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# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

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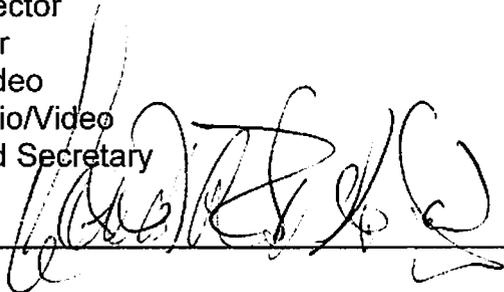
## February 9, 2021 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney  
Captain Scott Lee, 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. Kevin Yates, Inspector  
Mr. Joe Graves, Audio/Video  
Mr. Xavier Campbell, Audio/Video  
Ms. Kimberly Reno, Board Secretary

Approval of Minutes by:  \_\_\_\_\_ Special Magistrate

The meeting was called to order at 9:18 a.m.

Mr. Vukelja asked if there were any announcements.

Ms. Reno announced the following cases in Compliance.

**CASE # 13 - SMG 02-21-29 - Resource Properties, INC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13, 304.14, 304.15, 305.3, 309.1, 702.3, 704.2), at **230 S Franklin St.** Violation(s) – Damaged fence, missing insect screens defective door, egress door locked from wrong side, missing smoke detectors, damaged interior surfaces, termite infestation. First Notified – 6/19/2020.

***Compliance 2-5-2021***

**CASE # 20 - SMG 11-20-196 - Ingrid Beltran** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.7, 304.15, 305.1.1, 604.3), at **311-309 Wisteria Rd.** Violation(s) – Outside storage and landscaping. First Notified – 4/13/2020.

***Compliance 2-9-2021***

**CASE # 21 - SMG 10-20-171 - New Life Bible Church TRC** 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 304.1.1, 304.2, 304.6, 304.13, 304.13.1, 304.13.2), at **507 5th Ave.** Violation(s) – Damaged window frames unable to open, broken windows and glass in a water resistant boarded up windows from the interior, damaged cracking exterior surfaces with structural deficiencies, damaged east side gate, faded and peeling paint and cracks. First Notified – 4/6/2020.

***Compliance 2-2-2021***

***Mr. Vukelja called the City Representatives testifying to stand and be sworn.  
Mrs. Reno swore in the City Representative.***

***Mr. Vukelja called case number #1 Brandon Wilson***

**CASE # 1 - SMG 02-21-25 - Brandon Wilson** 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 301.3), at **Birch St (Parcel # 5237-25-02-0050).** Violation(s) – Overgrown landscaping. First Notified – 11/11/2020.

***No representative present***

***Inspector Butler*** stated last inspection was February 8, 2021 found to be in non-compliance. No contact with the owner.

**DISPOSITION:** Mr. Vukelja found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by March 3, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

***Mr. Vukelja called case number 2***

**CASE # 2 - SMG 02-21-38 - David Taylor** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A City Code Ch. 94 Sec. 94-56, at **410 Jessamine Blvd.** Violation(s) – Truck and commercial vehicle parking. First Notified – 10/22/2020.

*No representative present*

*Inspector Fitzgerald* stated the property is now in compliance and is requesting a Non-Compliance/Compliance Will Fine order.

*Mr. Vukelja* asked if he could do that now.

*Mr. Jackson* advised yes.

**DISPOSITION:** Mr. Vukelja advised that based on the testimony of the Inspector and noting the absence of the respondent found the Respondent was in Non-Compliance and now in compliance. Will further order that for every future violation the respondent be returned to the special magistrate for consideration of a fine for up to \$5000 dollars per occurrence.

**Mr. Vukelja called case number 3**

**CASE # 3 - SMG 02-21-33 - Paul A Czajkowski Rev Trust** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.13, 305.3, 305.6, 604.3.2.1), at **912 Lora St.** Violation(s) – Damaged interior doors, damaged interior surfaces, peeling paint, damaged windows, electrical outlet covers. First Notified – 11/2/2020.

*No representative present*

**Inspector Stenson** stated the property was in Compliance as of February 4, 2021

*Mr. Vukelja* asked if the city was looking for relief.

*Mr. Stenson* advised no.

