; stairways decks and porches have deficiencies; handrails have parts that are missing; Windows and doors are broken or deteriorated; exterior sign – business is not open; Parking lot striping has cracks or missing asphalt; expired permit - First Notified – 3/29/2016.

Ms. Lorrie Jordan, Property Manager, came forward and was sworn.

Mr. Stan Holle, Architect, came forward and was sworn.

Charles Bryant, Redevelopment Department, came forward and was sworn.

Mr. Holle stated he has submitted plans to the TRT review about two weeks ago and are waiting on a response from the City.

Mr. Vukelja received an email from Reed Berger to Inspector Fitzgerald who is suggesting an extension for 2 months at which point they will know if the owners are making progress on the property.

Mr. Bryant stated they are happy with the way things are moving and would like a progress report for 60 days.

Mr. Jackson stated staff was requesting a progress report for the April meeting and at that time we would be able to assess where they are in the process of moving forward with the project.

Ruling

Mr. Vukelja continued the imposition of a fine and a progress report to the April 11, 2017 meeting.

CASE NO 2 SMG 08-16-46 – Crystal G. Scott is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 602.3, 704.2, 504.1, 304.15, 304.2, 304.13, 305.3, 605.1, 604.3, 504.3, 304.7) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **544 Berkshire Road** - Violation(s) – No working heat; no smoke detectors; dilapidated plumbing fixtures; dilapidated garage door; damaged exterior door; peeling paint; inoperable windows; damaged interior surfaces; damaged/missing electrical fixtures; electrical system hazards (interior breaker panel); plumbing system hazard (low water pressure); dilapidated roof (fascia); Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/19/2016.

Jerri Finley, mother of Crystal Scott, came forward and was sworn.

Mr. Jackson stated the inspector informed him the city was requesting a fine of \$100 per day to a maximum of \$10,000.

Mr. Stenson stated the property was being worked on and progress was going well until the hurricane came through. Mr. Stenson stated the only thing that remained was the roof.

Ms. Finley stated she spent all her money working to get the property into compliance but when the hurricane came, it damaged the roof and she has been getting estimates for \$5,000 for the roof. Ms. Finley stated the only way she can help pay for the roof is when she gets her income tax return. Ms. Finley stated the property is not occupied. Ms. Finley stated she would keep it secured and unoccupied until the roof is fixed.

Ruling

Mr. Vukelja continued the case to the April 11, 2017 meeting.

CASE NO 3 SMG 09-16-56 – Love Tabernacle Cogic, Inc. c/o Richard Butts, Trustee is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **347 S. Martin Luther King Blvd.** - Violation(s) – No permit for plumbing system; No business tax receipt (BTR); No residential rental license (RTL) - First Notified – 7/16/2016.

Respondent was not present.

Mr. Jackson stated that the property remained in noncompliance and there is no progress towards compliance. Mr. Jackson stated the violations consisted of plumbing installed without permits and staff was requesting a fine of \$100 per day to maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine in the amount of \$100 per day effective December 8, 2016 to continue until compliance is achieved or the fine has reached the maximum of \$15,000 plus a one-time administrative fine of \$250 for failure to obtain the business tax receipt (BTR).

CASE NO 4 SMG 10-16-57 – Jasmine & Stephen Lindermann is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPJMC 302.8, 304.2, 304.5, 304.6, and 307.1); Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.7.a.; City Code Ch. 26 Sec. 26-294 and City Code Ch. 90 Sec. 90-297, at **575 South Street** - Violation(s) – Inoperable or unlicensed vehicles; protective treatment; exterior foundation walls; exterior walls; accumulation of rubbish or garbage; parking surfaces; off-street parking; Failure to obtain residential rental license (RTL); Failure to obtain business tax receipt (BTR) - First Notified – 6/3/2016.

Respondent was not present.

Mr. Jackson stated that the property remained in noncompliance and staff was recommending a fine in the amount of \$100 per day to a maximum of \$15,000 plus the one-time administrative fine for no business tax receipt.

