

SPECIAL MAGISTRATE HEARING
for Rental Program Cases
City of Daytona Beach
Commission Chambers, City Hall
301 South Ridgewood Avenue, Daytona Beach, Florida
May 12, 2015

A proceeding for the Special Magistrate for the Rental Cases Program was held on May 12, 2015, 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, Permit Technician
Aimee Hampton, Paralegal

Minutes prepared by Becky Groom

1. Call to Order

Mr. Vukelja called the meeting to order at 9:07 a.m.

2. Approval of April 14, 2015 Minutes

Mr. Vukelja reviewed, approved, and executed the minutes of the meeting of April 14, 2015.

3. **Announcements:**

Ms. Baum stated Case No. 5, SMG RI2015-0010 – Andre Rondeau & Odette Perrault, is in compliance as of May 11, 2015.

Ms. Baum swore in members of staff.

4. **Hearing of Cases:**

Continued Cases:

1. **CASE NO SMG RI2015-0007 – AUDRA JANES BOWERS** is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.6, 304.13, 304.13.2, 304.14, 604.3, 605.2, 704.2), at **532 Eastwood Lane** Violation(s) –**1. Rot along bottom of rear exterior door frame.**

2. Rot along exterior roof overhangs, namely rear and right of house.
3. Windows are inoperable. Metal window appear to be painted shut/stuck. Wood windows appear to be caulked shut. 4. Missing window screens. 5. No electrical outlet in hall bathroom. New installation will require GFCI protection. 6. Interior type 30 amp electrical plug present on exterior wall at left rear of building. Plug needs to be removed OR replaced within a weatherproof/exterior type. 7. Missing smoke detectors.

Mr. Jackson stated the case is before the Special Magistrate for imposition of a fine since compliance has not been attained.

Mr. Betz stated as of last month, the only outstanding item is the windows which are not functional. Mr. Betz stated repairs have been made to the windows but the repairs are inadequate and the windows will not remain open. Mr. Betz stated the property owner has requested an extension in order to make the repairs. Mr. Betz stated he requests that the property owner be given until June 3, 2015, to come into compliance.

Special Magistrate Action:

The Special Magistrate moved to amend the current order of non-compliance to allow the respondent until June 3, 2015, to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day.

2. **CASE NO SMG RI2015-0004 – GEA SEASIDE INVESTMENTS** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294, and is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.3, 304.4, 304.5, 304.6, 304.7, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 305.3, 305.4, 305.5, 305.6, 306.1, 504.1, 505.1, 506.2, 603.1, 603.2, 604.3, 605.1 and 704.2), at **21 S Peninsula Drive**
Violation(s) –1. **Deteriorated brick foundation wall at front right of house. 2. Buckled load bearing wood post rear left corner of porch. 3. Supports balcony above. 4. Rotted wood siding at housing built around chimney/flue box exterior right of house. 5. Rotted framing along ceiling at rear left corner of upper rear balcony. 6. Loose siding exterior rear wall of powder room. 7. Rotted and cut roof rafter in attic where ridge vent was once located. 8. Drywood termite damage along ceiling joists above second floor, as viewed from attic. 9. Cracked and deteriorated front concrete walkway between sidewalk and house. 10. Unsafe gas fired fireplace. Metal fire box is rusted through. 11. Active leakage in roof above living area. Noted by rotted wood roof sheathing within attic and the visible day light shining through rotted areas of roof sheathing. 12. Holes in metal roof panels**

above upper rear balcony. Holes will allow for leakage. 13. Faulty windows. Inoperable, screwed shut, broken sash cords, broken glass panes, cracked glass panes, loose or detached panes. 14. Missing window screens. 15. Rotted/weak sub flooring at right exterior doorway in kitchen. 16. Hole in dining room ceiling from prior leakage at bathroom above. 17. Weak floor by upstairs bathroom commode at prior leak site. 18. Missing hand rail at upper portion of interior stairwell. 19. Missing smoke detector in bedrooms. 20. Inoperable smoke detector upstairs hallway. 21. Large voids between closed doors and frames. 22. Missing drain line on pressure relief valve of water heater. 23. Leakage in waste line below sink in downstairs powder room. 24. Rust holes in cast iron soil/vent stack along exterior rear wall of house. 25. Missing upper section of cast iron soil stack along exterior left of house. 26. Ongoing drip from upstairs bathroom sink faucet. 27. Uncovered electrical junction boxes within attic space. 28. Breaker trips when tenant uses electrical outlet at rear right of dining room. 29. Missing covers on wall switches. 30. Exposed live electrical wire sticking out of lawn in back yard. 31. Renting without rental (RTL) license. Respondent initiated new rental agreement after being sanctioned.

First Notified – Date of first notification 02/16/2015.

Mr. Jackson stated the case is before the Special Magistrate for imposition of a fine since the property is in non-compliance. Mr. Jackson stated there has been no contact from the property owner. Mr. Jackson stated the property owner continues to rent the property in its current state. Mr. Jackson stated there is already a \$15,000 lien on the property for not having a rental license. Mr. Jackson stated foreclosure on the property is an option or a determination could be made if there is basis for an injunction if the property is considered a public nuisance.

