
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

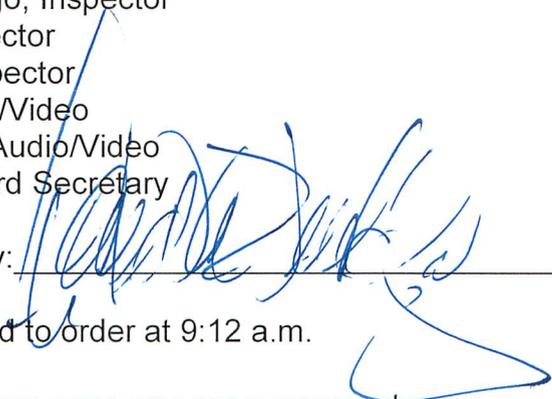
September 8, 2020 Minutes

Attendees:

David A. Vukelja, 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
Mr. John Stenson, Lead Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark A. Jones, Rental Inspector
Ms. Sara Kirk, Code Inspector
Mr. Cliff Recanzone, Rental Inspector
Ms. LaWanda Tomengo, Inspector
Mr. Kevin Yates, Inspector
Mr. David Woods, Inspector
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 9:12 a.m.

Mr. Vukelja asked if there were any announcements.

Ms. Barnes announced the following cases in Compliance.

CASE # 8 - 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 – 1/7/2020.

Compliance 9-3-2020

CASE # 9 - 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 Freemont Ave.** Violation(s) – Mildew on home. First Notified – 10/25/2018.

Compliance 9-2-2020

CASE # 3 - SMG 01-19-16 - Harbourside Sunsets COA Inc. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.1, 304.2, 304.3, 304.4, 304.6, 304.7, 304.8, 304.9, 304.10, 304.12, 304.13.1, 304.13.2, 604.3.1 and 605.3), at **900 S. Peninsula Dr.** Violation(s) – Missing and peeling paint, mold and mildew, exterior walls, concrete spalling and cracking, rotting wood, missing paint, damaged roofing, damaged fascia and soffit, electrical boxes (open wire), exterior electrical fixtures broken, exterior address numbers dilapidated, damaged exterior walls, fence missing paint, dilapidated auxiliary structure, rotten wood, missing paint, missing guardrails and handrails many locations throughout building. First Notified – 9/26/2018.

Ms. Barnes stated she received an email from Ms. Wonsetler, Attorney for the case this morning and she was ill and unable to attend.

Mr. Jackson stated they are near Compliance and are comfortable with amending to the next cutoff.

DISPOSITION: Mr. Vukelja 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 a fine up to \$1,000 per day.

CASE # 4 - 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. Tanya Law Jimenez, attorney, came forward.

Mr. Jackson stated the property remains in Non-Compliance and is asking for a fine in the amount of \$300 per day to a maximum of \$15,000.

Mr. Fitzgerald stated the Respondents have done work without a permit.

Ms. Jimenez stated there is a notice issue which was discussed at the last meeting and they were not notified when the pictures were taken.

Captain Lee stated the Respondent should be aware on all of their properties that they cannot do unpermitted work.

Mr. Fitzgerald stated unpermitted work was done on the window and this was not the first time for this Respondent.

Ms. Jimenez again stated there were notice issues.

Mr. Vukelja asked what the date of the first notice was.

Captain Lee stated last month was the first notice and read Article 6.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$200.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 26 - SMG 09-20-138 - GEA Seaside Investments Inc. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **21 S Peninsula Dr.** Violation(s) – No permit for central air system installation. First Notified – 6/3/2020.

Mr. Vukelja asked the Respondent if she agreed the violations existed at the time Notice was given.

Ms. Jimenez stated she would let the inspection speak for itself.

Mr. Jackson stated the City is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Inspector John Stenson stated this was a re-inspection from a previous case and the A/C had been replaced in its entirety without permits.

Mr. Vukelja asked how does one check.

Mr. Stenson stated he checked with Permits and Licensing and had previous pictures of the property.

Ms. Jimenez questioned the Inspector, submitted a copy of the Notice of Violation and asked for the case to be dismissed. She asked if the procedure was 60 days to appeal.

Mr. Vukelja asked if the property is occupied.

Mr. Stenson stated yes and that the work required electrical work.

Mr. Vukelja stated the Respondent's request to dismiss is denied.

DISPOSITION: Mr. Vukelja 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 up to \$1,000 per day.

CASE # 1 - 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.

Ms. Ana Carnicer, Property Manager, appeared via Zoom.

Mr. Anthony Jackson, Assistant City Attorney stated the City is asking for a fine in the amount of \$400 to a maximum of \$25,000.

Mr. Vukelja asked how big the property is.

Inspector Michael Fitzgerald stated the property is approximately 300 x 200 and has a broken seawall. He stated the property has been maintained on and off and they were supposed to hire a contractor for demolition but has not hired one. He stated there is someone down the street who has used the vacant lot for parking at special events.

