
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

November 10, 2020

Minutes

Attendees:

Robert J. Riggio, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney

Officer Cortland Lampe, Daytona Beach Police Department

Mr. Denzil Sykes, Neighborhood Services Manager

Mr. Mark A. Jones, Neighborhood Services Field Inspector

Mr. John Stenson, Lead Code Inspector

Mr. Tom Clig, Code Inspector

Mr. Michael Fitzgerald, Code Inspector

Mr. Daniel Garcia, Code Inspector

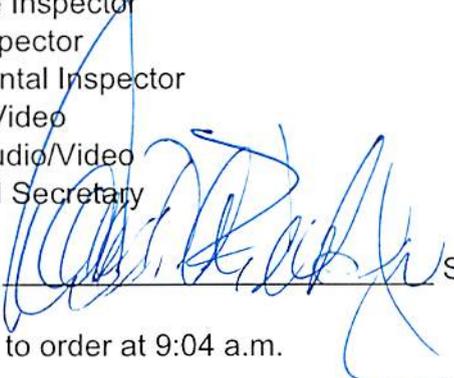
Ms. Sara Kirk, Code Inspector

Mr. Cliff Recanzone, Rental 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 9:04 a.m.

Mr. Riggio advised the next order of business were the approval of the October 13, 2020 Minutes, Ms. Barnes advised they were not complete yet.

Mr. Riggio asked if there were any announcements.

Ms. Barnes announced the following cases in Compliance.

CASE # 2 - SMG 10-20-145 - **Ralph Meitin Family Partnership LTD** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.D, at 1500 S Nova Rd.

Violation(s) – Putting up a sign without a permit.

First Notified – 1/27/2020.

Compliance 11-4-2020

CASE # 24 - SMG 11-20-197 - **SCR Properties 2 LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **1309 Imperial Dr.**

Violation(s) – **Parking on the grass on the north side of the building.** First

Notified – 3/12/2020.

Compliance 11-5-2020

Mr. Riggio stated Zoom cases #13 and #17 would be first on the Agenda and then we would return to the order we have respondents present, and the ones with no respondents to the end.

Mr. Riggio called for the city representatives come forward and be sworn. Ms. Barnes swore all present city representatives in.

CASE # 13 - 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.

Mr. Mathew Lynn Advised one approval was still needed on the permit. Contractor is quoting the time frame would be 8-12 weeks after permit approved.

Mr. Lynn Mr. Jackson and Mr. Riggio discussed issues with permit approval, Contractor timing and progress reporting for completion of the project at the January cut off.

Mr. Jackson requested to maintain a couple month progress report to be obtained at the January cut off and a February

DISPOSITION: Ordered a progress report be provided at the January 12, 2021 special magistrate proceeding and ordered a Compliance date be set for February 3, 2021.

CASE # 17 - SMG 11-20-177 - Martin FL Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7), at **N Atlantic Ave (Parcel # 4236-02-04-0040)**.

Violation(s) – **Unmaintained landscaping, dilapidated fence and sanitation**. First Notified – 6/11/2020.

Mr. Martin was sworn in by Ms. Barnes. Via Zoom.

Mark Jones stated property was posted, certified mail was returned. Contact with owner has been made and progress is being made and request Non-compliance with compliance by January 6, 2021.

Mr. Martin stated he retained a local contractor and work would be done this month and would contact Inspector Yates for re-inspection and work would be completed by the January 6, 2021 hearing

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and ordered the respondent be in compliance by January 6, 2021 or be returned to a special magistrate hearing for consideration of a fine up to \$1,000 per day until compliance or fine reaches \$15,000.

Retuning to agenda by Respondents present

LR-1

SMG 10-19-244 - 1053 Audrey Dr - Lisa Goberdan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7); Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at. Violation(s) – Dilapidated fencing, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL) and inspection. First Notified – 7/29/2019. **Order Imposing Fine-Lien of \$75 dollars per day, effective November 7, 2019. Compliance = November 19, 2019. \$900 dollars plus \$250 one-time fine for failure to obtain Business Tax Receipt (BTR) plus \$24.00 recording costs plus \$58.16 interest on first lien = \$1,232.16.**

Kevin Hussein husband of Lisa Goberdan present requesting for lien reduction, stating notice never received and once aware of the violations they began work on the properties to bring them in compliance.

