
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

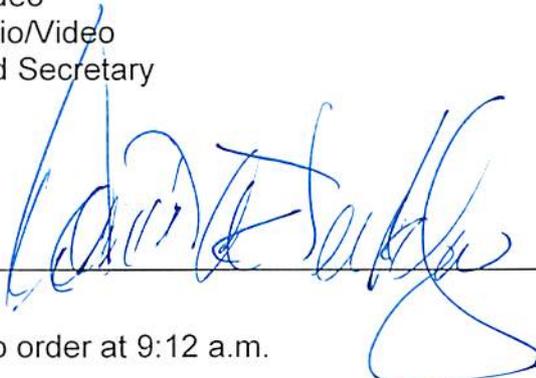
April 13, 2021 Minutes

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. Mark A. Jones, Field Supervisor
Mr. John Stenson, Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Ms. Sara Kirk, Code Inspector
Mr. Kevin Yates, Code 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 9:12 a.m.

Mr. Vukelja announced the Approval of November 10, 2020, January 12 & March 9, 2021 Minutes.

Mr. Vukelja called the city representative to step forward to be sworn in.

Mrs. Reno swore in the City Representative present.

Mr. Vukelja asked if there were any announcements.

Ms. Reno announced the following cases in compliance

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CASE # 21 - SMG 04-21-99 - BMS Holdings 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, 308.1), at **543 Division St.** Violation(s) – Unsecured vacant building, overgrown grass, trash and debris.

Compliance 4-7-2021

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CASE # 31 - 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.

Compliance 4-9-2021

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CASE # 35 - SMG 03-21-43 - Lash Larue 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 301.3, 304., 304.15), at **924 Vernon St.** Violation(s) – Site appearance standards, structural appearance standards, vacant structure and land, overhang extensions, exterior doors.

Compliance 4-6-2021

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CASE # 36 - SMG 03-21-49 - Linda F Carpenter 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 **316 Michigan Ave.** Violation(s) – Peeling paint on exterior surfaces.

Compliance 4-12-2021

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CASE # 40 - SMG 03-21-47 - Suburban Square LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at **120 S Ridgewood Ave.** Violation(s) – Trash & debris.

Compliance 4-7-2021

New Cases:

CASE # 1 - SMG 04-21-94 - Alfred & Marie Armstrong & Kimberly Armstrong is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 2 Sec. 2.9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6.), at **908 Emma Sr.** Violation(s) – Outside storage, unmaintained landscaping, parking in yard, junk vehicles, exterior surfaces.

Kimberly Armstrong Sworn in

Inspector John C. Stenson advise the property should be able to come into compliance by the next cut off.

DISPOSITION: found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 04-21-73 - LVS Management Inc is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.2, 308.2.1), at **1531 S Ridgewood Ave.** Violation(s) – Failure to maintain driveway, exterior structures, rubbish facilities.

Mrs. Smith President / owner sworn in

Inspector Tom Clig process of getting permits and requests a progress reports and needs state permit

Mrs. Smith advised they needs a survey to get the permit to start work with concrete supplier.

DISPOSITION: Mr. Vukelja discussed and scheduled coming back for a progress report on **May 11, 2021** meeting and be able to come up with a compliance date at that time.

CASE # 3 - SMG 04-21-74 - Levy Business Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **238 S Segrave St.** Violation(s) – Failure to maintain roof.

No respondent, the respondent had a meeting.

Inspector Tom Clig testified, request next cut off

DISPOSITION: Based on the testimony of the Inspector found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 04-21-75 - Mr. E Patterson 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 **1127 Martha Dr.** Violation(s) – Failure to maintain landscaping, vacant land.

No respondent

Inspector Tom Clig no contact with the owner requesting next cut off.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 04-21-76 - Andre & Odette Perreault 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 302.74, 304.14, 304.13.2), at **705 N Wild Olive Ave.** Violation(s) – Unpermitted work, dilapidated shed, sealed windows, and outside storage of building materials.

Mr. Andre Rondeau sworn in and found in non-compliance.

Inspector Kevin Yates Testified, requested compliance next cut off

Mr. Rondeau is looking for another contractor as the contractor he had did not follow up on permit and will

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 04-21-77 - South Wild Olive 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 302.7, 304.2), at **128 S Wild Olive Ave.** Violation(s) – No permits for renovation (windows, doors, and other items), unprotected surfaces, outside storage, and dilapidated fence.

