
City of Daytona Beach Special Magistrate

City Commission Chambers, 301 S Ridgewood Ave, Daytona Beach, FL 32115

Robert J. Riggio, Special Magistrate

August 11, 2020 Minutes

Attendees:

Robert J Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Cortland Lampe, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mrs. Aimee Hampton, Senior Paralegal
Mr. John Stenson, Lead Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Ms. Sara Kirk, Code Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Cliff Recanzone, Rental Inspector
Ms. LaWanda Tomengo, Inspector
Mr. Charles Smarr, Audio/Video
Mr. Joe Graves, Audio/Video
Mr. Xavier Campbell, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by:  _____ Special Magistrate

The meeting was called to order at 9:08 a.m.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following case.

CASE # 14 - SMG 04-20-74 - Sea & Sun Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7), at **1065 N Atlantic Ave.** Violation(s) – Damaged roof (soffit & fascia), damaged retaining wall, rust on exterior surfaces. First Notified – 6/10/2019.

Compliance 8/11/2020

Ms. Barnes swore in members of the staff who will be testifying.

Mr. Riggio called the first case.

Ana Carnicer, Property Manager, appeared via Zoom call and was sworn in.

CASE # 29 - SMG 08-20-110 - DB 101 Corporation is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A; City Code Ch. 90 Sec. 90-297, at **S Ocean Ave (Parcel # 5304-01-03-0010)**. Violation(s) – Illegal parking, overgrown lot, fence and wall. First Notified – 7/26/2019.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Carnicer stated they are getting estimates for demo of the seawall and lawn maintenance

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 30 - SMG 08-20-109 - DB 153 Corp is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3); City Code Ch. 90 Sec. 90-297, at **135 S Ocean Ave (Parcel # 5309-02-02-0010)**. Violation(s) – Parking - illegal paid parking, broken asphalt, trash on lot and trim; failure to obtain Business Tax Receipt (BTR). First Notified – 7/17/2019.

Ms. Carnicer stated this is the same as the last case.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Mr. Riggio called the first lien review.

SMG 05-19-113 – 550 N Ridgewood Ave - Gold Label Holdings, LLC is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 704.1, 704.2, 302.7, 302.8, 304.2, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 603.1, 605.1 and 607.1). Violation(s) – Damaged interior and exterior surfaces, windows, doors, missing screens, roof, soffit and fascia, exposed wires, damaged fence, no smoke detectors, missing knobs for stove and exhaust vent covers. First Notified – 4/2/2019. **Order Imposing Fine/Lien of \$250.00 per day, effective February 11, 2020. Property is not in compliance. Amount due is \$20,000.00 plus \$24.00 recording costs = \$20,024.00.**

Mr. Derek Hovey came forward and was sworn in.

Mr. Anthony Jackson, Assistant City Attorney, stated it was discussed at the last meeting that the Respondent is the prior owner and the property is not in compliance. He stated Mr. Riggio allowed the Respondent to return for a lien review and is seeking a partial release as an investment group. He stated the City is asking for no reduction and believes they have no lawful right to relief. He stated Notice of Violation was issued in March of 2019 and the property was sold shortly after the February 11, 2020 Order Imposing Fine/Lien. He stated the Respondent thought he sold the property out from underneath threat of lien. He stated he was not sure

whether he had notified the new buyer. He stated now they can't do anything but they are sophisticated buyers and the risk became challenging. He stated the Respondent was given information as to what is required and they did some stuff and then pulled out and the effort was insufficient.

Mr. Riggio asked if the fine was ordered and then the property sold.

Mr. Jackson stated there was a race to sell.

Ms. June Barnes, Board Secretary stated the order was recorded 3 days before the sale of the property.

Mr. Riggio asked the City Attorney for Case Law.

Mr. Jackson stated he did not know of any and although it was the Respondents duty to notify that it doesn't affect the code action.

Mr. Riggio stated the lien has jurisdiction over the owner, what is in Non-Compliance and what has been done.

Captain Scott Lee came forward with a PowerPoint presentation. He stated the property is located on the corner of Taylor and Ridgewood and is a main thoroughfare and has had an impact on the neighborhood. He stated the previous owner to the Respondent's Gold Label Holdings, Elvina Miller, paid the lien on the property before selling it.

Mr. Riggio asked if it was a rental.

Captain Lee stated it was squatters. He stated on February 27, 2019 Ms. Miller sold the property to Golex and paid off the lien. He stated one day later the property was sold to Gold Label Holdings. He stated Gold Label owned the property between February 28, 2019 and February 14, 2020. He stated there were 32 police incidents at the property, 77 man hours were logged for a cost of \$7,007.47. He stated that does not include the countless hours spent by Code Enforcement and administrative staff.

Mr. Riggio asked if the 32 incidents were by occupiers.

