



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, March 13, 2018
9:00 AM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

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| | For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020 | | Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office. |
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ATTENDEES:

Mr. David A. Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
 Officer Steven Jessmer
 Mr. Denzil Sykes, Code Supervisor
 Mr. Steve Alderman, Code Inspector
 Mr. Thomas Clig, Code Inspector
 Mr. Daniel Garcia, Code Inspector
 Mr. Michael Fitzgerald, Code Inspector
 Mr. Jerome McCoy, Code Inspector
 Mr. Cliff Recanzone, Code Inspector
 Mr. John Stinson, Code Inspector
 Ms. Aimee Hampton, Senior Paralegal
 Ms. June Barnes, Board Secretary

Approval of Minutes by:
Special Magistrate

Call to Order

The meeting was called to order at 9:00 a.m.

Approval of February 13, 2018 meeting minutes

Mr. Vukelja stated he has approved and executed the minutes of the February 13, 2018 meeting.

Announcements

Ms. Barnes stated the following cases are in compliance:

Item No. 6 - Case No. SMG 02-18-27 - Fred L. Bowman
Item No. 14 - Case No. SMG 2-18-18 - Hrold Long Jr.
Item No. 19- Case No. SMG-03-18-31 - Lindsey Kenneth Henry
Item No. 21 -Case No. SMG 03-18-33-JNG Property Group LLC
Item No. 24 -Case No. SMG 03-18-36 -Central Florida Realty & Property Management LLC
Item No. 26 -Case No. 03-18-38 -Myrtle Burton

City Staff members who will be giving testimony were sworn in.

Lien Review

Hearing of Cases

Continued Cases:

CASE # SMG 12-17-99 -Eva M. Wright and Michael Wright

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2), at 117 S. Martin Luther King Blvd.

Violation(s) -Surfacing-potholes; protective treatment -paint and/or siding.

First Notified -9/23/2017.

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the respondent has been working on compliance and asked that the case be continued until the next cut-off date so the work can be completed.

DISPOSITION: The Special Magistrate amended the current Order of Non-Compliance to allow the respondent until April 4, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 01-18-01 -Chalmer V. & Ann E. Edwards

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3, 605.2, 704.2, 304.7, 304.10, 304.11, 304.14, 309.1,); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at 550 Foote Court

Violation(s) -Electrical system hazards; electrical equipment - receptacles; no smoke alarms; structural appearance standards; roof and drainage; exterior surfaces; stairways, decks, porches must be installed; chimney; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt {BTR}.

First Notified -10/10/2017.

ACTION TO BE TAKEN: Impose Fine.

Ann Edwards was in attendance and was sworn in.

Mr. Jackson stated the inspector reports that he has had little contact from the respondents and there has been no progress in resolving the violations. Mr. Jackson stated staff is requesting a fine be imposed of \$150 per day to maximum of \$15,000 plus the fee of \$250 for failure to obtain a Business Tax Receipt.

Ms. Edwards stated she has been working on the property and has contacted contractors to do the work. Ms. Edwards stated the roofers have not shown up. Ms. Edwards stated since October, 2017, all of the yard work has been completed and cleared; flooring repairs have been made inside; a window has been replaced; all of the trash has been removed from inside the home; and the tile and carpet were destroyed by the previous tenants and has been removed. Ms. Edwards stated the house needs a new roof, the flooring needs replaced, a new front door and steps need to be installed, and the interior needs painted. Ms. Edwards stated it will take her a while to locate contractors. Ms. Edwards stated paying fines will not help her pay for the repairs that need to be made. Ms. Edwards stated electrical repairs were made to the home within the past year.

Mr. McCoy stated he did not know if electrical work has been done on the inside of the home since he has not been provided invoices from the respondent. Mr. McCoy stated the chimney is separated from the house and there is water damage to the walls.

DISPOSITION: The Special Magistrate continued the imposition of a fine to the April 10, 2018 meeting; and by April 10, 2018, an inspection must be completed by the Code Inspector; documentation must be provided to the Inspector regarding the electrical work that has been completed; and contractors must be arranged for the roof, exterior, and flooring work. The Special Magistrate stated that contracts must be in place to do the work or a list of contractors that Ms. Edwards has contacted to do the work must be provided. The Special Magistrate stated the house must not be utilized, advertised, or rented until the property has been brought into compliance and the exterior maintained.