Ruling

Mr. Vukelja imposed a fine in the amount of \$100 per day effective December 8, 2016 to continue until compliance is achieved or the fine has reached the maximum of \$15,000 plus a one-time administrative fine of \$250 for failure to obtain the business tax receipt (BTR).

CASE NO 5 SMG 07-16-40 – Josif Janceski is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.; Art. 6 Sec. 6.19.A.3.a; Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 504.3, 304.14, 304.5, 302.7); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1058 Thunderbird Drive** - Violation(s) – Working without permit (roof); outside storage; lack of power; lack of utilities (water); dilapidated screens; dilapidated garage door; dilapidated fencing; Failure to obtain business tax receipt (BTR); failure to obtain residential rental license (RTL) - First Notified – 5/5/2016.

Respondent was not present.

Mr. Jackson stated that the progress report that was previously scheduled for December was for the respondent to bring in plans.

January 10, 2017

Mr. Stenson stated that on December 13, 2016 respondent dropped off the plans and the permit was approved but no work has begun. Mr. Stenson stated he has been contacted by the owner who says he can have it in compliance by April. Mr. Stenson stated the property is secured.

Mr. Vukelja stated he would be uncomfortable establishing a compliance date now with the respondent not being present and further suggested a progress report in February for the respondent to advise how much time he needs.

Ruling

Mr. Vukelja amended the previous order of noncompliance and order a progress report the February 14, 2017 meeting for establishing a new compliance date.

CASE NO 6 SMG 07-16-41 – Daisy Smalls Johnson and George Smalls, Jr. and Vincent E. Smalls, as JTRS is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.15, 605.1, 305.3, 603.1, 504.1, 304.13, 304.14, 704.2, 605.2); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1211 Imperial Dr.** - Violation(s) – Peeling paint; exterior doors; electrical fixtures; electrical wiring; interior surfaces; inoperable appliances; damaged plumbing fixtures; inoperable Windows; missing or damaged screens; missing or inoperable smoke detectors; and operable receptacles; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 5/3/2016.

George Smalls, Jr. came forward and was sworn.

Mr. Jackson stated the property was in noncompliance and called Mr. Stenson to testify.

Mr. Stenson stated that the case began in May of 2016 with a tenant complaint of multiple issues. The tenant that was previous there was finally evicted that now there is a new person that is storing materials and living there.

Ruling

Mr. Vukelja amended the previous order of noncompliance to allow the respondent until February 8, 2017 to come into compliance or a fine in the amount of \$50 per day will automatically go into effect and continue each day thereafter until compliance is achieved or the fine has reached the maximum amount of 15,000 plus a one-time administrative fine in the amount of \$250.

CASE NO 7 SMG 08-16-47 – Susan Hounsom Family, LTD Partnership is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.14, 304.2, 605.2, 308.1, 302.5, 704.2, 304.15, 305.6, 504.1, 304.10, 304.6) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **617 Kingston Avenue** - Violation(s) – Damaged or missing screens; dilapidated handrails; inoperable receptacles; infestation; rodent harborage; missing smoke detectors; damaged exterior doors; damaged interior doors; damaged plumbing fixtures; dilapidated stairs; exterior surfaces; Failure to obtain business tax receipt (BTR); Failure to obtain residential rental license (RTL) - First Notified – 6/1/2016.

Ms. Susan Hounsom came forward and was previously sworn.

Mr. Peter Ancona came forward and was sworn.

Mr. Jackson stated the case began with a tenant complaint. There has some work that is been completed however some work that requires permit corrections. Mr. Jackson stated staff was recommending a fine in the amount of \$150 per day to a maximum of \$15,000.

Mr. Stenson stated the violations that have been corrected are damaged or missing screens, dilapidated handrails; inoperable receptacles, and missing smoke detectors. Work remains for damaged exterior doors; damaged interior doors, plumbing fixtures, stairs are not complete and reinspection for rental license and business tax receipt has been obtained.