Mr. Betz stated he drove by the property on May 11, 2015, and it does appear to be vacant; he stated there are two "For Rent" signs in the windows.

Special Magistrate Action:

The Special Magistrate moved to impose a fine of \$200 per day commencing May 7, 2015, and continuing each day thereafter until such time as the property is in compliance or the amount of the fine reaches the sum of \$15,000, whichever occurs first.

New Cases:

3. **CASE NO SMG RI2015-0006 – STUART MORTIMER** is cited for failure to correct violations of the City Code of Ordinances, Sec. 26-294 at **2215 N Atlantic Avenue**

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

First Notified – Date of first notification 02/24/15.

Stuart Mortimer, 735 N. Atlantic Avenue, stated he is aware of the violation and is aware that he is in non-compliance. Mr. Mortimer stated he has applied for the license but it cannot be issued with the current deficiencies.

Mr. Betz stated the property owner made applicant for a rental license last week and an inspection was conducted. Mr. Betz stated he feels the property owner will need two months time in order to correct the deficiencies that were noted during the inspection and gain compliance.

Special Magistrate Action:

The Special Magistrate ordered the respondent to come into compliance by July 8, 2015, or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day until compliance is attained.

4. **CASE NO SMG RI2015-0009 – ANN J BLYTHER REV TR** is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1(Ref. FBC Supp IPMC 304.6, 304.7, 304.10, 304.14, 304.15, 305.3, 305.6, 603.1), at **1011 S Peninsula Drive**
Violation(s) – **1. Active leakage in rear low sloped shingle roof section. Leakage has stained interior ceiling below. Leakage has rotted sheathing, soffit and fascia in exterior roof overhang at both rear and left of house. 2. Rotted and deteriorated floor boards along exterior rear wood deck. 3. Rear center exterior wood door is swollen shut and cannot be opened. 4. Broken handle rear exterior sliding glass door behind kitchen. 5. Missing screens on windows. 6. Holes in closet wall of upstairs right bedroom. 7. Refrigerator not keeping cool.**

Note Account is currently \$103.75 past due. BT/RTL account number is: 73688.

First Notified – Date of first notification 10/10/2014.

Mr. Jackson stated the owner is making repairs and asked that the respondent be given until June 3, 2015, to achieve compliance.

Special Magistrate Action:

The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by June 3, 2015, or be

returned to the Special Magistrate for possible imposition of a fine of up to \$1,000 per day.

5. **CASE NO SMG RI2015-0010 – ANDRE RONDEAU & ODETTE PERRAULT** is cited for failure to correct violations of the City of Daytona Beach Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.14, 305.1, 305.2, 305.3, 308.1, 504.1, 602.1, 603.1, 604.3, 605.1 and 704.2), at **506 N Halifax Avenue**

Violation(s) –1. Missing window screens. 2. Rotted base in sink vanity at front bathroom. 3. Rotted sub flooring between bathtub and commode in front bathroom. 4. Hole in wall at shower stall in rear bathroom. 5. Water damaged and stained ceiling tiles in middle bedroom (reportedly caused by active leakage from bathtub in upstairs apartment. Didn't have access to upstairs bathroom, so unable to confirm).6. Weak and damaged areas in floors, namely in family room. 7. Active roach infestation. 8. Missing handle/knob on hot side of kitchen sink faucet. 9. Active leakage in waste line below sink at front bathroom. 10. Inoperable ceiling light in kitchen. 11. Faulty operation of stove (red on/indicator light doesn't shut off).12. Inoperable heating system. 13. Missing smoke detectors. 14. Rental/Business license account show \$273.75 past due. Contact Karen Baum at 386 671 8173 for billing questions or to arrange payment. Photographs on file.

First Notified – Date of first notification 02/05/2015.

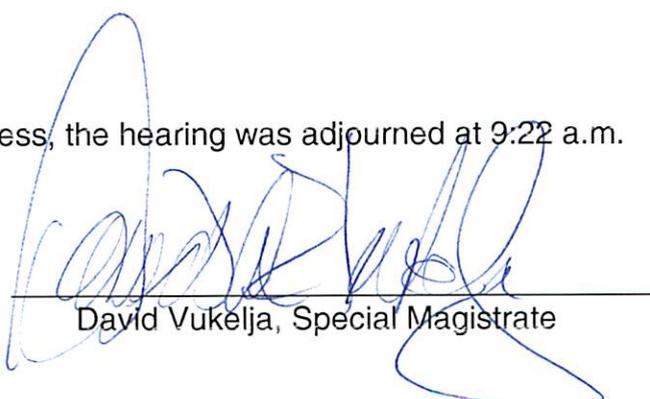
Ms. Baum stated this case is in compliance as of May 11, 2015.

5. Miscellaneous Business

There was no miscellaneous business.

6. Adjournment

There being no further business, the hearing was adjourned at 9:22 a.m.



David Vukelja, Special Magistrate