Captain Lee stated yes. He stated on March 25th a case was started and there were 15 violations on the property. He stated Mr. Howard, the contractor made several appearances before the Magistrate and the impact continues today. He stated a \$250 per day fine was imposed on February 11 and on February 14, the property was sold to Christopher Dean Ali. He stated the property was sold. He stated the Respondent claimed at the previous meeting that there was a communications breakdown with City Staff. He stated that is not true and Permits & Licensing had contact, face-to-face, weekly or daily. He stated numerous complaints were received.

Mr. Riggio asked if the new owners had been cited.

Captain Lee stated yes.

Mr. Gregory Sheridan, a neighbor, came forward and was sworn in. He stated they purchased the property next door 19 years ago. He stated when Elvina Miller had the property there was a lot of outside storage, no cut grass and rented to all kinds of people. He stated there was no electrical and no water.

Mr. Riggio asked when they moved in.

Mr. Sheridan stated Summer of 2018. He stated the renters broke his windows for calling police and he was probably responsible for calling in 31 of the 32 incidents. He stated there was a shooting and then another shooting and he found bullets in his back yard. He stated the City condemned the property and boarded up. He stated there was a lot of garbage and needles strewn around. He stated he finally put up a 6 ft fence.

Mr. Riggio asked if these events occurred during the time Gold Label Holdings owned the property.

Mr. Sheridan stated in the Spring, new owners purchased the property and took the boards down. He stated he doesn't know who was living in the house.

Mr. Riggio asked if there was a Rental License.

Captain Lee stated he doesn't know if they had a Rental License. He stated the problems persisted through March of 2019 and there were multiple search warrants as the result of the condemnation.

Mr. Christopher Ali Dean came forward and was sworn in. He stated he purchased the property in February and was not told about the liens or code enforcement violations. He stated he thought they were taken care of and got reduced or waived. He stated the Closing Agent for Gold Label told him about them via email for electronic signing and that repairs were needed to be done on the outside and the inside. He stated he was contacted by Inspector Garcia that there were issues and people living there. He said it was the person doing the repairs. He stated the work has stopped except for some cosmetic things.

Mr. Riggio asked the witness if he used any of the materials or contractor that Gold Label had.

Mr. Dean stated he used nothing by Gold Label and did most of the work through a handyman who was not licensed in the City and did not pull permits.

Mr. Hovey stated he didn't know why he was not aware. He stated there was a purpose and sale agreement and the buyer agreed.

Mr. Dean stated he signed the contract a month in advance and did not review the contract.

Mr. Hovey stated the witness does not have any evidence. He stated they had one conversation and had bought the property in good faith. He stated he is challenging emails between himself and the Assistant City Attorney.

Mr. Jackson stated he did have a conversation with the Respondent but the Respondent was dissatisfied with his response. He submitted a memo from P & L staff on the background of communication with the Respondent' contractor.

Mr. Riggio asked if the property was in compliance.

Mr. Jackson stated no.

Mr. Riggio stated he had a feeling he would have reduced the lien if the property was in compliance. He stated he is the one that signed the order and that no one was present at the hearing. He stated the City had sent proper notice and the Respondent told Inspector Garcia the he was in the process of selling. He stated there were many instances where the Respondent was not present.

Mr. Jackson stated the contractor choose not to appear at the lien hearing. He stated according to Chapter 162, which he presented to the Magistrate, states that once in a proceeding the Respondent cannot pretend it does not matter and should have come.

Mr. Hovey submitted cell phone records stating he had been trying to reach City officials. He stated he evicted the tenants and later boarded the property and it was raided. He stated the City Attorney told him the City would offer a considerable reduction in the lien. He stated the City was not responsive so he could not make the repairs.

Mr. Jackson stated there is contrary information and that he doesn't tell anyone of the Magistrate's hearings.

Mr. Riggio asked if Mr. Riggio stated there would be significant reduction.

Mr. Hovey stated no that Mr. Jackson stated that.

Captain Lee stated the Respondent exhibits the same pattern of behavior and is speaking to things that have already been ordered. He stated they should have been at the hearing and would have been addressed. He stated a permit was pulled in September 2018 for \$88,000 scope of work. He stated P & L reports no work was done.

Mr. Hovey stated they put on a new roof and was going toward securing and did not understand why he would not receive a response from P & L.

Captain Lee stated there are not Rental Licenses in the history in reference to a previous question by the Special Magistrate.

Mr. Hovey stated they were going to use the building as a satellite office but there was no parking. He stated they were going to purchase the adjacent land but it did not work out.

Mr. Riggio asked the Respondent if he had notified the seller in writing and followed the Code Enforcement procedures.

Mr. Hovey stated they were part of the closing documents.

Mr. Dean stated he received an email regarding the code issues and that once he had taken care of them, he could go to the Magistrate for relief.