Ms. Hounsom stated she purchased the property at tax auction sale and inherited the tenant that was in there. She has since replaced a new roof among many other things and re-rented the property until June 2016 the tenant failed to pay rent and she started the eviction process and the tenant then caused lots of damage. The tenant has since left at the end of September and she has been working earnestly to bring the property into compliance. An oversight was that the permit did not include other issues and they did have to get an amended permit a couple weeks ago however they were finishing the interior and everything else is done. Ms. Hounsom stated the only thing remained is the exterior door that needs to be inspected by the building department and signed off.

Mr. Stenson stated the last inspection was January 4, 2017.

Mr. Ancona stated they been trying to comply and every time they came back there were more things they found and he feels they were not treated fairly.

Ruling

Mr. Vukelja continued the case to the February 14, 2017 agenda.

CASE NO 8 SMG 11-16-60 – Kimberly E. Telfare is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1, 304.15, 305.3, 504.1, 305.2, 605.2, 504.3, 302.8, 605.1, and 302.7); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **515 Gibson Street** - Violation(s) – Outside storage; non-conforming use as a rooming house; damaged electrical fixtures; damaged exterior doors; dilapidated interior surfaces; damaged plumbing fixtures; damaged interior doors; inoperable receptacles; plumbing system hazard; junk vehicle; inoperable electrical wiring; dilapidated fence and gate; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 9/16/2016.

Ms. Kimberly Telfare came forward and was sworn.

Mr. Arthur Lee Hansen, Jr. came forward and was sworn.

Mr. Jackson stated there is been no progress and staff was recommending a fine of \$250 per day to maximum of 15,000.

Mr. Stenson stated the violations were result of a tenant complaint where both structures have the same violations and they are occupied in the rear structure. Mr. Stenson stated the interior contained hot water leaks and outside storage, and all the exterior violations have not been corrected.

Ms. Telfare stated her sister moved in for safety from her husband but then ended up letting him move in. Ms. Telfare stated there are other tenants living in there who are not letting them in to make corrections. Ms. Telfare stated the police have been called several times. The other tenant is a friend of her boyfriend's cousin but that relationship has gone south.

Mr. Hansen explained the history of the family moving in and also a friend just to help them out and now they are refusing to move so they cannot make the corrections.

Matthew Jones stated he moved in in November 2015 and the electric is in his name he does not have a lease and the sister and husband moved in after him. Mr. Jones stated the issues are plumbing the toilet is messed up the new owner refuses to fix the plumbing. Mr. Jones stated the 3 day notice was inadequate. Mr. Jones stated he provided the law saying it is illegal for her to shut off the water.

Mr. Jackson presented correspondence between the Code Inspector and Officer Burns.

Mr. Vukelja asked how long it should take to come into compliance.

Mr. Stenson stated if working on diligently the work can be done within 60 days.

Mr. Vukelja asked for some suggestions as to how we can actually come up with solutions to get this corrected other than the police having to go out there 7 times.

Mr. Jackson stated staff's suggestion would be a continuance for 30 days and then assess the case at the situation to see if any progress is made.

Ruling

Mr. Vukelja continued the case to the February 14, 2017 meeting and further require that the owners provide the tenants 24 hour notice for coming onto the property.

CASE NO 9 SMG 11-16-61 – Hannah S. West Estate is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.13, 304.14, 602.3, 605.1, 305.6, 704.2, 305.3, 504.1, 605.2, and 304.15); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **874 North Street** - Violation(s) – Broken windows; missing/damaged screens; no heat facilities; damaged and inoperable electrical fixtures; damaged interior doors; missing smoke detectors; damaged interior surfaces; damaged plumbing fixtures and piping; inoperable receptacles; damaged exterior doors; Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL) - First Notified – 6/20/2016.

Respondent was not present.

Mr. Jackson stated there is no progress and the respondent has been waiting to sell the property as is. Staff was recommending a fine of \$250 per day to a maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine against the respondent in the amount of \$250 per day effective December 8, 2016 to continue each day thereafter until compliance is achieved or the fine has reached the maximum of \$15,000.

