

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

JANUARY 12, 2016 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 Supervisor
Officer Aaron Paro
Mr. Jurgen Betz, Housing Inspector
Mr. Tom Clig, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Glejuanda Davis, 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 December 8, 2015 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were in compliance:

CASE NO 1 SMG 10-15-46 aka RI2015-0012 – Seabreeze on the Halifax, LTD is cited for failure to correct violations of the Land Development Code, City Code Ch. 26 Sec. 26-294; Art. 9 Sec. 1.1 (Ref. FBC Supp IPMC 302.7, 302.8, 304.1, 304.7, 304.13.1, 304.14, 305.1, 307.1, 502.1, 504.1, 505.3, 506.2, 602.1, 704.2); Art. 3 Sec. 3.4.S.1, at **612 N Halifax** - Violation(s) – Failure to license residential rental property; Units increased from 4 to 6 without permit or approval; each unit required to have bathroom; broken glass entry door unit 6; leakage below kitchen sink Unit 6; Water on bathroom floor Unit 6; missing bathroom exhaust fan Unit 6; improperly plumbed (non vented) kitchen sink Unit 5; detached faucet in bathroom Unit 5; torn and damaged flooring entry/kitchen Unit 2; Water on bathroom floor Unit 2; duct-taped transition between bathtub and sidewalls unit 4; Nonfunctional window left dormer Unit 4; Delaminated wall paneling below left dormer windows Unit 4; Missing pressure relief drain line on gas fired water heater in Unit 4; No access to apartment 1; Will require inspection before rental license can be issued; Loose and displaced soffit board material exterior rear gable end of building; Many of the sinks did not have both hot and cold running water (no water flow from cold/right side of faucets); Missing, inoperable smoke detectors; Missing window screens; Units require source of heat; Rust holes in gutter left of building; Missing cement asbestos tiles from edge of roof above left dormer; Missing metal roofing panels and rotted or damaged wood decking below at rear of detached garage; Renting without a rental (RTL) license. Required when property contains 1-4 dwelling units; Outside storage (soda machine, lumber, etc.) Unlicensed RV/camper parked in back yard - First Notified – 4/21/2015.

COMPLIANCE 1/9/2016

CASE NO 4 SMG 11-15-50 – Robert E. & Joanne R. Daun is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at **132 Pierce Avenue** - Violation(s) – Fading & peeling paint - First Notified – 8/7/2015.

COMPLIANCE 1/11/2016

CASE NO 7 SMG 12-15-61 – ADL Partners, LLC & VJA Partners, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 504.1, 603.1); Art. 6 Sec. 6.19.A.3, at **147 Oak Tree Circle** - Violation(s) – Interior structure and interior surfaces; plumbing system and fixtures; mechanical equipment and appliances; outside storage - First Notified – 9/23/2015.

COMPLIANCE 1/11/2016

CASE NO 11 SMG 12-15-60 – U.S. Bank National Association is cited for failure to correct violations of City Code Ch. 22 Sec. 22-46; the Land Development Code Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 505.1), at **960 Magnolia Avenue** - Violation(s) – Failure to register the abandoned real property; no water - First Notified – 10/16/2015.

COMPLIANCE 1/9/2016

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

CASE NO 2 SMG 09-15-38 – Precious Property Management, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.1.A (Ref. FBC 105.1), at **2735 N. Atlantic Avenue** - Violation(s) – Expired Demolition Permit - First Notified – 8/4/2015.

*Respondent was not present.

**It should be noted the Respondent appeared at the meeting after the case was heard and was told he could stay until the end to go back to his case but he elected to leave.*

Mr. Jackson stated the staff has informed him there is nothing new, no permits or plans filed and they have not received any new information about moving forward. Mr. Jackson stated staff was requesting a compliance date of next cut-off.

Mr. Clig stated he has not heard from the Respondent.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until February 3, 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 3 SMG 02-15-07 – Grayceland REI Consulting, LLC is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.10, 304.11, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9), at **158 Madison Avenue** - Violation(s) – Deteriorated structural members; loose, missing or deteriorated foundation walls; exterior walls loose, missing or deteriorated; damaged gutters; roof flashing; eaves, fascia; general cornices and eaves loose, missing or deteriorated; overhang extensions loose, missing or deteriorated; rotting stairways, decks, porches, and balconies; broken windows; ripped, torn or missing window screens; exterior doors and hardware damaged, broken, deteriorated or decayed; no water connections; plumbing fixture damage; no electrical service - First Notified – 11/7/2014.

