

CITY OF DAYTONA BEACH MINUTES

SPECIAL MAGISTRATE HEARING

June 12, 2012 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
Mr. Hector Garcia, Code Compliance Manager
Ofc. Sherri Siracusa
Mr. Eddie Lopez, Code Inspector
Mr. David Newell, 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 9:03 a.m.

Mr. Vukelja approved the May 8, 2012 Meeting Minutes.

Ms. Hampton swore in members of staff.

Mr. Vukelja asked if there were any announcements.

Ms. Hampton advised there were no announcements.

Lien Review 1

SMG 12-10-142 – 950 Tomoka Road – Edward G. Taylor, Anthony J. Taylor, Christopher J. Taylor:
was cited for failure to correct violations of the Land Development Code Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.8) and Ch. 90-297 City Ordinance; Violations: Junk vehicle; no rental license. Order Imposing Fine/Lien of \$75.00 per day plus one-time administrative \$250.00 imposed 1/5/2011. Compliance date = May 16, 2011. **Lien total = \$ 9,825.00 plus \$250.00 = \$10,075.00.**

Mr. Anthony Taylor came forward and was sworn. Mr. Taylor stated the property was his Father's and he has since passed away and left to himself and his 2 brother. Mr. Taylor stated he made the repairs it just took longer than he anticipated.

Mr. Stenson testified on behalf of the City and stated the case included a junk vehicle, and no occupational license. Mr. Stenson recommended reducing the lien to \$2,000.00.

Ruling

Mr. Vukelja ordered the lien be reduced to the amount of \$1,500.00 payable within 30 days or the lien reverts back to the original amount plus interest.

HEARING OF CASES

CASE NO 1 SMG 03-12-41 – O'Neill Family W&H LP and John Burch is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1), at **755 Berkshire Road** - Violation(s) – Exceeding the scope of permits. First Notified – 2/7/2012 (posted).

Mr. John Burch came forward and was sworn. Mr. Burch stated he has been unable to get work done because of his father passing away and he has been out of town.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson stated Mr. Burch has exceeded the scope of work allowable by the permit and requested a \$250 per day fine be imposed with a maximum of \$15,000.

Mr. Rob Roberts, Interim Chief Building Official came forward and was sworn. Mr. Roberts advised Mr. Burch has exceeded the amount of work allowed by the permit he obtained. Mr. Roberts stated the permit was for minor repairs or renovation, not complete rehabilitation, tear out and reconstruction. Mr. Roberts stated Mr. Burch needs to submit plans that include engineering work for the trusses.

Ruling

Mr. Vukelja continued the case to the July 10, 2012 meeting and requested at that time he be provided the permit and application for permit.

CASE NO 2 SMG 05-12-47 – Piotr Gorodetsky is cited for failure to correct violations of the Land Development Code, Art 19. Sec. 1.1. (ref. FBC Supp IPMC 302.7, 304.13.1, 304.14, 304.15, 304.2, 304.5, 304.6, 304.7, 305.1, 305.3, 307.1, 308.4, 505.3, 505.4, 601.2, 603.1, 704.2); City Ordinance 90-297, at **215 S. Oleander Avenue** - Violation(s) – Accessory structures; glazing; insect screens; exterior doors; protective treatment; foundation walls; exterior walls; roof and drainage; interior of the structure; interior surfaces; accumulation of rubbish or garbage; multiple occupancy; water supply system; water heating facilities; mechanical appliances; smoke alarms; No occupational license for rental. First Notified – 3/6/2012.

Respondent was not present.

Mr. Lopez testified on behalf of the City and stated the property was in non-compliance and recommended a fine of \$100.00 per day with a \$15,000 maximum.

Ruling

Mr. Vukelja imposed a \$100.00 per day fine against the Respondent effective June 6, 2012 to continue each day thereafter until compliance is achieved or reached the maximum of \$15,000.00.

CASE NO 3 SMG 05-12-48 – Piotr Gorodetsky is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1. (ref. FBC Supp NFPA 1; 13.7.1.4.8; 11.1.5; 101; 7.2.1.5.2; 10.12.1.1; 69A-60.0081); City Ordinance 90-297, at **215 S. Oleander Avenue** - Violation(s) – Smoke detectors in apartment 1, 2 and 3 are required to be maintained and operational at all times; Remove all bars on the windows that are for the bedroom or are the primary means of egress for that room; Remove extension cord in unit 3 that is being used for permanent wiring; Install unit number for unit # 1; Remove lock on exit door that requires a key, tool or special knowledge to open/key lock on exit of Unit 2; Building appears to have structural instability in the floors of Unit 1 and 2 and ceilings of all units; mold; Any commercial, industrial or multiunit residential structure of three units or more, which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with approved symbol; Every business shall post and maintain their license upon the licensed premises in a place where it may be seen at all times. First Notified – 3/10/2012.

Respondent was not present.

Mr. Lopez testified on behalf Fire Inspector David Newell and stated the property was in non-compliance and recommended a fine of \$100.00 per day with a \$15,000 maximum.

