

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

APRIL 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

Mr. Tom Clig, Code Inspector

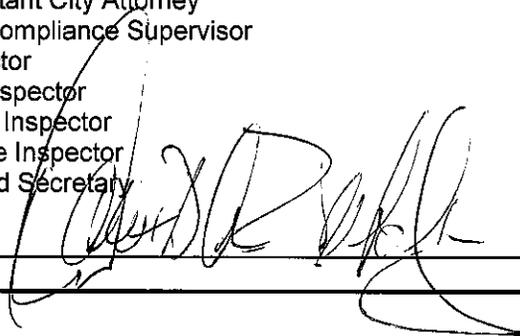
Mr. Daniel Garcia, Code Inspector

Mr. Cliff Recanzone, 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 9:10 a.m.

Mr. Vukelja approved the March 8, 2016 Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated there were no announcements.

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

CASE NO 1 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.

Mary Gordon came forward and was sworn.

Mr. Jackson stated the inspector advises there are more things that are needed for compliance and staff was recommending amending the compliance date.

Mr. Fitzgerald stated that the Respondent has been working on the front house and it is almost completed. Mr. Fitzgerald stated now they are starting to work on the back house. Mr. Fitzgerald further stated the owners have done a lot of renovation and put a lot of money into the project.

Ms. Gordon stated she was hoping for the property to be completed in the next 30 days or 6 weeks. Ms. Gordon stated they did have to change contractors and are finding out some of the work that was completed by the previous contractor was incorrect and the new contractor is having to re-do the previous work. Ms. Gordon stated the drywall and plasterwork has to be re-done and the stucco is complete but it has to cure for 3 weeks before they can paint it. Ms. Gordon stated electrical and plumbing has been completed and signed off. Ms. Gordon stated they are working on carpet, cabinets, and also the outside lights will go on after it is painted.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until June 8, 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 2 SMG 11-15-54 – Willis McDuffie 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), at **1324 Phillips Street - Violation(s) – Parking in the yard; accessory structure (tent shelter in front yard)** First Notified – 10/3/2015.

Respondent was in compliance April 8, 2016.

CASE NO 3 SMG 11-15-56 – Larry Brown & Abner Brown 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 605.1, 504.1, 704.2, 304.6, 305.6, 304.13, 304.7); City Code Ch. 90 Sec. 90-297, at **520 Pleasant Street - Violation(s) – Outside storage; parking in the yard; electrical fixtures; plumbing fixtures; smoke detectors; exterior surfaces; interior doors; windows; roof; no business tax receipt (BTR) for rental property - First Notified – 7/28/2015.**

Mr. Aber Brown came forward and was sworn. Mr. Brown stated the roof is completed and the only thing he needs is the plumbing and electrical fixtures.

Mr. Jackson stated the intention from staff was to ask for fine however after hearing the update from the owner staff is now willing to allow to the next cutoff for compliance.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 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 4 SMG 12-15-65 – Michael J. Ford is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 304.13, 304.10, 304.6, 605.1, 704.2, 305.3, 305.6), at **506 North Street - Violation(s) – Off-street parking; appearance standards; dilapidated roof; broken/inoperable windows; dilapidated stairs; exterior surfaces; electrical fixtures; missing smoke detectors; interior surfaces; interior doors - First Notified – 10/13/2015.**

Respondent was not present.

Mr. Jackson stated that there was only one more issue that needed be corrected and staff was recommending amending the compliance date to the next cut-off.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 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 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. Marcus McDonald came forward and was sworn.

Mr. Jackson stated the Inspector reports the unit is occupied and permits were obtained in the end of February. Mr. Jackson stated the case has been going on since September 2015 and staff was requesting a fine of \$200 per day to a maximum of \$15,000.

Mr. McDonald stated he believed everything was done on March 8th and he just took the property back from his property manager the end of January because he found out they were not making the corrections. Mr. McDonald stated the broken windows have been repaired, the screens and the damaged interior surfaces, and the roof has been corrected. Mr. McDonald stated they did not have closet doors so they put doors in and they do have a hot water heater. Mr. McDonald stated as far as the list is concerned he thought they had completed everything.

Mr. Garcia stated according to Mr. Stenson's notes he has been asked to perform a re-inspection because every time he goes for the appointment the tenant has been unavailable.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 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 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. Jackson stated this case was the same status as the previous case.

Mr. Vukelja asked if there was anything different than the first case.