**DISPOSITION:** Mr. Vukelja advised property was in non-compliance and further found in compliance as of February 4, 2021.

**Mr. Vukelja called case number 4**

**CASE # 4 - SMG 02-21-34 - Akshun & Akshun 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **201 Fentress Blvd.** Violation(s) – Site appearance standards, commercial property maintenance, vacant structure and land. First Notified – 10/26/2020.

*Mr. McNerney* sworn in

*Mr. Vukelja* asked Mr. McNerney what his affiliation was with the respondent.

**Mr. McNerny** advised they were trying to sell the property and keep it maintained the best they could, even in light of the homeless folks that call it home.

Mr. Vukelja asked Mr. McNerny if he had the authority to speak on behalf of the respondent this morning.

**Mr. McNerny** yes,

**Mr. Jackson** asked if he was a realtor.

**Mr. McNerny** advised he is a Licensed Realtor with Adams And Cameron.

**Mr. Jackson** is satisfied and Mr. Vukelja would recognize him as such.

**Mr. Vukelja** asked if Mr. McNerny agreed the violation existed or occurred as stated in the notice of violation.

**Mr. McNerny** stated originally yes. He would drive through every other day and pay \$10 for people who would pick up the trash.

**Inspector Stenson** advised he was in contact with Mr. McNerny but no contact with the actual owner. The issue is with the interior of the red fence. And requests them to be in compliance by the next cut off.

**Mr. Vukelja** asked if they could be in compliance by March 3, 2021,

**Mr. McNerny** ask to what standards is the city requiring.

Discussion to the property and how it is viewed or unable to be seen by the public. Advised the property would require security guy and a trash man daily.

The taco customers use the property to park on and discards their trash.

On the trespass arrest site.

Discussion on recycle bins left on property without asking and the homeless dump over and pull out what they need.

**Mr. Vukelja** inquired what the property owner's obligation.

**Inspector Stenson** advised the landscaping needs to be reasonably maintained. With the overgrowth that is allowing the homeless to find areas of shelter and if maintained could eliminate those areas or solve that problem.

**Mr. Jackson** Article 6 Section 19B LDC provides for commercial property maintenance all commercial property shall be maintained, has to conform to the approved site plan.

**Mr. Jackson** advised this is complaint driven.

**Mr. Vukelja** referenced the old Father Lopez site and can see the obligation of the owner to maintain the property as a life safety issue.

**Captain Lee** advised that if he needs security or engage the police in a program to assist then it is the steps the owner needs to take.

**Mr. McNerny** described a trespass program that did not work on this property

**Captain Lee** advised it was a better program for smaller properties easier to patrol and they would be glad to team up with the owner and connect them with the Code Liaison officer to evaluate the property in order to improve the ability to enforce more quickly.

**Mr. Jackson** introduced Captain Lee

**Mr. McNerny** discussed the boxes

**Mr. Vukelja** advised we have come full circle, and can't absolve the owner of its obligations.

**DISPOSITION:** Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021.

Advised to get on the no trespass thing we talked about. Continue doing what you can, as far as running the boxed and people off and to keep taking photographs.

**Mr. McNerny** discussed the Police Dept. being allowed to use the property for training and that might send a message that the property would not be a good place to hang out.

**Captain Lee** stated Ms. Barnes would get with him and get his number to coordinate with officer Lampe.

**Mr. Vukelja called case number 5**

**CASE # 5 - SMG 02-21-26 - Riverland Gas & Oil 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, 302.4), at **100 S RIDGEWOOD AVE.** Violation(s) – Failure to maintain exterior sanitation, weeds. First Notified – 9/15/2020.

**No respondent**

**Inspector Clig** spoke with manager Ralph Yorky and he stated he would have the employees pick up and did cut the grass once with the trash in it. Inspector Clig stated he did speak to an owner of Riverland Gas & Oil and they too said they would have a janitor monitor the trash, staff requesting compliance next cut off.

