



The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall
Commission Chambers
Regular Meeting

301 South Ridgewood Avenue
Tuesday, April 10, 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.

	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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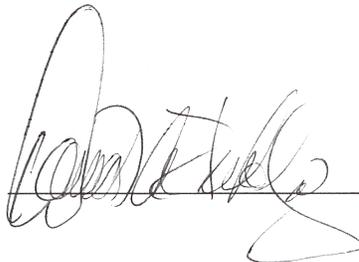
ATTENDEES:

Mr. David A. Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
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, Senior Account Clerk

Approval of Minutes by:
Special Magistrate



Call to Order

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

Approval of March 13, 2018 meeting minutes

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

Announcements

Ms. Barnes stated the following cases are in compliance:

SMG Case No. 02-18-20 - Caroline R. Frazier - Compliance 3/26/18

SMG Case No. 03-18-32 - Christine Ziglar - Compliance 3/26/18

SMG Case No. 01-18-06- Helena W. Montgomery Revocable Trust dated 12/17/09 - Compliance 4/4/18

Ms. Barnes stated Ms. Davis' cases will be handled by another officer since she is not in attendance today.

The Code compliance Officers were sworn in by Ms. Barnes.

LIEN REVIEWS

LR-1

CASE # SMG 02-14-08 - 1325 Ginsberg Dr - Exit Strategy December 12, LLC (New owner is Neighborhood Revitalization Project LLC)

is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.7, 605.1, 305.3, and 704.2); Art. 19 Sec. 1.1 (Ref. FBC 105.1); City Ordinance Ch. 90 Sec. 90-297. Violation(s) - Dilapidated roof; electrical wiring; interior surfaces; no working smoke detectors; working without permits; Failure to obtain Rental License (RTL) First Notified - 12/5/2013. Order Imposing Fine-Lien of \$100.00 per day effective March 6, 2014. Compliance 2/21/2018 = \$15,000.00 maximized, plus \$24.00 recording costs - \$15,024.00. Tax Deed sale proceeds received \$6,437.84. Remainder of lien is \$8,562.16 plus interest - \$366.49 plus administrative fees - \$24.00 = total amount owed \$8,952.65.

Jonathan Reichmann was in attendance and was sworn in. Mr. Reichmann stated he is the Manager of the Neighborhood Revitalization Project.

Mr. Jackson stated there is an amount due the city on an outstanding lien; however, since the current owner is not responsible for the lien, the city is willing to reduce the amount owed to \$500.

DISPOSITION: The Special Magistrate granted the request for lien review and reduced the amount of the fine and lien from \$8,952.56 to \$500, subject to being paid within 30 days.

HEARING OF CASES

Continued Cases:

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.

Kinsey Whaley was in attendance and was sworn in.

Mr. Jackson stated the property remains in non-compliance. Mr. Jackson stated very slow progress has been made on correcting the violations and the case has been ongoing since October 2017.

Mr. Stinson, Code Inspector, stated the rear staircase has been completed and finalized and wood and windows have been replaced but additional replacement windows are needed. Mr. Stinson stated the outside storage needs to be removed. Mr. Stinson stated the exterior doors need attention and he has not seen if any progress has been made on the interior. Mr. Stinson stated he feels the work could be completed by the next cut-off date.

Mr. Whaley stated all of the windows have been replaced except for two. Mr. Whaley stated two of the exterior doors will be replaced and one can be repaired. Mr. Whaley stated flooring and dry wall have been repaired on the interior and ceiling tiles need replaced. Mr. Whaley stated he feels the work could be completed by May 2, 2018.

DISPOSITION: The Special Magistrate granted an Amended Order of Non-compliance until May 2, 2018; and should the repairs not be completed by that date, the respondent will be returned to the Special Magistrate for imposition of a fine of \$100 per day for every day thereafter until the property is in compliance or until a maximum fine of \$15,000 is reached.

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.

Ms. Sitaram was in attendance and was sworn in.

Mr. Jackson stated there is still a dispute about possession of the property.

Ms. Sitaram stated she has retained an attorney and she is waiting for the attorney to file the paperwork since her ex-husband is in contempt of the court order.

Mr. Vukelja stated he does not feel Ms. Sitaram is responsible since her ex-husband has not provided the deed documents and he will take that into consideration when addressing the penalty at a later date. Mr. Vukelja stated her ex-husband will be responsible for the fine and that information should be relayed to her ex-husband's attorney.

DISPOSITION: The Special Magistrate imposed a fine of \$200 per day effective April 5, 2018 and continuing each day thereafter until the property is in compliance or the fine reaches a sum of \$15,000.

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 respondents were not in attendance.

Mr. Jackson stated the property is in non-compliance and the city is requesting a fine be imposed.

Mr. McCoy, Code Inspector, stated he has not heard from the respondent.

DISPOSITION: The Special Magistrate imposed a fine of \$200 per day effective April 5, 2018 and shall continue to accrue each day thereafter until the property is in compliance or the maximum amount of the fine has reached \$20,000.

