

**CITY OF DAYTONA BEACH**

**MINUTES**

**SPECIAL  
MAGISTRATE  
HEARING**

**August 16, 2011 at 9:00 AM  
City Commission Chambers  
301 South Ridgewood Avenue,  
Daytona Beach, Florida**

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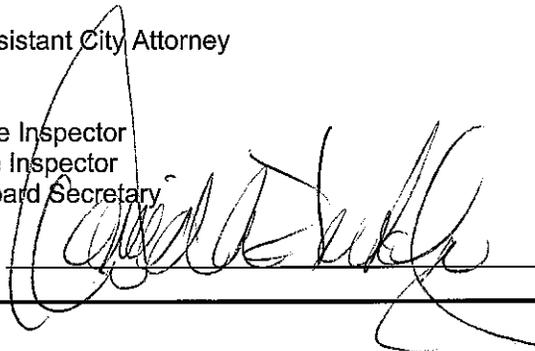
**ATTENDEES:**

Mr. David Vukelja, Special Magistrate

**STAFF:**

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

Approval of Minutes by:



Special Magistrate

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

Mr. Vukelja approved the July 12, 2011 Regular Meeting Minutes.

Ms. Hampton swore in members of staff.

**CASE NO 1 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 in compliance August 5, 2011.

**CASE NO 2 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 with the violations and no occupational license application had been submitted. Mr. Stenson recommended imposing a fine of \$25.00 per day with a maximum of \$15,000 plus a one-time administrative fine of \$250.00 for no rental license.

**Ruling**

Mr. Vukelja imposed a fine of \$25.00 per day against the Respondents effective August 3, 2011 to continue each day until compliance is achieved or reached the maximum amount of \$15,000.00 plus a one-time administrative fine of \$250.00 for failing to obtain an occupational license for the rental property.

**CASE NO 3 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 with the cited violations and was also unsecured and had a structure fire that occurred on July 4, 2011. Mr. Stenson recommended imposing a fine of \$100.00 per day with a maximum amount of \$10,000.

**Ruling**

Mr. Vukelja imposed a fine of \$100.00 per day against the Respondents effective August 3, 2011 to continue each day until compliance is achieved or reached the maximum amount of \$10,000.00.

**CASE NO 4 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 advised the property was in non-compliance but they were making progress and recommending amending the compliance date until the next cut-off for September.

**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 per day until compliance is achieved.

**CASE NO 5 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 advised she was called out of town and was unable to inspect the property prior to the meeting date and therefore she recommend amending the compliance date until the next cut-off for September.

**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 per day until compliance is achieved.

**CASE NO 6 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 advised she was called out of town and was unable to inspect the property prior to the meeting date and therefore she recommended amending the compliance date until the next cut-off for September.

**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 per day until compliance is achieved.

**CASE NO 7 SMG 08-11-82 – Mildred Fliehr, Inc. (Vandall of Daytona, Inc.- Replaced as Respondent)** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.13 & 5.13(b); Art. 18 Sec. 5.4 & 5.4(a)(b)(d); Art. 18 Sec. 5.5 & 5.5(a); Art. 18 Sec. 5.6 & 5.6(b), at **614 E. International Speedway Blvd.** - Violation(s) – Peeling paint; mold and mildew on exterior of building; damaged/deteriorated exterior walls; damaged, broken paving in parking area; overgrowth weeds; trash and debris on site; deteriorated fencing; damaged window; rust on exterior of building - First Notified – 5/26/2011.

Attorney Larry Stout appeared on behalf of Mildred Fliehr, Inc. Mr. Stout advised Mildred Fliehr, Inc. sold the parcel to Vandall of Daytona, Inc. but as the mortgage holder they did have an interest of ensuring the property is brought into compliance.

Ms. Lankford testified on behalf of the City and advised that Vandall of Daytona, Inc. now owned two buildings that were next door to each other and they were working on repairing both buildings so they would need time to come into compliance.