No respondent

Inspector Kevin Yates requested compliance next cut off

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CASE # 7 - SMG 04-21-78 - David Parag 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, 304.6, 304.13, 304.15, 305.6, 504.1, 603.1, 604.3, 304.2) and NFPA 1 13.7.1.4.9, at **818 N Halifax Ave.** Violation(s) – Missing smoke detectors, damaged interior doors, non-functional appliances, leaking sinks and faucets, exposed wiring, broken light fixture, wood rot, holes in exterior walls, dilapidated windows, outside storage, door seals, HVAC improperly installed (drain), door seals.

Mr. Parag sworn in and testified violations corrected requested an inspection.

Inspector Kevin Yates requested compliance next cut off if he is in compliance.

Mr. Parag stated everything done except things inside and had a letter from the tenant.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 8 - SMG 04-21-81 - Frank P Heckman % Martha Smith is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.1.1, 304.2, 304.7, 304.8, 304.10, 304.12), at **46 S Oleander Ave**. Violation(s) – Front knee wall half painted, front porch roof. rotten wood, damaged roof, damaged fascia board, damaged soffit, front porch structural issues (unit on Harvey), damaged railings, damage rain gutter.

Martha Smith and Jennifer Nazak sworn in

Inspector Michael P. Fitzgerald unavailable **Captain Lee** stated the city recommends compliance next cut off.

Mrs. Smith stated the contractors she has spoke to, do not handle violations and advised Mr. Heckman ran off the contranctor she did find when he showed up unannounced .

Mrs. Nazak asked since Martha is Franks legal representative will she be able to hire the right people.

Mr. Jackson advised she needs to get with the permits and licensing department for questions regarding general contractor questions.

DISPOSITION: Motion to **continue** SMG 04-21-81 to the **May 11, 2021** Hearing for a progress report to set a compliance date.

CASE # 9 - SMG 04-21-87 - REM 310 Seabreeze Blvd 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, 308.3.2), at **310 Seabreeze Blvd**. Violation(s) – Grease leaking into street, trash not in container.

Mr. Kitt was sworn in

Inspector Michael P. Fitzgerald found the respondent in Non-Compliance-Compliance requesting a will fine.

Mr. Jackson asked for a will fine and was a public safety issue

Captain Lee stated the city had to abate part of this.

Mr. Kitt testified once he got a hold of the company that collects the oil, The owner of the container tried to say they were spilling the greese, and they took there sweet time picking up the container, the inspector did find a leak in the container. And they did clean up the oil.

DISPOSITION: Found the Respondent in **Non-Compliance** and **since came into compliance**. Motion ordering that SMG 04-21-87 310 Seabreeze Blvd will be returned to the Special Magistrate for a fine of up to \$5000 for each repeated violation.

CASE # 10 - SMG 04-21-88 - Marie J Squillante Est % Richard A Squillante is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.E.1; Art. 6. Sec. 6.10.E.2; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.9, 304.2, 304.6, 304.7, 304.10, 304.15, 603.1, 603.2, 605.4), at **725 E Intl Speedway Blvd**. Violation(s) – Damaged roofing and fascia board, exterior non-working mechanical box, faded and peeling paint, containment, cooking oil, spilled outside of container, damaged exterior surfaces, damaged concrete sidewalk, unpermitted sign, damaged exterior door, damaged vent, damaged electrical.

Richard A Squillante sworn in

Inspector Michael P. Fitzgerald requests compliance by next cut off

Mr. Squillante advised he has people lined up to do the work and described all the work done and what will be done.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 11 - SMG 04-21-89 - Mary H Hamilton is cited for failure to correct violations of The Land Development Code, Art. 6. Sec. 6.3 Mobility and Access LDC Specific Reference-Notes. Encroachments into Right-of-Way; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.7, 304.1.1), at **310 5th Ave**. Violation(s) – Stairs, encroaching on city property, unsafe condition, open cast iron sewer pipe, paint fading and peeling, dirt and grime, damaged windows doors, outside storage trash and debris, rotten wood.

No respondent

Inspector Michael P. Fitzgerald testified to the inspections and case file requested compliance next cut off.

DISPOSITION: Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CASE # 12 - SMG 04-21-95 - Elaine Xynidis TR Steve N Xynidis Family Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.1.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.3, 302.7), at **Lot 5th Ave (5309-07-21-0010)**. Violation(s) – Damaged perimeter knee wall, unpermitted driveway, asphalt or concrete.