Captain Scott Lee, Daytona Beach Police Department, stated the people down the street are using the lot for parking and say they have permission from the owner.

Ms. Carnicer stated they are aware of the parking and is not allowing them to park cars there now. She stated the lawn will be taken care of this week and they will address the broken sea wall. She stated she is asking for an extension and is waiting to get 2 estimates for the demolition. She stated new grass will be put in.

Mr. Fitzgerald stated they need to remove the asphalt. He stated they need to demo everything down to the ground.

Captain Lee stated the property will need to be maintained

Mr. Vukelja asked what the ordinances allow and if they allow restoration.

Captain Lee stated the property is vacant and is no longer in use. He stated the asphalt was left and the security fencing needs to be maintained.

Mr. Vukelja asked how much time it should take to come into Compliance.

Captain Lee stated approximately 30 days for demolition and 30 days to get through the other issues. He stated there have been long periods of time between contact and it was difficult to contact the Respondent.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$400.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$25,000.00 or the property comes into Compliance.

CASE # 2 - 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 (aka 141 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 she thought they were in Compliance and have done some work there and was sworn in.

Mr. Fitzgerald stated he is asking for a fine in the amount of \$400 per day to a maximum of \$35,000. He stated the property is the main walkway to the Beach on Harvey and the seawall needs to be removed.

Mr. Vukelja stated it looks as if there is trash on the property.

Mr. Fitzgerald stated it is a mattress.

Mr. Vukelja asked if there was anyone locally policing and there was no response.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$400.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$35,000.00 or the property comes into Compliance.

CASE # 7 - 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.

Ms. Jessica Gow came forward and was sworn in.

Mr. Vukelja asked the Respondent if she agreed the violation existed as stated in the Notice of Violation.

Ms. Gow stated yes.

Mr. Recanzone stated he is asking for a finding of Non-Compliance and next cutoff for Compliance.

Ms. Gow stated they will maintain the property and fix the pedestrian bridge.

DISPOSITION: Mr. Vukelja found the Respondent in 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 up to \$1,000 per day.

CASE # 18 - 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. Gow stated the property is undergoing an environmental remediation. She stated the site plan submission and review is happening this week. She stated going forward she expects it to take about 3-4 months and to be done in December or early January. She stated she plans to remove the current structure and will secure the site and put up a fence.

Mr. Fitzgerald stated documentation for demolition was submitted.

Ms. Gow stated she will be submitting documentation for Phase two.

Captain Lee stated the Respondents have a good track record and he is ok with January Compliance.

Ms. Gow stated she is asking for January for full Compliance.

Mr. Fitzgerald stated the property is on the ISB main corridor and he would like the property maintained.

DISPOSITION: Mr. Vukelja amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by January 6, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 32 - SMG 09-20-127 - 1024 Atlantic Ave LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 7 Sec. 7.2.M.9, Art. 8 Sec. 8.2.C, at **833 N Atlantic Av.** Violation(s) – Parking of vehicles that does not conform to the site plan on 6/11/2020, 6/17/2020 & 7/31/2020 . REPEAT VIOLATION - (Ref SMG 12-18-162 on 6/6/2019) First Notified – 6/6/2019.

Mr. Androse Bell, Hotel Manager, came forward and was sworn in. Ms. Anita Gallentine and Ms. Tracey Remark were also sworn in as witnesses.

Mr. Vukelja asked the Respondent if he agreed the violations existed at the time Notice was given.

Mr. Bell stated no.

Mr. Jackson stated the City is here for the imposition of a fine. He stated the Respondent is not following the site plan on June 7, Jun11 and July 31. He stated the case started as a citizen complaint and is asking for \$1000 per occurrence for a total of \$3,000.

Mr. Vukelja asked what the site plan allows.

Captain Lee stated the property is satellite parking for employees and valet parking only.

Ms. Anita Gallentine stated the property was also in Non-Compliance on June 9 and discussed the development agreement. She submitted a photo board and claimed there were temporary chains on other properties but not this one. She stated the parking lot is right behind her home.

Ms. Remark stated the Respondent was directed not to park RV's and Mr. Bell agreed. She stated they gave a parking pass to a semi and allowed them to park there for 4 days. She stated there is a tiny information sign that says employee and valet only and they are not using the lot that allows it. She stated she sent an email to the owner and he said Mr. Bell hasn't gotten to it. She stated she met with the Attorney for the property, Ms. Avery Smith. She stated she put together private property rights and a Commission meeting summary and it was passed by the planning board and Commission. She stated they discussed the PD agreement and it's permitted uses. She stated the Respondent claims light trucks and trailers can park there. She stated federal regulations list light trucks as 10,000 pound weight. She stated she called the

hotel yesterday regarding parking and their charge does not include valet. She stated guests can self-park to avoid valet charge.