CASE NO 10 SMG 12-16-62 – John Clark is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.10, 304.12, 304.14, 305.3, 306.1, 504.1, 506.2); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **559 N. Beach Street** - Violation(s) – Roof leaking; exterior damaged stairs; missing railings; bathroom sink standing water; missing screens; interior surfaces damaged; Failure to obtain required residential rental license (RTL); Failure to obtain business tax receipt (BTR) - First Notified – 7/20/2016.

Respondent was not present.

Mr. Jackson stated there is been no contact from the respondent and the property is in noncompliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by February 8, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 11 SMG 12-16-63 – 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, 304.2, and 304.6), at **231 Lexington Drive** - Violation(s) – Outside storage of junk, trash or debris, fencing wall paint fading and peeling paint issues; exterior paint fading, peeling, missing; exterior walls, holes, breaks, and loose or rotting materials - First Notified – 7/25/2016.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and staff was recommending the next cutoff date for compliance.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by February 8, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 13 SMG 12-16-65 – Charles L. & Bertha J. Hogan is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i.; Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.8, and 302.7); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **806 Forest Lane** - Violation(s) – Off-street parking; outside storage; junk vehicle; damaged fencing; failure to obtain business tax receipt (BTR); Failure to obtain required residential license and inspection (RTL) - First Notified – 9/28/2016.

Ms. Bertha Hogan came forward and was sworn.

Mr. Charlise Burson came forward and was sworn. Ms. Burson stated everything has been corrected except for the fence. Ms. Burson stated she purchased the house with the gate in that condition. Ms. Burson stated the estimate she received for the broken window was \$1250.

Mr. Jackson stated the respondents were working on the violations and recommended the next cutoff date.

Ms. Hogan asked for more time.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by April 5, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 14 SMG 12-16-66 – Libby Investment Group, LLC is cited for failure to correct violations of the Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp IPMC 302.4 and 304.7); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **404 Revilo Blvd.** - Violation(s) – Exterior weeds; roofs and drainage; Failure to obtain required residential rental license (RTL); Failure to obtain business tax receipt (BTR) - First Notified – 10/4/2016.

Tim Tharbs came forward and was sworn. Mr. Tharbs stated he is living at the property and is fixing it up. Mr. Tharbs stated he does not own the property but has filed a document with the court to try and get the property.

Mr. Jackson stated he did not believe Mr. Tharbs had standing as far as the owner on the property.

Mr. Jackson called Inspector Recanzone for testimony.

Mr. Recanzone stated the property was in noncompliance and recommended the next cutoff date for compliance.

Mr. Jackson stated that he did not believe Mr. Tharbs had standing for this case as it appears Mr. Tharbs is squatting on the property and trying to obtain residence there.

Mr. Vukelja asked Mr. Tharbs if he were to obtain title for the property how long would it take for compliance.

Mr. Tharbs stated 90 days.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by February 8, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day

CASE NO 15 SMG 12-16-67 – William Dennison, Sr. and Mingler's, Inc. is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 604.3); Art. 3 Sec. 3.4.S.1, at **500 S. Ridgewood Avenue** - Violation(s) – Outside storage; electrical systems hazard; no permit for interior walls and hot tubs - First Notified – 9/30/2016.

Attorney Brett Hartley appeared on behalf of Mr. Dennison and Mr. Amos.

Mr. Hartley stipulated to noncompliance and stated his clients were in the process of obtaining permits.

Mr. Jackson stated staff's recommendation was a compliance date for April 11, 2017.

Mr. Hartley agreed they were agreeable to a compliance date of April 11, 2017.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by April 11, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 17 SMG 01-17-02 – Lisa Phillips is cited for failure to correct violations of the Land Development Code, Ch. 26 Sec. 26-294 and Ch. 90 Sec. 90-297, at **350 N. Charles Street** - Violation(s) – Failure to obtain required residential rental license (RTL); Failure to obtain required business tax receipt (BTR) - First Notified – 10/28/2016.

Ms. Jade Howard, attorney on behalf of Ms. Phillips came forward.