Mr. Hussein advised he spoke to occupants and the vehicle would be gone today.

Mr. Anthony Jackson city attorney advised no lien reduction do to property still being in non-compliance for the junk vehicle still being parked on the property.

Mr. Hussein advised they moved and that was the reason for not receiving the notice.

DISPOSITION: Mr. Riggio denied lien reduction or release and denied without prejudice. Because the property is not in compliance.

SMG 12-19-280 - 1025 Cadillac Drive - Lisa Goberdahn 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 304.3); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297. Violation(s) – **No address numbers, landscaping, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL).** First Notified – 9/6/2019. **1025 Cadillac Dr. in compliance**

Inspector Stinson last inspected November 9 2020 stated Cadillac Dr. is now in compliance. And the RTL license is current and request the reduction of the lien to \$2500.

Mr. Hussein requested the incumbrancer on the Essex property be released so the sale could assist them in paying the \$2500 fine.

Mr. Anthony Jackson and Mr. Stinson discussed the RTL was now being handled by the Rental Department and the property is in compliance and has a current valid RTL.

DISPOSITION: Mr. Riggio ordered the reduction of the lien to \$2500 payable within 30days. Mr. Riggio denied the request to release the Incumbrance on the 1245 Essex property.

LR-2

SMG 03-20-57 - 609 Holmes - MKVY Enterprises LLC is cited for failure to correct Violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/18/2019.

Ms. Barnes swore in Marcus McDonald

Mark Jones testified to the case status.

Mr. McDonald advised his management company no longer employed.

Mr. Riggio asked for clarification on reduction and stated the hardship is out of the scope of the Covid time frame (July thru October 16, 2020) and the city is taking those times into consideration.

DISPOSITION: Mr. Riggio Ordered the fine of \$15,024.00 be reduced to \$9000.00 payable in 30days. Ms. Barnes advised she will send an invoice to the respondent.

LR-3

SMG 10-06-151 - 723 Washington St - Mark A. Miller is cited for failure to correct violations of The Land Development Code, Article 19, Section 1 and Ch 22-28 Code of Ordinances. Violation(s) – Failure to repair or demolish unsafe structure as described in attached Premises Inspection Report. First Notified – 7/3/2006

Billy Jo Taylor. Ms. Taylor sworn in and testified the property closed May 16, 2019.

Ms. Taylor received the following fees at the closing and she paid the Code fine of \$698.18 and a utility lien, which was also paid \$215.37.

Mr. Jones testified the property was demolished and requested the lien be waived.

DISPOSITION: Mr. Riggio ordered the lien waived and reduced to \$0.00. And request something be filed to show the liens satisfied.

CASE # 1 - 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.**

Jessica Gal attorney advised that CNC Demolition is the contractor they found to file the application and would the company handling the process and pulling the permit for demolition since repair is not the current goal and they will demo all bridges.

Inspector Recanzone stated No permit pulled at this time, the bridges are currently secured. And discussed the severity of the bridge integrity.

Mr. Jackson advised this case has been amended before and the city thinks a fine might push them into action.

DISPOSITION: Mr. Riggio stated property in non-compliance and ordered \$150 day starting November 10, 2020 until fine reaches \$20,000 or until brought into compliance.

CASE # 3 - 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) – **Respondent not available.**

Inspector Garcia testified they are making progress and in contact with the owner and requests to amend to next cut off.

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

CASE # 4 - 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) – **Rob Campforice** sworn in

Inspector Garcia testified he was in contact with the owner and discussed what is left to be brought into compliance.

Mr. Campforice stated the work would probably be done by the end of the month.

DISPOSITION: Mr. Riggio ordered that the previous Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until Compliance is achieved.

CASE # 8 - 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.

This Case Continued for a progress report and determination of a compliance date.

Gila Behore & Sacain sworn in

Inspector Fitzgerald advised property is still in non-compliance and the owners would be updating the plans.

Mr. Behore advised the plans have been submitted and now they are waiting for the city to approve the plans.

Inspector Fitzgerald asked for the building to be painted and the sign taken down.

The owners discussed the issues with painting a building that's going to be torn down.

Mr. Riggio discussed the time frame the building has sat.