Mr. Randall Phillips came forward and was sworn. Mr. Phillips advised he was CEO of Vandall of Daytona, Inc. and further stipulated to the violations. Mr. Phillips advised they were working on bringing both buildings into compliance and could have this property in compliance by October.

**Ruling**

Mr. Vukelja ordered that Vandall of Daytona, Inc. be substituted for Mildred Fliehr, Inc. as the Respondent in this case and further found the Respondent in non-compliance and ordered the Respondent come into compliance by October 5, 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 8 SMG 08-11-83 – Kenneth M. & Margaret B. Paz** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 304.1, 304.14, 304.13.1 & 304.2), at **120 S. Oleander Avenue** - Violation(s) – Damaged window trim; missing glass in window; peeling paint - First Notified – 5/12/2011.

Respondent was in compliance August 3, 2011.

**CASE NO 9 SMG 08-11-84 – Gioularam Hahn & Albert Musaev** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3.3 & 7.4.2, at **130 S. Oleander Avenue** - Violation(s) – Untrimmed bushes, hedges, lawn, mold/mildew, dirt and grime on front retaining wall and stairs - First Notified – 5/24/2011.

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 for compliance.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by September 7, 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 08-11-85 – Ocean Oaks Group** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.10, at **Hewen Place (Parcel # 5308-05-00-0042)** - Violation(s) – **Defective, rusted carport/auxiliary structure** - First Notified – 5/26/2011.

Respondent was in compliance August 3, 2011.

**CASE NO 11 SMG 08-11-86 – Osyp Madeja** 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 304.2), at **130 S. Peninsula Drive** - Violation(s) – Outside storage of junk and debris; protective treatment - First Notified – 5/17/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and advised the property is 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 September 7, 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 12 SMG 08-11-87 – Aaron R. Mitchell** is cited for failure to correct violations of City Ordinance 90-297, at **133 Pierce Avenue** - Violation(s) – No rental license - First Notified – 5/17/2011.

Ms. Florence Burgess came forward and was sworn. Ms. Burgess stated she was a friend of Mr. Mitchell's who was out of town and requested a continuance of the case.

Mr. Stenson testified on behalf of the City and stated the violations consisted of failing to obtain a rental occupational license.

Mr. Vukelja advised he was inclined not to grant the continuance since the only violation was failing to obtain a rental license. Mr. Vukelja further advised Ms. Burgess to relay to Mr. Mitchell to go apply for the license.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by September 7, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 13 SMG 08-11-88 – Sophia Gregory** 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 304.13, 304.15, 304.7, 304.6), at **501 Pine Street** - Violation(s) – Outside storage; windows; doors; roof; exterior surfaces; property unsecured - First Notified – 3/28/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and advised the property is in non-compliance and recommended the next cut-off date for compliance. Mr. Stenson further advised he has not received any contact from the property owner.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by September 7, 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 08-11-89 – Aaron Mitchell** is cited for failure to correct violations of City Ordinance 90-297, at **455 Pleasant Street** - Violation(s) – No rental license - First Notified – 12/1/2010; 6/24/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and stated the violations consisted of failing to obtain a rental occupational license.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by September 7, 2011 or be returned to a subsequent meeting for consideration of a one-time administrative fine of \$250.00.

**CASE NO 15 SMG 08-11-90 – Melissa Beth Turkish** is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 4; Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.7 and 304.10), at **410 5th Avenue** - Violation(s) – Appearance standards (landscaping); fencing; porch - First Notified – 6/1/2011.

Respondent Melissa Turkish came forward and was sworn. Ms. Turkish advised she was making good progress and just needed a little more time to be completed.

Mr. Stenson testified on behalf of the City and advised the property was still in non-compliance but good progress was being made.

**Ruling**

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by October 5, 2011 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

There was no miscellaneous business.

**ADJOURNMENT**

The meeting was adjourned at 9:45 a.m.