Ms. Howard stated that Ms. Phillips stipulated to noncompliance and should have the licenses very soon. Ms. Howard stated there should be no issues with compliance by February 8, 2017 cut-off date.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by February 8, 2017 or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 18 SMG 01-17-03 – Amanda L. Simms Ramirez is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8), at **124 Baywood Drive** - Violation(s) – Outside storage; off-street parking; junk vehicle; lack of address numbers - First Notified – 10/18/2016.

Amanda Ramirez came forward and was sworn.

Ruben Ramirez came forward and was sworn.

Ms. Ramirez stipulated to the violations.

Mr. Jackson stated the respondent was in noncompliance and staff did not have an objection to the April cutoff as we were not having a March meeting due to special events.

Mr. Ramirez stated he had to take the car out of storage because he couldn't afford the storage unit after losing his job. Mr. Ramirez stated the outside storage was debris that has been removed. Mr. Ramirez stated the vehicle is not junk it is a 1972 Chevelle that is in mint condition, it just isn't registered. Mr. Ramirez stated he would take care of the tag and registration.

Ruling

Mr. Vukelja found the respondent in noncompliance and ordered the respondent come into compliance by April 5, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day.

CASE NO 19 SMG 01-17-04 – Nicholas M. Ulsch is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S; Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 308.1, 605.1, 304.7, 305.3, and 504.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **341 Maple Street** - Violation(s) – Unpermitted addition; outside storage; non-conforming use (renting rooms); infestation; damaged electrical fixtures; damaged roof; damaged interior surfaces; damaged plumbing fixtures; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 10/27/2016.

Mr. Nicholas Ulsch came forward and was sworn. Mr. Ulsch stipulated to the violations.

Mr. Jackson stated the property was in noncompliance and staff was recommending the next cutoff date for compliance.

Mr. Ulsch stated he is in the process of selling the property as is and if he has to correct the violations he would need more time than February to fix.

Mr. Vukelja asked when the house was selling.

Mr. Ulsch stated the closing is scheduled for January 31st but if the sale falls through he will need more time to get the work done. Mr. Ulsch stated he is not leasing or renting the property.

Ruling

Mr. Vukelja found the respondent in noncompliance and order the respondent come into compliance by April 5, 2017 or be returned to subsequent meeting for consideration of a fine of up to \$1000 per day and further ordered the respondent provide the city contact information for the buyer when the closing takes place.

CASE NO 20 SMG 01-17-05 – Nicholas C. Denissen & Katharina Denissen is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297 and City Code Ch. 26 Sec. 26-294, at **106 Meadowbrook Circle** - Violation(s) – Failure to obtain required business tax receipt (BTR); Failure to obtain required residential rental license (RTL); - First Notified – 10/28/2016.

This case was withdrawn.

CASE NO 12 SMG 12-16-64 – Vescovi Trust is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; and City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **164 Edwards Street** - Violation(s) – Outside storage; non-conforming use as a rooming house; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license and inspection (RTL) - First Notified – 9/30/2016.

Mr. Arthur Vescovi came forward and was sworn.

Ms. Michelle Platt came forward and was sworn.

Mr. Gary Pennington came forward and was sworn.

Mr. Jackson called Mr. Stenson for testimony.

Mr. Stenson stated that the violations were complaint driven regarding outside storage, using the house as a rooming house, and failure to obtain business tax receipt and rental license.

Mr. Vescovi stated the property was in a trust in the tenant was the beneficiary of the trust it's her property he's just the holder of the title that she is living in that other homestead and should not be required to have a license.

Mr. Vescovi stated years ago there was a circle driveway that code enforcement stated he had to remove and so they did.

Mr. Pennington stated Mark Ellison a previous inspector years ago stated the driveway was not in compliance and part of it needed to be removed.

Mr. Vescovi stated he has always tried to be in compliance with all the properties.

Mr. Vescovi confirmed for Mr. Vukelja that his position is the outside storage is removed, there is no need for a business tax receipt because there is no landlord tenant relationship and the property is not being utilized as a rooming house.

Mr. Jackson stated in light of the explanation of the circumstances the city was withdrawing this violation.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

Adjournment: The meeting was adjourned at 11:25 a.m.