Mr. Bell stated he has read the PD agreement and they never let RV's park there. He stated he received estimates for gates but was unable to drill under A1A. He stated he had to call his Attorney, Ellen Smith, to meet with the City in an effort to work together. He stated they put the trailer in the corner and there was a misunderstanding with the truck and did not know he drives an Enterprise truck. He stated the Inspector doesn't want to work with him and he doesn't think the witnesses are being fair. He stated there was no compliant with truckers over the weekend. He stated Yates took the word of the residents.

Captain Lee stated it is not the City's job to babysit the parking lot.

Mr. Bell stated they track guests down and tow.

Mr. Vukelja asked if there are people on the street to see who parks there.

Mr. Bell stated no one is there 24-7.

Mr. Jackson stated there are ways to prohibit this activity.

Mr. Bell stated they had an issue with motorcycles, from people not staying at the hotel, who parked on the sidewalk and they called the Police.

Mr. Jackson stated he is asking for \$1000 per occurrence for 3 occurrences and for future violations would ask for a gradual increase based on history, egregiousness. He stated it abuts a residential area and the Respondent has refused to follow through.

Mr. Vukelja told the Respondents they need to learn to get along.

Mr. Bell stated he did not want to run into an issue at Biketoberfest because bikers bring trailers and the agreement states that trailers can park in that lot.

Mr. Vukelja stated he could not make any guarantees and that Mr. Bell needs to do his research and the Building department is available to answer any questions.

DISPOSITION: Mr. Vukelja ordered a fine in the amount of \$1000 per occurrence for violations that occurred on June 7, June 11 and July 31 for a total amount of \$3,000.

Mr. Vukelja ordered a recess at 11:16 a.m. The meeting resumed at 11:29 a.m.

CASE # 5 - 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.

Mr. Eddie Peterson came forward and was sworn in.

Inspector LaWanda Tomengo stated the case was amended at the last hearing. She stated there have been 3 inspections. She stated at the August 21 inspection, the lawn had been maintained and she was given access to a structure which was taken down. She stated there are trees and boulders on the path which were still in Non-Compliance. She stated on her next inspection, the awning was removed and the trees trimmed. She stated ½ of the boulders were removed by the September 4th inspection and that she met with Mr. Peterson and his attorney since and the remedies have been completed. She stated the property is now in Compliance and she is asking for a Will-Fine.

Mr. Peterson stated the property will be maintained.

Ms, Tomengo stated she has had multiple complaints. She stated the violations that the Respondent corrected. She stated they have staff to cut the lawn and perform the maintenance.

DISPOSITION: Mr. Vukelja found the property was formerly in Non-Compliance and now in Compliance as of September 8, 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 # 6 - 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, Manager, came forward and was sworn in.

Inspector Clifford Recanzone stated the permits were on hold for the last two months. He stated the bottom floor had changed and they needed permits for the changes but the only permits that had been applied for was for upstairs work. He demonstrated on the pictures a new unit that was added to the Property Tax Assessor's floor plan.

Mr. Vukelja asked if anyone was living there.

Mr. Recanzone stated not now.

Captain Lee stated the property has resulted in police action there.

Mr. Calvillo stated he started eviction and he was the one who had called the police. He submitted blueprints and stated engineering has been submitted to Permits & Licensing. He stated he is waiting on inspection and that they would need to pull permits for Electrical and Plumbing.

Mr. Recanzone stated he is asking for a fine in the amount of \$400 to a maximum of \$15,000.

DISPOSITION: Mr. Vukelja amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by October 7, 2020 or a fine in the amount of \$400 per day would automatically be imposed to a maximum amount of \$15,000.00 or Compliance is achieved.

CASE # 10 - 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.

Respondent was not present.

Mr. Clig stated the Respondent hired a surveyor and the survey is done. He stated they hired a construction company for pavers and they may be completed by the next cutoff.

Mr. John Nicholson came forward as a witness and was sworn in. He stated he lives across the street and the vacant lot has been unkept for years with people parking there on the weekends. Mr. Nicholson stated he is in error and this is not the case he is referring to or meant to testify for.

There was no action taken as Compliance is already ordered for October 7th, 2020.

CASE # 11 - 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.

Mr. Carlos Lira came forward and was sworn in.

Mr. Fitzgerald stated the property remains in Non-Compliance. He stated he has heard from the Respondents and they plan to hire a contractor for demolition. He stated he is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Lira stated the demolition will take 45 days.

Mr. Vukelja stated the case has been going on since October 2019.

Mr. Lira stated he had applied for a permit for the roof and then decided the building needed to be demolished.

Mr. Vukelja asked how long it would take.

Mr. Lira stated the property would be demolished before the end of October.

Mr. Fitzgerald stated the Respondent submitted a quote for demolition but it was not a contract and was not filled out.