Mr. Riggio stated the lien is not only against the property but the person and asked how the City could enforce?

Mr. Jackson stated after 90 days the property is subject to foreclosure. He stated also other properties can be imposed against.

Mr. Hovey stated they could impose liens on other properties.

Mr. Riggio stated he is open to any questions from Mr. Hovey.

Mr. Hovey stated the property had been in that condition for many years before he acquired it. He stated they acquired it and started the formal eviction process. He stated then it was raided and he could not set foot on the property. He stated he tried to tackle the zoning of commercial and tried to purchase the adjacent property to open a satellite office. He stated during the discussions he discovered there was not way to change it to commercial and would keep it as a rental so he planned to make it a single-family home. He stated he hired a contractor to apply for the permits and the roof was leaking. He stated the City Inspector then told him there was to many structural and mechanical issues to renovate. He stated he was still requesting meetings with no response. He stated in conversations with Inspector Garcia, he wasn't sure what he could do. He stated he found out on September 1 that he would have to demo and completely rebuild. He stated he was not spending \$90,000 to renovate and when he stopped getting response so he put the property under contract. He stated Inspector Garcia called him and said the next meeting was the deadline. He stated he found out a month later that the fine was imposed. He stated the last Magistrate was not happy with the City's response.

Captain Lee stated at the last meeting a lot of info was dropped and the Magistrate gave them time to collect the evidence.

Mr. Hovey stated there was no race to sell to avoid the lien and he had done 13 months of extensive work. He stated he attempted to contact the City.

Mr. Riggio asked what that meant.

Mr. Jackson stated contact with P & L.

Mr. Hovey stated the City knew what they were doing and had never dealt with a situation like this.

Mr. Bo Snowden, Deputy Building Official, came forward. He stated they were called out to an uninhabitable house. He stated there was no power, no water and a lot of drugs. He stated they worked with the contractor, George Howard, and gave him an exploratory demo permit to see what he was looking at. He stated they cleaned up the property inside. He stated the permit was opened on May 9 and closed on June 26. He stated the Respondent was right with zoning and there was no place for parking. He stated the only use is for a single-family home. He stated he issued a renovation permit on July 13, 2019 with the scope of work being \$90,000 which included electrical, plumbing. He stated the City thought it was being done. He stated the

contractor paid money for the permit. He stated he dealt with the contractor daily and was granted more time. He stated the contractor came and canceled the permit. He stated the contractor owns the permit and it was closed on May 20, 2020.

Mr. Riggio asked the Inspector if he needed to postpone the deadline until March.

Inspector Garcia stated the case was before the Magistrate 8 times. He stated the contractor appeared twice but Mr. Hovey did not appear once. He stated the case was amended 8 times.

Mr. Jackson stated the order was signed on February 17, 2020 and the sale closed on July 18, 2020. He stated the paperwork was mailed to the Registered Agent as well.

Mr. Hovey stated he called the Board Secretary on March 5 and she did not return his call. He stated he was working toward Compliance but was not going to spend \$90,000.

Mr. Snowden asked the Respondent if he addressed this with the contractor.

Mr. Riggio stated the property is still in the same place. He stated the plans were not given to the new owner and the new owner did not know the scope of work that needed to be done. He stated at the hearing for the imposition of a fine, the Respondent did not show up and the lack of appearance is suspicious. He stated he found Inspector Garcia to be a credible witness.

Mr. Hovey stated he would agree to pay \$5,000.

DISPOSITION: Mr. Riggio denied any reduction of the lien.

Mr. Riggio called the first case.

CASE # 6 - SMG 04-20-80 - Burger King Corporation is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6, Sec. 6.19.B; Art. 6 Sec. 6.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4), at **112 N Ridgewood Ave.** Violation(s) – Commercial property maintenance, not conforming to the site plan, dead trees, bushes, plants and noxious weeds (including around sign monuments), overgrown retention pond. First Notified – 5/14/2019.

Mr. Aaron Teakell came forward and was sworn in.

Inspector Michael Fitzgerald stated he is asking for a fine in the amount of \$350 per day to a maximum of \$25,000. He stated this is the Burger King at Intl Speedway and Ridgewood age. He stated the violations are dying plants and not cutting grass.

Mr. Anthony Jackson, City Attorney stated there is a major expectation that Businesses will expend money for upkeep and care of the property.

Mr. Teakell stated they are going to start working on the landscaping on Thursday morning and asked for an extension.

Captain Scott Lee stated it has been a grueling process for several years and there is a previous case with the same violations.

Mr. Riggio asked if the property has irrigation.

Mr. Teakell stated he would have them look at that on Thursday. He stated they had to reduce costs and staff due to COVID.

Mr. Riggio stated the plants will not grow without water.

