

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

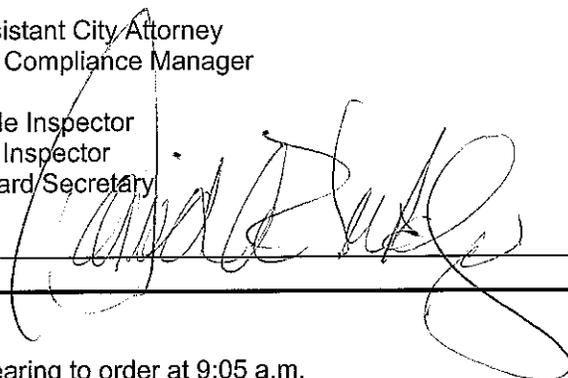
March 13, 2012 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Compliance Manager
Ofc. Sherri Siracusa
Ms. Barbara Collins, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

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

Mr. Vukelja approved the February 14, 2012 Meeting Minutes.

Ms. Hampton swore in members of staff.

Mr. Vukelja asked if there were any announcements.

Mr. Jackson announced the following cases were in compliance:

CASE NO 2 SMG 01-12-04 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.4, 304.13, 304.15, 304.2), at **229 N. Hollywood Avenue** - Violation(s) – Yards must be maintained (high weeds/grass); windows and doors not in sound condition and weather tight; doors not in good condition/deteriorated; All exterior wood surfaces must be free of peeling and damaged paint. - First Notified – 9/12/2011.

COMPLIANCE 3/7/2012

CASE NO 3 SMG 01-12-05 – GEA Seaside Investments, 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 302.4, 304.2, 304.6); Art. 8 Sec. 2.7, at **231 N. Hollywood Avenue** - Violation(s) – Lawns must be maintained (high grass/weeds); All exterior surfaces must be maintained in good condition (peeling paint); Exterior walls must be free of deteriorated/rotting materials, must be weatherproof; parking on an unimproved surface is prohibited - First Notified – 8/8/2011.

COMPLIANCE 3/7/2012

CASE NO 1 SMG 12-11-125 – Roy & Janet P. Lesage is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.2), at **116 S. Grandview Avenue** - Violation(s) – Failure to scrape, prime and repaint all areas where paint is peeling or flaking in color to match existing. Failure to paint all bare wood in color to match - First Notified – 5/12/2011.

Mr. Roy Lesage came forward and was sworn. Mr. Lesage requested approximately two more weeks to obtain the funds in order to hire someone with the equipment to be able to reach the top of the house to paint.

Ms. Collins testified on behalf of the City and presented the case history, exhibits and violations. Ms. Collins stated all the painting was completed except for a top section of the building.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 4, 2012 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 4 SMG 01-12-09 – David Walker is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1) Supplemented Violations Art. 8 Sec. 7.3; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.7, 304.7, 304.13, 304.15, 504.3, 504.1, 604.3, 605.1, 304.2, 304.4, 304.6, and 305.3), at **147 Kingston Avenue** - Violation(s) – Expired permits; outside storage; accessory structure (fencing), roof, windows, exterior doors, plumbing system hazards, plumbing fixture, electrical system hazard, electrical wiring, exterior paint (protective treatment), structural members, exterior walls, interior surfaces. - First Notified – 5/2/2011.

Mr. David Walker came forward and was sworn. Mr. Walker stated he tried to pull the permits himself but the City would not let him pull the permits and that only a contractor could pull permits. Mr. Walker further stated he has tried to acquire contractors but they fell through and he requested more time to search for a contractor.

Mr. Stenson testified on behalf of the City and stated the outside storage has been removed but there was still no permit pulled and therefore he recommended a fine of \$150.00 per day with a maximum of \$15,000.00.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 4, 2012 to acquire permits or an automatic fine of \$150.00 will go into effect and continue each thereafter until compliance is achieved. The Current compliance date of May 2, 2012 shall remain the same.

CASE NO 5 SMG 01-12-13 – Stamenko & Dusanka Angelov is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp. IPMC 302.4, 302.7, 304.2, 304.6, 304.10, 304.13, and 304.15), at **503 N. Ridgewood Avenue** - Violation(s) – Weeds; fencing; paint; exterior surfaces; stairs; windows; exterior doors - First Notified – 9/10/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, exhibits and violations. Mr. Stenson recommended amending the compliance date until the April cut-off because of the extensive amount of work and progress that has been made on the property.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 4, 2012 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 13 SMG 03-12-41 – O'Neill Family W&H LP is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1), at **755 Berkshire Road** - Violation(s) – Exceeding the scope of permits - First Notified – 2/7/2012 (posted).

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, exhibits and violations. Mr. Stenson recommended non-compliance and stated the work that was being done was in excess of what the permit allowed.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent to come into compliance by April 4, 2012 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 14 SMG 03-12-42 – Heritage Bank of North Florida is cited for failure to correct violations of City Ordinance 90-297, at **526 Mason Avenue** - Violation(s) – No occupational license - First Notified – 1/20/2012.

Respondent was in compliance March 13, 2012.

CASE NO 6 SMG 10-11-108 – ADJ & SRJ Investments, Inc. is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 303.2, 304.13, 304.6.), at **215 Kingston Avenue** - Violation(s) – Windows/doors; Peeling Paint; Exterior surfaces - First Notified – 7/26/2011 (posted 2nd time).

Mr. Ali Darren Jafroodi came forward and was sworn.

Mr. Brian Bowers came forward and was sworn.

Mr. Stenson testified on behalf of the City and stated the violations existed of windows/doors, peeling paint and exterior surfaces. Mr. Stenson stated the property was still in non-compliance and recommended imposing a fine of \$200 per day with a maximum of \$20,000.