CASE # SMG 02-18-28 - Anthony Reaves

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.3; 605.2; 704.2); Art. 6 Sec. 6.19.A.4; (Ref. FBC Supp IPMC 302.1; 302.4; 304.2; 304.7; 304.13; 504.3); City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at 386 Jefferson St

Violation(s) - Maintenance Code - Electric facilities - electrical system hazards; Electrical Equipment - receptacles, smoke alarms, protective treatment; Structural appearance standards; plumbing systems and fixtures; plumbing system hazards; roofs and drainage; failure to obtain Business Tax License (BTR); failure to obtain Rental License (RTL).

First Notified - 9/20/2017.

ACTION TO BE TAKEN: Impose Fine.

Anthony Marone, First Place Realty and Property Management was in attendance.

Mr. Jackson stated the inspector has not had any contact from the respondent since the last meeting and the owner is trying to sell the property. Mr. Jackson stated no repairs have been made to the home. Mr. Jackson stated staff is requesting imposition of a fine in the amount of \$150 per day up to a maximum of \$15,000 plus a \$250 fee for failure to obtain a Business Tax Receipt.

Mr. Marone stated the buyer backed out of the deal. Mr. Marone stated the tenants have not paid rent in months and the respondent is afraid to go on the property. Mr. Marone stated the property has water and electric, but it is not being paid for.

Mr. McCoy stated the only work he can see that has been done at the property is mowing of the grass.

DISPOSITION: The Special Magistrate continued the imposition of a fine until the April 10, 2018 meeting.

CASE # SMG 09-17-72 - Terry Tejeram Sitaram & Bibi N. Sitaram

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8, and 304.7); City Code Ch. 90 Sec. 90-297 and City Code Ch. 26 Sec. 26-294, at 326 Jefferson Street

Violation(s) - Outside storage; Junk vehicles; dilapidated roof; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL).

First Notified - 6/24/2017.

ACTION TO BE TAKEN: Impose Fine.

Bibi Alley was sworn in.

Mr. Jackson stated the inspector spoke with the respondent this morning and stated there is a problem with the title of the property and ownership and, therefore, has been unable to pull permits. Mr. Jackson stated staff requests that additional time be given the respondent in order to resolve the title and permitting issues.

Mr. Stenson stated the outside storage has been corrected and junk vehicles have been removed. Mr. Stenson stated Ms. Alley cannot proceed to get permits until the property is in her name.

Ms. Alley stated she has paid for the rental license but is unable to have the license issued since the property is not completely in her name. Ms. Alley stated her ex-husband is refusing to sign the deed, so Ms. Alley has retained an attorney to help her get the situation corrected.

Mr. Vukelja asked that Ms. Alley notify the City Attorney of any progress that is made in resolving the deed issue.

DISPOSITION: The Special Magistrate amended the Order of Noncompliance to allow the respondent until April 4, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day.

CASE # SMG 02-18-26 -Alban Metani

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 8 Sec. 8.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7; 304.2; 304.7; 304.1 O; 304.13; 305.3; 605.1; 504.1; 704.2; 305.6); City Code Ch. 26 Sec. 294; City Code Ch. 90 Sec. 90-297, at 822 Forest Ln

Violation(s) -Outside storage; nonconforming use (illegal duplex); Accessory structure -fence; peeling paint; junk vehicles; dilapidated roof; dilapidated decking; damaged windows; damaged interior surfaces; damaged electrical wiring; missing smoke detectors; missing interior doors; failure to obtain Business Tax Receipt (BTR); failure to obtain Rental License (RTL) & inspection.

First Notified -7/3/2017.

Compliance 2-20-2018

CASE # SMG 02-18-27 -Fred L Bowman

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 303.2), at 204 Pleasant Valley Dr

Violation(s) -lack of pool enclosure.

First Notified -12/13/2017.

ACTION TO BE TAKEN: Impose Fine.
Compliance 3/7/18

CASE # SMG 01-18-11 -Budget Builders Wholesale Lumber Company

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 120 Tarracina Way

Violation(s) -Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL).

First Notified -11/22/2017.

ACTION TO BE TAKEN: Impose Fine.

Mr. Stenson stated staff is requesting imposition of a fine since the rental inspection failed on the property. Mr. Stenson stated the Business Tax Receipt has been obtained.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and imposed a fine of \$100 per day effective March 8, 2018 and the fine will continue to accrue each day thereafter until the property is brought into compliance or the fine reaches the sum of \$15,000, whichever occurs first.