Mr. Jackson stated they are asking for Compliance within 15 days or would like a fine in the amount of \$350 per day. He stated they also need to address the retaining wall.

The Board Secretary asked Mr. Teakell for a current address.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by August 26, 2020 or a fine in the amount to \$350.00 per day would automatically be imposed to a maximum of \$25,000 or until Compliance is achieved.

CASE #7 - SMG 03-20-45 - Harvey Estates LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at **707 Harvey Ave.** Violation(s) – Damaged cracks in stucco, paint fading and peeling, damaged or rotten wood. First Notified – 10/2/2019.

Mr. William Kogut came forward and was sworn in.

Inspector Michael Fitzgerald stated the Respondent is working on it and is asking for an Amended Order of Non-Compliance.

Mr. Kogut stated he had been working the last two months and described what had been done. He stated he should be done by the end of the month.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 8 - SMG 03-20-55 - Plaza Spa Ocean Waters LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.2, 302.3), at **N Atlantic Ave (Parcel # 5305-01-39-0051)**. Violation(s) – Commercial property maintenance, vacant land, grading and paving, driveway and parking. First Notified – 8/19/2019.

Mr. David Roll, Mr. Kenny Tucker and Ms. Irene Koutouzis came forward and were sworn in.

Mr. Fitzgerald stated the owners have pulled a demo permit to remove asphalt. He stated FDOT is requiring them to remove the driveway and sidewalk. He stated he is asking to amend to the next cutoff so they can pull permits.

Mr. Tucker stated they pulled a permit and scraped the lot and removed the curbing. He stated he found out that prohibits the use of the land. He stated he plans to sell the land to the Pizza place for parking. He stated they were originally going to put up a fence.

Mr. Poll asked for clarification of code issues. He stated there are issues related to the dumpster but it is not on their property.

Mr. Fitzgerald stated that is part of the permit and is a requirement.

Captain Lee stated they can repair, remove or replace.

There was further discussion regarding the dumpster and plans.

Captain Lee stated the Respondent needs to call the Code Inspector and set up a site visit.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 9 - SMG 03-20-47 - Normandy Center LLC/MML Management is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art 6 Sec. 6.19.A.4; Art 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.A; Art. 9 Sec. 9.1.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.2, 302.3, 302.4, 302.7, 302.8, 304.1, 304.2, 304.4, 304.7, 304.8, 304.13, 304.13.1, 304.13.2), at **934 W Int. Speedway Blvd.** Violation(s) – Commercial maintenance code violations - damaged monument sign, dilapidated structure in rear of building, paint fading and peeling, damaged exterior walls and roof - including rotten wood, damaged window, damaged doors, damaged asphalt and concrete, commercial property and lot maintenance - appearance, overgrown grass and weeds. First Notified – 9/12/2019.

Ms. Jessica Gall came forward and was sworn in.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into compliance. He stated a new owner was added at the last meeting.

Ms. Gall stated they hired Zahn Engineering in mid-June and now have to have an environmental representation for remediation. She asked for additional time due to the landscaping and demolition order.

Mr. Fitzgerald stated it would take some time.

Ms. Gall stated they can't disrupt the concrete due to the soil.

ACTION TO BE TAKEN: 2nd C and to add new owner.

DISPOSITION: Mr. Riggio continued the case for a progress report and the determination of a Compliance date at the September 8, 2020 meeting.

CASE # 11 - SMG 04-20-76 - Central Florida Community Development Corp Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **School St (Parcel ID # 5339-83-02-0030)**. Violation(s) – No permit for fence. First Notified – 8/10/2019.

Mr. Gerald Chester came forward and was sworn in.

Ms. Kirk stated the Respondent claims he no longer owns the property. She stated she is asking for a fine in the amount of \$100 to a maximum of \$15,000.

Mr. Chester stated he has an unrecorded deed and he hasn't own the property since July 2018. He stated he doesn't know why it hasn't been recorded.

Mr. Riggio stated if it hasn't been recorded, he still owns it.

Mr. Chester stated he accepted money.

Captain Lee asked who the buyer was and suggested they be added to the case.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Mr. Riggio called for a lunch recess at 12:13 until 1:30 p.m.

The meeting was resumed at 1:32 p.m.

CASE # 12 - SMG 06-20-114 - FCV Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.2, 304.13); City Code Ch. 90 Sec. 90-297, at **123 Jean St.** Violation(s) – Unlicensed car/storage business, parking on grass, boarded and blocked windows, rust. First Notified – 8/28/2019.

Mr. Christopher Morale came forward and was sworn in.

Ms. Kirk stated she posted the property in August and there is no established use since it is not a business. She stated the respondent needs additional time and is asking to amend the case to the next cutoff.

Mr. Morale stated he keeps one car there at a time now and is asking for a finding of Compliance. He stated he done the painting and the window was not included. He stated he has cut 124 panes of glass and painted and scraped them. He stated he started on July 16th.