Discussion regarding the compliance being connected to 126 S Atlantic Ave property.

Mr. Behore advised it would be done.

DISPOSITION: Mr. Riggio ordered that the current Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance either by painting or by demolishing the building or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until Compliance is achieved.

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

Mr. Fitzgerald advised this is the back building that needs painted

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

CASE # 11 - 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.**

Bruce Mc Norton & Arthur Wright sworn in. Contractor hired and pulling permit.

Mr. Fitzgerald advised permit was pulled and requested to amend to next cut off.

DISPOSITION: Mr. Riggio ordered that the previous Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until Compliance is achieved.

CASE # 16 - SMG 11-20-193 - Christ Robert Dean Pape is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **317 Michigan Ave.** Violation(s) – **Junk vehicle with no tag.** First Notified – 5/21/2020.

Mr. Pape sworn in

Investigator Stenson stated the property remains in non-compliance, requesting compliance next cut off.

Mr. Pape notified the tenant the car could not stay untagged. The Car was gone and now back and he had it towed. Then the car back 3 days later with a tag.

Mr. Riggio stated if vehicle is found to have a current tag the case could be resolved.

Investigator Stenson will re-inspect the vehicle tag.

DISPOSITION: Mr. Riggio ordered that the current Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 or property is brought into compliance.

CASE # 18 - SMG 11-20-187 - Paul A Merk 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. 6.19.A.4; Art. 6 Sec. 6.8.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.7, 304.7, 304.13, 304.13.2, 304.15), at **617 Riverview Blvd.** Violation(s) **Dilapidated garage roof, dilapidated fence, broken windows, trash and debris, damaged front steps, missing soffit vents, dilapidated porch roofs, damaged door assembly.**

Paul Merk & Stanley Holy sworn in

Mr. Jones testified some minor work taken care of but not the major ones. 2 permits on hold requested compliance by next cut off January 6, 2021.

Mr. Merk testified his compliance attempts. As soon as he purchased the property, he put a new roof on, and got rid of all the trash. Mr. Merk attempted to replace the fence in order to secure the property from his tools from being stolen.

Mr. Merk has tried to come into compliance, requires engineer drawings. Mr. Morris was told if he did the specific things he would give ok.

Mr. Riggio said he can give more time for respondent to work out his permit and Mr. Jackson stated her could speak to Mr. Sykes and Captain Lee for a sit down meeting.

Mr. Jackson stated there is a process and for them to continue to work through the process.

Mr. Morris is in a different department. And all we can do is to give them until January cut off.

Mr. Merk stated he does not want to fix a soffit to tear down a soffit it does not make sense.

Mr. Merk advised that permits and licensing would not look at his plans until code enforcements violations have been corrected.

Mr. Riggio and **Mr. Jones** advised once he gets the permit then the violation are handled.

Mr. Merk states zoning will not move forward until code does something with the violations. Conversations regarding the confusion is between departments.

DISPOSITION: **Mr. Riggio** ordered that the current Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 or property is brought into compliance.

Mr. Merk was given the contact information for Captain Lee and **Mr. Sykes** to speak with.

Mr. Riggio Called case number #22

CASE # 22 - SMG 11-20-179 - Jay Pritam 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, 302.8, 304.1, 304.2, 304.15, 308.1, 605.1), at **303 N Ridgewood Ave.** Violation(s) – **Dilapidated fence, outside storage, junk vehicle, exterior surface, damaged exterior doors, trash and debris, rubbish and garbage and exposed electrical.** First Notified – 11/22/2019.

Mr. Prassjant Papankar and **Mr. Rakesh Patel** both sworn in

Mr. Papankar stated he is authorized to speak on behalf of his Uncle Jay Pritam.

Inspector Garcia testified to the violations. **Mr. Garcia** received a call yesterday for an inspection and he will go out today to verify all repairs have been made.

DISPOSITION: **Mr. Riggio** find the respondent in non-compliance and Order the respondent to come into compliance by January 6, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 dollars or property is brought back into compliance.

Mr. Riggio Called case number #23

CASE # 23 - SMG 11-20-194 - Laura Hill Morrison & Andre Hill 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, at **248 N Martin Luther King Blvd.** Violation(s) – **RV illegally parked and outside storage.** First Notified – 10/16/2020.

