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CITY OF DAYTONA BEACH

MINUTES

**SPECIAL  
MAGISTRATE**

City Commission Chambers  
301 S. Ridgewood Ave.,  
Daytona Beach, FL 32115

**David A. Vukelja**  
Special Magistrate

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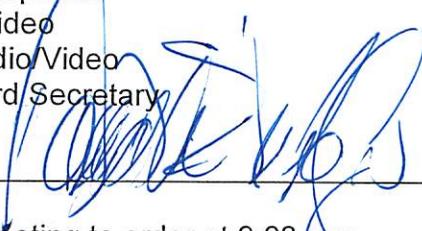
**2024 Bike Week Appeal Meeting  
February 13, 2024**

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Duputy City Attorney  
Mr. Denzil Sykes, Code Compliance Manager  
Mr. Mark A Jones, Code Field Supervisor  
Sgt. Timothy Blowers, Code Liaison  
Mr. Steve Alderman, Code Inspector  
Mr. Roosevelt Butler, Code Inspector  
Mr. Mark Bostwick, Code Inspector  
Mr. Tom Clig, Code Inspector  
Mr. Daniel Garcia, Code Inspector  
Mr. Clearvens Jean-Baptiste Code Inspector  
Ms. Sara Kirk, Code Inspector  
Mr. Clifford Recanzone  
Mr. John Stenson, Code Inspector  
Mr. Kevin Yates, Code Inspector  
Mr. Joe Graves, Audio/Video  
Mr. Xavier Campbell, audio/Video  
Ms. Kimberly Reno, Board Secretary

Approval of Minutes by:  \_\_\_\_\_ Special Magistrate

**Mr. Vukelja** called the meeting to order at 9:08 a.m.

**Mr. Vukelja** approved and signed the minutes of the regular January 9, 2024 meeting.

**Mr. Vukelja** asked if there were any announcements.

**Mr. Jackson** advised we have two agendas so we can just make reference to each one specific we have the Bike Week Master Plan Appeals which is one and the other would be the standard special magistrate code agenda.

**Mrs. Reno** advised she has some announcements for the regular special magistrate agenda.

Page #4 Case number 11.

**CASE # 11 - SMG 02-24-49 - Timmie L & Dephrin J Jackson** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Rose Ave (Parcel # 5338-66-00-0130). Violation(s) – Tree debris on vacant lot. First Notified – 1/3/2024.

**In Compliance February 12, 2024.**

Page #9. Case number 29.

Let me skip that one for now. That's it. I'll do the other two as they come in order.

**Mr. Vukelja** will those representatives from the City of Daytona Beach who will be testifying at this morning's proceedings. Please stand and be sworn.

**Mrs. Reno** Do you swear or affirm the testimony you're about to provide is the truth, the whole truth, nothing but the truth? **Staff** Yes.

Thank you

**Mr. Vukelja**, the first order of Business Today is going to be. Regarding the Bike Week master plan. First case Brook Cleaners, 133 Main Street. Is there anyone here for the respondent? Yes Sir. If you would, please state your name would be sworn.

**Mrs. Reno** State your name. **Mr. Shivani** was sworn in.

**Mr. Vukelja**, OK, just so we can move this along. It would appear as though your request to participate during the 2024 Master Plan activities was denied for lack of a business tax receipt it expired, Missing proof of ownership documents and missing parking layout. It's my understanding that those documents have now been provided. Is that right, councilor? **Mr. Jackson** That's correct. He would satisfy the criteria, the circumstances that one sees not recommended through the master plan and accepted at the Commission, then he would need to come before the magistrate to appeal and that's what he's doing, and in the interim, he's taking care of deficiencies and so we acknowledge that. I'll bring this before you just with the understanding and recommendation still criteria alone which is the consideration of the special magistrate's review, and the criteria is that now it's in section 5.4.C.11 of the Land Development Code and it says on that subsection. Where the applicant is an individual, a waiver may only be granted for just cause based on the following considerations. Where the applicant is an individual, you look at the fault of the applicant in creating the condition that led to the order. Or the denial where the applicant is a corporation. Basically, do the same thing or limited liability or o similar business firm you look at, the firm's principles, fault in creating the condition, then you look at the gravity, Of the violation. And lastly, any prior opportunity that the applicant had to remedy the condition. And if you elect, you could set conditions for the approval if you feel that's necessary.

