

CITY OF DAYTONA BEACH MINUTES

**SPECIAL
MAGISTRATE
HEARING**

**December 9, 2014 at 9:30 AM
City Commission Chambers
301 South Ridgewood Avenue,
Daytona Beach, Florida**

ATTENDEES:

Mr. David Vukelja, Special Magistrate

STAFF:

Anthony E. Jackson, Assistant City Attorney
Mr. Hector Garcia, Code Compliance Supervisor
Officer Sherri Siracusa
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Denzil Sykes, 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 9:30 a.m.

Mr. Vukelja approved the November 11, 2014 Regular Meeting Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton stated the following cases were in compliance:

CASE NO 5 SMG 09-14-62 – Kenneth A. Wright, III is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.7, 304.1, 304.13.1, 304.14, 304.15, and 307.1), at **304 N. Keech Street** - Violation(s) – Concrete accessory wall in disrepair; broken or cracked window glass; torn insect screens; exterior doors; trash, tires, and junk need to be removed from the premises - First Notified – 5/15/2014.

COMPLIANCE 12/8/2014

CASE NO 6 SMG 09-14-63 – Kenneth A. Wright, III is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 301.13.1, 304.15, 304.2, 304.6, 307.1) City Code 90-297, at **306 N. Keech Street** - Violation(s) – Cracked or broken window glass; exterior doors; exterior walls (peeling paint and holes, breaks or loose or rotting materials); tires, junk and debris on the premises - First Notified – 5/15/2014.

COMPLIANCE 12/8/2014

Ms. Hampton swore in members of staff who would be testifying.

Lien Review 2

SMG 06-11-56 – 1129 Hillcrest Drive – James Corwin is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1) for Violation(s) – Renovations without permits. Order Imposing Fine/Lien of \$50.00 per day imposed 1/4/2012; Compliance date 8/20/2014 = **\$11,450.00 plus \$24.00 recording costs & \$1,249.00 interest for Total \$11,721.90.**

Mr. Vukelja recused himself from overhearing the case as Mr. Corwin is a current client and if he were to proceed it would have the appearance of impropriety.

Lien Review 1

SMG 08-14-53 – 521 Pine Street - Navarra Construction, Inc. is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.15, 305.3, 304.13, 504.1, 305.6, 605.1, and 304.14), for Violation(s) – Exterior doors (garage door); interior surfaces; broken windows; broken plumbing fixtures; dilapidated interior doors; electrical fixtures; missing screens; property is unsecured. Order Imposing Fine/Lien of \$100.00 per day imposed 9/4/2014; Compliance date 11/12/2014 = **\$6,900 plus \$24.00 recording costs & \$10.77 interest for Total \$6,934.77.**

Mr. Michael Navarra came forward and was sworn.

Mr. Vukelja reviewed the lien review paperwork and history of the case.

Mr. Navarra stated he was in substantial compliance on the 25th and he had to appeal his claim with the insurance company in order to be able to get the money to make the repairs. Mr. Navarra acknowledged he neglected to call and get the property re-inspected.

Mr. Jackson stated the general request of the city is for a reduction to \$2,000. Mr. Jackson called Mr. Stenson to testify.

Mr. Stenson stated after making contact with the owner he did bring it into compliance relatively quickly. Mr. Stenson stated there were several violations that were mostly the result of the tenant.

Mr. Navarra stated the tenant left in the middle of the night and he did not know they left. Mr. Navarra stated he never intended for the property to be a rental property and it is currently up for sale. Mr. Navarra stated he built the house because he is a contractor and was trying to sell it but the market tanked.

Ruling

Mr. Vukelja reduced the lien to the amount of \$1,200 subject to being paid within 30 days.

Continued Cases:

CASE NO 1 SMG 11-14-72 – Sandra L. Wallace is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.8), at **4 Cardinal Estates Blvd.** - Violation(s) – Unlicensed or inoperable vehicle - First Notified – 9/23/2014.

Respondent was not present.

Mr. Jackson called Mr. Stenson to testify.

Mr. Stenson stated the case was initiated by a citizen complaint and everything has been corrected except for the unlicensed vehicle in the driveway.

Ruling

Mr. Vukelja imposed a fine of \$75.00 per day against the Respondent effective December 4, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000.