Captain Lee stated there has been no demolition permit issued.

Mr. Vukelja looked at the documentation from the Respondent and stated it is not a contract but a quote.

DISPOSITION: Mr. Vukelja continued the case to the October 13, 2020 meeting for a progress report as to where they are on the demolition.

Captain Lee reminded the defendant that all permits need to be closed before they are in compliance.

Mr. Lira asked if that included the roof permits.

Captain Lee stated yes.

CASE # 12 - 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.

Mr. Wade Behore and Mr. Hak Ben Zukeda came forward and were sworn in.

Mr. Behore stated they have the plans ready and are ready to submit. He gave the plans to Mr. Vukelja.

Captain Lee stated there has been contact with the City regarding this project.

Mr. Behore stated it took longer than inspected and he is ready to go.

Mr. Vukelja asked when they can be in Compliance.

Mr. Fitzgerald stated he is asking for compliance by the next cutoff. He stated the property remains in Non-Compliance and nothing has been done. He stated he checked Zoning and did not find anything there.

Mr. Behore stated they went before the TRT board in December and they know the zoning and everything.

Captain Lee stated he would like to see plans submitted to the City by the next cutoff.

Captain Lee stated the Respondents need to make contact with Redevelopment and submit plans and must keep the property secured and maintained.

Mr. Behore stated the property is vacant, secured and ready for demolition. He stated he would take care of the grass.

DISPOSITION: Mr. Vukelja continued the case to the October 13, 2020 meeting for the determination of a Compliance date.

CASE # 13 - 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. Behore stated this is the adjacent property and the same project.

Mr. Fitzgerald agreed.

DISPOSITION: Mr. Vukelja continued the case to the October 13, 2020 meeting for the determination of a Compliance date.

CASE # 14 - 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. First Notified – 2/12/2020.

Mr. Kevin Campeal and Mr. Robert Olsen came forward and were sworn in.

Mr. Fitzgerald stated the Respondents have done a great job and he expects Compliance by the next cutoff.

Mr. Olsen agreed.

DISPOSITION: Mr. Vukelja 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 up to \$1.000 per day.

CASE # 15 - SMG 04-20-81 - C-29, LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.2, 304.6, 304.7, 304.8, 308.1), at **551 Dr Mary M Bethune Blvd.** Violation(s) – Vacant building, outside storage, trash and debris, faded and peeling paint, rotten wood, damaged fencing, damaged roof, sign depicting a closed business, working without permits. First Notified – 7/17/2019.

Mr. Arthur Wright, contractor and Mr. Bruce McNorton came forward and was sworn in.

Mr. Fitzgerald stated the property is in Non-Compliance and is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.00.

Mr. Jackson asked the inspector if the Respondents have done anything.

Mr. Fitzgerald stated they have removed some of the wood.

Mr. Wright stated they hired a contractor who lived out of the City and had problems. He stated he is now working with Dowst and his architect is working on two phases by next week and the interior will be in Compliance. He stated they are breaking the project into two phases to bring the property into compliance sooner and they will begin the exterior first. He stated he has been meeting with people at the City.

Mr. Vukelja asked how long it will take to come into Compliance.

Mr. Wright stated less than 2 weeks.

Mr. Vukelja asked when he will apply for interior permits.

Mr. Wright stated within a week or two.

Mr. Vukelja asked how long Compliance would take for the whole job.

Mr. Wright stated a couple of months they would be able to apply for plumbing and HVAC permits.

Mr. McNorton stated only the outside storage has been removed and some framing left. He stated a sign had been removed and they need a permit to demo the awning in the front.

Mr. Vukelja stated the Respondents need to take care of the outside first.

Captain Lee stated they are willing to amend to the next cutoff based on the testimony of the Respondents.

DISPOSITION: Mr. Vukelja amended the current Order of Non-Compliance and ordered the Respondent to come into Compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 16 - 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.

Ms. Barnes stated the Respondent was here but he had to leave.

Mr. Fitzgerald stated he is asking to amend to the next cutoff for Compliance.

DISPOSITION: Mr. Vukelja 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 up to \$1,000 per day.

CASE # 17 - 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. Irwin White came forward and was sworn in. He stated he hired a contractor for the roof. He stated he applied for a permit on Friday and are going to start work the week of the 20th. He stated the owners plan to redo the inside but they can't do anything until the roof is done. He stated they have been waiting on the insurance company.

Mr. Fitzgerald asked how long the project will take.

Mr. White stated he is not sure how long that will take. He stated he doesn't have funds and that the previous roofer ran off with the money. He stated he is going to do the work on the exterior himself. He stated they have been in court with the roofer since he first received the Notice.

DISPOSITION: Mr. Vukelja ordered the Respondent to appear at the October 13, 2020 meeting for a progress report and the determination of a Compliance date.