**DISPOSITION:** Mr. Vukelja advised that based on the testimony of the Inspector and noting the absence of the respondent found the Respondent was in Non-Compliance and ordered the Respondent to come into Compliance by March 3, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**Mr. Vukelja called case 6**

**CASE # 6 - SMG 02-21-31 - 736 S Beach Street 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, 304.4, 304.13), at **736 S Beach St.** Violation(s) – Failure to maintain exterior structure, protective treatment, structure members, windows, skylight, door frames. First Notified – 12/31/2019.

**Mr. Gundy** sworn in

**Mr. Vukelja** asked what his affiliation was with the respondent and if he had authority to speak on behalf of the respondent.

**Mr. Gundy** advised he was the real-estate broker and now the property manager, and does have authority to speak on the respondents behalf.

**Mr. Vukelja** asked if the City attorney was satisfied.

**Mr. Jackson** stated yes.

**Mr. Gundy** do you agree the violations occurred, advised he would like to speak to the inspector.

**Inspector Clig** advised the case violations, inspector was unable to get ahold of the owner for months. Staff requesting compliance next cut off.

**Mr. Gundy** advised the owner lives in Toronto and is on a sever lockdown for months. A vinyl fence has been put up on the west side. He did engaged an architect to come up with some different conceptual plans for changing it info flats apartments and adding some townhouses, had two meetings with planning & zoning with Mr. Morris and Dennis. But it has been difficult to get the owner back. And will go under a major renovation. And just don't want to put lipstick on a pig.

**Mr. Vukelja** asked if the property owner intends to do something with this property other than superficial nonsense.

**Mr. Gundy** advise yes that the owner tries to improve everything he purchases, this just got caught in the covid mess, and tough to make decisions from Toronto.

**DISPOSITION:** Mr. Vukelja Found the Respondent was in Non-Compliance, Not going to establish a compliance date and will continue this matter to the next meeting for a progress report, and hope to hear more progress towards some permanent solution leading to this building being a something. Mr. Vukelja told Mr. Gundy he can submit his progress report through the inspector or come bring it himself.

**Mr. Vukelja called case number 7**

**CASE # 7 - SMG 02-21-32 - Ingrid Beltran** is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 4.1.A; Art. 5 Sec 5.2.A.2; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.2, 403.2, 404.2, 503.1, 504.1,602.3), at **311-309 Wisteria Rd.** Violation(s) – Outside storage, junk vehicles and boats, exterior surfaces damage, no bathroom violation, room size violation, no toilet privacy, no plumbing system, fixtures, no heat. First Notified – 12/3/2020.

**Mrs. Beltran** was sworn in.

**Mr. Vukelja** asked if she agreed these violation existed or occurred as stated in the notice of violation.

**Mrs. Beltran** stated in some cases probably yes.

**Mr. Vukelja** found the respondent in non-compliance, and asked how long it should take her to come into compliance.

**Inspector Clig** advised it would take at least 60 days, she has exterior windows rotten. And this is a police issue of exploiting the elderly.

**Mrs. Beltran** advised the back room was now storage.

**DISPOSITION:** Found the respondent in non-compliance and order the respondent to come into compliance by April 7, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja call case number 8**

**CASE # 8 - SMG 02-21-36 - Colonial Impact Fund II LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2), at **340 Kingston Ave.** Violation(s) – No permit for additions, damaged fence, peeling paint, unpainted surfaces, trash, debris, rubbish, garbage, outside storage, overgrown grass onto sidewalk. First Notified – 5/7/2020.

**Marian Edwards** sworn in

**Mr. Vukelja** asked what her association was with the Colonial Impact Fund and she stated she is paying mortgage to them

**Inspector Garcia** stated he found property in non-compliance January 28, 2021, no contact with owner and recently spoke to Mrs. Edwards on the phone stating she was the owner. Requesting compliance by next cutoff.

**Mr. Vukelja** stated the property owner should be able to take care of the violations by March 3, 2021.

**Mrs. Edwards** stated yes sir.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector. Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja call case number 9**

**CASE # 9 - SMG 02-21-37 - Lebaron Properties LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC

304.2), at 333 Congress Ave. Violation(s) – Parking on grass, dirty exterior surface. First Notified – 1/4/2020.

***Owner Kevin Lebaron and Shanta Glen sworn in.***

***Mr. Vukelja*** asked Mr. Lebaron if he agreed these violation existed or occurred as stated in the notice of violation.