Ms. Mary Gordon came forward and was sworn. Ms. Gordon stated she was Mr. Gordon's mother. Ms. Gordon apologized for not being at the last meeting as she was out of town attending a funeral. Ms. Gordon stated the front house has the plumbing and electrical finished and approved, the windows are done and doors are in. Ms. Gordon stated the drywall was complete and it is ready to paint. Ms. Gordon stated with regard to the back building the plumbing and electrical are partially done and the house is going to be stucco. Ms. Gordon stated all the demo is done and the framing has been finished. Ms. Gordon advised her son is electing to go with a new contractor this week to finish the project because they have had problems with Mr. Elliot. Ms. Gordon says if they could get an extension until April the project should be completed.

Mr. Jackson stated staff does not have any objection to the extension until April and further reminded the Respondent they could not do any work until a new contractor and permit was pulled.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 6 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 5 SMG 11-15-53 – Marilyn Carvahho is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i.; Art. 9 Sec. 9.2.A (Ref. FBC 105.1 & Supp IPMC 302.7), at **910 Derbyshire Road** - Violation(s) – Off-street parking; dilapidated fencing; working without permits - First Notified – 9/18/2015.

Mr. David Carvahho came forward and was sworn.

Mr. Jackson stated the property remained in non-compliance and staff was requesting a fine in the amount of \$150 per day to a maximum of \$10,000.

Mr. Stenson stated the fencing has been corrected, the parking in the yard is still present and the unpermitted shed in the yard is still present.

Mr. Carvahho stated a company put up the shed and they never pulled the permit. Mr. Carvahho stated he has the survey but needed plans to submit to the permit. Mr. Carvahho stated he had the plans but he needs them certified by an engineer.

Mr. Vukelja asked about the parking.

Mr. Carvahho stated he has children and no other places to park. Mr. Carvahho stated he would figure out something to do to correct the parking.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until February 3 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 6 SMG 12-15-64 – Charles E. Davis 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 304.3), at **1014 Continental Drive** - Violation(s) – Outside storage; off-street parking; no address numbers - First Notified – 10/15/2015.

Respondent was not present.

Mr. Jackson stated there has been no change to the violations and staff was requesting \$200 per day to a maximum of \$10,000.

Mr. Stenson stated the violations still exist and there has been no effort for compliance.

Ruling

Mr. Vukelja fined the Respondent the amount of \$200 per day effective January 7, 2016 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000.

CASE NO 8 SMG 12-15-62 – ADL Partners, LLC & VJA Partners, LLC is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.13, 304.15, 305.1, 305.2, 305.3, 305.6, and 607.1), at **149 Oak Tree Drive** - Violation(s) – Ceiling leak/damage; window, door, tile and interior surface damage - First Notified – 9/4/2015.

Respondent was not present.

Mr. Jackson stated the property is under new management and they are making good progress and doing the work and staff was recommending amending the compliance date to February.

Mr. Garcia stated he met with the regional manager and they are working on correcting all the outstanding issues. Mr. Garcia stated they should be in compliance by the February cut-off date.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until February 3 2016 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 9 SMG 08-15-34 – Tudja & Kaival, LLC d/b/a Heritage Inn is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.4, 302.7, 304.2, 304.7, 304.10, 304.12, 304.14, 307.1, 308.1, 603.1, 604.3, 605.1, 704.2), at **1100 S. Ridgewood Avenue** - Violation(s) – Smoke alarms; electrical equipment; electrical system hazards; mechanical equipment; extermination; rubbish & garbage; insect screens; handrails & guards; stairways, decks, porches and balconies; roofs and drainage; protective treatment; accessory structures; weeds - First Notified – 6/12/2015.

Pravin Patel, came forward and was sworn.

Charles Feinauer, GL Martin construction, came forward and was sworn.

Sherry Martin, Owner, GL Martin construction, came forward and was sworn.

Kenneth Bohannon, Esquire appeared on behalf of the Respondent.

Mr. Jackson reviewed the history with Heritage Inn and this specific case was first notified in June 2015. Mr. Jackson stated the Respondent has come in several times with contractors and attorneys for quite a while and the report he is getting from the Inspector that only one out of the four buildings are being worked on. Mr. Jackson stated staff was recommending a fine of \$300 per day to a maximum of \$25,000. Mr. Jackson called Mr. Recanzone for testimony.

Mr. Cliff Recanzone stated the property was a hotel and the property has 79 units. Mr. Recanzone stated the work that needed to be done is extensive. Mr. Recanzone stated at least 6-8 months of work if they had a contractor diligently working on the property.