CASE NO 2 SMG 03-14-12 – Alain Baruchel is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 5.12; Art. 18 Sec. 5.5(a); Art. 19 Sec. 1.1 (Ref. FBC Supp. IPMC 304.2 and 304.6), at **131 S. Grandview Avenue** - Violation(s) – Unfinished exterior surface: no temporary covering for more than 15 days and construction completed by 60 days; rear and side walls shall be repaired; protective treatment; exterior walls - First Notified – 8/16/2013.

Respondent was in compliance December 1, 2014.

CASE NO 3 SMG 10-14-69 – Dorothy M. Knapp is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec. 1.1 (Ref. FBC 105.1); Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.7), at **216 Mullally Street** - Violation(s) – Built ramp without permit; outside storage; peeling paint; damaged fence - First Notified – 4/22/2013.

Respondent was not present.

Mr. Jackson called Inspector Daniel Garcia for testimony.

Mr. Garcia stated the only thing corrected was the outside storage. Mr. Garcia stated the damaged fence still remained and there is another part of the fence was damaged. Mr. Garcia stated the building was pressure washed but they have not painted and the permit has been applied for but they just have not paid for the permit to have it issued. Mr. Garcia asked for a fine of \$100 per day with a maximum of \$10,000.

Ruling

Mr. Vukelja imposed a fine of \$75.00 per day against the Respondent effective December 4, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000.

CASE NO 4 SMG 09-14-60 – Christiana Trust, Trustee c/o Lender Legal Services is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.10, 304.2, 304.4, 304.6, 304.7, 506.2, 704.2, and 305.3), at **315 Cedar Street** - Violation(s) – Deteriorated porch floor; exterior walls - oxidation, dirt, grime, mildew and peeling paint; rotten decay and damaged wood from roof and soffit area; roof, soffit, fascia, drain and gutters; kitchen cabinets - cracked loose, ceiling walls plaster in the bedroom; plumbing lines and toilet and sewer lines; smoke detectors - First Notified – 7/18/2014.

Christine DiNardo came forward and was sworn. Ms. DiNardo stated the property should be completed by today or tomorrow and they were just held up because of rain.

Mr. Jackson stated staff was in agreement and recommended amending the compliance date until the next cut-off.

Mr. Sykes stated the porch is complete it just need painted and kitchen cabinets were replaced and one of the rooms needed to be re-scraped and painted.

Ruling

Mr. Vukelja amended the previous order of non-compliance to allow the Respondent until January 7, 2015 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE NO 7 SMG 09-14-56 – King Cerame Properties, Inc. is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.4, 7.4.1, 7.4.4; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.7, 304, 304.13.1, 304.18.1, 304.7, 305.1, 305.3, 305.6, and 604), at **1238 5th Street** - Violation(s) – Damaged accessory structures garage or shed; broken window glass; damaged exterior door frame; roof leaking; interior surfaces; water damage loose or missing plaster; damaged interior doors; electrical system hazards; appliance damaged or broken; all exterior surfaces which have deteriorated, decayed, disintegrated, or been weathered with dirt and grime - First Notified – 3/17/2014.

Respondent was not present.

Mr. Jackson called Inspector Fitzgerald to testify.

Mr. Fitzgerald stated the tenant has been removed from the property and the owners did appear for the first hearing. Mr. Fitzgerald stated it was explained to them they needed to pull a roof permit and exterior door permits and electrical permits. Mr. Fitzgerald stated no permits have been pulled and the property was in non-compliance and staff was requesting a fine be imposed of \$250.00 per day to a maximum of \$15,000.

Ruling

Mr. Vukelja imposed a fine of \$250.00 per day against the Respondent effective December 4, 2014, to continue each day thereafter until compliance is achieved.

CASE NO 8 SMG 12-14-75 – Joel Pearson is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.6 & 304.13.1), at **1244 Mason Avenue** - Violation(s) – Exterior walls - holes, breaks and loose materials from car hitting the building; glazing materials cracks and holes - First Notified – 8/18/2014.

Ms. Tammy Anderson came forward and was sworn. Ms. Anderson stated she had the authority to appear on behalf of the owner and stated the contractor has submitted plans and most of the work is completed and they have permits. Ms. Anderson stated someone drove into the building.

Mr. Fitzgerald stated they did have a permit and it should be in compliance by the next cut-off date.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by January 7, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

Miscellaneous Business

There was no miscellaneous business.

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