

CITY OF DAYTONA BEACH

MINUTES

SPECIAL MAGISTRATE HEARING

July 12, 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
Ms. Barbara Collins, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Ms. Vicki Lankford, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of Minutes by: _____

Special Magistrate

Mr. Vukelja called the Hearing to order at 9:07 a.m.

Mr. Vukelja approved the June 14, 2011 Regular Meeting Minutes.

Ms. Hampton swore in members of staff.

CASE NO 1 CEB 08-10-144 – Mildred Fliehr, Inc. is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.4 (a)(b)(c)(d); Art 18 Sec. 4.4 (a)(b)(c)(d)(e)(g)(h)(i)(j); Art. 19 Sec. 1.1 (ref. FBC 105.1), at **612 E. International Speedway Blvd.** - Violation(s) – Maintenance Code: peeling paint; mildew; graffiti, or dirt, rotten wood; No permit - First Notified – 5/24/2010.

Respondent was not present.

Mr. Fitzgerald testified on behalf of the City and stated the property was still in non-compliance but they were making good progress and needed additional time for compliance. Mr. Fitzgerald further advised the Respondent had pulled the necessary permits.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondents until September 7, 2011 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 2 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.

Respondent was not present.

Mr. Stenson testified on behalf of the City and advised that the City utility department was backed up and the demolition should happen in approximately two weeks. Mr. Stenson recommended amending the compliance date until the next cut-off.

Ruling

Mr. Vukelja 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 per day until compliance is achieved.

CASE NO 3 SMG 05-11-54 – Philip Woodham is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.2, 304.6, 304.10, 304.13 and 304.14), at **614 Tanglewood Street** - Violation(s) – Peeling paint; exterior walls; roof; stairs; windows; exterior doors; and screens - First Notified – 1/19/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended imposing a fine of \$75.00 per day with a maximum of \$20,000.00.

Ruling

Mr. Vukelja imposed a fine of \$75.00 per day against the Respondent effective July 6, 2011 to continue until compliance is achieved or reached the maximum amount of \$20,000.00.

CASE NO 4 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 in compliance June 20, 2011.

CASE NO 5 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.

Respondent was in compliance June 14, 2011.

CASE NO 6 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 in compliance June 30, 2011.

CASE NO 7 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 in compliance July 5, 2011

CASE NO 8 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.

Respondent was in compliance July 11, 2011.

CASE NO 9 SMG 07-11-72 – Runett & Jessie D. Fields is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8); City Ordinance 90-297, at **916 Madison Avenue** - Violation(s) – Parking in yard; junk vehicles; no rental license - First Notified – 5/5/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondents in non-compliance and ordered the Respondents come into compliance by August 3, 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 07-11-73 – Ramon A. & Cassandra F. Culver is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7, 304.13 and 304.6), at **345 Taylor Avenue** - Violation(s) – Dilapidated fencing; broken windows; exterior surfaces - First Notified – 3/14/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the property was in non-compliance and further advised there has been no contact from the owners and recommended the next cut-off date for compliance.

Ruling

Mr. Vukelja found the Respondents in non-compliance and ordered the Respondents come into compliance by August 3, 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 11 SMG 07-11-74 – John F. & Jennifer S. Cheney is cited for failure to correct violations of Ch. 90-297 City Ordinance, at **412 Hillside Avenue** - Violation(s) – Failure to obtain an occupational license for the rental property - First Notified – 4/2/2011.

Respondent was not present.

Ms. Collins testified on behalf of the City and withdrew the case.

CASE NO 12 SMG 07-11-75 – William Helfrich Bittorf is cited for failure to correct violations of the Land Development Code, Art. 1.5.3, at **400 E. International Speedway Blvd.** - Violation(s) – Failure to remove the games of skill and all signage advertising the sweepstakes games - First Notified – 2/26/2011.

Respondent was not present.

Ms. Collins testified on behalf of the City and stated the case was continued until July 27, 2011.

Ruling

Mr. Vukelja ordered the case be continued until July 27, 2011.

CASE NO 13 SMG 07-11-76 – Aron Jenkins & Brenda Guyton, JTRS is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 303.1), at **317 Georgetowne Blvd.** - Violation(s) – Failure to maintain the swimming pool in a clean and sanitary condition and in good repair - Repeat Violation - First Notified – Will Fine Order entered 8/14/2008.

Respondent was not present.

Ms. Collins testified on behalf of the City and stated the Respondents were repeat violators with a dirty pool. Ms. Collins stated she believed the property was in foreclosure and she had made contact with the Bank's attorney regarding the dirty pool. Ms. Collins stated there have been three other cases for repeat violations.

Ruling

Mr. Vukelja imposed a fine of \$2,500.00 for the repeat violation effective July 12, 2011.

CASE NO 14 SMG 07-11-77 – Pamela J. Strange & Leonard Kucharzyk, JTRS is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.4; 5.4(b); 5.4(d); 5.5; 5.5(a); 5.5(b); 5.6; 5.6(b); Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 605.1), at **151 S. Atlantic Avenue** - Violation(s) – Damaged, deteriorated and peeling paint; walls with dirt and grime or mildew; damaged window frames; damaged electrical equipment (fixture) - First Notified – 4/21/2011.

Respondent was in compliance June 29, 2011.

CASE NO 15 SMG 07-11-78 – Redus Florida Commercial, LLC is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.4; 5.4(a); 5.4(b); 5.4(d); 5.7; 5.7(d); Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 605.1), at **175 S. Atlantic Avenue** - Violation(s) – Deteriorated or damaged structural and decorative elements; graffiti, dirt or debris on outside walls; merchandise displayed in windows that blocks the view into the interior of the store; damaged electrical fixtures, wiring and or appliances - First Notified – 4/29/2011.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated 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 August 3, 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 16 SMG 07-11-79 – Denise M. Koprowski is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 3.6; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 304.4 and 304.6), at **27 S. Wild Olive Avenue** - Violation(s) – Presence of mold, mildew, rust on fence; unpainted (not weather proofed) exterior wooden surfaces - First Notified – 4/29/2011.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated the Respondent was in non-compliance but has been in contact with her and was making good progress. Ms. Lankford stated the Respondent advised they were waiting on the wood to dry out before painting.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by August 3, 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 17 SMG 07-11-80 – Walter W. White, III; Robert H. White and Frederic C. White is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.2, 304.7 and 304.14); City Ordinance 90-297, at **37 S. Wild Olive Avenue** - Violation(s) – Presence of mold, mildew and peeling paint; deteriorated and rotted exterior wood; damaged, rusted, deteriorated gutters and downspouts, no current occupational license - First Notified – 4/27/2011.

Respondent was not present.

Ms. Lankford testified on behalf of the City and stated the property was in non-compliance and there has been no contact or change at the property. Ms. Lankford 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 August 3, 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 18 SMG 07-11-81 – Dorothy & Mark Fennawald, JTRS is cited for failure to correct violations of City Ordinance 90-297, at **105 S. Wild Olive Avenue** - Violation(s) – No occupational license - First Notified – 4/27/2011.

Respondent was in compliance June 27, 2011.

ADJOURNMENT

The meeting was adjourned at 9:30 a.m.