CASE # 19 - 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. Kenneth Tucker and Mr. David Roll came forward and were sworn in.

Mr. Fitzgerald stated he has updates and is asking to amend to the next cutoff for Compliance. He stated they are waiting for the Respondents to transfer the property and most of the asphalt has been removed. He stated they are working with the City. He stated they are using the property next door to build a parking lot.

Mr. Tucker stated they installed sod mid last week and there is an inspection tomorrow with P & L.

DISPOSITION: Mr. Vukelja 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 up to \$1,000 per day.

CASE # 20 - SMG 06-20-104 - Vandall of Daytona Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.1, 302.2, 302.3, 302.4, 304.1, 304.2, 304.4, 304.6, 304.10, 304.19, 604.3); Ch. 90 Sec. 90-297, at **614 E Intl Speedway Blvd**. Violation(s) – Maintenance/Commercial: Fencing and missing east gate, weeds, lot maintenance, paint fading, stair structure/support above east window and south wall deterioration, exposed electrical box, rotted overhangs, damaged parking lot surface, install trash containment area. **First Notified – 2/5/2020.**

Respondent was not present.

Mr. Fitzgerald stated he is asking for a fine in the amount of \$350 per day to a maximum of \$15,000. He stated the Respondents have done nothing.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$350.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 21 - SMG 06-20-105 - Vandall of Daytona Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 302.1, 304.1, 304.2, 304.4, 304.6,

304.8, 304.13, 304.13.1, 304.19, 308.1), at **612 E Intl Speedway Blvd.** Violation(s) – Remove, replace or repair the plastic picket fence, pressure wash and paint where needed. First Notified – 2/5/2020.

Mr. Fitzgerald stated he is asking for a fine in the amount of \$400 per day to a maximum of \$15,000.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$400.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

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.

Mr. Mike Lowe, Mowing Service, came forward and was sworn in. He stated they have worked there for the last ten years.

Inspector Daniel Garcia stated he is asking to amend to the next cutoff. He stated the Respondents hired a company for to bring the property into Compliance and they plan to grade the whole property and will spend over \$16,000. He stated they do not need a permit since they will not be messing with the mangroves.

Mr. Lowe stated he was hired by the management company. He stated they changed Code officers but they cannot keep the transients out. He stated besides just mowing the field, they will clear the whole thing so there is no place to hide.

DISPOSITION: Mr. Vukelja 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 up to \$1,000 per day.

CASE # 23 - 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 is asking for a fine in the amount of \$100 per day to a maximum of \$15,000. He stated the owner abandoned the property and the lender took over and added the address numbers and fixed the fence and ordered the glass to fix the window but they are not going to complete the work. He stated the lender intends to foreclose.

DISPOSITION: Based on the absence of the Respondent and the inspector's testimony, Mr. Vukelja imposed a fine in the amount of \$100.00 per day, effective September 3, 2020, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 24 - 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.

Respondent was not present.

Mr. Jackson stated he had spoken to the attorney, Mr. Tom Caldwell and that the tenant had removed the cars from the lot. He stated they are trying to get clarity on how they can use the property. He stated he is asking to amend to the next cutoff.

DISPOSITION: Mr. Vukelja 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 up to \$1,000 per day.

CASE # 25 - 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 the City is asking for Dismissal. He stated the Respondent submitted an arborist report and that a new state law that allows for diseased trees or trees that are a danger to property or person can be removed by a certified arborist and the requirements are waived.

DISPOSITION: Mr. Vukelja ordered the case is dismissed.

CASE #27 - SMG 09-20-146 - Kevin Stokes TR/MLK Land Trust is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 42-214; Art 6 Sec. 6.6.1.B.3; Art. 6 Sec. 6.1 C.4; Art. 8 Sec. 2.A; Art. 6 Sec. 2.H.7.A, at **S Martin Luther King Blvd (Parcel # 5339-91-03-0040).** Violation(s) – No permit, noise disturbance, non-conforming use, failure to obtain Business Tax Receipt (BTR) First Notified – 8/16/2020.

Mr. Kevin Stokes came forward and was sworn in. He stated he didn't know what was going on.

Captain Lee stated there are pop-up social media parties. He stated on August 16, Patrol responded to over 200 hundred people in the street blocking traffic flow and parking. He stated there were calls for noise and the property is in a residential area. He stated the party was unpermitted, they had a DJ under the tent and were asked to stop by Law Enforcement. He stated this weekend there were two parties and it pulls officers from normal duties and they need permits and approvals.

Mr. Vukelja asked if the owner is responsible.

Captain Lee stated the owner is responsible for not parking on the vacant lot and there is no structure on the property. He stated the owner has placed signs but it is not sufficient and can sign up for the Trespass Arrest program. He stated the party was advertised on social media.

Mr. Jackson asked how long the party was.

