
City of Daytona Beach Special Magistrate

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

Robert J. Riggio, Special Magistrate

February 8, 2022 Minutes

Attendees:

Robert J. Riggio, 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. Mark Bostwick, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Daniel Garcia, Code Inspector
Ms. Sara Kirk, Code Inspector
Mr. Kevin Yates, Code Inspector
Mr. Clearvens Jean-Baptiste Inspector
Mr. Tom Clig, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Clifford Recanzone, 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 9:04 a.m.

Mr. Riggio advised the hearing process and asked if there were any announcements.

Mrs. Reno announced the following cases would be appearing via zoom

CASE # 20 - SMG 10-21-281 - Americano Beach Resort Assoc

CASE # 28 - SMG 10-21-285 - Cossi Investment LLC & Emil A. Dotel & Miriam P. Aversano

LR-1 SMG 06-20-121 - 552 Live Oak Ave Togado LLC

Mr. Riggio advised a request for case #4 and #24 to be heard together.

Case #1 called first

CASE # 1 - SMG 02-22-83 - Cheryl D Miller is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 541 Cedar St. Violation(s) – No permit (roof & electrical). First Notified – 7/6/2021.

No Respondent

Inspector Recanzone testified to the status of the case and requested the case be found in non-compliance and requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 01-22-70 - Florida Pacific Leasing CO LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec.6.1, at 316 Main St. Violation(s) – Failure to follow seating plan. First Notified – 10/13/2021.

Inspector Jean-Baptise testified to the status of the case and discussed the seating plan that was approved by the city, requesting a finding of non-compliance compliance and stated someone from the city was able to testify from the building department.

Mr. Jackson advised the Deputy city Manager Mr. Morris was present to help explain.

Mr. Riggio advised Mr. Moore he could have the opportunity to question the inspector.

Mr. Moore questioned Inspector Jean-Baptiste and discussed section 6.1 and where the outside seating is an activity, and stated it doesn't site seating or a seating plan as an activity.

Mr. Jackson objected to the argument of the previous case characterization.

Mr. Moore questioned the notice of violation description asking if he was citing 6.1 b stating there are multiple provisions in 6.1. **Inspector Jean-Baptiste** advised it falls under the whole section.

Mr. Moore stated in paragraph B it says outside activities and uses prohibited. This is the only section that prohibits anything and the first clause, except as specifically provided otherwise in this code. Did Mr. Jones tell **Inspector Jean-Baptiste** that there were provisions in the code that allowed outdoor seating, Inspector Jean-Baptiste stated he did not recall. Mr. Moore asked if the inspector cited without research, reading or knowing the code. Inspector Jean-Baptiste advised that was not fair. Mr. Moore asked then to be told what he did, Inspector Jean-Baptiste gave the answer to his process.

Mr. Moore asked if an eating or drinking establishment doesn't need a permit for outdoor seating? It was advised that it depends on what the building department says. Mr. Moore stated let me direct your attention to page 050. He stated that it provides outdoor seating as an accessory to an eating or drinking establishment and then in column three it has an A, that means its permitted by right and do not need a permit. Inspector Jean –Baptise tried to respond and was inaudible. Mr. Jackson asked for Mr. Moore to allow the inspector to finish the answer. And he is calling for him to be an expert on the code and it is not necessary for anyone to be an expert as everyone has a reference and he expresses those references so its been asked and answered.

Mr. Riggio stated he expects if he is citing someone that he is citing to the appropriate section of the code, asked if he understands if that is the jist of the argument? Mr. Moore stated no that's not the gist of his argument. The gist of his argument is and let him get this straight, that they or he completely blew through except as specifically provided otherwise in

the code and there is not one, not two but three other provisions in the code that allow outdoor seating. We don't require any plan at all.

Mr Riggio referred to section C that talks about outside activities and uses, specifically permitted, and as he see's this, what he is interested in right now is that apparently your clients facility was granted a permit for the event. Mr. Moore stated this was not about a special event and that he's totally misled you from the beginning. He suggested his investigation had to do with a special event. That's not where we are. Mr. Riggio stated he understood his argument but did not see anywhere that stated a special event. Mr. Riggio advised he was waiting to see something that talks about a requirement for a permit that includes a seating plan.

Mr. Jackson advised we are here to present that evidence. The ones who would have that expertise and the ones we rely on. There was discussion on Section 5.3.c.17. There was discussion on witness lists being provided and the Inspector not being an expert. Mr. Riggio advised that Mr. Moore has the opportunity for pre discovery and he did not request it. Mr. Jackson advised the city is a public agency.

Discussion on the violation occurred and observed dates and the picture dates.