CASE # SMG 01-18-12 -Budget Builders Wholesale Lumber Company

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 124 Tarracina Way

Violation(s) -Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL).

First Notified -11/22/2017.

Compliance 1/25/2018

CASE # SMG 01-18-13 -Budget Builders Wholesale Lumber Company

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 132 Tarracina Way

Violation(s) -Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL).

First Notified -11/22/2017.

Compliance 1/12/2018

CASE # SMG 01-18-14 -Budget Builders Wholesale Lumber Company

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 144 Tarracina Way

Violation(s) -Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL).

First Notified -11/22/2017.

Compliance 1/12/2018

CASE # SMG 01-18-15 - Budget Builders Wholesale Lumber Company

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 196 Tarracina Way

Violation(s) - Failure to obtain business tax receipt (BTR); Failure to obtain required residential rental license (RTL).

First Notified -11/22/2017.

Compliance 1/12/18

CASE # SMG 01-18-08 - Delbert D. Gayle & Kerriann Gayle

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6. Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.8), at 925 Niles Street

Violation(s) - Site appearance standards; structural appearance standards; off-street parking; junk vehicles.

First Notified -9/1/2017.

ACTION TO BE TAKEN: Impose Fine.

Mr. Jackson stated the inspector reports the property is in non-compliance and asks that a fine be imposed.

Mr. Alderman stated he inspected the property this morning and it is in non-compliance.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and imposed a fine of \$200 per day commencing March 8, 2018 and the fine continuing to accrue each day thereafter until the property is in compliance or the amount of the fine reaches \$10,000, whichever occurs first.

CASE # SMG 12-17-97 - George Mclendon, Jr. & Ida M. Mclendon

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.1, 304.2, 304.6); Art. 6 Sec. 6.19.A.4, at 751 Bellevue Avenue

Violation(s) -Exterior paint and masonry joints; trash and debris and garbage.

First Notified -8/15/2017.

Compliance 2-24-2018

CASE # SMG 02-18-18 - Harold Long Jr

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3), at Loomis Ave - Parcel #39-15-33-82-01-0150 Violation(s) -Junk Vehicles - RV & boat parked on vacant lot.

First Notified -8/31/2017.

ACTION TO BE TAKEN: Impose Fine.
Compliance 3/8/18

CASE # 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.

ACTION TO BE TAKEN: Continued to 3/13/18 meeting predicated on Ms. Ricany occupying and maintaining the home.

Mr. Jackson stated staff has informed him that the short sale of the property was not completed, and the property is in foreclosure. Mr. Jackson asked that the case be dismissed.

DISPOSITION: This case was dismissed.

CASE # SMG 02-18-20 - Carolyn R Frazier

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 604.2; 604.3; 302.5; 303.1; 304.7; 309.1; 309.2); City Code Ch. 26 Sec. 294, at 1657 Lawrence Cir

Violation(s) -Maintenance Code - Electric facilities - electric system hazards; Electrical equipment - receptacles, smoke alarms; infestation of bugs; broken screen enclosure; roof & drainage; failure to obtain Rental License (RTL).

First Notified-12/1/2017.

ACTION TO BE TAKEN: Impose Fine.

Mr. Jackson stated the Inspector has asked that this case be continued to the next cut-off date which is April 4, 2018.

DISPOSITION: The Special Magistrate amended the Order of Non-compliance to allow the respondent until April 4, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 02-18-29 - Clarence & Ursula Singletary

is cited for failure to correct violations of the Land Development Code, City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 630 Tarragona Way Violation(s) -Failure to obtain Business Tax License (BTR); failure to obtain rental license (RTL).

First Notified -11/3/2017.

Compliance 3-5-2018

NEW CASES:

CASE # SMG 03-18-30 -Theresa K. Guest, Trustee

is cited for failure to correct violations of the Land Development Code, Art. 1 Sec.11.5; City Code Ch. 26 Sec. 26-294; Ch 90 Sec. 90-297, at 614 Tarragona Way

Violation(s) -Dorm living, failure to obtain Rental License (RTL), failure to obtain Business Tax Receipt (BTR).

First Notified -1/22/2018.

Compliance 3-5-2018

CASE # SMG 03-18-31 -Lindsey Kenneth Henry

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A., Art. 6 Sec. 8.G (Ref. FBC Supp IPMC 302.7), at 804 Kathy St

Violation(s)-Dilapidated fence.