Nick and Elaine Xynidis sworn in

Inspector Michael P. Fitzgerald testified to the inspections and case file and the asphalt still needs removed requested compliance next cut off.

Mr. Xynidis advised the city demolished the building 35 years ago because of fire and since the city demolished it should they have the responsibility to remove the asphalt. They paid demo lien and it was finalized.

Captain Lee advised the city leaves it so to have as little impact on the family as possible so they can rebuild, it is now 35 years later and it should be restored to a vacant lot.

Mr. Xynidis asked if he could just seed it since it is so thin.

Mr. Sykes advised him to get with Permits and licensing for his options.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 04-21-84 - Warren & Ruth Trager is cited for failure to correct violations of The Land Development Code, Ref. FBC Supp. IPMC 304.2, 304.6, at **316 Dr. Mary M Bethune Blvd** (318 & 320 Dr. Mary M Bethune Blvd Parcel # 533851000030) Violation(s)

Warren & Ruth Trager sworn in

Inspector Denzil Sykes requested compliance by next cut off.

Mr. Trager requested an extension due to complications in the past and the extension they should be able to have it done.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **June 2, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 14 - SMG 04-21-82 - JKM/ECM Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7), at **507 Brentwood Dr.** Violation(s) – Damaged roof (fascia), peeling paint and rotten wood.

Mr. Earl McCrary sworn in

Inspector Roosevelt Butler, Jr. testified and requested compliance by next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 04-21-90 - Clyde D Baumgardner Sr 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. 9.2.1.A (Ref. FBC Supp. IPMC 302.7, 304.7), at **1193 Jimmy Ann Dr.** Violation(s) – Outside storage, no permit, damaged roof (fascia) and unpermitted fencing.

Clyde Baumgardner Jr and Jennifer Cook sworn in.

Captain Lee clarified the action to be taken was for the imposition of a fine – repeat violation.

Mr. Baumgardner stated he felt like it was harrassment. Tried to put up a privacy fence he had to pull down because he cannot get a permit and he cant do to a probate issue.

Mrs. Cook advised they need a probate lawyer because it did not have 2 signatures. Mr. stenson put them in compliance.

Captain Lee requested the special magistrate hear the inspectors testimony

Inspector Roosevelt Butler, Jr. testified he had contact with the respondent and the property is a repeat property, they have done a lot of work however the property is in non-compliance.

Mr. Vukelja stated the fine is going to be \$50 and the next time the minimum is going to be \$500. Get the deed worked out and cutting you some slack

DISPOSITION: Imposed a fine in the amount of **\$50**

CASE # 16 - SMG 04-21-93 - Brenda D White is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **230 S Lincoln St.** Violation(s) – Outside storage, junk, debris and landscaping.

Brenda White & Harold Poole sworn in

Inspector Roosevelt Butler, Jr. requests compliance next cut off.

Brenda White she found someone to get started on it for her because she works and agrees to compliance by next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 17 - SMG 04-21-96 - Matthew & Doriann Nirschl is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **1348 Continental Dr.** Violation(s) – Shed Built without a permit.

Matthew & Doriann Nirschl sworn in

Inspector Roosevelt Butler, Jr. requests compliance next cut off.

Mr. Vukelja asked the respondents if they understood what compliance was and they agreed they understood.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 18 - SMG 04-21-71 - Michael & Eva M Wright is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp. IPMC 304.2, 304.6, 304.7, 304.12), at **117 S Martin Luther King Blvd.** Violation(s) – Damaged exterior, missing siding, damaged roof, dirt & grime, broken handrail, peeling paint.

No respondent

Inspector Sara Kirk testified to the case, no contact with the owner and requests compliance next cut off.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CASE # 19 - SMG 04-21-72 - Verona V LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp. IPMC 301.3), at **Marco St (Parcel# 5339-85-00-0150).** Violation(s) – Overgrown lot.

No respondent

Inspector Sara Kirk testified to the case, no contact with the owner and requests compliance next cut off.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CASE # 20 - SMG 04-21-79 - Bakare Organization LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp. IPMC 302.3), at **952 Orange Ave.** Violation(s) – Dirt & grime and broken concrete curbing.

Mr. Switlyk & Phoenix Rockwell sworn in Mr. Switlyk works for Bakare Organization and is authorized to come to the hearing.

Inspector Sara Kirk requests compliance next cut off.

