

CITY OF DAYTONA BEACH MINUTES

**August 8, 2017 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida**

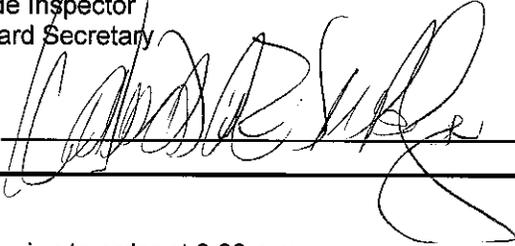
**SPECIAL
MAGISTRATE
HEARING**

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Supervisor
Ms. Glejuanda Davis, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

Mr. Vukelja called the Hearing to order at 9:03 a.m.

Mr. Vukelja approved the July 11, 2017 and July 24, 2017 Special Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated there were no announcements. Ms. Hampton stated staff is requesting all cases that are not GEA Seaside related be heard first.

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

CASE NO 1 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. Jackson stated the Respondent was making good progress and staff was recommending the next cut-off date for compliance.

Ruling

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

CASE NO 26 SMG 08-17-68 – Anthony M. Tocco is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 8.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8, 304.13, 308.1), at **367 Fordham Drive - Violation(s) – Dilapidated fence; inoperable and unlicensed vehicle; broken windows; outside storage and broken exterior wall - First Notified – 3/27/2017.**

Mr. Anthony M. Tocco came forward and was sworn.

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

Mr. Tocco stated he should be able to complete everything but the windows due to needing to be special ordered.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance with all violations except the windows by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. It was further ordered the Respondent come into compliance with the broken windows by October 4, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 25 SMG 08-17-67 – Central Florida Community & Economic Development, LLC is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, at **458 S. Martin Luther King Blvd. - Violation(s) – No permit for building renovations and roof work - First Notified – 5/12/2017.**

COMPLIANCE 7/24/2017

CASE NO 27 SMG 08-17-69 – Carolyn Ricany is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.2, 304.6, 304.7, 304.13, 304.14), at **1225 Waverly - Violation(s) – Broken windows; exterior rotten wood; peeling & chipped paint; missing screens; roof and drainage system - First Notified – 4/14/2017.**

Respondent was not present.

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

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 28 SMG 08-17-70 – Odit Bhola is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.2, 304.4, 304.5, 304.6, 304.7, 309.1, 309.2); City Code Ch. 26 Ch. 26-294, at **125 S. Franklin Street - Violation(s) – Maintenance; protective treatment; structural members; foundation walls; exterior walls; roofs and drainage; infestation; failure to obtain required residential rental license (RTL) - First Notified – 1/9/2017.**

COMPLIANCE 8/7/2017

CASE NO 2 SMG 05-17-33 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **316 Butler Blvd** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Mr. Osborne was not present.

Respondent was not present.

Ms. Davis contacted him by phone and advised they could proceed in his absence.

The meeting broke at 9:20 a.m.

The meeting reconvened at 9:25 a.m.

Ms. Davis stated she spoke with Mr. Osborne and he is in agreement with what her proposed recommendations are going to be for the remaining cases.

Mr. Vukelja asked Ms. Davis if Mr. Osborne was aware we are proceeding with the case and recommendations and she said yes.

Mr. Jackson stated the Ms. Davis has had conversations with Mr. Osborne about what her recommendations are going to be and Mr. Jackson called Ms. Davis to present those.

Ms. Davis stated the order regarding this case was to apply for the RTL and remain unoccupied and Ms. Davis stated they have applied for the RTL they are just waiting on the inspection.

Mr. Vukelja reviewed the order for 316 Butler.

Mr. Vukelja asked if the Respondent has applied for the rental license.

Ms. Davis advised yes.

Mr. Vukelja asked if the property has remained unoccupied, not rented or advertised for rent.

Ms. Davis stated it has remained unoccupied and not rented but it is advertised for rent.

Mr. Vukelja asked if Ms. Davis had a proposed compliance date.

Ms. Davis stated they were not able to provide a compliance date since the property has not been inspected pursuant to the application as the application was submitted on the last day.

Ms. Davis recommended an order requiring an Inspection by the next cut-off date.

Mr. Jackson advised they are unable to recommend a compliance date due to not being inspected.

Ms. Davis stated there is a for rent sign in the front yard and one in the window showing advertising for rent.

Ruling

Mr. Vukelja ordered the Respondent have the property inspected by September 6, 2017 and the determination of a compliance date is continued to the September 12, 2017 Agenda, and further order the Respondent remove any and all ads for rent within five (5) days. Failing any requirements, the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Mr. Osborne appeared at the meeting at approximately 9:30 a.m.

CASE NO 3 SMG 05-17-38 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **509 & 511 Harvey Ave.** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Mr. Joel Osborne was present.

Ms. Davis stated initially when the property was inspected from the street it appeared the property was vacant however with further investigation and citizens in the community it is believed the property has been occupied.

Mr. Jackson stated basically the property was occupied at the time the city announced it was unoccupied.