Captain Lee stated Officer Cortland Lampe arrived at 9:00 p.m. and the party was cleared by 10:40 P.M. He stated K-9 and supervisors came to the scene and he reviewed the Axon video and there were approximately 200 people and a DJ in the back yard under a small tent. He stated there were speakers on tripods. He stated there was definitely effort to put together the party and it was not spontaneous. He stated they are asking for \$1000 per occurrence.

Mr. Stokes stated he did not approve the party and did not know who did. He stated he went to the PD and spoke to Capri.

Captain Lee stated they would ask for a finding of Non-Compliance/Compliance.

Mr. Stokes stated it won't happen again.

Captain Lee stated he has been to other properties where this happens with Mr. Stokes.

Mr. Stokes stated he used to have block parties and stopped it.

Captain Lee reminded the Respondent that the signs at the property do not meet the requirements.

DISPOSITION: Mr. Vukelja found the respondent was in Non-Compliance and ordered the Respondent to properly post signs and sign up for the Trespass Arrest program by October 7, 2020 or for any future violations may be returned to the Special Magistrate for consideration of a fine up to \$5000 per occurrence.

CASE # 28 - SMG 09-20-143 - Wal-Mart Stores East, 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 302.4, 302.7), at **949 Mason Ave.** Violation(s) – Overgrown lot, damaged fence - REPEAT VIOLATION (SMG 07-19-158). First Notified – 6/22/2020.

Respondent was not present.

Inspector David Woods stated he is asking for a fine in the amount of \$350 per day to a maximum of \$30,000. He stated the property is a 20 acre lot at the corner of Mason and Nova. He stated there were two white men mowing the lawn in August 24 and that nothing else has been done and the property remained the same.

Mr. Jackson stated there is a will-fine in place.

Mr. Vukeljas asked the Inspector when was the last time he inspected the property.

Mr. Woods stated today.

Mr. Vukelja asked the Inspector when the last time he advised them what would happen for future violations was.

Mr. Woods stated August 20 but there has been no direct contact with Wal-mart.

DISPOSITION: Noting the absence of the Respondent and the violation of the will fine order, Mr. Vukelja imposed a fine in the amount of \$300.00 per day, effective September 8, 2020, until the fine reaches a maximum of \$30,000.00 or until the property comes into Compliance.

CASE #29 - SMG 09-20-144 - John Washington is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 42-214; Art. 6 Sec. 6.1.B; Art. 6 Sec. 6.1.C; Art. 8 Sec. 2.A; Sec 66-61, at **889 Maley St.** Violation(s) – No permit, noise disturbance, non-conforming use, failure to obtain Business Tax Receipt (BTR) First Notified – 8/14/2020.

Mr. John Washington came forward and was sworn in.

Captain Lee stated a flier, aimed at students and Daytona State College, from someone named DJAJ indicated a party. He stated originally the party was released to happen at 215 N Adams but was changed to 889 Maley St. He stated police arrived at 10:30. He stated one of the Sergeants made contact with the organizer AJ upon arrival and there were 50 to 75 cars in the roadway and about 200 people in the back yard. He stated a DJ and music did not comply with the Governor's order. He stated there is no review process since the City is not issuing permits. He stated these kinds of parties overwhelm neighborhoods and does damage to people's yards. He stated at contact the individual was argumentative and charged a cover fee and made a profit. He stated these parties also impact law enforcement. He stated the party was restarted at Joe Harris park and AJ was arrested. He stated he is asking for a \$5,000 fine.

Officer Cortland Lampe came forward and was sworn in. Mr. Jackson asked the Respondent questions about the night of the party. He stated he arrived at the scene about 10:30 which he changed to 10:45 p.m. and the property was cleared by 2:00 am

Mr. Vukelja asked where Maley is located.

Officer Lampe stated it is in Police Zone #43 and is close to MLK corridor.

Captain Lee showed Axon video from Sergeant Steve Jessmer's body cam.

Mr. Washington stated he was not aware of the problem with tenants and that there were cars in the yard. He stated the tenant discontinued mowing because they claim he broke a car window and he was trying to get them out. He stated he called the number on the Notice and spoke to Mr. Kirk.

Mr. Vukelja asked the Respondent where he lives.

Mr. Washington stated he lives at 301 Maley and that he has properties.

Mr. Vukelja asked the Respondent if he knew about the party.

Mr. Washington stated he did not know the guy named AJ on the video.

Mr. Vukelja asked the Respondents if he asked the tenants about the party.

Mr. Washington stated the tenant doesn't like to talk to him and he likes to text and his daughter texts so he communicates through his daughter. He stated they don't want to talk to him because he complains about the party. His daughter said the tenant said they didn't know about the party.

Mr. Jackson stated ultimately the property owner is responsible.

Mr. Vukelja asked how he is supposed to know.

Mr. Jackson stated the owner has to engage with the tenant.