Andre Hill sworn in.

Mr. Garcia testified the property was in compliance and requesting a finding of non-compliance / compliance will fine.

Mr. Hill testified he tries to stay in compliance and he spoke with the tenant and this will not happen again, and he does not do things like this.

DISPOSITION: Mr. Riggio found respondent in non-compliance / compliance as of October 17, 2020 respondent shall not violate those section of the land development code or be brought back before the special magistrate for consideration of a fine of up to \$5000 dollars for each occurrence as per chapter 162 Florida statutes.

Mr. Riggio Called case number #25

CASE # 25 - 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.

Charles Robert Hughes sworn and he is the owner / tenant, repairs have been started, and the extensive damage was due to last hurricane, and financial hardship with the retail stores. Once the stores are up and running the money will be there for the warehouse repairs.

Investigator Garcia testified some repairs have been made. Property was found in non-compliance and requests compliance by the January cut off.

Disposition: Mr. Riggio finds the respondent in non-compliance and Order the respondent to come into compliance by January 6, 2021 or be returned to a subsequent special magistrate meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 dollars or property is brought back into compliance.

Mr. Riggio Called case number #29

CASE # 29 - SMG 11-20-186 - 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 **572 Magnolia (155 S Martin Luther King Blvd).** Violation(s) – **No permit for renovation.** First Notified – 2/14/2020.

Hemis N. Ivey Jr. sworn in

Mr. Ivey stated he met with several city employees. He had financial hardship to finish the renovations and as soon as he received finance, he would submit all the correct paperwork. And asked for time to obtain the permits. Requesting until

Inspector Kirk testified two building on one parcel. 572 Magnolia the building department cited working without permit.

Mr. Jackson and staff discussed the parcel

Disposition: Mr. Riggio finds the respondent in non-compliance and Order the respondent to come into compliance by January 6, 2021 or be returned to a subsequent special magistrate meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 dollars or property is brought back into compliance.

Mr. Riggio Called case number #30

CASE # 30 - SMG 11-20-198 - Target House Property Solutions LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.5, 302.8, 304.2, 304.13, 304.14, 305.1, 305.3, 305.4, 308.1, 504.1, 602.3, 604.3, 704.2), at **323 Maple St.**

Violation(s) – **Obtain permit for the unpermitted second bathroom. Repair or replace the defective, unsanitary plumbing in the original bathroom. Contact a licensed contractor to repair or replace all hazardous electrical outlets and wiring. All outlets must have covers. Install smoke detectors in all required locations. Remove rodent infestation and maintain in a sanitary condition. All bare exterior surfaces must have protective treatment applied and all rotted wood must be replaced. Repair or replace cracked and hazardous concrete at the front walkway. Repair or replace dilapidated and cracked side landing. All windows must have fitted insect screens and locks. Repair or replace all broken windows. All interior surfaces must be sanitary and repaired. Cut and maintain overgrown lawn. Remove all outside storage and trash & debris from exterior of home. All doors and windows must be weather-tight. All vehicles must be operable and properly tagged. All vehicles must be parked on an approved surface. A standard heat supply must be provided.** First Notified – 10/7/2020.

Michael Brotus sworn in

Noah Hollingsworth sworn in witness for the city

Inspector Kirk testified all violation in same condition and Salvation Army has relocated the tenants to hotel and the property is vacant. Asking for compliance next cut off.

Mr. Brotus advised covid eviction prevented access because of squatters and all but 4 items had been corrected. Paving the concrete after hurricane showers clear. Screens being made. Deciding if they will be waiting to pull permit for the bathroom or taking it back to a room. The rodent problem has left because of the scatters, did wood treatment, back yard clear vehicles removed.

Mr. Riggio asked if they were squatters or tenants that became squatters.

Mr. Brotus stated they were tenants that became squatters. And he could bring it into compliance in 30 days.

Noah Hollingsworth advised he is the tenant and stated that he does not know this individual and has never signed a lease with him. The guy that rented to him is Cole or queen. Mr. Hollingsworth stated the one who rented to him walked this gentleman up and told him what to say. Rent was \$1000. Stated he would bully the tenants. He was arrested for a battery. Stated the sewer runs into the yard.