Mr. Jackson stated Section 90.297 states a Business Tax Receipt cannot be obtained until a use is established.

Captain Lee stated the Respondent is the tenant and the owner is using the property in that way but the use has to conform to the zone.

Mr. Morale stated it was zoned as a warehouse but was not registered. He stated he was first cited has no Business Tax Receipt and he just works on his cars. He stated the owner has multiple violations but nothing on this building since he has been there.

Mr. Jackson stated the owner has to say this is what I am using it for.

Mr. Riggio read aloud the violations and stated the Inspector goes to inspect.

Mr. Morale stated asked what he was expected to do about the part of the building where the car went through that had been repaired.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 13 - SMG 06-20-136 - Land Trust Service Corporation Trust No 648SSB is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.6.15, at **648 S Seneca Blvd.** Violation(s) – Removal of 3 large live oak trees - IRREPARABLE HARM First Notified – 4/30/2020.

Mr. Bishane Liu came forward and was sworn in.

Mr. Jackson stated at the previous meeting the case was continued in order to collect more information and asked to continue one more time for final resolution.

DISPOSITION: Mr. Riggio continued the case to the September 8, 2020 meeting for consideration of the imposition of a fine.

CASE # 4 - SMG 03-20-59 - Benjamin T Martin is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **425 Lockhart St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/18/2019.

Ms. Deedra Moore came forward and was sworn in.

Mr. McCoy stated he is asking for an Amended Order of Non-Compliance to give the Respondent some more time to fix the violations.

Ms. Moore agreed.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 15 - SMG 06-20-121 - Togado LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.14, 305.3, 305.6, 504.1, 602.2, 603.1, 604.2, 605.4, 704.2), at **552 Live Oak Ave.** Violation(s) – Lack of heat, no insect screens, damaged interior & exterior surfaces, missing smoke detectors, defective plumbing, inoperable electrical outlets and inoperable vehicles. First Notified – 2/28/2020.

The Board Secretary left the Chamber and was replaced by Ms. Aimee Hampton, Senior Paralegal for the City, at 3:00 p.m.

Mr. Raymond Roamer, tenant, came forward and was sworn in.

There was discussion on whether the tenant can stand in the stead of the Respondent and it was decided to treat him as a witness.

Ms. Barnes returned to the Chamber at 3:03 p.m.

Ms. Kirk stated the case began as a tenant complaint. She stated the property was posted on February 28, 2020. She stated the conditions are bad and that the house was cold. She stated the tenants had space heaters with no screens were connected with extension cords and there were inoperable electrical outlets. She stated there were no smoke detectors and unsafe wiring. She stated on June 23 she had contact with the owner and his eviction was on hold. She stated she is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Roamer stated he worked a rent deal for work and was not paid.

Mr. Riggio asked about the space heaters.

Mr. Roamer stated the owner called FPL and had the power turned off. He stated he still has no water but he keeps the house clean.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective August 11, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 16 - SMG 04-20-85 - Barbara A Morgan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **209 Fremont Ave.** Violation(s) – Mildew on home. First Notified – 10/25/2018.

Ms. Barbara Morgan came forward and was sworn in.

Inspector Tom Clig stated the case originated from a code walk and there was dirt and grime on the home. He stated the Respondent has financial issues and needs to weather proof. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Ms. Morgan stated there is a breach under the siding and she cannot pressure wash the house until she has the breach addresses. She stated it may be pricey but she has contacted a contractor to get an estimate. She stated she is asking for more time.

Captain Lee stated the City will change it's request to amend the order and that he may have a solution to help clean the mildew from the house without damaging it. He stated the underlying issue will still exist but it will take care of the code violation.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 17 - SMG 04-20-83 - Bulldog LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **608 Butler Blvd.** Violation(s) – Parking on the grass. First Notified – 12/12/2019.

Mr. Chris Corneas came forward and was sworn in.

Mr. Clig stated the case was field-generated and Angela Doyle had entered a permit package. He stated the City is requiring some type of hard surface for parking. He stated the tenants of now paying rent. He stated he is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Riggio asked how many parking spaces the building has.

Mr. Clig stated one.

Mr. Riggio asked how many units.

Mr. Corneas stated there are seven units. He stated he received the package at the end of last week. He stated the building department told him. He stated he pays the utilities and has a rental license through the state which is up-to-date. He stated the building department will allow crushed asphalt or concrete but it has to be packed.

Mr. Riggio asked if the City has an objection to amending.

Mr. Clig stated no.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 18 - SMG 03-20-70 - K & A Property Solutions LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.2, 304.15, 308.1), at **216 S Grandview Ave.** Violation(s) – Change in the floorplan without permits, weeds, accessory structures protective treatment, doors, rubbish & garbage. First Notified – 10/3/2019.