Mr. Vukelja asked how do you know the tenant was involved. He stated the property owner could own vacant property or has a disgruntled tenant should he be automatically on notice?

Mr. Jackson stated the owner's remedy is to deal with the tenant and the City's is to deal with the owner.

Captain Lee stated this should not happen anywhere in the city and that it is an issue with the property owner. He stated he is taking issue with the way they take care of it.

Mr. Vukelja stated it would be hard to convince him because how would the owner know.

Captain Lee stated the City is looking for an Order of Non-Compliance followed by Compliance.

Mr. Vukelja stated even an order of Non-Compliance may not be sufficient and he is not sure how to deal with it.

Mr. Washington asked how does he stop it without knowledge. He stated the tenants ignore him about everything.

Captain Lee stated he accepts that and will withdraw the case.

Mr. Vukelja stated the previous case was resolved because it would be on the trespass list.

DISPOSITION: Mr. Vukelja ordered the case is withdrawn without prejudice to future cases.

Mr. Vukelja reversed his decision and found the respondent previously in Non-Compliance and now in Compliance and that the violations were Irreparable and irreversible and that for any future violations may be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence. He stated that he views the previous case since the owner agreed to put the property on the Trespass arrest program was a solution and not a legal determination and his order is without prejudice to any future cases of this type.

CASE # 30 - SMG 09-20-128 - Villa Jardine 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, 304.14, 402.2 & 504.1), at **203 Oak Tree Cir.** Violation(s) – Ineffective exterior lighting, plumbing leak, dilapidated fence and insufficient insect screens. First Notified – 2/28/2020.

Respondent was not present.

Ms. Kirk stated the case started as a tenant complaint and is not in Compliance. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Noting the absence of the Respondent and based on the Inspector's testimony, Mr. Vukelja found the Respondent in 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 up to \$1,000 per day

CASE # 31 - SMG 09-20-139 - Masonova, LLC is cited for failure to correct violations of The Land Development Code, Art. 10 Sec. 10.1; City Code Ch. 90 Sec. 90-297, at **1021 Mason (1063 Mason Ave)**. Violation(s) – Unpermitted/unlicensed activity at 1063 Mason Ave; failure to obtain Business Tax Receipt (BTR) First Notified – 8/1/2020.

Mr. Luke McCoy, Sr came forward and affirmed to tell the truth.

Mr. Vukelja asked the Respondent if he agreed the violation existed at the time Notice was given.

Mr. McCoy stated no.

Mr. Jackson stated the City is asking to continue the matter to acquire additional facts from this weekend.

Mr. McCoy stated he took the day off today and the case was that he didn't have a Business License and what is there to continue if to add other charges. He stated either he did have a license or he didn't have a license.

DISPOSITION: Mr. Vukelja continued the case to the October 13, 2020 meeting for a finding of Non-Compliance/Compliance.

CASE # 33 - SMG 09-20-140 - In Land I Trust LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **336 Hobart Ave**. Violation(s) – Outside storage, overgrown grass, overgrown bushes and trees, damaged fence, damaged fascia, damaged soffit, peeling paint, broken windows. First Notified – 9/27/2019.

Mr. Chung Tien came forward and was sworn in.

Mr. Vukelja asked the Respondent if he agrees the violations existed at the time Notice was given.

Mr. Tien stated yes.

Mr. Garcia stated he is asking for a finding of Non-Compliance.

Mr. Tien stated he hopes to have the property in Compliance. He stated the people living there are stealing water and has dogs and he doesn't want his employees or himself to be bit. He stated he doesn't know who lives there and evictions are on moratorium. He stated he is not allowed on the property.

DISPOSITION: Mr. Vukelja continued the determination of a Compliance date to the October 13, 2020 meeting.

CASE # 34 - SMG 10-20-141 - Sirisha Gadiparti is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1, 302.1), at **838 N Ridgewood Ave.** Violation(s) – Sanitation, rubbish and garbage. First Notified – 6/17/2020.

Respondent was not present.

Mr. Garcia stated the property has a sanitation problem trying to keep it clean. He stated he is asking for a will-fine.

DISPOSITION: Mr. Vukelja found the property was formerly in Non-Compliance and is now in Compliance as of September 8, 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 # 35 - SMG 10-20-142 - Dawn Jenkins is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **161 North St (554 Tanglewood St Parcel # 5338-36-00-0040).** Violation(s) – Parking on the grass. First Notified – 4/27/2020.

Dawn Jenkins came forward and was sworn in.

Mr. Garcia stated the property has a parking issue. He stated they cleaned it up and are keeping it clean and is asking for a will fine.

Mr. Vukelja asked the Respondent if she agreed.

She stated yes and the car was removed.