Ruling

Mr. Vukelja ordered the Respondent have the property inspected by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 and the determination of a compliance date is continued to the September 12, 2017 Agenda. It was further ordered that should the property become unoccupied before compliance is achieved the property will not be re-rented or occupied until compliance is achieved. Failing any of the requirements the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 4 SMG 05-17-42 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **317 N. Hollywood Ave.** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Ruling

Mr. Vukelja ordered the Respondent have the property inspected by September 6, 2017 and the determination of a compliance date is continued to the September 12, 2017 Agenda, and further order the Respondent remove any and all ads for rent within five (5) days. Failing any requirements, the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 10 SMG 05-17-59 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **507 Phoenix Avenue** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Ruling

Mr. Vukelja ordered the Respondent have the property inspected by September 6, 2017 and the determination of a compliance date is continued to the September 12, 2017 Agenda, and further order the Respondent remove any and all ads for rent within five (5) days. Failing any requirements, the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Cases 5, 6, 7, 8 and 9 were ordered simultaneously

CASE NO 5 SMG 05-17-46 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **232 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 6 SMG 05-17-47 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **236 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 7 SMG 05-17-48 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **308 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 8 SMG 05-17-50 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **320 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

CASE NO 9 SMG 05-17-53 – GEA Seaside Investments, Inc. is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **420 N. Peninsula Dr** - Violation(s) – **Failure to obtain required residential rental license (RTL)** - First Notified – 1/30/2017.

Ruling

Mr. Vukelja ordered the Respondent have the property inspected by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 and the determination of a compliance date is continued to the September 12, 2017 Agenda. It was further ordered that should the property become unoccupied before compliance is achieved the property will not be re-rented or occupied until compliance is achieved. Failing any of the requirements the Respondent will be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Cases 11, 12, 13, 14, 15, 19, 21, 22, 23, and 24 were ordered simultaneously

Ms. Davis stated the following properties should be in compliance by the next cut-off date.

Mr. Osborne agreed.

CASE NO 11 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.

CASE NO 12 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 13 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 14 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 15 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 19 SMG 05-17-55 – GEA Seaside Investments, Inc. is cited for failure to correct violations of the 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 21 SMG 05-17-57 – GEA Seaside Investments, Inc. is cited for failure to correct violations of 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 22 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 23 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 24 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.

Ruling

Mr. Vukelja ordered the Respondent come into compliance by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Cases 16, 17, 18 and 20 were ordered simultaneously

Ms. Davis stated staff is requesting the applications for permits be submitted by October 4, 2017.

Mr. Jackson stated all 4 of the properties are occupied, however there are no life safety issues.

Mr. Osborne was asking for more time to apply for the permits.

Mr. Jackson stated the preference of the City would be applications applied for by September and obtain the permits by October.

Mr. Vukelja asked if Mr. Aberman has been making a significant and diligent effort in working towards compliance with these cases.

Ms. Davis stated yes.

Mr. Vukelja stated he understands the case are a hot button issue but if any other Respondent if they are working towards compliance they get some leniency.

Ms. Davis stated the only basis for her objection was that Mr. Aberman tends to wait until the last minute which would push a compliance date into November by the time they are reviewed. Ms. Davis stated the city is only asking for them to start the process of obtaining the permits.

Mr. Osborne asked if that includes paying for the permits.

Ms. Davis stated no it only means submitting applications so they can start the review process.

Mr. Osborne stated he removed his objection and agreed with submitting applications by September 6th.

CASE NO 16 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 17 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 18 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 20 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.

Ruling

Mr. Vukelja ordered permit applications be submitted by September 6, 2017 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and further ordered the determination of a compliance date is continued to the September 12, 2017 Agenda.

Ms. Iris Oswald came forward and was sworn. Ms. Oswald stated the wiring and duct work is destroyed at her house and it was flooded. Ms. Oswald stated she has 28 windows and only 4 that open. Ms. Oswald stated she was unhappy about her living conditions.

Amy Pyle came forward and was sworn. Ms. Pyle stated she believes they need to hire someone to do the work now because it has been years the property is in this condition.

Kristin Span stated she was concerned about the fact Mr. Vukelja did not allow someone to speak before making his ruling. Ms. Span was concerned a fine was not imposed for Mr. Aberman advertising properties for rent. Ms. Span is stated she believes Mr. Aberman moved people in after his order entering that it should be occupied.

Mr. Vukelja stated his role over the cases is to help bring properties into compliance and that he cannot impose damages or enter injunctions as that is outside the purview of the Special Magistrate.

MISCELLANEOUS BUSINESS

1. Mr. Kinsey Whaley appeared at the meeting and has learned that he is being fined and provided a progress report advising he is in the process of obtaining a contractor, a permit and getting the work done. Mr. Vukelja stated to Mr. Kinsey to contact the code inspector to obtain a re-inspection and then once everything is done he can come in and ask for a reconsideration.

Adjournment:

The meeting was adjourned at 10:11 a.m.