***Mr. Lebaron*** stated yes and was found in non-compliance.

***Inspector Garcia*** requested compliance by next cut off

***Mr. Vukelja*** stated the city is saying you should be able to come into compliance by March 3, 2021. Mr. Lebaron asked what it is he has to do.

***Mr. Vukelja*** told him parking on the grass and dirty exterior surface and to ask the inspector for any details he was looking for.

***Mr. Lebaron*** introduced his tenant and advised the vehicles have already been moved.

***Mr. Vukelja*** advised Mr. Lebaron they cannot interfere with the owner tenant relationship. Inspector Garcia advised his card was just outside and he could call for a re-inspections.

***Mr. Vukelja called case number 10***

**CASE # 10 - SMG 02-21-39 - Carolina D Wagner** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 311 Taylor Ave (Parcel # 5338-38-00-0580. Violation(s) – No permits for adding onto the unit. First Notified – 12/16/2019.

***No respondent***

***Inspector Garcia*** stated last inspection was January 29, 2021 resulting in non-compliance, has had contact with the contractor, discussion on the combined parcels and the contractor is working on the other building and has pulled an exploratory demo permit not finalized yet and it expired May 18, 2020. Was expecting them to be at the hearing.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector. Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

***Mr. Vukelja called case number 11***

**CASE # 11 - SMG 02-21-27 - Reusa Real Estate LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 (Ref. FBC Supp. IPMC 301.3), at **543 Live Oak Ave.** Violation(s) – Overgrown vacant lot. First Notified – 9/17/2020.

***No respondent***

***Inspector Kirk*** stated re-inspected property on January 29, 2021, no contact with the owner staff is recommending a finding of non-compliance with compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector. Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja called case number 12**

**CASE # 12 - SMG 02-21-28 - Cash Flow Links Florida LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; 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, 304.2, 304.6, 304.7, 304.13), at **515 Bellevue Ave.** Violation(s) – Unsecured vacant property, overgrown lawn, dilapidated roof, dirt & grime, peeling paint/rust, loose siding, broken windows, no permit for new window. First Notified – 11/12/2020.

***No respondent***

***Inspector Kirk*** stated re-inspected property on January 21, 2021, no contact with the owner staff is recommending a finding of non-compliance with compliance by the March cut off.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector. Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja called case number 14**

**CASE # 14 - SMG 02-21-40 - SSMS Holdings 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), at **222 Haynes St.** Violation(s) – Dilapidated fence. First Notified – 6/23/2020.

***No respondent***

***Inspector Kirk*** stated re-inspected property in October 2020 the numbers have been displayed and the junk vehicle removed, however the fence remains, have had contact with the owner staff is recommending requesting a finding of non-compliance with compliance by the March cut off.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector. Found the respondent in non-compliance and order the respondent to come into compliance by March 3, 2021 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja called case number 15**

**CASE # 15 - SMG 02-21-30 - Marsiglia Nicolavia** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 (Ref. FBC Supp. IPMC 301.3), at Cedar St (Parcel#5339-83-02-0010). Violation(s) – Overgrown lot. First Notified – 9/22/2020.

***No respondent***

***Inspector Kirk*** advised she re-inspected on February 4, 2021, violations still exist and no contact with the owner, the owner lives in Italy and unknown if proper notice was given to the owner, and requesting a continuance to March.

***Mr. Jackson*** asked if the property was posted and Mrs. Kirk advised it was not.

**DISPOSITION:** Granting the request for a continuance to the March 9, 2021 Agenda.

**Mr. Vukelja called case number 16**

**CASE # 16 - SMG 01-21-11 - Dwight Edwards** 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 302.8, 304.3, 304.12, 305.3, 604.3, 605.4, 704.2), at 528 Live Oak Ave. Violation(s) – No permit for 12 new windows, door frame and plumbing repair, damaged interior surfaces, missing smoke detectors, junk vehicle, inoperable electrical outlets, damaged railing, missing address numbers. First Notified – 9/9/2020.

