

CITY OF DAYTONA BEACH MINUTES

**SPECIAL
MAGISTRATE
HEARING**

January 13, 2015 at 9:30 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 Supervisor
Officer Sherri Siracusa
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Denzil Sykes, 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 9:30 a.m.

Mr. Vukelja approved the December 9, 2014 Regular Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were in compliance:

CASE NO 5 SMG 01-15-02 – Camellia Motel, LLC d/b/a Camelia Motel is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.2), at **1055 N. Atlantic Avenue** - Violation(s) – Peeling and faded paint on exterior surface - First Notified – 3/19/2014.

COMPLIANCE 1/12/2015

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

CASE NO 1 SMG 11-14-74 – Eldorado Property Holdings, LLC is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3 and Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.7, 304.2, 304.15, 305.3, 704.2, 304.13, 304.14, 603.1, 605.2 and 304.6), at **634 Eldorado Street, Suite 2** - Violation(s) – Outside storage; dilapidated fencing; peeling paint; exterior doors; interior surfaces; smoke detectors; broken windows; missing screens; inoperable appliances (heat, stove); inoperable receptacles; exterior surfaces - First Notified – 9/22/2014.

COMPLIANCE 12/23/2014

CASE NO 2 SMG 12-14-75 – Joel Pearson is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.6 & 304.13.1), at **1244 Mason Avenue** Violation(s) – Exterior walls - holes, breaks and loose materials from car hitting the building; glazing materials cracks and holes - First Notified – 8/18/2014.

COMPLIANCE 1/7/2015

CASE NO 3 SMG 09-13-53 – Mayan Ocean Waters, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.3, 304, 304.1, 304.10, 304.15, 304.2, 304.4, 304.5, 304.6, and 403.5), at **103 S. Ocean Avenue** - Violation(s) – Structural deficiencies - structural members, exterior walls, foundation walls, balconies , doors, driveway and walkway; peeling paint; clothes dryer exhaust - First Notified – 7/10/2013.

Mr. Don Ziegler came forward and was sworn.

Mr. Glen Canfield came forward and was sworn.

Mr. Ziegler stated there was good progress but they did have a slight set back with some stucco repair that had to be done. Mr. Ziegler stated everything was done except for the north face of the building. Mr. Ziegler stated they should be completed by the end of next month.

Mr. Canfield stated weather permitting they should be in compliance by the end of next month.

Ruling

Mr. Vukelja amended the previous order of non-compliance and ordered the Respondents come into compliance by March 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 4 SMG 01-15-01 – Richard A. France is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 5.3(a1); Art. 18 Sec. 7.3.1, at **1021 S. Ridgewood Avenue** - Violation(s) – Non-conforming use; outside storage - First Notified – 10/14/2014.

Respondent was not present.

Ms. Lankford appeared on behalf of the City and stated the property was now in compliance but was previously in non-compliance. Ms. Lankford stated the property was a police issue and just wanted to have the finding to prevent future occurrences.

Ruling

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

CASE NO 6 SMG 01-15-03 – Talib, LLC is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 6.6; Art. 18 Sec. 7.3.1, at **601 Main Street** - Violation(s) – Prohibited signs and banners; outside storage - First Notified – 10/13/2014.

Respondent was not present.

Mr. Daniel Garcia testified on behalf of the City and stated the business that is in the property called Bad Boys Saloon but the business sign still says Dog House Saloon. Mr. Garcia stated the Respondent also had banners without permits. Mr. Garcia stated there is outside storage in the rear and east side of the building.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 7 SMG 01-15-04 – Robert & Chantal Pesce is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.12, 304.13, 304.14, 304.15, 304.2, 304.5, 304.7, 305.3, 305.6, 505.1, 704.2), at **128 S. Wild Olive Avenue** - Violation(s) – **Broken windows; rotted wood; smoke detectors; interior surface damage; cracks; toilet bowl; stove; soffits; outside storage and handrail** - First Notified – 8/28/2014.

Respondent was not present.

Ms. Hampton stated Mr. Pesce did provide a written statement for the Magistrate to consider since he could not be at the meeting as he resides in Canada.

Mr. Daniel Garcia testified on behalf of the City. Mr. Garcia reviewed the pictures and stated there are 4 units located in the property. Mr. Garcia stated there were tenants but now it is vacant and finally boarded up by the City. Mr. Garcia stated there were transients getting into the house and he requested the Respondent sign up the property as a trespass arrest site.

Mr. Vukelja read and reviewed the emails written by Mr. Pesce. Mr. Vukelja stated he has taken Mr. Pesce's request for 24 months to come into compliance into consideration and finds it ludicrous. Mr. Vukelja asked the City how much time it would reasonably take for compliance if Mr. Pesce were to do the conversion.

Mr. Garcia stated he believed by the next cut-off Mr. Pesce could have a contractor on board and permits applied.

Mr. Vukelja asked the City if Mr. Pesce were to not to do the conversion and just bring the property into compliance with the cited violations.

Mr. Garcia stated by the next cut-off date.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 or if the Respondent elects to do the conversion renovations then it was ordered whatever permits are necessary to do said renovations shall be obtained by February 4, 2015 and if permits are obtained then the Respondent will be returned to a subsequent meeting for determination of a compliance date. It was further ordered the property remain vacant and secured and not otherwise utilized until compliance is achieved.

Miscellaneous Business

Mr. Jackson introduced Officer Aaron Paro as the new Code Liaison.

Adjournment: The meeting was adjourned at 9:45 a.m.