DISPOSITION: Mr. Vukelja found the property was formerly in Non-Compliance and is now in Compliance as of September 8, 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 # 36 - SMG 09-20-129 - Hostdime.com, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 301.3, 302.7), at **Dr Mary M Bethune Blvd (Parcel ID# 523827000010).** Violation(s) – No lot maintenance, overgrown trees and bushes (sleeping in overgrown bushes), outside storage, trash and debris, damaged chain link fence. First Notified – 2/12/2020.

Respondent was not present.

Mr. Jackson stated the Inspector Fitzgerald reports has had no contact with the Respondent and the property remains in Non-Compliance. He stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

DISPOSITION: Noting the absence of the Respondent and based on the City Attorney's testimony, Mr. Vukelja found the Respondent in 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 up to \$1,000 per day.

CASE # 37 - SMG 09-20-132 - Sana Inc 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 **856-854 Orange Ave.** Violation(s) – Paint fading and peeling. First Notified – 11/18/2019.

Mr. George McGill came forward and was sworn in.

Mr. Vukelja asked if the Respondent agrees the violations existed at the time Notice was given.

Mr. McGill agreed.

Mr. Fitzgerald stated only one of the violations was done.

Mr. McGill stated the peeling paint is left.

DISPOSITION: Mr. Vukelja found the Respondent in 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 up to \$1,000 per day.

CASE # 38 - SMG 09-20-133 - Domco Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.C.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 308.1, 308.2, 308.2.1, 308.3, 308.3.1, 308.3.2), at **715 Mason Ave.** Violation(s) – Overflowing dumpster (trash on the ground), paint fading and peeling. First Notified – 1/16/2020.

Respondent was not present.

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

DISPOSITION: Mr. Vukelja found the Respondent in 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 up to \$1,000 per day.

CASE # 39 - SMG 09-20-134 - Viva! Homes LLC 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 302.2, 302.7, 304.2), at **949 Lewis Dr.** Violation(s) – Damaged chain-link fence, peeling paint, front yard missing ground cover (exposed dirt), no yard maintenance. First Notified – 1/8/2020.
Respondent was not present.

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

DISPOSITION: Mr. Vukelja found the Respondent in 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 up to \$1,000 per day.

SMG 04-15-18 - AmazingGrace ARNP Solo 401K Trust c/o Grace Pedersen as Trustee (Current owner is Reginald Copeland) is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3**New Land Development Code eff. 3/1/2015 Reference: Art. 6 Sec. 6.19.A.3.a.; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.3, 304.7, 304.13, 304.14, 305.6, 302.7, 308.1, 304.15, 305.3, 605.1, 504.1, 604.3, 704.2, 605.2 and FBC 105.1)** New Land Development Code eff. 3/1/15 Reference: Art. 9 Sec. 9.1.A (Ref. FBC Supp IPMC 304.3, 304.7, 304.13, 304.14, 305.6, 302.7, 308.1, 304.15, 305.3, 605.1, 504.1, 604.3, 704.2, 605.2 and FBC 105.1), at **724 Mercedes Avenue**. Violation(s) – Outside storage; no address numbers; dilapidated roof; inoperable windows; missing screens; dilapidated fencing; infestation; dilapidated exterior doors; dilapidated interior surfaces; missing interior doors; inoperable/dilapidated electrical fixtures; dilapidated plumbing fixtures; electrical hazard; missing smoke detectors; inoperable receptacles; working without permits. First Notified – 2/9/2015 (Hand Delivered). \$15,000 plus \$24.00 recording fees = **Total amount owed \$15,024.00**.

Mr. Reginald Copeland came forward and was sworn in.

Ms. Barnes stated the Lien was denied on November 14, 2017.

Mr. Jackson stated at previous lien review, the Respondent did not appear. He stated there are two open cases on this property currently.

Mr. Stenson stated there are two open cases with running fines.

Mr. Copeland stated the hearing was cancelled.

Mr. Vukelja stated he wasn't hearing the case until he can explain why he didn't show.

Mr. Jackson stated the hearing was already heard and denied. He stated even if the Magistrate were to allow a lien review right now, the property is still in Non-Compliance.

Mr. Vukelja asked if there are on-going violations on the property now. Mr. Vukelja stated if there are ongoing violations they do not reconsider.

Mr. Stenson stated there are two ongoing cases with fines on the property now stemming from tenant complaints. He stated they range from dilapidate roof to bad plumbing and including electrical.

Mr. Copeland stated that is incorrect and he has history with Mr. Stenson. He stated he is alleging malice and illegal conduct. He stated the Inspector is talking about cases from 2015. He said the building official put the property into compliance.

Mr. Vukelja stated he is perplexed because the Respondent did not show up at the hearing.

Mr. Copeland stated he didn't show up because Mr. Stenson cancelled the hearing. He stated the property is in compliance as of seven days ago.

DISPOSITION: Mr. Vukelja denied reconsideration of the lien.

The meeting was adjourned at 2:05 PM.