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: Continued to 4/10/18 meeting to determine a compliance date.

Ann Edwards was in attendance and was sworn in.

Mr. Jackson stated the city requests that the respondents be given until the next cut-off date to achieve compliance.

Ms. Edwards stated she has been working on the house and flooring has been replaced. Ms. Edwards stated the roofing company cannot complete the work until June or July. Ms. Edwards stated she has listed the property with a real estate agent. Ms. Edwards stated the inspector has not visited the property.

DISPOSITION: The Special Magistrate scheduled Case No. SMG 01-18-01 for a progress report at the June 12, 2018 Special Magistrate hearing and the Special Magistrate stated the property is not to be rented, used or occupied prior to the repairs being made.

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.

The respondents were not in attendance.

Mr. Jackson stated the Code Inspector has had no contact from the respondent and staff is requesting imposition of a fine.

DISPOSITION: The Special Magistrate imposed a fine of \$150 per day commencing March 8, 2018, and shall continue to accrue each day thereafter until the property is in compliance or a maximum of \$15,000 has been reached, and the Special Magistrate also imposed a \$250 administrative fee for failure to obtain a Business Tax Receipt.

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.

Compliance 3-26-2018

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.

Compliance 3-26-2018

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: Continued for Compliance or Non-Compliance.

The respondents were not in attendance.

Mr. Jackson stated it is reported that the property is in non-compliance and asked that the case be continued until the next cut-off date.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to come into compliance by May 2, 2018 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 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. (Ref. FBC Supp IPMC 302.8); Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.8.G; 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: Continued for Compliance or Non-Compliance.

Michael Lawhorn was in attendance and was sworn in.

Mr. Jackson stated the Code Inspector feels the property can be brought into compliance by the next cut-off date.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to be in compliance by May 2, 2018 or be returned to the Special Magistrate for consideration of a fine of up to \$1,000 for every day thereafter.

CASE # SMG 01-18-06 -Helena W. Montgomery Revocable Trust dated 12/17/09

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.7, 304.12, 304.14, 305.3, 309.1), at 405 Wisteria Road

Violation(s) -Rental Inspection -damaged roof; damaged walls; handrails; damaged windows.

First Notified -11/17/2017.

Compliance 4/4/18

NEW CASES:

CASE # SMG 04-18-39 -Lynn Stepp

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 301.3, 302.7, 303.1, 303.2, 304.13, 304.13.1, 304.14), at 44 N Halifax Ave

Violation(s) -Vacant land, exterior property -Swimming pool stagnant, pool not secured, windows broken, screens missing.

First Notified -2/12/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondents were not in attendance.

Mr. Jackson stated the Code Inspector reports the property is in non-compliance and the pool is not secured. Mr. Jackson stated staff is asking that the pool be secured within the next 10 days and that authorization be given to the City to take action to ensure the pool is secured.

Mr. Stinson stated he has not had any contact from the owners.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to clean the pool within 10 days and maintain the pool thereafter; and the pool is to be secured within 10 days. He further authorized the City to take corrective action should the items not be brought into compliance; and further gave the respondent until May 2, 2018 to correct the other outstanding violations; and should the respondent not come into compliance on either of

these items, the respondent will be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day for every day thereafter.

CASE # SMG 04-18-40 - Darvesh Plaza Inc

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1 - General, at 631 N Grandview Ave

Violation(s) - No permit for construction of Roof/Deck area

First Notified - 2/9/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondents were not in attendance.

Mr. Jackson stated the property is in non-compliance and the city is requesting that the respondent be given until the next cut-off date to come into compliance.

Mr. Alderman stated Suzanne Jones is working with an architect on this property.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to come into compliance by May 2, 2018 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 04-18-41 - Jos F & Deloris Pouncey

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a, at 1606 S Patrick Circle

Violation(s) - No permits, outside storage and location of parking

First Notified - 12/14/2017.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondents were not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and the city is requesting that the respondent be given until the next cut-off date to come into compliance.

Mr. Jones stated he has had no contact from the respondent. Mr. Jones stated the respondent was denied permits since there is not sufficient setbacks for the structures.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to come into compliance by May 2, 2018 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 04-18-42 - Willie J & Tabbatha Kinchen

is cited for failure to correct violations of the Land Development Code, Art. 3 Sec. 3.4.S.1, at 943 Berkshire Rd

Violation(s) - Failure to obtain permits for installation of trench doors, single porch door, dishwasher added with new electric & plumbing, tub with faucet and drain, shower with pan and faucets, air conditioner.

First Notified -1/17/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondents were not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance.

Mr. Jones stated the original violation was for remodeling without permits; and since that time the property was sold. Mr. Jones stated the owners finalized the permits for the doors and windows but have done nothing regarding the rest of the violations.

DISPOSITION: The Special Magistrate found the property in non-compliance and ordered the respondent to come into compliance by May 2, 2018 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

ADJOURNMENT

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