Disposition: Mr. Riggio finds the respondent in non-compliance and Order the respondent to come into compliance by January 6, 2021 or be returned to a subsequent special magistrate meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 dollars or property is brought back into compliance.

Break at 12:23

12:35 back in session

CASE # 36 - SMG 10-20-172 - GEA Seaside Investment Inc 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 301.3, 304.1.1), at **S Grandview Ave (Parcel ID# 5304-01-11-0120)**.

Violation(s) – **Damaged accessory structure retaining wall with peeling or flaking of the paint. Leaning, cracking and bulging of wall or segments with encroachment by leaning over sidewalk. Unless proper actions are taken, a damaged wall can collapse possibly causing more damage or injury. Vacant lot maintenance. First Notified – 4/28/2020.**

Taniya Jimenez attorney for GEA

Inspector Fitzgerald stated it is a vacant lot that has a retaining wall, has cracks in it, and is leaning towards the sidewalk

Mrs. Jimenez questioned Inspector Fitzgerald regarding his employment status. Cited Jasmin Y Johnson ce2015-2932 / ce2020-1598

Mrs. Jimenez question Inspector on his recollection for the purpose of this hearing only where he posted the property.

Mr. Fitzgerald first stated only on the property then a few minutes later clarified, it was also mailed first class mail and posted at city hall.

Mrs. Jimenez asked to approach and submitted an exhibit.

Asked if he recognized the same notice of violation, which he advised yes.

Mrs. Jimenez stated she has one more piece of evidence respondents exhibit #3. And requests to call Mrs. Barnes.

Mr. Riggio asked if she wanted to enter the entire document

Mrs. Jimenez stated yes.

Mrs. Barnes was sworn in and confirmed the satisfaction paperwork.

Mrs. Jimenez providing argument via Res Judicata was previously prosecuted and resolved as evidence of the fine and \$10,000. Requests the case be dismissed.

Mr. Riggio asked if it was her position that this is a court of competent jurisdiction, these decisions all speak to judicial decisions this is at best an administrative procedure.

Mrs. Jimenez stated that Florida Supreme court is an excellent authority regarding this matter and direct authority regarding this matter. Mrs. Jimenez stated she would submit that, And it was the same tribunal and the same proceeding that rendered the previous judgement further supporting the argument. Requested the case be dismissed.

Mrs. Jimenez discussed the violation notice issues, the postings and the res Judicata, requested the case be dismissed.

Mr. Jackson stated this was not res Judicata. The issue that was before the tribunal that was ruled upon that was ultimately resulted in the settlement was a foreclosure action concerning a lien that was imposed. Ms. Jimenez was right the lien was related to the same property however the lien had nothing to do with the question if the property was in compliance or not in compliance. The fact that the lien accrued states the property was not in compliance and no evidence if the property was ever brought into compliance. This is a whole different issue not Res judicotta.

Mr. Jackson quoted several chapters clarifying notices and how they are handled.

Mrs. Jimenez reviewed all of her evidence.

Mr. Riggio stated there was not a notice problem, the respondent was aware of the issue and came prepared.

Mr. Riggio stated the lien was paid by the current owner and not res Judicotta.

Mr. Riggio stated the check from GEA was paid to release a lien not to rectify the issue. Mr. Riggio role is to find something in compliance or non-compliance. The whole point of 162 is to resolve code violations. The owner in the previous matter never rectified the violation and the fact eventually there was a lien and it was paid off did not amount to rectifying the violation.

Disposition: Mr. Riggio finds the respondent in non-compliance and Order the respondent to come into compliance by January 6, 2021 or be returned to a subsequent special magistrate meeting for consideration of a fine up to \$1,000 per day until the fine reaches \$15,000 dollars or property is brought back into compliance.

Mrs. Jimenez questioned if a party was not in compliance and the maximum amount was paid the next month code enforcement can come back and issue another violation and get another maximum statutory amount.

Mr. Riggio referred to 162 and stated it does place an arbitrary limit on what can be assessed on a violation.

Mrs. Jimenez Two requests if this case comes back for a fine in January if Mr. Riggio be the Magistrate since he heard the case and requests to be copied on all communications with the tribunal.

Miscellaneous Business

SMG 08-20-116 - 511-509 Harvey Ave - 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) 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.