Mr. Switlyk having trouble locating a concrete company able to do the 6inch curb

Inspector Sara Kirk modified and agreed to the June cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **June 2, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

Case #21 in compliance

CASE # 22 - SMG 04-21-92 - Varnita M Smith is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1(Ref. FBC Supp. IPMC 304.3, 304.7), at **539 S Keech St.** Violation(s) – No permit for interior renovation, damaged roof and missing address numbers.

No respondent

Inspector Sara Kirk testified to the case, recently had contact with the owner and requests compliance next cut off.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

Break 10:20 returned 10:30

CASE # 23 - SMG 04-21-97 - SILVER BEACH 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 302.1), at **1109-1103 S PENINSULA DR.** Violation(s) – Dirt & grime around the building and outside storage.

No respondent

Inspector Mark Bostwick testified to the case, recently had contact with the owner discussion with owner on what needs to be completed and requests compliance next cut off.

Conversation on the number of buildings on the property.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CASE # 24 - SMG 04-21-98 - Bernard N Mccutcheon III is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.7), at **325 Temko Ter.** Violation(s) – Roof and drainage, protective treatment and sanitation.

No respondent

Inspector Mark Bostwick testified to the case, recently had contact with the owner discussion with owner and a permit has been applied for on April 9th with a start date of 21st requests compliance next cut off.

DISPOSITION: Noting the absence of the respondent, Based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

CONTINUED CASES:

CASE # 25 - SMG 03-21-51 - Qatami Abdulwahab F N AL & Faisal Al Qatami Steel Bldg 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 **636 Cherry St.** Violation(s) – Site appearance - overgrown landscaping.

No respondent

Inspector Mark Bostwick no contact with the owner requesting \$100 a day capped at \$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 **April 8, 2021** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 26 - 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) – crumbling exterior, damaged accessory structures.

Percy Williamson sworn in representative of Julia T Cherry Trust as a consultant.

Inspector Sara Kirk contact since the last hearing has been made with Mr. Williamson and discussion on the exterior violations needing to be corrected. And progress has been made on the interior, and he will direct the contractor to concentrate on the exterior violations and would like to amend to the next cut off.

Amend our current order on non-compliance to allow the respondent to come into compliance.

Mr Williamson testified to the historical nature of the building. African american news paper for 40 years. Replaced all the doors and the lower windows. And the contractor gave a proposal to remove the fake brick and pressure wash and either paint or put another substance on it. Currently the daytona times weekly news letter. And requested to extend to the June hearing. And in the rear part of the building there is a radio station WPUL.

Mr. Vukelja asked if it is a functioning radio station

Mr. Williamson stated yes it is.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance **by May 5, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 27 - 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.

No respondent

Inspector Sara Kirk no contact and no progress requesting \$100 day to a max of \$15000.

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 **April 8, 2021** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 28 - SMG 03-21-54 - Albert III, Sharon D & Ethelreda T Burton is cited for failure to correct violations of The Land Development Code, Art. 4 Sec. 42-214; Art. 5 Sec. 90-297; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.1; Art.8, sec. 8.2.A (Ref. FBC Supp. IPMC 302.8), at **339 S Martin Luther King Blvd.** Violation(s) – Expired permit for new roof, inoperable vehicle parked in grass, broken windows, peeling paint, rotted wood, damaged soffit & fascia.

No respondent

Inspector Sara Kirk testified contact with the owner and a there has been a lot of progress and requests to amend to next cut off.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 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.

Mr. Charles Hughes sworn in

Inspector Daniel Garcia since last hearing the only issue is with the soffits needing to be installed. And submitted a contract with Waynes roofing to complete the soffit when they do the roof.

Mr. Hughes testified that two out of the four roofs two of them need repaired however they have skylights in them which. The roof will be done when the skylights come in and they have been ordered.

DISPOSITION: Will amend the current amended order of non-compliance to allow the respondent until **June 2, 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 # 30 - 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.

Mark Morrissette contractor for the owner (weekend note buyer) sworn in

Inspector Daniel Garcia since the last hearing owner has changed and is requesting to add the Weekend note Buyer. And he will be pulling the permits and requests to amend to the next cut off.

