

CITY OF DAYTONA BEACH

MINUTES

SPECIAL MAGISTRATE HEARING

June 14, 2011 at 9:00 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida

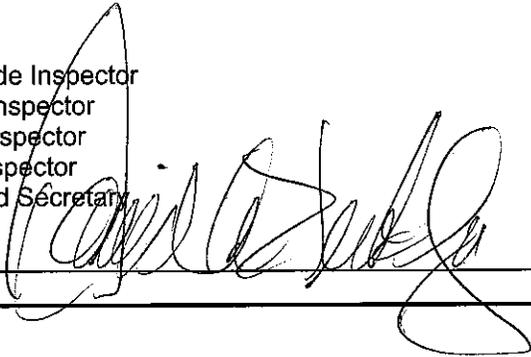
ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Sgt. Tracy Miller
Officer Sherri Siracusa
Mr. Michael Fitzgerald, Code Inspector
Ms. Vicki Lankford, Code Inspector
Mr. John Stenson, Code Inspector
Mr. Denzil Sykes, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by: _____

 Special Magistrate

Mr. Vukelja called the Hearing to order at 9:00 a.m.

Mr. Vukelja approved the May 10, 2011 Regular Meeting Minutes.

Lien Review 1

SMG 03-11-34 – 873 Madison Avenue – Anna Pacheco, Sara Pacheco and Rafael Pacheco: Order Imposing Fine/Lien of \$75.00 per day imposed 4/6/2011. Compliance date May 23, 2011 = 47 days @ \$75.00 p/day = \$3,525.00.

Ms. Anna Pacheco and Ms. Sara Pacheco came forward and were sworn. Ms. Sara Pacheco stated they did what they could from out of state to be able to clean up the property and the violations were the result of someone putting trash on their property.

Mr. Stenson stated the owners did bring the property into compliance and recommended a reduction to \$1,000.00.

Ruling

Mr. Vukelja reduced the lien to the sum of \$500.00 payable within thirty (30) days or the lien reverts back to the original amount and will continue to accrue interest.

CASE NO 1 SMG 02-11-05 – Ledoro Properties, Inc. is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7, 304.13, 605.1, 504.3, 304.6, 305.3, 304.2) and Ch. 90-297 Code of Ordinances, at **143 Harney Street** - Violation(s) – Parking in yard; outside storage; dilapidated fencing; broken windows and doors; electrical installation; plumbing hazard; exterior surfaces; interior surfaces; peeling paint; no rental license - First Notified – 11/4/2010.

Ms. Dorothy Woods and Mr. Kevin Williams came forward and were sworn. Ms. Woods stated Mr. Williams was going to be helping her fix up the property. Ms. Woods further stated the electrician has pulled the permit and she would have a licensed plumber pull permits as well. Ms. Woods believed she could have the property fixed by September 2011.

Mr. Stenson stated the property was in non-compliance and was agreeable to allowing 60 days to come into compliance as long as the property remained vacant and secured.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until September 7, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved and further ordered the property remain secured and not be rented, occupied or otherwise utilized until compliance is achieved.

CASE NO 2 SMG 02-11-17 – George Joseph Nighland Revocable Living Trust dtd 12/22/04 is cited for failure to correct violations of City Ordinance 90-297, at **1200 Imperial Drive** - Violation(s) – No occupational license - First Notified – 10/25/2010.

Respondent was in compliance May 31, 2011.

CASE NO 3 SMG 03-11-25 – Lisa A. Imperto is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3 & Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.14, 304.2 & 302.7), at **158 Arlington Avenue # 1** - Violation(s) – Outside storage, screens, peeling paint and fencing - First Notified – 1/24/2011.

Respondent was in compliance May 27, 2011.

CASE NO 4 SMG 03-11-30 – Jewell Lovett Testamentary Trust dtd. 8-30-04 is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1. (ref. FBC Supp IPMC 304.7, 304.13, 304.2 & 105.1), at **441 Jefferson Street** - Violation(s) – Outside storage; roof and drainage; windows/doors; exterior surfaces; working without permits; unsecured property - First Notified – 8/2/2010.

Lafrieda Small came forward and was sworn. Ms. Small stated she was the Trustee of the Trust and they have applied for a permit to demolish the house.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and the Respondents indicated they were going to be demolishing the structure.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until July 6, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

CASE NO 5 SMG 03-11-32 – Ali Darren Jafroodi is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC 105.1), at **149 Madison Avenue** - Violation(s) – No permit - First Notified – 1/12/2011.

Respondent was in compliance May 25, 2011.

CASE NO 6 SMG 05-11-53 – Adonis Sylvester & Evelyn R. Lockley and Ronald L. Helgemo are cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.7), at **837 Kingston Avenue** - Violation(s) – Roof and drainage - First Notified – 2/17/2011.

Mr. Ronald Helgemo came forward and was sworn. Mr. Helgemo stated he just purchased the property on May 26, 2011 and had hired a contractor to make the repairs.