Mrs. Jimenez spoke regarding the request and acknowledge she did not submit a written notice. Mrs. Jimenez shared her attempts to get ahold of city members and has not gotten a response, requested the item was placed on the agenda so she was prepared to proceed.

Mrs. Jimenez stated it was new information the Mr. Fitzgerald stated a permit for the door was not needed as first stated in the previous hearing where Mr. Vukelja ordered a fine. The issues had been corrected in Trakit.

Mr. Jackson stated the city needs to be allowed to prepare for the case.

Mr. Jackson addressed the special magistrate issue. The Dockets go the way they go and objects to the locking in of one Magistrate vs the other and advised it would be a reconsideration.

Disposition: Mr. Riggio Order the case be set on the January docket on January 12, 2021 as a reconsideration.

Mrs. Barnes request Mrs. Jimenez submit the motion for recocideration forms.

CASE # 5 - 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 not present

Inspector Clig advised final inspection today.

DISPOSITION: Mr. Riggio ordered that the previous Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until Compliance is achieved.

CASE # 6 - SMG 10-20-151 - Three Oaks Inn 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 301.3), at **331 S Palmetto Ave.** Violation(s) – **Failure to maintain lot, overgrown grass and weeds.** First Notified – 4/22/2020.

Respondent not present

Investigator Clig request Non-Compliance/compliance Will Fine Discussion on repeat Violation. Compliance as of November 9, 2020

Mr. Jackson stated the will fine was already in place at a previous hearing. This would be a repeat violation and did not need a ruling from Mr. Riggio.

Case number # 7

CASE # 7 - SMG 10-20-158 - Ouaida Group 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 301.3, 302.7), at **S Martin Luther King Blvd (Parcel ID# 5339-03-71-007A)**. Violation(s) – **Overgrown lot and damaged fence**. First Notified – 7/21/2020.

Respondent not present

Investigator Kirk testified not in compliance asking for \$100 day fine to a maximum of \$15,000.

DISPOSITION: Find the respondent still in non-compliance and order a fine in the amount of \$100.00 per day, effective November 10, 2020 until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

Case number # 10

CASE # 10 - SMG 10-20-159 - Anthony Vitale 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 304.10, 304.12), at **201 N Oleander Ave**. Violation(s) – **No permit for back balcony**. First Notified – 5/26/2020.

Inspector Fitzgerald permit has been pulled and work ongoing and asked to amend to the January cut off.

DISPOSITION: Mr. Riggio ordered that the previous Order of Non-Compliance be amended and allowed the Respondent until January 6, 2021 to come into Compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day until Compliance is achieved.

Case number # 12

CASE # 12 - SMG 10-20-168 - Marie Therese Couture Petit 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 304.2), at **315 N Grandview Ave**. Violation(s) – **No permit for two new sheds, paint fading and peeling**. First Notified – 4/7/2020.

Inspector Fitzgerald stated the two sheds remain and the paint fading and peeling remain and requested a fine in the amount of \$100 a day to a maximum of 10,000.

DISPOSITION: Find the respondent still in non-compliance and order a fine in the amount of \$100.00 per day, effective November 10, 2020 until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

Case number #14

CASE # 14 - SMG 11-20-181 - Eastcoast Inc 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); Sec. 22-26 and Sec. 22-27, at **406 S Atlantic Ave.** Violation(s) – **Roof, doors, electrical hazards, outside storage, dilapidated building.** First Notified – 8/13/2020.

No respondent

Inspector Jones no contact with owner requested compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #15

CASE # 15 - SMG 11-20-196 - Ingrid Beltran is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **311-309 Wisteria Rd.** Violation(s) – **Outside storage and landscaping.** First Notified – 4/13/2020.

Inspector Jones requested to continue to the January hearing

DISPOSITION: Mr. Riggio ordered that case number SMG 11-20-196 Ingrid Beltran for property at 311-309 Wisteria Rd be continued to January 12, 2021 for determination of compliance or non-compliance.

Case number #19

CASE # 19 - SMG 11-20-178 - 10 Alison Lane 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, 302.4, 304.2, 304.13, 305.13, 308.1), at **10 Alison Ln (property is at 650 N Beach St)**. Violation(s) – **Broken windows, unpainted exterior surface, damaged interior surface, damaged fence, overgrown grass, rubbish, garbage, trash, and debris**. First Notified – 12/11/2019.