When I say if you feel that's necessary with specifically what it says is with additional requirements determined to be helpful or necessary in maintaining health, safety, and welfare.

**Mr. Vukelja**, when did you acquire Blood Cleaners? **Mr. Shivani** So, it's owned by my cousin and it's more than 15 years. **Mr. Vukelja** so, you're familiar with Bike Week on Main Street? **Mr. Shivani** Yes Sir.

**Mr. Vukelja** So why was the application? **Mr. Shivani**, it was just a misunderstanding like we do this every biketober fest and Bike Week. So, I do the application all year like every two like twice in the year, but this time it was different. So, we misunderstood, and

we failed to submit the documents but later when we came to know. That we have to submit the bike, plan, the layout, everything. So, I worked with the official and then I submitted everything. **Mr. Vukelja** What sort of hardship would it present to Brook Cleaner should this application be denied? **Mr. Shivani** Like it's a great event. We can, like we just do the parking for the old cars and the bike who want to attend the meeting. We don't do any business or anything, we just do the parking. **Mr. Vukelja** you don't do any retail business there Brook Cleaners. **Mr. Shivani**, I mean during the Bike week. Right outside. This is parking, the car, and the bikes. **Mr. Vukelja**, The bikes, and the retail outside business, right? OK. So, I assume those are important to your business. It's alright. And I assume that if you were deprived of that income, given your technical violation of the application process, that would pose hardship, **Mr. Shivani**, yes? **Mr. Vukelja** I'll go ahead and grant triplication. Anything else that's required? If anyone else wants to be heard, please speak up. Good morning, **Rose Askew**. Bike Week Manager, manage the Bike Week process. Part of the reason we had people that had to do appeals, we recently, the City Commission directed staff to add some additional criteria for things that are needed for us to be able to adequately review it and approve it. And I think some of the participants were just a little bit confused about it and so what we did was we gave an extension all the way up till January 5th for everyone to turn their thing. So, the deadline ended in November of last year. We extended it all the way up to January 5th when we had our public meeting. And at that public meeting we even stayed there until 11 to allow people to turn in their documents we had, we had like 32 applicants, and these are the only four. And I do understand Mr. Patel's issue. He has been turning in the same kind of layout for 15 years and now we've changed it, and he was just a little bit confused about why he was not able to continue to turn in. So, I have worked with all four of the applicants to make sure that in the future coming forward. They will all know what is required for them to be able to get their application approved and not have to come to the magistrate. Thank you. **Mr. Vukelja** I, sit here day in and day out and listen to all kinds of people coming before me, trashing the city of Daytona Beach, by all means you and your other three compatriots that I'll be hearing from in a minute, should take every opportunity you can to let everybody passing through your doors know how gracious the city of Daytona Beach can be to it's citizen especially when it comes to trying to assist them in continuing and enhancing their business opportunities. **Mr. Shivani**, thank you **Mr. Vukelja**, your applications granted good luck to you.

**Case number two**, made in the shade, 34 N Halifax Ave. Anyone here for the Anyone here for the applicant? **Mr. Jackson**, what she explained to me is that she made sure that she told left the applicant that they had to be here, and she does not know why this applicant isn't here. Without the applicant not present, she will acknowledge the same. Information that's been presented to you, which is that they have reached, they have completed their deficiencies. However, we'll leave it to your consideration, discretion on what to do going forward, we're not in a position to make a recommendation in their absence, and we were not making a recommendation anyway other than to inform the magistrate as to the issues regarding this appeal. I would ask you to ask if there's any other issues if you could come forward. **Ms. Askew**, as I said before, all four applicants have met the criteria from the Bike Week Master Plan and the Land Development Code criteria. They were all notified that they needed to be here today to represent themselves, to speak on why their documentation was late. I was not aware that any of the applicants would not be here today. **Mr. Vukelja**, so let me make sure I can put this in perspective. This Fellows application was denied because he failed to comply with the formalities. **Ms. Askew**, that's correct. **Mr. Vukelja**, and then you indicated to him we would be inclined to accept or where he does show up here. **Ms. Askew**, that is correct, **Mr. Vukelja**, he has now failed to attend. **Ms. Askew**, yes. Correct, In the documents that you all have, it shows where we

sent them the notification that the magistrate meeting was today on the 13th, and they needed to be here. **Mr. Vukelja**, OK denied, And Ms. Askew, you understand everything you've done, and I appreciate your efforts. You're welcome to stay and be called back up here if Tony feels the need or I think I already understand what you have to say. Whichever you prefer.