Mr. Jafroodi advised he had had a series of setbacks that have prevented him from coming into compliance. Mr. Jafroodi stated the property was vandalized and someone broke into units. Mr. Jafroodi advised he had spoken with Suzanne Jones in the building department and requested an inspection because he was trying to fix everything and get the inspection at the last minute in case the property was vandalized again. Mr. Jafroodi stated he plans on reducing the number of units per the zoning requirements.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until March 27, 2012 to come into compliance or be automatically fined the amount of \$100 per day effective March 27, 2012 to continue each day until compliance is achieved or reached the maximum amount of \$20,000.

CASE NO 7 SMG 02-12-17 – 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 **10 Alison Lane (Trailer # 117 Madison Avenue Side)** - Violation(s) – No demolition permit - First Notified – 1/4/2012.

Mr. Jafroodi was previously sworn and stated he would immediately go pull the permit for demolition of the trailer.

Mr. Stenson testified on behalf of the City and stated the demolition permit has not been pulled and all Mr. Jafroodi needed to do was go to permits and licensing and pay the double fee.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until March 15, 2012 to come into compliance or be automatically fined the amount of \$100 per day until compliance is achieved or reached the maximum amount of \$20,000.

CASE NO 8 SMG 02-12-20 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **105 Alison Lane** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he received a report from Fire Inspector Newell who advised the life safety issues/smoke detectors have been brought into compliance.

CASE NO 9 SMG 02-12-21 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **110 Peyton Lane** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson testified on behalf of the City and stated he has not been contacted for a re-inspection of the property.

Mr. Jafroodi was previously sworn and stated he was contesting the notice of violation and was confused by them. Mr. Jafroodi stated that everything still remained to be completed except for the smoke detectors. Mr. Jafroodi requested 60 days for compliance as the same with the other cases.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 2, 2012 to come into compliance or automatically fined the amount of \$100 per day until compliance is achieved not to exceed the amount of \$20,000.

CASE NO 10 SMG 02-12-23 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 113)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Jafroodi was previously sworn and stated he was contesting the notice of violation and was confused by them. Mr. Jafroodi stated that everything still remained to be completed except for the smoke detectors. Mr. Jafroodi requested 60 days for compliance as the same with the other cases.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 2, 2012 to come into compliance or automatically fined the amount of \$100 per day until compliance is achieved not to exceed the amount of \$20,000.

CASE NO 11 SMG 02-12-24 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 111 - Madison Avenue Side)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Jafroodi was previously sworn and stated he was contesting the notice of violation and was confused by them. Mr. Jafroodi stated that everything still remained to be completed except for the smoke detectors. Mr. Jafroodi requested 60 days for compliance as the same with the other cases.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 2, 2012 to come into compliance or automatically fined the amount of \$100 per day until compliance is achieved not to exceed the amount of \$20,000.

CASE NO 12 SMG 02-12-31 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 304.9, 304.10, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 504.1, 504.3, 604.3, 605.1 and 704.1); See Attached Fire Inspector's Violations as Exhibit "1"; See Attached Building Inspector's Violations as Exhibit "2"; See Attached Health Department Violations as Exhibit "3", at **10 Alison Lane (Trailer # 125 - rear)** - Violation(s) – Exterior walls; metal awnings; stairs; windows; screens; exterior doors; interior surfaces; interior doors; infestation; plumbing fixtures; plumbing system hazard; electrical system hazard; electrical equipment; wiring; smoke alarms. - First Notified – 12/16/2011.

Mr. Stenson advised Mr. Jafroodi was in compliance with the smoke detectors.

CASE NO 15 SMG 03-12-43 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Green Building, Units 1-5)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010; 7/26/2011.

Mr. Jafroodi was previously sworn and stipulated to the violations. Mr. Jafroodi requested 60 days for compliance to coincide with his other cases that have the same compliance date.

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

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent to resolve all life safety issues by April 4, 2012 and obtain full compliance by May 2, 2012 or failing either requirement the Respondent shall be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day plus a one-time administrative fine of \$250.00.

CASE NO 16 SMG 03-12-44 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Beige Building, Units 6-10)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010.

Mr. Jafroodi was previously sworn and stipulated to the violations. Mr. Jafroodi requested 60 days for compliance to coincide with his other cases that have the same compliance date.

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

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent to resolve all life safety issues by April 4, 2012 and obtain full compliance by May 2, 2012 or failing either requirement the Respondent shall be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day plus a one-time administrative fine of \$250.00.

CASE NO 17 SMG 03-12-45 – ADJ & SRJ Investments, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13, 304.14, 304.15, 605.1, 605.2, 305.2, 308.1, 704.2, 504.1, 504.3, 304.3) & Ch. 90-297 City Code, at **215 Kingston Avenue (Burgandy Buildings, Units 11-15)** - Violation(s) – Broken/inoperative windows; missing inoperative screens; dilapidated exterior doors; electrical wiring; receptacles; interior surfaces; infestation; smoke detectors; plumbing fixtures; plumbing hazard system; permises identification numbers; no occupational license - First Notified – 6/25/2010.

Mr. Jafroodi was previously sworn and stipulated to the violations. Mr. Jafroodi requested 60 days for compliance to coincide with his other cases that have the same compliance date.

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

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent to resolve all life safety issues by April 4, 2012 and obtain full compliance by May 2, 2012 or failing either requirement the Respondent shall be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day plus a one-time administrative fine of \$250.00.

Miscellaneous Business

There was no miscellaneous business.

ADJOURNMENT

The meeting was adjourned at 10:23 a.m.