Ruling

Mr. Vukelja imposed a \$100.00 per day fine against the Respondent effective June 6, 2012 to continue each day thereafter until compliance is achieved or reached the maximum of \$15,000.00.

CASE NO 4 SMG 06-12-49 – Carl Woods is cited for failure to correct violations of the Land Development Code, Art. 18 Sec. 7.3, at **535 Brentwood Drive** - Violation(s) – Outside Storage - First Notified – Will Fine Order entered 4/12/2011.

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson stated the case was a repeat violation and a will fine order was in place. Mr. Stenson recommended imposing a fine of \$150.00.

Ruling

Mr. Vukelja found the Respondent in non-compliance and violating the will fine order and subsequently imposed a fine of \$150.00 effective June 12, 2012 and further imposed a \$75.00 fine per day beginning June 13, 2012 until compliance is achieved or reached the maximum amount of \$10,000.00.

CASE NO 5 SMG 06-12-50 – Vanester Lewis is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7), at **435 Cameron Street** - Violation(s) – Dilapidated fencing. First Notified – 3/27/2012.

Respondent was in compliance May 31, 2012.

CASE NO 6 SMG 06-12-51 – Amelia J. and Charles W. Mecklem is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 504.3), at **923 Essex Road** Violation(s) – **Plumbing System Hazard (no service)** - First Notified – 5/3/2012.

Respondent was in compliance May 29, 2012.

CASE NO 7 SMG 06-12-52 – Eddie Anderson & Joyce Ann Anderson is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7(a); Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.7), at **568 Heineman Street** - Violation(s) – Parking in yard; Outside Storage; Accessory structure (fencing) First Notified – 3/16/2012.

Mr. Eddie Anderson came forward and was sworn. Mr. Anderson stipulated to the violations and stated he could be in compliance by the next cut-off date.

Mr. Stenson testified on behalf of the City and presented the case history, exhibits and violations. Mr. Stenson 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 July 3, 2012 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 06-12-53 – Charles Van Steenberg is cited for failure to correct violations of the Land Development Code, Art. 19 Sec. 1.1 (ref. FBC Supp IPMC 302.3, 302.4, 302.5, 302.7, 303.1, 303.2, 303.4, 303.5, 303.6, 303.7, 303.10, 303.12.2, 303.14, 303.15, 304.1, 304.2, 304.3, 304.6, 306.1, 504.1, 504.3, 602.1, 604.3, and 605.1), at **815 Lenora Street** - Violation(s) – Sidewalks and driveways; weeds; rodent harborage; accessory structures; protective treatment; structural members; foundation walls; exterior walls; roofs and drainage; stairways, decks, porches and balconies; openable windows; insect screens; doors; interior structure; interior surfaces; interior doors; infestation; plumbing system hazards; heating facilities required; electrical systems hazard; electrical installation - See Attached Housing Inspection Long Form. First Notified – 5/2/2012.

Respondent was not present.

Mr. Stenson testified on behalf of the City and presented the case history, violations and exhibits. Mr. Stenson stated he has not contact from the owner and the property was in non-compliance.

Ruling

Mr. Vukelja found the Respondent in non-compliance and ordered the Respondent come into compliance by July 3, 2012 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

CASE NO 9 SMG 06-12-54 – David Boyd is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (ref. FBC Supp IPMC 302.8), at 903 W. Millard Court - Violation(s) – Junk vehicle - First Notified – 3/26/2012.

Respondent was in compliance May 1, 2012.

CASE NO 10 SMG 06-12-55 – Jimmie L. Sanders is cited for failure to correct violations of the Land Development Code, Art. 8 Sec. 2.7, at **352 Jackson Avenue** - Violation(s) – Parking in yard - First Notified – 4/28/2012.

Jimmie L. Sanders came forward and was sworn. Mr. Sanders stipulated to the violations and agreed with the next cut-off for compliance.

Mr. Stenson 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 July 3, 2012 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved.

Miscellaneous Business

Case 1

SMG 06-11-56 - James W. Corwin and David Schweibish 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.

Attorney Doug Daniels came forward on behalf of the Respondent Mr. James Corwin.

Mr. Vukelja disclosed Mr. Corwin was a client of his on a matter totally unrelated to the current case and stated if there was any objection by either party he would recuse himself.

Mr. Jackson stated the City had no objection to having the Magistrate hear the case.

Mr. Daniels stated his client sold the property during the pendency of the code case but disclosed the violations to the buyer and was requesting Mr. Corwin be removed from the case.

Mr. Jackson stated even though the property was sold, the Deed was not recorded until February 7, 2012 after the lien was imposed.

Order

Mr. Vukelja ordered the lien remain against the property 1129 Hillcrest and James Corwin can be removed from the lien.

2. Mr. Burch from case # 1 returned with papers and Mr. Vukelja told him to bring them with him to the next hearing.

ADJOURNMENT

The meeting was adjourned at 10:20 a.m.