***No Respondent***

***Inspector Kirk*** advised property is occupied, no contact from the owner, re-inspected on February 3, 2021, property still in non-compliance and requesting a fine in the amount of \$100 dollars a day to a max of \$15,000

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$100.00 per day, effective February 4, 2021 until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

**Mr. Vukelja called case number 17**

**CASE # 17 - SMG 01-21-20 - Julia T Cherry Trust** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp. IPMC 302.7), at **427 S Martin Luther King Blvd.** Violation(s) – Broken windows, crumbling exterior, damaged accessory structures. First Notified – 11/15/2019.

***No Respondent***

***Inspector Kirk*** advised case obtained November 2019 through a code walk. Property appears vacant. Inspector has had contact with a representative of the owner, since last hearing. Building condemned in March 2020 property condemned due to a fire. Progress has been made and a renovation permit was issued as of January 19, 2021 and requesting a compliance date as of the April cut off.

***Inspector Kirk*** advised the property is on the Historical site and they want to restore the property.

**Mr. Jackson** stated its Black History

**Captain Lee** stated that by April we would have more established time line and be able to update then.

**Mr. Vukelja** asked what the inspector what is she expecting to be accomplished by April?

***Inspector Kirk*** advised she is hoping to have more progress, a lot of interior progress has been done, that she was just made aware of and would like to give them until April.

**DISPOSITION:** **Mr. Vukelja** will continue any imposition of a fine until the April meeting, and primarily interested in a progress report.

**Mr. Vukelja called case number 18**

**CASE # 18 - SMG 01-21-13 - Benzy Car Wash LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **127 S Nova Rd.** Violation(s) – Expired permit for tree removal. First Notified – 10/17/2019.

***No Respondent***

**Inspector Kirk** stated she has been in contact with the owner since the last hearing, and a permit was re issued for the tree removal she has a new tree company that will remove the stumps and will replace the trees she had removed with palm trees. Request to amend until the March cut off to allow more time.

**DISPOSITION:** Based on the Inspector testimony will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja Called case number 19**

**CASE # 19 - SMG 01-21-09 - Mark Patton Brown** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.4, 304.6, 308.2, 604.3), at **350 S Palmetto Ave.** Violation(s) – Failure to maintain exterior structure, failure to maintain windows, porch, siding. Failure to maintain protective treatment, exterior walls, trash and rubbish, electrical system hazards. Failure to maintain structure appearance standards. First Notified – 2/13/2020.

***No Respondent***

**Inspector Clig** advised he has been in contact Mrs. Brown the mother of Mark who is a teacher in Illinois and progress is almost completed with the whole project, they just have a little work on the porch and requesting until next cut off for compliance.

**DISPOSITION:** Based on the Inspector testimony will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja** stated cases number 20 and 21 are already in Compliance.

**Mr. Vukelja called Case number 22**

**CASE # 22 - SMG 01-21-18 - LHD Grainger 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 (Ref. FBC Supp. IPMC 301.2, 302.3, 302.7, 304.2, 304.7, 304.14, 308.1), at **612 N Halifax Ave.** Violation(s) – Peeling and faded paint, rotten wood, dilapidated shed, dirt, grime, dilapidated roof, hole in exterior walls, missing and broken screens, broken windows. First Notified – 11/6/2019.

***Mr. Dooznie*** sworn in

**Inspector Yates** advised he has had contact with the owner and has seen progress and would like to extend the compliance date to the next cut off so that we can get a more firm date on when this project can be completed.

**Mr. Dooznie** agreed that would be fine.

**DISPOSITION:** Based on the Inspector testimony will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja** called Case number 23

**CASE # 23 - SMG 11-20-180 - Segrave Properties 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 302.7, 304.2, 304.7, 308.1), at **240 N Segrave St.** Violation(s) – Dead landscape, damaged gutters, soffits and fence, peeling paint, debris, dirt and grime. Remove barbwire. First Notified – 10/2/2019.

Mr. Charles Robert Hughes sworn in

**Inspector Garcia** advised no recent contact with the owner. There has been slow progress and since the last hearing the fence repaired, dead landscaping removed, added mulch and painted some doors. Was there yesterday and they were pressure cleaning all the exterior on the west side of the building. Requesting to amend to the next cut off. Allowing them more time.

