



# The CITY OF DAYTONA BEACH SPECIAL MAGISTRATE MEETING MINUTES

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Tuesday, May 8, 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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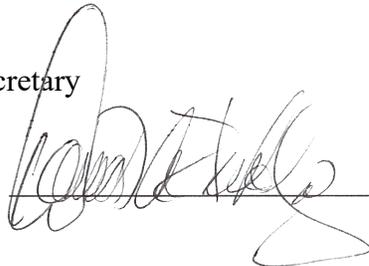
## ATTENDEES:

Mr. David A. Vukelja, Special Magistrate

## STAFF:

Anthony E. Jackson, Assistant City Attorney  
Mr. Denzil Sykes, Code Supervisor  
Mr. John Stenson, Code Inspector  
Mr. Thomas Clig, Code Inspector  
Ms. Glejuanda Davis, Code Inspector  
Mr. Daniel Garcia, Code Inspector  
Mr. Jerome McCoy, Code Inspector  
Mr. Cliff Recanzone, Code Inspector  
Officer Steven Jessmer  
Ms. Aimee Hampton, Senior Paralegal  
Ms. June Barnes, Special Magistrate Secretary

Approval of Minutes by:  
Special Magistrate



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## Call to Order

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

## Approval of April 10, 2018 meeting minutes

Mr. Vukelja stated he has reviewed, approved and executed the minutes of the April 10, 2018 meeting.

## Announcements

Ms. Barnes stated the following case is in compliance:

CASE # SMG 05-18-43 - Nicholas C & Katharine Denissen, 106 Meadowbrook Circle  
Compliance as of 5/7/18

## Lien Reviews

There were no lien reviews.

## HEARING OF CASES

### Continued Cases:

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

at 152 Madison Avenue is in compliance 5/8/18

#### 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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the Inspector would like to amend this Order of Non-Compliance to the next cut-off date.

DISPOSITION: The Special Magistrate amended the Order of Non-Compliance to June 6, 2018 for the respondent to come into compliance or be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day for every day thereafter.

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

at 837 Pinewood St is in compliance 4-27-2018.

#### CASE # SMG 04-18-39- Lynn Stepp

at 44 N Halifax Ave is in compliance 5/2/2018.

#### 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, at 631 N Grandview Ave

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

First Notified - 2/9/2018.

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the respondent is working on obtaining permits and would like this case continued to the next cut-off date.

DISPOSITION: The Special Magistrate amended the Order of Non-Compliance to June 6, 2018 for the respondent to come into compliance or be returned to the Special Magistrate for imposition of a fine of up to \$1,000 per day for every day thereafter.

## CASE # SMG 12-17-96 - Jong Soo Yoon & Lee OK

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7); Art. 6 Sec. 6.19.B, at 309 N. Atlantic Avenue

Violation(s) - Metal roofing sections missing and existing metal rusting.

First Notified -7/25/2017.

ACTION TO BE TAKEN: Impose Fine.

The respondent was in attendance and was sworn in.

Mr. Jackson stated the inspector reports no action has been taken by the respondent and staff is requesting imposition of a fine of \$300 per day to a maximum of \$15,000. Mr. Yoon stated he has settled with his insurance company and has been working to get estimates from roofing companies but all he has contacted have told him they are busy and unable to do the work at this time. Mr. Yoon stated some roofing companies have informed him that they are booked for the next six months. Mr. Yoon stated his attorney that is representing him against the insurance company is Matthew Gold with the MGM law firm.

DISPOSITION: The Special Magistrate continued the case to the June 12, 2018 Hearing and Mr. Yoon is to provide a copy of the contract he has entered into for repairs to the roof at 309 N. Atlantic Avenue at that meeting as well as a timeline of when the repairs will be made; and if that information is not provided, a fine will be imposed.

## 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: Impose Fine.

Mr. Pouncey was in attendance and was sworn in.

Mr. Jackson stated the only change that has been made to the site is to outside storage and the shed has not been permitted. Mr. Jackson stated the city is requesting imposition of a fine of \$100 per day up to \$10,000.

Mark Jones stated a shed was constructed without permits; two large trailers were on site but have been moved; and there is outside storage in the front yard. Mr. Jones stated the shed cannot be permitted since it is too large for the property.

Mr. Pouncey stated he was previously told by the Permitting staff that he could have the shed, but it would have to be moved 7-1/2 feet from the property line and 5 feet from the house.

Mr. Jones stated permit review notes that the setback cannot be met, and lot coverage cannot be met anywhere on the property. Mr. Jones stated the permit application was rejected by the Permit Department.