Mr. Bohannon stated he would like to know what has not been done and is still outstanding as they believe there is only one thing that remains to be done. Mr. Bohannon went through the violations and stated was they believed have been completed and what was still outstanding. Mr. Bohannon stated he believes the only major thing that remained was the roof. Mr. Bohannon stated they were going through financing in order to replace the roof and would need two or three months. Mr. Bohannon stated his client was asking for an extension for two months to obtain a financing and one month to complete the work.

Mr. Jackson stated he believes in October the city was told the same thing about financing and completion in a month or two months. Mr. Jackson stated the Inspector has been told things have been done but it needs to be verified by a complete re-inspection.

Mr. Recanzone stated the work that was done previously before a contractor was on board needs to be reviewed and approved by the contractor and confirmed the contractor is making progress and believed they should have the entire first building completed by today.

Ms. Martin stated as far as the contractor is aware the roofing needs to be completed. Ms. Martin stated there are no current leaks.

Mr. Vukelja advised he was willing to continue the case to the next meeting in order to allow the Inspector to re-inspect the property.

Ruling

Mr. Vukelja continued the imposition of a fine to the February 9, 2016 Agenda.

CASE NO 10 SMG 12-15-58 – Gilbert Myara is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at **1272 Bel Aire Drive** - Violation(s) – Painting on exterior - First Notified – 7/1/2015.

Respondent was in compliance January 6, 2016.

CASE NO 12 SMG 01-16-01 – 700 Madison Avenue Land Trust dated 11/20/2014 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, 305.3, 304.7, 704.2, 305.6, 505.4, 605.1 and 604.3), at **700 Madison Avenue, Unit 1** - Violation(s) – Broken windows; missing/torn screens; damaged interior surfaces; dilapidated roof; missing smoke detectors; missing interior doors; no hot water; electrical wiring; electrical system hazard - First Notified – 9/14/2015.

Mr. Jackie Mole, property manager, came forward and was sworn. Mr. Mole stipulated to non-compliance.

Mr. Jackson stated the property should be in compliance by next cut-off date and the inspector advised he has had no contact from the property owner.

Mr. Mole stated the owner has hired a contractor and he is unsure at this time if they can meet the February 3rd deadline.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 2, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 13 SMG 01-16-02 – 700 Madison Avenue Land Trust dated 11/20/2014 is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 305.3, 504.1, 504.3, 704.2, 308.1, 304.7, 505.4); Art. 9 Sec. 9.1.A (Ref. FBC 105.1); City Code Ch. 90-297, at **700 Madison Avenue Unit 2** - Violation(s) – Interior surfaces; plumbing fixtures; plumbing system hazard; missing smoke detectors; infestation; dilapidated roof; no hot water; work without permits; renting without a valid business tax receipt (BTR) - First Notified – 11/30/2015.

Mr. Jackie Mole, property manager, came forward and was previously sworn. Mr. Mole stipulated to the violations.

Mr. Jackson stated the March compliance date should be fine.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by March 2, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 14 SMG 01-16-03 – Charles Smith 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. 8 Sec. 8.2.A., at **800 Madison Avenue** - Violation(s) – Outside storage; off-street parking; non-conforming use (storage area) - First Notified – 11/20/2015.

Mr. Charles Smith came forward and was sworn. Mr. Smith stipulated to the violations.

Mr. Jackson stated the inspector advises the property is in non-compliance and was a complaint driven violations. Mr. Jackson stated the next cut-off date should be sufficient for compliance.

Mr. Stenson stated the non-conforming use of the property is the storage of several cars. Mr. Stenson stated there has been an attempt to install a fence and now he has applied for a permit and he might need to get a variance for the type of fence he wants.

Mr. Smith stated he has removed the cars and storage and he has been approved for a permit for the fence.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 3, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 15 SMG 01-16-04 – 905 Redwood Land Trust c/o TRSTE, LLC is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7 and 304.3); City Code Ch. 90-297, at **905 Redwood Street** - Violation(s) – Off-street parking; dilapidated fencing; no premises identification numbers; no business tax receipt (BTR) for rental property - First Notified – 11/16/2015.

Respondent was not present.

Mr. Jackson stated the inspector reports the property is in non-compliance and it was based upon a citizen complaint. Mr. Jackson stated staff was requesting non-compliance and the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by February 3, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

Adjournment:

The meeting was adjourned at 9:57 a.m.