Mr. Stenson testified on behalf of the City and recommended Mr. Helgemo be added as a Respondent and further stated the property was in non-compliance and recommended 60 days for compliance.

Ruling

Mr. Vukelja added Mr. Helgemo as a Respondent to the case style and further amended the previous order of non-compliance to allow the Respondent until August 3, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000.00 per day until compliance is achieved.

CASE NO 7 SMG 06-11-55 – Roark Yankee, LLC c/o Rugby Realty, Inc is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC 105.1 Supp IPMC 304.7, 305.4, 605.1, 504.1, 304.2), at **622 N. Beach Street # 1** - Violation(s) – Roof and drainage, interior surfaces, electrical wiring, plumbing system hazard, exterior surfaces, working without permits - First Notified – 4/1/2011.

Respondent was in compliance May 27, 2011.

CASE NO 8 SMG 06-11-56 – James W. Corwin is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC 105.1), at **1129 Hillcrest Drive** - Violation(s) – Renovations without permits - First Notified – 4/19/2011.

Mr. Brent Pryor and Mr. James Corwin came forward and were sworn. Mr. Corwin agreed the violations existed and was not aware the original contractor did not pull permits for the renovations. Mr. Corwin further stated he was trying to sell the property.

Mr. Stenson testified on behalf of the City and stated the back exterior needed to be secured and the property needed to be registered on the trespass arrest site.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent secure the back, maintain the exterior of the property and further add the property to the trespass arrest site program. Mr. Vukelja further ordered a progress report for September 13, 2011.

CASE NO 9 SMG 06-11-57 – Sunny S. Hahlen is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.13), at **132 Taylor Avenue** - Violation(s) – Broken Windows - First Notified – 4/2/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated he has been in contact with the Respondent who did repair the window; he just needed to confirm it was done with the correct material. Mr. Stenson recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 10 SMG 06-11-58 – Eye Sea Holmes, LLC is cited for failure to correct violations of City Ordinance 90-297, at **1112 North Street** - Violation(s) – No Occupational/Rental License - First Notified – 2/23/2011.

Respondent was in compliance June 13, 2011.

CASE NO 11 SMG 06-11-59 – Gayl Lucinda Smith is cited for failure to correct violations of City Ordinance 90-297, at **1623 N. Patrick Circle** - Violation(s) – No Occupational/Rental License - First Notified – 3/7/2011.

Respondent was in compliance June 13, 2011.

CASE NO 12 SMG 06-11-60 – Christopher T. Newley is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 4.3 (c), at **145 Perfect Drive** - Violation(s) – Dorm Living - more than two unrelated individuals residing in one residence - First Notified – 2/28/2011.

Respondent was in compliance May 31, 2011.

CASE NO 13 SMG 06-11-61 – Betty Williams is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.8), at **551 Sandra Avenue** - Violation(s) – Junk vehicle on site - First Notified – 3/17/2011.

Gloria Shaheed came forward and was sworn. Ms. Shaheed stated the vehicle was removed and that others were putting the vehicles on the property.

Ms. Lankford testified on behalf of the City.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 6, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 14 SMG 06-11-62 – Rhonda L. Miller is cited for failure to correct violations of the Land Development Code, Art. 1 Sec. 4.3 (c) and City Ordinance 90-297, at **138 Sedona Circle** - Violation(s) – Dorm living; no occupational license for rental - First Notified – 1/18/2011.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated she has not been contacted by the Respondent and advised the property was in non-compliance and recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 6, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 15 SMG 06-11-63 – Yang Yang is cited for failure to correct violations of City Ordinance 90-297, at **1326 Vine Street** - Violation(s) – No valid occupational license for rental - First Notified – 3/9/2011.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated she has not been contacted by the Respondent and advised there was no application for the license submitted as of yet.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 6, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

CASE NO 16 SMG 06-11-70 – Sharon Morse & Billy Dunlap is cited for failure to correct violations of City Ordinance 90-297, at **41 N. Peninsula Drive** - Violation(s) – No Occupational/Rental License - First Notified – 8/3/2010.

Ms. Sharon Morse came forward and was sworn. Ms. Morse advised she had applied for the license and that she was unaware she needed a license to rent the property.

Mr. Fitzgerald testified on behalf of the City and stated the Respondent has applied for the license but they needed an inspection which was scheduled for the 30th.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 6, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

Miscellaneous Business

SMG 12-10-151 – 220 N. Halifax Avenue – Elliot Meadows: Order Imposing Fine/Lien of \$200.00 per day with a maximum of \$20,000.00 imposed 5/4/2011.

Ms. Hampton advised there was a memo submitted by Mr. Criswell regarding the circumstances surrounding staff's request for release of the lien.

Mr. Fitzgerald testified on behalf of staff.

Ruling

Mr. Vukelja ordered the fine be vacated based on the recommendation of City Staff.

ADJOURNMENT

The meeting was adjourned at 9:55 a.m.