**Mr. Vukelja** asked if Mr. Huges would be able to complete by the March cut off.

**Mr. Hughes** advised that was a little premature that there were a couple things, and sill have an issue with soffits, and parts hanging down on both sides of the building, that were part copper pipes to an old chiller units, and cannot get to by ladder or lift, and they would have to get that taken care of when the roof and soffit was being repaired. They would use a crane which would allow them to get to it. Roofers are on schedule either the last week in March or the first week of April.

**Mr. Vukelja** acknowledged they would need until April 7<sup>th</sup> minimum.

**Inspector Garcia** agreed

**DISPOSITION:** Will amend our current order of non-compliance to allow the respondent until April 7, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 24 - SMG 01-21-17 - Loch N Kop 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 302.7, 304.2, 304.6, 304.7), at **613 N Beach St.** Violation(s) – Overgrown grass & weeds, outside storage, uneven fencing, peeling paint, damaged soffits, boarded up windows. First Notified – 12/11/2019.

***No Respondent***

**Inspector Garcia** only had contact with the daughter, no progress except some minor paint. Asking for a fine of \$200 day capped at \$20,000.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$200.00 per day, effective February 4, 2021 until the fine reaches a maximum of \$20,000.00 or the property comes into Compliance.

**Mr. Vukelja Case number 25**

**CASE # 25 - SMG 01-21-10 - Carlos Santos** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6 19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.6, 304.7, 304.13, 604.3.1.1 604.3.1.1), at **1440 Mississippi St.** Violation(s) – Work without permits, outside storage, unmaintained landscaping, excessive weeds, damaged fencing, exterior walls, gutter/downspouts, roof/fascia, windows, electrical wiring, electrical fixtures. First Notified – **9/2/2020**.

**No Respondent**

**Inspector Stenson** requesting to Amend to April cut off, the permits for the renovation were issued January 21<sup>st</sup> this year and he will need more time get all the thing done.

**DISPOSITION:** Will amend our current order of non-compliance to allow the respondent until April 7, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**Mr. Vukelja Case number 25**

**CASE # 26 - SMG 01-21-05 - Tiger DB 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 302.1), at **2655 W Intl Speedway Blvd.** Violation(s) – **Unmaintained Landscaping, exterior property sanitation.** First Notified – **10/5/2020**.

**No respondent**

**Inspector Stenson** Stated no contact with the owner, no progress last inspection yesterday and remains in non-compliance, and the city is asking for a fine of \$200 dollars a day to a maximum of 25,000 dollars.

**Mr. Vukelja** asked if it was open for business

**Mr. Stenson** advised it was a brand new gas station never opened for business. Discussion to the property status.

**Captain Lee** advised the location being right off the 95 exit, it is one of the first things visitors see when you come into the city. Individuals are living under the overhang.

**Mr. Vukelja** asked if we already had an order of non-compliance in the file.

**Mr. Jackson** confirmed yes and advised they were supposed to be in compliance by February 3<sup>rd</sup> 2021.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$200.00 per day, effective February 4, 2021 until the fine reaches a maximum of \$25,000.00 or the property comes into Compliance.

**CASE # 27 - SMG 10-20-161 - Ormond Beach Ventures I, LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.6, 302.7, 304.2, 304.4, 304.5, 304.6, 304.10, 304.12, 304.13, 304.14), at **222 N Oleander Ave**. Violation(s) – Unsafe stairs and maintenance, protective treatment worn and faded, exterior surfaces with holes and cracks. First Notified – 1/9/2020.

No respondent

Inspector Fitzgerald stated visited the property on February 2, 2021 remains in non-compliance, and the city is asking for a fine of \$200 dollars a day to a maximum of 20,000 dollars.

**DISPOSITION:** Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$200.00 per day, effective February 4, 2021 until the fine reaches a maximum of \$20,000.00 or the property comes in Compliance.

**CASE # 28 - SMG 01-21-22 - DB 101 Corp** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **S Ocean Ave (Parcel ID 5304-01-03-0010)**. Violation(s) – No demolition permit, excluding the sea walls. First Notified – 11/11/2020.

