

SPECIAL MAGISTRATE HEARING
for Rental Program Cases
City of Daytona Beach
Commission Chambers, City Hall
301 South Ridgewood Avenue, Daytona Beach, Florida
November 11, 2014

A proceeding for the Special Magistrate for the Rental Cases Program was held on November 11, 2014, at 9:00 a.m. in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following were in attendance:

Special Magistrate: David Vukelja

Staff Present: Anthony Jackson, Assistant City Attorney
Jurgen Betz, Housing Inspector
Karen Baum, Rental Property Coordinator
Juan Davis

Minutes prepared by Becky Groom

1. Call to Order

Mr. Vukelja called the meeting to order at 9:10 a.m.

2. Approval of October 14, 2014 Minutes

Mr. Vukelja stated he reviewed, approved, and executed the minutes of the meeting of October 14, 2014.

3. Announcements:

Ms. Baum stated Case No. 2 is in compliance.

Ms. Davis swore in members of staff.

4. Hearing of Cases:

Continued Cases:

1. **CASE NO. SMG RI202014-0012 – ANDRE RONDEAU** is cited for failure to correct violations of the Land Development Code, Failure to correct violations of the Code of Ordinances Sec. 26-294 (IPMC 304.13), (IPMC 304.13),(IPMC 304.14), (IPMC 604.3), (IPMC 704.2) Daytona Beach LDC Article 5, Section 4.1., at **502 N Halifax Ave**

Violation(s) – **Failure to license residential property. 1. Inoperable windows 2. Missing window screens 3. Uncovered electrical junction box along exterior wall at right rear corner of building. 4. Changed use of property from office transition to residential duplex without site plan approval. 5. Renting without a rental license.**
First Notified – Date of first notification 05/05/2014.

Mr. Jackson stated this item is before the Special Magistrate for imposition of a fine.

Mr. Betz stated that as of Friday, November 7, 2014, the owner was in compliance with the exception of the site plan review for the change in use and the owner has not obtained a rental license. Mr. Betz stated staff is requesting a fine of \$100 per day to a maximum of \$15,000. Mr. Betz stated the owner wanted to convert the property to a single family residence but has been unable to do so for 6 months.

Mr. Vukelja asked what the property owner has completed since the last meeting.

Mr. Betz stated maintenance issues have been completed, including the installation of smoke detectors, screens, and repair to windows. Mr. Betz stated nothing has been formally submitted for a site plan review.

Mr. Jackson stated the applicant had previously hired a consultant, Colleen Miles, and staff has informed the consultant that a formal site plan review is required.

Mr. Betz stated the unit is a duplex and the owner wants to eliminate one of the units. Mr. Betz stated the owner feels he cannot eliminate the unit until the tenant vacates, which will be approximately four months. Mr. Betz stated the property owner originally planned to combine this property with the property to the north in order to accommodate parking but that is no longer being considered by the property owner.

Special Magistrate Action:

The Special Magistrate ruled to impose a fine of \$100 per day effective November 6, 2014, and continuing each day thereafter until the property is in compliance or until the fine reaches \$15,000, whichever occurs first.

2. **CASE NO SMG RI2013-0196 – KELLY & COOPER SCOFIELD** is cited for failure to correct violations of the Land Development Code, Sec. 26-294, Rental license required, at **290 Hartford Avenue**
Violation(s) – **Failure to license residential rental property.**
First Notified – Date of first notification 02/14/2014.

This property is now in compliance.

New Cases:

3. **CASE NO SMG R12013-0069– GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, at **13 S Peninsula Dr.**
Violation(s) – **Failure to license residential rental property.**
First Notified – Date of first notification 01/14/2014.

Mr. Jackson stated there are several properties owned by GEA Seaside Investments that are not in compliance. Mr. Jackson stated there has been no response from the property owner to the violation of failure to obtain the license for residential rental property. Mr. Jackson stated GEA Seaside Investments is in bankruptcy but stated he does not believe that will effect the action before the Special Magistrate.

Special Magistrate Action:

The Special Magistrate found the respondent in non-compliance and ordered the property to be in compliance by December 3, 2014, or the property will be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day for every day thereafter.

4. **CASE NO SMG RI2013-0067 –GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, at **21 S Peninsula Dr.**
Violation(s) – **Failure to license residential rental property.**
First Notified – Date of first notification 01/14/2014.

Mr. Jackson stated the only response from the property owner has been a fax stating the City is to not go on his property. Mr. Jackson stated staff would like the Special Magistrate to give the property owner until December 3, 2014, to come into compliance.

Special Magistrate Action:

The Special Magistrate found the respondent in non-compliance and ordered the property to be in compliance by December 3, 2014, or the property will be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day for every day thereafter.

5. **CASE NO SMG RI2013-0258 –GEA SEASIDE INVESTMENTS INC** is cited for failure to correct violations of the City Code of Ordinances, Sec 26-294, at **319 N Hollywood .**

Violation(s) – **Failure to license residential rental property.**

First Notified – Date of first notification 06/04/2014

Mr. Jackson stated the respondent has not replied to notices for failure to license residential rental property. Mr. Jackson asked the Special Magistrate to find the respondent in non-compliance and give the respondent until December 3, 2014, to come into compliance or be returned to the Special Magistrate.

Mr. Vukelja asked who is the owner of GEA Seaside Investments.

Mr. Betz stated the owner is Jack Aberman. He stated he has left several messages for him but has not spoken to him, but he has received several faxes from him.

Mr. Vukelja asked if the properties are actively rented.

Mr. Betz stated approximately 60% are rented.

Mr. Jackson stated the property owner has filed a lawsuit challenging the validity of the City's ordinance but that will not effect the action of the Special Magistrate.

Special Magistrate Action:

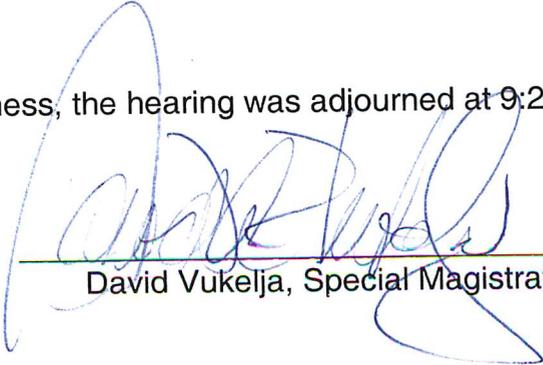
The Special Magistrate found the respondent in non-compliance and ordered the property to be in compliance by December 3, 2014, or the property will be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

5. **Miscellaneous Business**

There was no miscellaneous business.

6. **Adjournment**

There being no further business, the hearing was adjourned at 9:25 a.m.



David Vukelja, Special Magistrate