Mark Morrissette stated they have to get a survey and it will take about 4 weeks and requested to extend to the June cut off

DISPOSITION: Found the Respondent new and old in Non-Compliance and ordered the Respondent to come into Compliance by **June 2, 2021** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day

Case #31 in compliance

CASE # 32 - SMG 03-21-53 - Orbit Real Estate Development 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, 302.7, 304.7, 308.1); City Code Ch. 90 Sec. 90-297, at **120 Madison Ave (116 Madison Ave Parcel # 5338-11-00-0070)**. Violation(s) – Outside storage, trash & debris, damaged fence and lattice, soffits, rubbish, garbage and failure to obtain Business Tax Receipt (BTR).

No respondent

Inspector Daniel Garcia all violations corrected except for the BTR and requested to amend to the next cut off.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 # 33 - 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.

Carlos Santos sworn in

Inspector John C. Stenson since last hearing good contact with the owner and progress has been made.

DISPOSITION: Based on the testimony of the inspector Will amend the current amended order of non-compliance to allow the respondents until **May 5, 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 # 34 - SMG 03-21-41 - Harold Hayward & South Florida Consulting 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 505.1), at **531 Bellevue Ave.** Violation(s) – Outside storage, lack of water service.

Paul Martinez president with South Florida Consulting Investments sworn in

Inspector John C. Stenson since last hearing they have had contact and issues with ownership.

Mr Martinez testified Mr Hayward is incarcerated and the daughter did step in and to help clean up the property. And signed in a contract with the daughter for the purchase of the property.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 #35 in compliance

Case #36 in compliance

CASE # 37 - 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.

No respondent

Inspector Tom Clig made contact but they still have a lot of work to do and recommended \$200 day to a max of \$10,000.

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 April 8, 2021 until the fine reaches a maximum of \$10,000.00 or the property comes in Compliance.

CASE # 38 - 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.

Jeff Brock Attorney representing the respondent

Sherriff Gindy sworn in

Inspector Tom Clig recommending \$200 a day to a max of 20,000.

Jeff Brock stated the new owner purchased the building and put off closing until the hearing and the new buyer has intention to renovate and it will take 8 months to renovate.

Mr. Vukelja stated he is willing to be generous with time as long as the building is secured to city standards and they maintain the exterior and no life safety issues.

DISPOSITION: Mr. Vukelja ordered a progress report on **June 8, 2021** meeting and the building is secured to city standards and they maintain the exterior and no life safety issues.

Captain Lee asked if he was also moving the compliance date to the June cut off.

Mr. Vukelja advised he was no moving the compliance date and by then he should have the new owner and be able to determine if a new compliance date is warranted at that time.

CASE # 39 - SMG 03-21-45 - Frederick J Hoffmann Trustee of the Ridgewood Trust 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 304.2, 305.3), at **1011 S Ridgewood Ave.** Violation(s) – Failure to maintain parking lot, interior and exterior surfaces.

Frederick Hoffmann sworn in

Inspector Tom Clig has had numerous contacts Mr Hoffmann and he has made some progress but he refuses to fix the parking lot.

Mr. Hoffmann testified the parking lot is sound and testified to his constitutional issues and brought up the a double standard and the bridge needing to be fixed.

Mr. Vukelja stated to Mr. Hoffmann to bring his attorney next time and asked when we started dealing with this case.

Captain Lee advised the city can give one more month to show progress in the right direction.

DISPOSITION: Order the respondent to be in compliance by **May 5, 2021** failing that a fine in the amount of \$200 dollars per day will go into effect and will continue to accrue each day thereafter until the amount of the fine has reached the sum of \$20,000 dollars or the property is in compliance.

Case #40 in compliance

CASE # 41 - SMG 03-21-46 - Living Realty and Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.9, 302.3), at **2735 N Atlantic Ave.** Violation(s) – Dilapidated dumpster enclosure, unmaintained landscaping, trash and debris, graffiti, unmaintained sidewalks, dilapidated sign, eliminate hazardous conditions on site to include exposed rebar.

Alfred Sem sworn in

Inspector Kevin Yates owner asked to submit a letter and photos. No comprehensive plans for the property and requests a fine in the amount of \$200 a day to a max of \$25000.

Mr. Vukelja asked if any violation had been taken care of.

Alfred Sem testified that he was first notified April 1st and since that time he cut the overgrowth and watched the video an understands the violation now and wants to solve the issues. Asked for an extention of 60days.

A discussion to the amount of fines allowed to be put on the property and how the lot needs to be brought back to a vacant lot also needs to reseed the lot, and the owners son only became aware of the violations as of April 1st and he will work on it.

Mr. Jackson spoke to different options available.