*Mrs. Ana Carnicer* appeared via zoom and was sworn in

Inspector Fitzgerald stated they had substantial improvement and would like to amend to the next cut off

*Mr. Vukelja* asked if they had until March 3, 2021 would that be good.

*Mrs. Carnicer* advised yes.

**DISPOSITION:** Will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

**CASE # 29 - SMG 01-21-23 - DB 153 Corp** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **141 S Ocean Ave (Parcel ID 5309-02-02-0010)**. Violation(s) – No demolition permit, excluding the sea walls. First Notified – 11/11/2020.

*Mrs. Ana Carnicer* appeared via zoom and was sworn in on the above case.

Inspector Fitzgerald stated they had a demolition permit it's scheduled for final inspection on February 9, 2021 and would like to amend to the next cut off

**DISPOSITION:** Will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

**Mr. Vukelja called case 30**

**CASE # 30 - 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. Bruce McNorton** sworn in

**Mr. Vukelja** asked what the affiliation was to C-29LLC.

**Mr. McNorton** advised he was the owner

**Inspector Fitzgerald** last inspection was on February 4, 2021 substantial improvements accomplished, they plastered the property and in order to paint it has to cure and is requesting to amend to the next cut off.

**Mr. Vukelja** asked Mr. McNorton if he was able to be in compliance by March 3<sup>rd</sup>.

**Mr. McNorton** said he thinks they can do that.

**DISPOSITION:** Will amend our current order of non-compliance to allow the respondent until March 3, 2021 to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

Called LR-1

**LR-1 SMG 12-17-93 - 353 Seaview Avenue - Baseline Capital Investments, LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 304.1, 304.3, 304.6, 304.7), Violation(s) – Trash and debris; high weeds; premises identification; exterior walls; roofs and drainage. First Notified – 3/25/2017. **Order Imposing fine-Lien effective January 3, 2018 of \$200 per day to a maximum \$15,000.00. Compliance = December 8, 2020. \$15000.00 plus \$24 recording fees = \$15,024.00**

Daniel Clay Thomas sworn in

**Mr. Vukelja** asked what the affiliation was between Mr. Thomas and Baseline Capital Investments, LLC.

**Mr. Thomas** stated none. That 353 Seaview Ave was his homestead property.

**Captain Lee** stated he believes Baseline Capital Investments was the owner when the fine was imposed.

**Mr. Vukelja** asked what relief Mr. Thomas was looking for and it was stated the \$15,000 but he could pay for what the city was out.

There was discussion on the upkeep and what would be in front of the magistrate.

**Mr. Jackson** stated we look more toward the cost of the number of times the inspectors have to go out, or the administrative fees.

**DISPOSITION:** Mr. Vukelja waived the Fine and lien in its entirety. As soon as you took title sounds like you did everything you could to bring it in compliance as soon as you could.

**LR-2 SMG 01-20-08 - 308 N Keech St - Lena Wright etal, Tina Johnson, Keidra Ponder & Willie A Johnson Estate** 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, 304.13.1), Violation(s) – Outside storage, trash and debris, faded and peeling paint, exterior wall damage, broken windows, fascia board rotten wood, peeling paint, lawn maintenance, damaged fencing, damaged roof. First Notified – 7/10/2019. Order Imposing Fine-Lien imposed April 9, 2020 of \$100 per day to a maximum \$10,000.00. Compliance = October 26, 2020. \$10,000.00 plus \$24 recording fees = **\$10,024.00**.

**Lena Wright** sworn in

**Mr. Vukelja** asked Mrs. Wright to explain why he should consider any reduction in the lien.

**Mrs. Wright** explained the house was left in a will, her and her son did a lot of work on the house.

**Inspector Fitzgerald** explained that after the house was out of probate she immediately worked on the house. Windows, painted, new roof, fence and keeping the yard mowed.

**Mr. Vukelja** asked what is not in compliance now  
Inspector Fitzgerald stated the plywood needs to be removed and the numbers.

**Mr. Vukelja** stated for Mrs. Wright to get the plywood and the legitimate numbers displayed by March 3, 2021 and he will order if it is in compliance by March 3, 2021 and the Fine will be waived.