First Notified -11/10/2017.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 3/8/18

CASE # SMG 03-18-32 -Christine Ziglar

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A.; Art. 6 Sec.2.H.7.a (Ref. FBC Supp IPMC 302.8, 308.0); City Code Ch. 90 Sec. 90- 297; City Code Ch. 26 Sec. 26-294, at 821 Pinewood St

Violation(s) -Outside storage, off-street parking of trailers, failure to obtain Business Tax License (BTR) failure to obtain Rental License (RTL).

First Notified -1/18/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the Inspector's note reflect that the property is in non-compliance and the inspector has asked that the respondent be given until April 4, 2018 to come into compliance; however, the inspector, Ms. Davis, was not in attendance. Mr. Jackson stated Mr. Sykes suggests that Ms. Davis' cases be continued to the next meeting

DISPOSITION: This case was continued to the April 10, 2018 meeting since the Inspector was not in attendance.

CASE # SMG 03-18-33 - JNG Property Group LLC

is cited for failure to correct violations of the Land Development Code, City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 571 Fairmount Rd Violation(s) -Failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).

First Notified -12/18/2017.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

DISPOSITION: This case was continued to the April 10, 2018 meeting since the Inspector was not in attendance.

CASE # SMG 03-18-34 - Robert Clark

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8), at Arthur Ave - Parcel #38-15-32-18-03-0030 Violation(s) Exterior Property Areas Motor vehicles, Inoperable/Unlicensed vehicle.

First Notified -12/27/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

DISPOSITION: This case was continued to the April 10, 2018 meeting since the Inspector was not in attendance.

CASE # SMG 03-18-35 - Julie E Rey

is cited for failure to correct violations of the Land Development Code, City Code Ch. 22 Sec. 22-46, Sec 22-48, Sec. 22-50, at 666 Winchester St

Violation(s) - Registration and written notice of abandoned real properties, maintenance requirements, security requirements, enforcement and additional authority of abandoned house.

First Notified -1/18/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

DISPOSITION: This case was continued to the April 10, 2018 meeting since the Inspector was not in attendance.

CASE # SMG 03-18-36 - Central Florida Realty & Property Management LLC

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8); City Code Ch. 26 Sec. 26-294, at 739 Washington St

Violation(s) - Exterior Property Areas - motor vehicles, Inoperable vehicle, Failure to obtain Rental License (RTL).

First Notified -1/10/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 3/8/18

CASE # SMG 03-18-37 - Michael S & Lori M Lawhorn

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A.; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.8.G (Ref. FBC Supp IPMC 302.8); City Code Ch. 90 Sec. 90-297, at 837 Pinewood St

Violation(s) - Dilapidated fence, outside storage, off street parking, failure to obtain Business Tax Receipt (BTR).

First Notified - 1/17/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

DISPOSITION: This case was continued to the April 10, 2018 meeting since the Inspector was not in attendance.

CASE # SMG 03-18-38 - Myrtle Burton

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 301.3, 308.1), at Kingston Ave Parcel #38-15-33-08-00-021 O Violation(s)- Trash and debris throughout vacant lot.

First Notified - 2/2/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 3/8/18

CASE # SMG 10-17-80 - Kinsey & Debbie Whaley

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.2, 304.8, 304.10, 304.13, 304.15, 305.1,305.3, 305.4, 404.4.3, 404.6, 504.1, 601.2, 603.1, 605.1, 704.1); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 152 Madison Avenue Violation(s) - Protective treatment; decorative features; stairways, decks, porches and balconies; windows; exterior doors; general interior; interior surfaces; stairs and walking surfaces; Water closet accessibility; Efficiency unit requirements; general plumbing fixtures; failure to maintain mechanical and electrical requirements; mechanical appliances; electrical installation in disrepair; missing smoke detectors; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR).

First Notified - 8/2/2017.

ACTION TO BE TAKEN: Impose Fine.

Mr. Stenson stated he has inspected the interior and he is satisfied with the progress that is being made. Mr. Stenson stated he would like the Order of Non-compliance amended to April 4, 2018.

DISPOSITION: The Special Magistrate amended the Order of Noncompliance to allow the respondent until April 4, 2018 to come into compliance or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 per day for every day thereafter.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

ADJOURNMENT

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