DISPOSITION: The Special Magistrate continued the case to the June 12, 2018 Special Magistrate hearing in order to allow time for Mr. Pouncey to provide evidence that the shed can be placed on his property legitimately.

## 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: Impose Fine.

Tabbatha Kinchen was in attendance and was sworn in.

Mr. Jackson stated there has been no change since the citation in January and staff is requesting imposition of a fine of \$100 per day up to \$10,000.

Mark Jones stated this case started in July 2017, and the previous owner hired an unlicensed contractor to make the repairs. Mr. Jones stated the previous owner sold the property to Ms. Kinchen in December 2017 without correcting the violations. Mr. Jones stated Ms. Kinchen was notified of the violations and permits were obtained for the doors but the plumbing, mechanical and electrical work have not been permitted. Mr. Jones stated there is no indication that Ms. Kinchen was aware when she purchased the property that the work was done without permits.

Ms. Kinchen stated she does not have contact with the previous owner and believes they live in Canada.

Mr. Vukelja stated it appears Ms. Kinchen did not do anything to cause this situation. Mr. Vukelja asked if an inspection could be done to determine if the work has been accurately done and if an inspection would satisfy Mr. Jones' concerns.

Mr. Jackson stated an inspection would have to be done to ensure that it is safe and adequate work and permits must be obtained.

Mr. Vukelja stated he feels Ms. Kinchen needs to hire a contractor to go through the house to determine that the work that was done was done appropriately and certify that to the city.

DISPOSITION: The Special Magistrate continued the case to the June 12, 2018 Special Magistrate Hearing in order to allow time for Ms. Kinchen to have a contractor certify that the work that has been done was done appropriately.

## NEW CASES:

### CASE # SMG 05-18-43 - Nicholas C & Katharina Denissen

at 106 Meadowbrook Cir is in compliance as of 5/7/18.

### CASE # SMG 05-18-44 - Faron L. Gallon

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 1517 Mississippi Violation(s)-Failure to obtain Rental License (RTL)

First Notified -12/27/2017.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Faron Gallon was in attendance and was sworn in and stated the violation did exist. The Special Magistrate found the respondent in non-compliance.

Mr. Jackson stated there was a failed rental inspection in May 2017, and the respondent indicated at that time that he was selling the property. Mr. Jackson stated it was determined the property

was still rented and another inspection occurred which failed and since that time, a third inspection failed.

Mr. Gallon stated he has made progress on the property and feels an inspection could be completed by June.

DISPOSITION: The Special Magistrate ordered the respondent to come into compliance by June 6, 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 05-18-47 - David L Trimble

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 606 Tanglewood St

Violation(s)-Failure to obtain Rental License (RTL)

First Notified -2/27/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Richard Kicklighter was sworn in and stated he was representing Mr. Trimble who was unable to attend due to medical reasons. Mr. Kicklighter stated he has a power of attorney to handle issues for Mr. Trimble. Mr. Kicklighter stated the house is under contract to be sold and is not rented.

Mr. Vukelja stated the owner's plans for the property are irrelevant and stated the property needs to be brought into compliance.

DISPOSITION: The Special Magistrate ordered the respondent to come into compliance by June 6, 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 05-18-49 - Yvan Beregi

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 217 N Oleander Ave

Violation(s)- Failure to obtain Rental License (RTL)

First Notified - 3/15/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Victoria Beregi was in attendance and was sworn in and stated she is the wife of Yvan Beregi. Ms. Beregi stated the violation exists and the Special Magistrate found the respondent in non-compliance.

Mr. Jackson stated the inspector is asking that an extension be given until the next cut-off date for the property to be brought into compliance.

Ms. Beregi stated she has meetings scheduled for Friday with Mr. Jones and Ms. Baum. Ms. Beregi stated she previously had a rental license, but it has lapsed.

DISPOSITION: The Special Magistrate ordered the respondent to come into compliance by June 6, 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 05-18-50 - Rudean W Davis Trust

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294, at 707 Georgia St

Violation(s) - Failure to obtain Rental License (RTL)

First Notified - 2/15/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Rudean Davis was in attendance and was sworn in. Ms. Davis stated the violation exists and the Special Magistrate found the respondent in non-compliance.

Mr. Jackson stated the inspector is asking that the respondent be given until the next cut-off date for the property to be brought into compliance.