**Mr. Jackson** stated one of the prior respondents appeared and did he want to bring them back up.

**Mr. Vukelja** said to bring them back in if we got them.

**Mrs. Barnes** advised the inspector Danny Garcia spoke to them and they applied for their permits and would just come back to the next meeting, it was amended to the next meeting.

**Mr. Vukelja** called MB-1

**MB-1 SMG 11-20-186 - 572 Magnolia (155 S Martin Luther King Blvd).**

**N & N Consulting Marketing and Development Corp Inc** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at Violation(s) – No permit for renovation. First Notified – 2/14/2020. Order Imposing Fine-Lien imposed January 7, 2021 of \$100 per day to a maximum \$20,000.00.

No respondent

**Mr. Vukelja** asked if the city wanted to be heard  
**Inspector Kirk** stated no she would like it to stand as it was

**DISPOSITION:** Request denied due to respondent not being present.

**MB-2 SMG 06-20-114 - 123 Jean St 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. Violation(s) – Unlicensed car/storage business, parking on grass, boarded and blocked windows, rust. First Notified – 8/28/2019. Order Imposing Fine-Lien effective January 7, 2021 of \$200 per day to a maximum \$20,000.00. Compliance = October 26, 2020. \$10,000.00 = **\$10,000.00**.

**Mr. Caldwell** is council for the respondent, and advised the property was in compliance and wishes the fine be reconsidered.

**Mr. Jackson** discussed the condition and use of the property. Staff discussed what was happening on the property. And they were advised the individual on the property was allowed to store some vehicles. And it was made to believe that no business was going on.

**Mr. Caldwell** states they are attempting to be in compliance and will get permits if needed. And the gentlemen Cris was utilized to keep the property up and he could store some vehicles on the property. And that nothing commercial was going on.

**Captain Lee** advised this case is ongoing since August 2019 and the use designation does not have anything to do with code enforcement. They need to go through the process with the appropriate staff, states the city wants a use designation and they do not want to rehear the case

**Mr. Vukelja** asked the Inspector what has been done

**Inspector Kirk** advised it was painted, and most of the vehicles had been moved off the grass, one vehicle was being worked on, and city agreed to let go of the rust since it was an old roof, blocked windows and no Business license. The tenant is working on cars and allowed to use the property in exchange for maintaining the property, therefore he is a tenant.

**DISPOSITION:** Denied without prejudice once you all have sorted out the unlicensed car/storage business, and that's your responsibility, which means your owner your tenant somebody is going to have to make some decisions on what you are or what you are going to be so you can fall into Colum A or Colum B and once all the inoperable vehicles are gone and once all the blocked windows are repaired or replaced or whatever the inspector says then you can come back and ask for relief. Take care of those items and have it re-inspected then ask for a lien Review once in Compliance. Taking no action until found in compliance

**Mr. Vukelja** asked if there was any more business to be brought before the Special Magistrate.

**Mr. Jackson** advised MB-1 was on his way and if he could be heard

**MB-1 SMG 11-20-186 - 572 Magnolia (155 S Martin Luther King Blvd).**

**N & N Consulting Marketing and Development Corp Inc.** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at Violation(s) – No permit for renovation. First Notified – 2/14/2020. Order Imposing Fine-Lien imposed January 7, 2021 of \$100 per day to a maximum \$20,000.00.

**Mr. Ivey** sworn in

**Mr. Vukelja** advised the fine was at approximately \$3000.

**Mr. Ivey** advised he has miscommunication and confusion with the building and he did pull the permit for 527 Magnolia. And the (155 S. Martin Luther King Blvd) has been finaled.

**Inspector Kirk** advised the timing of the permit being pulled.

**Mr. Ivey** advised he was given wrong information on the date of the hearing and he wants to be in compliance.

**Captain Lee** confirmed the process was for Mr. Ivey to get his Permit finaled by the Permits & Licensing division, that's who you would contact for your final inspection and once you pass then contact Inspector Kirk and she would inspect the property for your code case.

**Mr. Ivey** stated he understood.

**Mr. Vukelja** stated he was taking no action today and when he is in compliance ask for reconsideration. And stated the fine stands.

**Mr. Vukelja** asked if there was any more business to be brought before the Special Magistrate.

The meeting was adjourned at 11:38 AM.