Mr. McDonald stated the plumbing fixtures were corrected and he does not know what a plumbing system hazard is. Mr. McDonald stated they replaced the smoke detectors and he did have Bugmaster spray and take care of the infestation. Mr. McDonald stated he did have his business tax receipt.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until May 4, 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 7 SMG 02-16-06 – Jo Ann Hough is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (ref. FBC Supp IPMC 302.7, 302.8 and 304.2), at **240 Center Street** - Violation(s) – Parking in yard; outside storage; dilapidated detached garage; junk vehicles; peeling paint - First Notified – 10/13/2015.

Respondent was in compliance March 29, 2016.

CASE NO 8 SMG 03-16-17 – Roy D. Helton is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 19.A.3; Art. 9 Sec. 9.2.A . (Ref. FBC Supp IPMC 302.8), at **1348 Woodbine Street** - Violation(s) – Outside storage & junk vehicle - First Notified – 7/17/2015.

Mr. Helton came forward and was sworn.

Mr. Jackson stated the property remained in non-compliance and staff was recommending imposing a fine of \$250 per day to a maximum of \$10,000.

Mr. Garcia stated as of yesterday some progress was been made but it is not fully in compliance. Mr. Garcia stated there was still some outside storage that needs to be removed. Mr. Garcia stated he has removed 50 to 60 percent of the items. Mr. Garcia stated he has not seen the registration or tags of the motorcycles to show they were registered and operable.

Mr. Helton stated he thinks he only has 10 minutes' worth of stuff to remove and all the vehicles have been licensed. Mr. Helton stated he can have everything done today.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until April 26, 2016 or an automatic fine of \$100 per day will be imposed until compliance is achieved or the fine reaches the maximum amount of \$10,000.

CASE NO 9 SMG 03-16-12 – Valerie Potter Albert is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 19.A.4, at **299 Morningside Avenue** - Violation(s) – Failure to maintain exterior - First Notified – 9/4/2015.

Respondent was not present.

Mr. Jackson stated there is been no contact from the owner and the property appears to be abandoned. Mr. Jackson stated staff was requesting a fine of \$200 per day to a maximum of \$15,000.

Mr. Clig stated the exterior damage consisted of broken windows and there were squatters in the property and the property is abandoned.

Ruling

Mr. Vukelja imposed a fine in the amount of \$200 per day against the Respondent effective April 7, 2016 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE NO 10 SMG 04-16-18 – Eddie & Joyce Ann Anderson is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7), at **568 Heineman Street** - Violation(s) – Outside storage; parking in the yard; dilapidated fence - First Notified – 9/9/2015.

Mr. Ed Anderson came forward and was sworn. Mr. Anderson stipulated to noncompliance.

Mr. Jackson stated the property was in non-compliance and staff was recommending the compliance date by the next cut-off date.

Mr. Anderson stated the violations were completed already.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by May 4, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 11 SMG 04-16-19 – Etta J. Anderson is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8 and 302.7), at **901 Tracy Street** - Violation(s) – Parking in the yard; outside storage; junk vehicles; dilapidated fencing - First Notified – 2/16/2016.

Ms. Etta Anderson came forward and was sworn. Ms. Anderson stipulated to the violations.

Mr. Jackson stated the property was now in compliance and staff was just requesting an order of noncompliance to prevent any repeat violations.

Ruling

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

CASE NO 12 SMG 04-16-20 – Leslie Janet Strong Morris, Mary Alexia Rish, Dianne Denise Strong McDonald, Sharon Darlene Hyder is cited for failure to correct violations of the Land Development Code, Art.9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7), at **201 Woodland Avenue** -Violation(s) – Failure to maintain roof - First Notified – 12/3/2015.

Respondent was not present.

Mr. Jackson stated there has been no contact from the Respondent and the property is currently in noncompliance. Mr. Jackson stated staff was recommending the next cut-off date for compliance.

Mr. Clig stated the owners started working on the roof a year ago but never completed the corrections. Mr. Clig stated he has not had any contact from the owners.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by May 4, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 13 SMG 04-16-21 – J & J Bryan Florida, Inc. is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S, at **1901 N. Atlantic Avenue** - Violation(s) – No permit for roof extension - First Notified – 12/18/2015.

Respondent was not present.

Mr. Jackson stated the property was in noncompliance and asked for the next cut-off date for compliance.

Mr. Clig stated the permit has been applied for on April 8, 2016 and it is under review. Mr. Clig stated the overhang makes run-off over onto the neighbor's property.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by May 4, 2016 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

MISCELLANEOUS BUSINESS

Mr. Vukelja had additional questions regarding the citing of failure to maintain exterior. Mr. Vukelja asked if property owners are allowed to just fence off the property and not maintain the property.

Mr. Jackson stated he's sure the answer is no and Mr. Jackson stated in the City's Land Development Code there are property maintenance standards that must be complied with.

Adjournment:

The meeting was adjourned at 10:02 a.m.