No respondent

Inspector Garcia stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #20

CASE # 20 - SMG 11-20-195 - 240 Ridgewood Realty 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, 304.2, 304.7, 304.12), at **240 N Ridgewood Ave**. Violation(s) – **Damaged fence, dirt, peeling paint and unpainted exterior surface, damaged roof and handrails**. First Notified – 1/10/2020.

No respondent

Inspector Garcia stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #21

CASE # 21 - SMG 11-20-188 - 275 Ridgewood Avenue, LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 308.1), at **275 N Ridgewood Ave**. Violation(s) – **Trash and debris, rubbish and garbage**. First Notified – 5/8/2020.

No respondent

Inspector Garcia stated property is in compliance requests a will fine.

DISPOSITION: Mr. Riggio found respondent in non-compliance / compliance as of November 10, 2020 respondent shall not violate those section of the land development code or be brought back before the special magistrate for consideration of a fine of up to \$5000 dollars for each occurrence as per chapter 162 Florida statutes.

Case number #26

CASE # 26 - SMG 11-20-184 - 525 Tarragona 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, 303.1), at **525 Tarragona Way**. Violation(s) – **Dilapidated fence and unsanitary pool**. First Notified – 5/6/2020.

No respondent

Inspector Kirk stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #27

CASE # 27 - SMG 11-20-182 - Heron Development Group LTD 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 301.2, 301.3, 302.7, 304.2, 304.7, 308.1, 604.3), at **241 S Martin Luther King Blvd**. Violation(s) – **Dilapidated roof and exterior wall, peeling paint, trash and debris, hazardous electrical systems and unsanitary and blighted property**. First Notified – 6/15/2020.

No respondent

Inspector Kirk stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #28

CASE # 28 - SMG 11-20-183 - Heron Development Group LTD is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.10, 308.1, 604.3), at **223 S Martin Luther King Blvd.** Violation(s) – **Dilapidated roof, deck and exterior wall, hazardous electrical systems, trash and debris and a blighted vacant property.** First Notified – 6/17/2020.

No respondent

Inspector Kirk stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #31

CASE # 31 - SMG 11-20-185 - Nivrah Consulting and Investment Group LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **520 S Martin Luther King Blvd.** Violation(s) – **Outside storage and overgrown lot.** First Notified – 7/28/2020.

No respondent

Inspector Kirk stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #31

CASE # 32 - SMG 11-20-190 - Gail Miller, Gary L Miller, Lance D Miller & Brock L Miller is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.c;

Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **S Segrave St (Parcel ID 5339-03-71-0026)**. Violation(s) – **Failure to maintain landscaping- lot grass**. First Notified – 7/29/2020.

No respondent

Inspector Clig stated property non-compliance / compliance ask for will-fine.

DISPOSITION: Mr. Riggio found respondent in non-compliance / compliance as of November 2, 2020 respondent shall not violate those section of the land development code or be brought back before the special magistrate for consideration of a fine of up to \$5000 dollars for each occurrence as per chapter 162 Florida statutes.

Case number #33

CASE # 33 - SMG 11-20-189 - H & H Hospitality Consulting Inc is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **632 S Segrave (Parcel ID 5339-52-00-0070)**. Violation(s) – **Overgrown lot**. First Notified – 7/30/2020.

No respondent

Inspector Clig stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

Case number #34

CASE # 34 - SMG 11-20-192 - South Ridgewood Investment 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), at **414 S Ridgewood Ave**. Violation(s) – **Overgrown lot**. First Notified – 8/6/2020.

No respondent

Inspector Clig in compliance 11/2/2020

Case number #35

CASE # 35 - SMG 11-20-191 - TRSTE LLC as Trustee of the 330 Loomis Land Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1), at **330 Loomis Ave.** Violation(s) – **Lot, grass overgrown, trash.** First Notified – 8/10/2020.

No respondent

Inspector Clig stated property remains in non-compliance requests compliance January cut off.

DISPOSITION: Mr. Riggio found the respondent in Non-Compliance and order 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 until the fine reaches \$15,000 or until Compliance is achieved.

6. Adjournment

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

The meeting was adjourned at 2:37 p.m.