DISPOSITION: Amend the current order of non-compliance and allow the respondent to be in compliance by **June 2, 2021** failing that a fine in the amount of \$1000 dollars per day will go into effect and will continue to accrue each day thereafter until the amount of the fine has reached the sum of \$25,000 dollars or the property is in compliance.

CASE # 42 - SMG 03-21-65 - Joseph S Principe is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **354 Pelican Ave.** Violation(s) –No permit concrete driveway addition.

No respondent

Inspector Kevin Yates no contact but has pulled a permit.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 # 43 - 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.

Mr. Sean Dousnie sworn in

Inspector Kevin Yates has had contact however fears no real progress will be made. Nailed a 12 inch board and finds that is sufficient. Requested \$150 a day to a max of \$20,000.

Mr. Dousnie read the remedy and discussed what he did finish. Advised he has done what he can and is trying to complete what he can do. He has two tenants and needs to get a contractor to do the work. The property is under contract to sell on May 31st. Getting a HUD construction loan to repair the property.

DISPOSITION: Mr. Vukelja imposed a fine in the amount of \$100.00 per day, effective **April 8, 2021** until the fine reaches a maximum of \$20,000.00 or the property comes in Compliance.

CASE # 44 - 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.

Mrs. Carnicer sworn in

Inspector Michael Fitzgerald testified to the progress and requests to amend to the next cut off

Mrs. Carnicer agreed to the May 5th cut off.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 # 45 - 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.

Mrs. Carnicer sworn in at the above case.

Inspector Michael Fitzgerald testified to the progress and needs to seed and requests to amend to the next cut off

Mrs. Carnicer agreed to the May 5th cut off.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of non-compliance to allow the respondents until **May 5, 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 requested a 5 minute break 11:58

LR-1

SMG 06-06-65 - 1639 W Paradise Lane. - Luis & Donna Castro is cited for failure to correct violations of The Land Development Code, Article 19, Section 1; Chapter 22-28, Code of Ordinances, Violation(s) – Failure to repair or demolish an unsafe structure as described in attached Housing Inspection Report; No building permit First Notified – 4/20/2006. **Order Imposing Fine-Lien imposed July 5, 2006 of \$250 per day to a maximum \$15,000.00. Compliance = January 11, 2008. Amount due is \$15,000.00 plus \$22.00 recording costs = \$15,022.00**

No Respondent

Mr. Jackson acknowledged there was correspondence inquiring the outcome and stated they might not have known they needed to be at the hearing.

DISPOSITION: Request Denied

LR-2

SMG 01-16-04 - 905 Redwood Street - 905 Redwood Land Trust c/o TRSTE, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7 and 304.3); City Code Ch. 90-297. Violation(s) – Off-street parking; dilapidated fencing; no premises identification numbers; no business tax receipt (BTR) for rental property First Notified – 11/16/2015. . **Order Imposing Fine-Lien imposed February 4, 2016 of \$200 per day to a maximum \$15,000.00. Compliance = March 10, 2021. Amount due is \$15,000.00 plus a one-time administrative fine of \$250.00 for No Business Tax Receipt, plus \$24.00 recording costs = \$15,274.00**

Tracy Flanagan stated she was advised that if she brought the property into compliance that the city would just wipe the lien clean.

Inspector John C. Stenson testified to the facts and the history of the case and he was not advised the property was in compliance or that it needed to be inspected until the Lien Review request.

Mr. Jackson spoke on the TRSTE, LLC and how they sell and ignore the city liens.

Tracy Flanagan advised if she knew she had to come to court, she would have.

DISPOSITION: Denied reduction

LR-3

SMG 05-17-63 - 905 Redwood Street - Land Trust 905 Redwood is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3; 304.13; 302.4; 302.7) Violation(s) – Broken Windows; broken exterior doors; junk trash and debris on the property; fence is in disrepair. First Notified – 2/6/2017. **Order Imposing Fine-Lien imposed June 8, 2017 of \$250 per day to a maximum \$15,000.00. Amount due is \$15,000.00 plus \$250.00 No Business Tax Receipt, plus \$24.00 recording costs = \$15,274.00**

Tracy Flanagan is the same respondent and was unaware the property had two liens.

Inspector John C. Stenson recommended no reduction because of the length of time.

DISPOSITION: Considering the value of the property *waived fine / vacated Lien in case SMG 05-17-63*

The meeting was adjourned at 12:29 PM