Case number 3, Cressman 344, Doctor Mary McLeod, Bethune Blvd **Warren Traeger, Ruth Traeger, Mr. Vukelja**, Good morning, Good to see you. **Ms. Reno** swore in the respondents. **Mr. Vukelja**, I know I don't have to impress upon you how gracious the City of Daytona Beach can be to its business persons. So that having been said, OK, apparently you failed to. Do a few things. It's my understanding corrective actions been taken. And that having been said, just so I can do my job, would you please articulate for me what the hardship would be you would be subjected to, where I'd to do something other than approve your appeal? **Warren Traeger** Definitely be a hardship. **Mr. Vukelja** You can articulate a little more than that can't you? **Mr. Traeger** Yeah. The revenue would be way down from what we would. Well, we've been doing this for 30 years, never had a problem before. And all of a sudden, they met with something new. Yeah, you got the permit. We never had to have the county permit before. OK. And if you want to hear the long version of it, **Mr. Vukelja** no long version, I'm really curious about is what do you do out there on Mary McLeod, Bethune Blvd. During Bike Week? **Mr. Traeger** RV parking. **Mr. Vukelja**, OK, and I assume that's an income source for you. Very good. All right. I'll go ahead and approve the appeal. Thank you and good luck to you. **Mr. Traeger** Thank you.

Case number 4, 12 N Halifax. Anyone here with regard to 12 N. Halifax? OK, is there anything I need to know about 12 N Halifax that I don't know about already other than their absence? Denied. I mean to be unfair here, I just anticipate these people calling. Bothering you? Do we have any idea whether or not here? **Ms. Askew**, no, Sir, I do not. And I spoke with him last week to make sure everyone was aware they needed to be here today. I don't know why they're not here.

**Mr. Vukelja**, Can I defer to this? Ask you the authority to allow these people to participate in the event they surface, which I expect they will, because she will be infinitely more qualified to make that determination than I would, and they might present to her some extenuating circumstances that might explain why they're not here right now. I'm just asking if I would even be permitted to do that. And I'm really not trying to rewrite ordinances here. If I can't, I can't, **Ms. Askew**, if you defer, it would be to the city manager to make the final decision. **Mr. Vukelja**, OK. Alright then, I'll tell you what I'll do. I'm going to deny their appeals, and I don't mean to sound too lawyerly here, but I think everyone will understand what I'm talking about without prejudice to then taking the matter up with the city manager should he choose to reconsider my denial. Is that fair enough?

**Mr. Jackson**, I'm thinking, Mr. Vukelja, that perhaps we may want do it by making it a conditional approval, upon the acceptance of the city manager, it only because you have the authority granted in the master plan to grant with conditions. **Mr. Vukelja**, OK, so what do you want me to say? I'll approve the appeal, subject to the city manager's approval. **Mr. Jackson**, If, all other information, had they been president, said the right things would likely lead to an approval then saying that they have at least remedy the deficiencies. **Mr. Vukelja**, am I going to aggravate some sitting manager because I'm delegating back authority I'm supposed to be administering right here. **Mr. Jackson**, no, I'm a little uncomfortable **Mr. Vukelja**, not trying to pass the buck, I'm trying to accommodate some businessmen and I'm hoping they've got some serious extenuating circumstances for not being here because if I were denied an opportunity to participate for failing to comply with the rules and regulations. Then I failed to show up at the

hearing for my appeal. **Mr. Jackson**, I think what you said initially would pass, on appeal, so I'm okay with that as your ruling, if that's how you let to say it, it's fine. **Mr. Vukelja**, and then the other thing is, I am not going anywhere. You can pick up the phone, call me if these people surface and want to be heard. So, tell me how you want to handle it. I'm just trying to avoid. I'm just trying to lighten everyone's load here. Mr. Jackson, Initial announcement of denial **Mr. Vukelja**, deny it without prejudice to the city manager's reconsideration. **Mr. Jackson**, I'm good with that. **Mr. Vukelja**, that's what I'll do in both of those instances. Very good. Thank you,

Mr. Vukelja called the first case on the agenda of the regular meeting of the Special Magistrate.