

CITY OF DAYTONA BEACH MINUTES

**July 11, 2017 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida**

**SPECIAL
MAGISTRATE
HEARING**

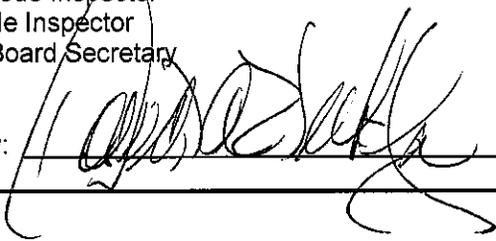
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Arthur Huggins, Assistant City Attorney
Ms. Glejuanda Davis, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Cliff Recanzone, 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 9:06 a.m.

Mr. Vukelja approved the June 13, 2017 Meeting Minutes with one correction.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated there were no announcements.

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

CASE NO 1 SMG 06-17-62 – Nicholas J. & Amy Militello is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a, at **1148 Champions Drive - Violation(s) – Outside storage - First Notified – 4/13/2017.**

COMPLIANCE 6/14/2017

CASE NO 2 SMG 04-17-23 – Craig Carter 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, 304.14, 305.2, 309.1, 604.3, 704.2); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 5 Sec. 5.2.B.3.f.i; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **213 S. Keech Street - Violation(s) – Roofs and drainage; window, skylight and door frames; insect screens; interior structural members; infestation; electrical system hazards; smoke alarms; outside storage; exterior structural appearance standards; occupancy is limited to a single family in SFR zoning district; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) -First Notified – 12/29/2016.**

Ms. Caila Carter came forward and was sworn.

Mr. Huggins stated the Respondent has obtained a quit claim deed and is in the process of evicting the tenants and staff would like the September cut-off for compliance.

Ms. Carter stated the September cut-off date seemed reasonable.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondents until September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 3 SMG 04-17-27 – Vernal Johnson & Patricia Roper is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 602.1, 604.3, 605.1, 605.2, 702.4, 704.2, 304.14, 309.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **646 South Street 1** - Violation(s) – Heating facilities required; electrical facilities-electrical system hazards; electrical equipment installation; electrical receptacles; fire safety - means of egress, emergency escape openings; smoke alarms; insect screens; infestation; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 2/8/2017.

Respondent was not present.

Mr. Huggins stated the staff was requesting a fine be imposed of \$150.00 per day to a maximum of \$15,000.

Mr. McCoy stated he has been in contact with the owners however he has not been able to re-inspect the work that was supposed to be completed. Mr. McCoy stated they were scheduled for a rental inspection and when he went to perform the inspection he was turned away by the tenant who was there and said they received a letter from the owner stated they needed to refuse the inspection.

Ruling

Mr. Vukelja imposed a fine of \$150 per day effective July 6, 2017 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000.

CASE NO 4 SMG 05-17-34 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **318 Butler Blvd.** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Attorney Joel Osborne appeared on behalf of GEA Seaside.

Mr. Huggins stated the owner has applied for all the required residential rental licenses and the City is requesting an order for inspections by August 2, 2017.

Mr. Osborne stated they would agree to the inspections by August 2, 2017.

Mr. Vukelja asked if the City was prepared to propose a compliance date.

Ms. Davis stated not at this time and they would have a better idea once the inspections are performed.

Ms. Hampton advised there are members of the audience who requested to speak.

Ms. Kristin Span came forward and was sworn. Ms. Span stated she has photos of where Mr. Aberman is still advertising the properties for rent. Ms. Span believes he was not supposed to advertise the properties that are not unoccupied.

Mr. Vukelja advised those cases are not before him on the agenda.

Ruling

Mr. Vukelja ordered the properties be inspected by the City before August 2, 2017 or be returned for consideration of a fine up to \$1,000 per day and further continue the determination of a compliance date to the August 8, 2017 meeting.

***CASES 5-17 were heard simultaneously**

CASE NO 5 SMG 05-17-35 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **508 Eastwood Lane** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 6 SMG 05-17-36 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **121 S. Grandview Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** -First Notified – 1/30/2017.

CASE NO 7 SMG 05-17-37 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2711 N. Halifax Unit 796** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 8 SMG 05-17-39 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **229 N. Hollywood Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 9 SMG 05-17-40 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **231 N. Hollywood Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 10 SMG 05-17-41 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **311 & 313 N. Hollywood Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 11 SMG 05-17-45 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **216 Morningside Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)**
First Notified – 1/30/2017.

CASE NO 12 SMG 05-17-55 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **433 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 13 SMG 05-17-56 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 504.1; 602.1; 304.7; City Code Ch 26 Sec. 26-294, at **13 South Peninsula Dr.** - Violation(s) – **Plumbing systems and fixtures; heating facilities required; roofs and drainage; failure to obtain required residential rental license (RTL)**
First Notified – 1/30/2017.

CASE NO 14 SMG 05-17-57 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at **21 South Pensinsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 15 SMG 05-17-58 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **23 & 25 S. Peninsula** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 16 SMG 05-17-60 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **514 Phoenix Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 17 SMG 05-17-61 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **615 Wistera Road** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Attorney Joel Osborne appeared on behalf of GEA Seaside.

Mr. Huggins stated the owner has applied for all the required residential rental licenses and the City is requesting an order for inspections by August 2, 2017.

Ruling

Mr. Vukelja ordered the properties be inspected by the City before August 2, 2017 or be returned for consideration of a fine up to \$1,000 per day and further continue the determination of a compliance date to the August 8, 2017.

CASE NO 18 SMG 07-17-65 – Firma Family Land Trust is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 704.2, 302.4, 302.5, 302.7, 304.2, 304.4, 304.5, 304.6, 304.13, 304.14, 305.2, 305.4, 305.5, 307.1, 309.1, 309.2); Art. 6 Sec. 6. 19.A.3; City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **750 Vernon Street** - Violation(s) – Smoke Alarms; rodent harborage; infestation; site appearance standards; fence; insect screens; high weeds; interior structure; handrails; windows; doors; paint; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) -First Notified – 5/1/2017.

Respondent was not present.

Mr. Huggins stated the staff is recommending a finding of non-compliance and further states there has been no contact.

Ruling

Mr. Vukelja found the Respondent in non-compliance and order the Respondent come into compliance by August 2, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

MISCELLANEOUS BUSINESS

1. Annalise Trader came forward and was sworn. Ms. Trader stated Mr. Aberman still continues to advertise properties after the Magistrate ordered him not too. Ms. Trader further provided the properties that have outstanding liens against the properties.

2. Amy Pyle came forward and was sworn. Ms. Pyle stated he is still advertising unoccupied properties.

Mr. Vukelja advised to make that information available to the City Attorney or code officials and on the next Agenda that information can be presented.

3. Ms. Span came forward and was previously sworn. Ms. Span presented a list of court cases Mr. Aberman is currently involved.

Adjournment:

The meeting was adjourned at 9:29 a.m.