Mr. Hugo Calvillo came forward and was sworn in.

Inspector Cliff Recanzone stated the only thing left is work done without permits. He stated he spoke to the contractor and told him to apply. He stated he is requesting a fine in the amount of \$250 per day to a maximum of \$15,000.

Mr. Riggio asked if the property was occupied.

Mr. Recanzone stated it was vacant.

Mr. Calvillo stated he tried to find a contractor but decided to sell. He stated he had 6 offers but cannot sell because of the case. He stated people break in and he contacted the title company.

Captain Lee stated the property has a high level of police activity and has had an impact on law enforcement. He stated he sent a demand letter but the Respondent has had no involvement. He stated law enforcement officers had made several attempts to get a hold of someone. He stated the newspaper did an article on the problems.

Mr. Recanzone demonstrated the change in floor plan on the screen where the Respondent did not obtain permits.

Mr. Calvillo agreed and stated he hired a contractor to measure. He stated the additions did not have access to all of the rooms. He stated the renters did the work.

Mr. Jackson left the Chamber at 2:40 p.m.

Mr. Recanzone stated permits were pulled for the entire downstairs.

Mr. Riggio asked if there was a change from the appraiser's plan.

Mr. Recanzone stated yes.

Captain Lee stated there are no current liens but the guy is still lingering.

Mr. Calvillo asked how long the building department will take.

Captain Lee stated he would need to speak to P & L but to be sure and ask for a reinspection for the code violations from the code officer.

Mr. Riggio asked if the City is asking to amend.

Mr. Recanzone stated he is asking \$250 per day because there has been no movement since the last hearing.

Mr. Calvillo stated he got an engineer and contractor who was supposed to take the appropriate steps. He stated he has been reaching out but it was not easy.

Mr. Riggio asked how long it should take for the permit.

Mr. Recanzone stated seven days would be fair.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 20 - SMG 08-20-115 - Robert Edward Schalk Trust is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.7, 304.13, 605.2), at **105 Point O Woods Dr.** Violation(s) – Unmaintained landscaping, outside storage, fencing, peeling paint, exterior surfaces, roof and drainage, windows, receptacles. First Notified – 6/1/2020.

Ms. Jessica Gow, Attorney, came forward.

Mr. Stenson stated the case started as a neighbor complaint. He stated that all has been corrected except the windows and the paint. He stated the owners can't finish until they remove

the occupant. He stated he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Ms. Gow stated they are in the process and has filed a writ of possession to evict a previous companion of Mr. Schalk. She stated she received confirmation on August 7th but is not sure they will have an order by September. She stated there was also a bug infestation.

Captain Lee stated they would be willing to allow 60 days for the process.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by October 7, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 21 - SMG 08-20-111 - Indigo Lakes Golf Club LP is cited for failure to correct violations of The Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.5, 302.7, 304.1.1, 304.9), at **400-312 Indigo Dr.** Violation(s) – Abandoned building and unkempt landscape. First Notified – 6/2/2020.

Edward Peterson came forward and was sworn in.

Inspector LaWanda Tomengo stated she received complaints from residents on the lack of maintenance. She stated the property formerly operated as a golf club. She stated the Notice of Violation was issued June 3 and Michael Winn, Attorney, gave them access to the property due to No Trespassing signs. She stated they spoke to Mr. Peterson to set up a meeting and he said he would call back and last week they went out. She stated there were obstructions to the pathways and fallen trees. She stated Mr. Peterson told her they would be cleared up by Monday. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Mr. Peterson stated they had done everything except the awning. He stated they had taken it down and are waiting for a custom one to be delivered. He stated he is asking for more time.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 23 - SMG 08-20-87 - ML FL Properties Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1), at **North St (parcel # 5338-38-00-0040).** Violation(s) – Outside storage, trash & debris, rubbish and garbage. First Notified – 4/30/2020.

Ms. Danika Laiki and Mr. Miro Laiki came forward and were sworn in.

Mr. Garcia stated he received complaints for the outside storage. He stated the property is now in Compliance and he is asking for a will-fine.

Ms. Laiki stated they purchased the property in 2006 and it is in a tough area. She stated they tenant was not paying but put his stuff there. She stated she cleaned it up. She stated she was not going to rent it anymore and they fenced the property. She claimed the homeless are being

fed outside the fence and they throw their trash over the fence onto her property. She stated she doesn't live there but goes by once a day to clean it up.

Mr. Laiki stated the violation is in the City's Right-of Way and they did not want a will-fine placed on the property.

Mr. Riggio referenced an ordinance regarding the owner's responsibility in keeping the Right-of Way clean – Section 78-112. He stated this issue may be a legislative issue for the Commission to review.

Captain Lee read the ordinance aloud.