DISPOSITION: The Special Magistrate ordered the respondent to come into compliance by June 6, 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 05-18-51 - Ronald Jack Travis Utter

is cited for failure to correct violations of the Land Development Code, Art. 6 Sec. 6.1 0. E.1.G, at 437 N Clyde Morris Blvd

Violation(s) - Off-site sign advertisement

First Notified - 2/21/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Courtney Kilbourn Esquire stated she was representing Mr. Utter and she believes the last inspection showed that the property is in compliance.

Mr. Jackson stated the inspector indicates the property was in compliance on April 26, 2018 but the truck has been returned to the site with advertisement on a vehicle sitting on the site.

Ms. Kilbourn stated the property was in compliance at the last inspection and asked that the case be dismissed.

DISPOSITION: The Special Magistrate found the respondent in non-compliance but the property was in compliance on April 26, 2018 and for every future violation that should occur the respondent will be returned to the Special Magistrate for consideration of a fine of up to \$5,000 per violation.

## CASE # SMG 05-18-52 - Margaret Ellen Eberwein

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.9.2.A (Ref. FBC IPMC 302.3, 302.4, 302.8, 304.7); Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G, at 348 Jackson Ave Violation(s) - Damaged roof, outside storage, boarded windows, inoperable vehicle and scooters, overgrown shrubs and dilapidated fence.

First Notified - 2/13/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Ms. Eberwein was in attendance and was sworn in. Ms. Elberwein stated the violations do exist and the Special Magistrate found the respondent in non-compliance. Ms. Eberwein stated she has been working to correct the violations.

Mr. Jackson asked that the property be brought into compliance by July 5, 2018. DISPOSITION: The Special Magistrate ordered the respondent to come into compliance by July 5, 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 05-18-53 - Harpreet Kaur Sodhi

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 364 N Nova Rd

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

First Notified -1/25/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and requests that the property be brought into compliance within the next 10 days.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by May 18, 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 05-18-46 - Mairead A Wilt

at 1157 St Augustine Rd is in compliance 4/26/2018.

## CASE # SMG 05-18-45 - Nicholas M Psathas

is cited for failure to correct violations of the City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at 436 Eastwood Ln Violation(s)-Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL)

First Notified-2/21/2018.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Nicholas Psathas was in attendance and was sworn in. Mr. Psathas stated he has always had a business license but was not aware of the inspection requirement. The Special Magistrate found the respondent in non-compliance.

Mr. Jackson asked that the property be found in non-compliance and that the respondent be given until the next cut-off date to come into compliance. Mr. Jackson stated the respondent does have a Business Tax Receipt but does not have a rental license and an inspection has not occurred.

Mr. Psathas stated he would like longer than June 6 to come into compliance. Mr. Psathas stated Unit 1 is occupied but Unit 2 needs repairs and is not occupied. DISPOSITION: The Special Magistrate found the respondent in non-compliance and continued the case to the June 12, 2018 Special Magistrate meeting and in the meantime, 436 Eastwood, Unit 2 is not to be rented or otherwise utilized until such time as it is brought into compliance and the property must be inspected by the Code Compliance Inspector.

## CASE # SMG 05-18-54 -Uzair Shuja

is cited for failure to correct violations of the Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 604.3; 305.1; 305.2; 305.3; 504.1), at 116 Emmett St Unit 2

Violation(s) -Maintenance Code -electrical system hazards; Interior Structure - Interior surfaces

First Notified -12/21/2017.

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was in attendance and was sworn in. Mr. Shuja agreed the violations exist and the Special Magistrate found the respondent in non-compliance.

Mr. Jackson asked that the respondent be given until the next cut-off date to come into compliance and that the unit not be rented until it is in compliance.

Mr. McCoy stated the complaints are tenant driven and fines already exist on the property. Mr. McCoy stated he ordered Mr. Shuja to not rent the property until it was inspected, and a rental license is an issue. Mr. McCoy stated he went to the property yesterday to do the inspection and there is a tenant in the unit, so an inspection was not done since the order had been violated. Mr. McCoy stated the outlets are not attached firmly to the wall which could provide a shock. Mr. McCoy stated water is entering through the ceiling around the light fixtures.

Mr. Shuja stated the work has been completed, and Chuck who is a license inspector for the city inspected the property and passed the inspection, so the unit was rented. Mr. Shuja stated he made an appointment for the inspection yesterday and the inspector refused to come into the property. Mr. Shuja stated every time the inspector comes, he adds items to the list.

Mr. Jackson stated that inspection would not grant compliance for a rental inspection and the inspector referenced by Mr. Shuja is the inspector for HUD, not a city inspector.

DISPOSITION: The Special Magistrate found the respondent in non-compliance and ordered the respondent to come into compliance by June 6, 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

There was no miscellaneous business.

## ADJOURNMENT

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