There was discussion regarding the activities outside the fence and the neighbors who reported the incident.

Ms. Laiki stated she is being targeted.

Captain Lee stated all properties on the block are being addressed.

DISPOSITION: Mr. Riggio found the property formerly in Non-Compliance and now in Compliance as of August 11, 2020 and for any future violations may be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence.

CASE # 24 - SMG 08-20-116 - GEA Seaside Investments, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.15), at **511-509 Harvey Ave.** Violation(s) – Paint fading and peeling, parking on grass in front yard, damaged front door, grass and weeds, overgrown and unmaintained yard. First Notified – 10/2/2019.

Ms. Taniya Lall Jimenez, attorney, came forward.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Ms. Jimenez stated she is asking for 2 months.

Mr. Riggio stated the violations are not that complicated and can be fixed quickly.

Ms. Jimenez stated it was a door issue and they did not receive due process.

The Board Secretary stated she received the green card and they property had been posted. She stated the posting was done and she could see it on the door outside of her office window.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 25 - SMG 08-20-125 - ACL Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.1.1, 304.2, 304.4,

304.6, 304.13.1, 304.13.2, 304.15), at **345 Garden St.** Violation(s) – No permit, abandoned vacant building, damaged exterior surfaces, paint fading and peeling, damaged windows and doors. First Notified – 10/22/2019.

Carlos Lira came forward and was sworn in.

Mr. Fitzgerald stated the Respondent was cited for no permit and miscellaneous violations at a previous hearing for a different property where he was fined \$200 per day to a maximum of \$15,000. He stated this establishes repeat violator status and the same violations are occurring at this address. He stated he is asking for a fine in the amount of \$300 per day to a maximum of \$15,000.

Mr. Jackson stated Chapter 162 allows repeat violations by the same person to be returned to the Board within 5 years. He stated the property remains in Non-Compliance.

Mr. Lira stated half of the pictures are from 2 years ago. He stated he pulled a permit and has a new roof. He stated the roof had a permit that was open and closed. He stated he has applied for a permit for renovation and has submitted plans but the building department will not approve them. He stated they are asking for a FEMA elevation certificate. He stated the application for plumbing was denied by the City and that he is not a repeat offender but cannot fix it because of the flood certificate.

Mr. Fitzgerald stated the rest of the violations need to be fixed.

Mr. Lira stated the roof is fixed and FEMA will not allow flood elevation.

Mr. Riggio stated he should have an engineer who will tell him what can be done and if it is more than 25% of the value of the home he will have to raise the home.

Captain Lee read the permit details and stated that the repairs are more than 50% of the value of the property. He stated the Building Department said the owner would have to raise or demo the property.

Mr. Riggio noted that the case has been around since last October.

Mr. Jackson agreed and stated there has been no action since January. He stated the City would be asking for a significant fine as a repeat violator if there isn't progress by the next meeting.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$5,000 for a repeat violation.

CASE # 26 - SMG 08-20-117 - Alegria Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.2), at **128 S Atlantic Ave.** Violation(s) – Maintenance/commercial structure. First Notified – 10/2/2019.

Gila Behore and Hatch Benzapel came forward and were sworn in.

Mr. Fitzgerald stated the property is an eyesore and needs to be painted. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mr. Behore stated he submitted plans to the City and plans to start building in the next 90 days. He stated he purchased the property last August and it was occupied until last week. He stated he is ready for demo and would like until the end of November.

Mr. Riggio asked if the case had gone before the planning board.

Mr. Behore stated it would be submitted within the next 1 to 2 weeks.

Captain Lee stated he would like to see a progress report next month.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to appear at the September 8, 2020 Meeting for a progress report and the determination of a Compliance date.

CASE # 27 - SMG 08-20-118 - Alegria Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.E.2; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7), at **126 S Atlantic Ave.** Violation(s) – Maintenance/commercial structure. First Notified – 10/3/2019.

Mr. Fitzgerald stated this and the previous property are the same.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to appear at the September 8, 2020 Meeting for a progress report and the determination of a Compliance date.

CASE # 31 - SMG 08-20-122 - ING Investor Group is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.1.1, 304.2, 304.6, 304.7, 304.8, 304.9, 304.10, 304.12, 304.13, 304.13.1, 304.15, 305.1, 305.1.1, 305.3, 305.6, 308.1), at **875 Dr. Mary M Bethune Blvd.** Violation(s) – Dilapidated building. First Notified – 8/6/2019.

Mr. White came forward and was sworn in.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into compliance. He stated the owner started pulling permits, had issues with the contractor, and the permit is on hold.

Mr. White stated he has a demo permit for the inside and has a contractor. He stated people walked off the job and he hired an attorney. He stated he put the job out for bid last week and can't do anything until he gets 3 bids. He stated they will not be able to start anything until the roof is done.

Mr. Fitzgerald stated there is mold and stuff in the laundry room.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to appear at the September 8, 2020 Meeting for a progress report and the determination of a Compliance date.

CASE # 1 - SMG 07-20-77 - Beach Development Group LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7, 304.13), at **530 N Beach St.** Violation(s) – Roof leak, improper gutters, broken windows, exterior walls. First Notified – 7/26/2019.

Respondent was not present.

Inspector Danny Garcia stated he went to the property this morning and it is in compliance.

Compliance 8/11/2020

CASE # 2 - SMG 06-20-112 - Daytona Express Convenience Store, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1), at **848 N Beach St.** Violation(s) – Trash & debris, overgrown grass and weeds. First Notified – 1/6/2020.

Respondent was not present.

Mr. Garcia stated the property is an unoccupied gas station. He stated it remains in Non-Compliance and has had no contact with the owner. He stated he had contact with the Property Manager and it was overgrown again. He stated he is asking for a fine in the amount of \$250 per day to a maximum of \$20,000.

Captain Scott Lee stated graffiti was placed on the property again last night.

DISPOSITION: Mr. Riggio imposed a fine in the amount of \$250.00 per day, effective August 11, 2020, until the fine reaches a maximum of \$20,000.00 or the property comes into Compliance.

CASE # 3 - SMG 03-20-46 - 712 Grove Property LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1170 S Palmetto Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/6/2019.

Respondent was not present.

Inspector Jerome McCoy stated the property failed inspection on the 16th and is asking for an Amended Order of Non-Compliance to the next cutoff.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 5 - SMG 03-20-48 - Jacqueline Diana Bath Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **328 Michigan Ave.**

Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/12/2019.

Respondent was not present.

Mr. McCoy stated the property owner has submitted the app and he is asking for an Amended Order of Non-Compliance and next cutoff to come into compliance.

DISPOSITION: Mr. Riggio amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 10 - SMG 04-20-75 - Cash Flow Links Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.3, 304.13), at **712 Marion St.** Violation(s) – Broken windows, no address numbers, damaged fence. First Notified – 11/8/2019.

Respondent was not present.

Inspector Sara Kirk stated she posted the property and has a trespass arrest agreement on the unsecured property. She stated she has had no contact and the lender is foreclosing. She stated the lender's removed the fence and cut the yard and provided her a receipt for glass. She stated they secured the property and is asking to amend to the next cutoff.

DISPOSITION: Mr. Riggio Amended the Current Order of Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 19 - SMG 08-20-106 - Pelican Bay Golf Club LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.7), at **550 Sea Duck Dr.** Violation(s) – Minimum maintenance standards for commercial sidewalks and driveways, weeds, accessory structures, site appearance standards. First Notified – 2/17/2019.

Respondent was not present.

Officer Cortland Lamp stated the Respondent checked in this morning but did not return from lunch.

DISPOSITION: Mr. Riggio continued the case to the September 8, 2020 meeting for a finding of Compliance or Non-Compliance and the determination of a Compliance date.

CASE # 22 - SMG 08-20-108 - MasRoc Land LP is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1); Sec. 78-112, at **N Beach St (Parcel #4244-01-36-0201).** Violation(s) – Unsanitary condition, overgrown grass, weeds, branches, bushes, hedges, rubbish and garbage. First Notified – 5/26/2020.

Respondent was not present.

Mr. Garcia stated the property is vacant except for transients. He stated he had contact once with a person mowing the grass but no contact with the owners.

Captain Lee stated the property is a police issue.

Mr. Riggio disclosed that he is negotiating a contract on another property regarding MasRoc.

Both Captain Lee and Mr. Jackson agreed to move forward and believed that Mr. Riggio could be objective in deciding this case.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

CASE # 28 - SMG 08-20-124 - Ambassador of Business, Health, Wellness and Etc and His Successors, a Corporation Sole, is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.3, 304.6, 304.8, 304.10, 304.12, 304.13, 304.13.1, 304.13.2, 304.14, 305.3, 305.5, 307.3, 504.3, 604.2, 704.2), at **408 Braddock Ave.** Violation(s) – Outside storage, trash and debris, picket fence missing pieces, rotten wood faded and rusted, back staircase damaged, damaged exterior wood, damaged windows, damaged screens, damaged exterior surfaces, damaged electrical, damaged plumbing, damaged accessory structure including stairways handrails and decks, damaged and missing smoke detectors, electrical hazards, plumbing hazards, no permits. First Notified – 2/12/2020.

Respondent was not present.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Captain Lee stated the property is a police issue and they have executed search warrants on this property and arrested people for theft.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the Respondent to come into Compliance by September 2, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine.

Mr. Riggio asked if there was any Miscellaneous Business and there was none.

The meeting was adjourned at 5:15 p.m.