Mr. Riggio asked what it is that the city is looking for at this point

Mr. Jackson stated they are in compliance now and they need to comply with an approved seating plan and are looking for non-compliance compliance and will-fine. And called Mr. Morris to testify. Mr. Morris testified to his qualification and advised he has been involved in the bike week master plan and Biketober Fest master plan and those two events are considered to be special events. During periods in a special event period, a qualified property and main street station would be one, could chose to participate. It can file a plan for a special event activity on their property, Main street station has a license as a restaurant and also has a 4COP License. It is not zoned to permit a bar. A restaurant is a permittd use and that is what main street station has a license to do. Beverage sales are an accessory component of their license. As a part of the licensing process the beverage department looks at outside service and what the seating plan would be. There is a provision in the land development code which has been cited to which is 6.1.b. Six point one is a general section and the citation refers to that at 6.1, the some part of the section that is for outside activities and uses, are uses there are exceptions and that applies here as a food and beverage service and sales, may occure outside at 6.1.c.8 if the outside service area screen residential uses or districts, if its within five hundred feet of residential zoning district it sall be closed between the hours of three and seven. The activity is a permitted activity but pursuant to the beverage department procedures what we do with every establishment in the city, is to have a seating plan for things that are outside, which is a thing generally prohibited. The seating plan corresponds to the licensure of the entity asking for it, in terms of the maximum number of seats they may have. In this case that the beverage license for main street station is currently at one hundred. Mr. Morris had personal conversations with inaudible (Vadra Lee) the operator of main street station advising her and he thinks Mr. Moore as well on one phone conversation, that they should increase the license to two hundred and fifty that they could do that if they wished in terms of seating and they're outside activity. They chose not to do that. From the perspective of the land development code and the tesimony that you've heard and I've been here to hear the other testimony. Mr. Morris thinks there's an effort to confuse the issue in respect to what is or is not allowed. The seating plan is not something you'll see specifically referenced in the land development code what you see is a general prohibition to outside activities but they are allowed pursuant to doing certain things, one being the residential district showing within that interlocks the beverage license at the entity has and they can serve on their premise

depending on how they choose to define their premise, and advised in the case of the main street station the premise is defined to be their property line, done by the prior owner.

Mr. Moore Objected on the record that this is a narrative, and argued this the testimony was pure legal argument.

Mr. Jackson offered Mr. Morris is well qualified to be the witness and involved.

Mr. Morris added he has personally been on the site visits for the property in relation to the site plan and has had consultations over the phone with both Mr. Moore and inaudible (Vadra Lee) in respect to application of the license or procedures as well as the seating plans that are required. The property is zoned to permit a restaurant all the zoning on main street. However it is in the RDB which is a redevelopment style zoning. Uniformly bars are not a permitted use in that zoning but restaurants are. Restaurants may have an accessory use of the sale of alcoholic beverages. But as you probably are aware if you have less than one hundred fifty seats for service, you cannot use an SRX license which is a less expensive form of license for selling alcoholic beverages. In the event you don't have that sort of seating that you wish to sell alcohol, you obtain a 4COP which doesn't have the seating limitation or the 51% sales requirement. It permits you to sell and that is what main street station has at their property that's how they can conduct their business with their 80 seats that's shown on their beverage license which is a 4COP. In respect to the city, it allows the sale of alcohol as an accessory use to the restaurant for which main street station is permitted. It was found to be interesting in the testimony that they were not a restaurant that night and that would be another code violation.

It was stated the master plan was not participated in and they have to operate under their license.

Mr. Moore discussed with Mr. Morris at great length where in the code or code provision for a seating plan.

Mr. Jackson closed with asking for the finding of non-compliance compliance

Mr. Moore stated they failed to specify or identify even one provision that requires a seating plan and requested for the case be dismissed and also ask for the exhibits to be submitted.

DISPOSITION: Found the Respondent in Non-Compliance and subsequently in compliance on **January 7, 2022** and ordered the Respondent shall not violate that section of the land development code again and for any future repeat violation, respondent may be placed on the subsequent agenda for hearing before the special magistrate for consideration of the imposition of a fine up to \$5,000 for each occurrence as per chapter 162 Florida Statute.

CASE # 3 - SMG 01-22-45 - Florida Pacific Leasing CO LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 316 Main St (Parcel # 5305-08-15-00-0010). Violation(s) – No permits (sealing & striping, plumbing, outside bar, concrete ramp, lights & wood fence). First Notified – 5/17/2021.

Field Supervisor Jones testified to the status of the case

Mr. Moore and Supervisor Jones discussed the permits at great length about which ones have been pulled, issued, finalized or expired

Mr. Riggio advised that he is prone at this moment to give them a month continuance to try to finish up as much as they can and work with the building department and code inspectors as we would do on other matters.

Mr. Jackson stated that what is done on other matters is make a finding of non-compliance. In his own admission he is in non-compliance, this case is a year old. We are just asking for finding of non-compliance and give them a reasonable time, those things he wanted to verify

our inspector can go out and verify as relates to the permits that he said exists that the inspector thought did not exist. However, as to the overall violations specifically the ones he stipulated as well as the ones that were done after the deadline for compliance.

Mr. Moore stated that it is not the property owner fault the contractors are not compliant the only thing that got their attention is when he sent the subpoena and some of the guys wouldn't return his calls and that is again a due process issue, they don't care about you fining a property owner but if the city would just allow the property owner to come in and have the permit reinstated themselves and they could have avoided many of these things months ago.

Mr. Jackson stated it is the property owner's responsibility

Captain Lee Advised this property was addressed along with several other properties along main street, about a year ago, many of those properties have worked through coming into compliance and we gave them an extended period of time- most if not all of those that did not come into compliance have now moved through the process of coming before the board and being held in non-compliance. In moving through getting, their stuff fixed. He stated he thinks this property and the next one is probably the only two that are outstanding. This property owner in this property wants to be treated special.

Mr. Moore advised six item they did those in two weeks; these other issues are more problematic

Mr. Jackson advised when there are problematic things a simple communicating with the inspector would allow the time.

Mr. Moore advised the contractor needs to reinstate the permit and get the work finaled.

Mr. Riggio reviewed each item and confirmed the items could be done in a month.

Mr. Moore advised the survey could not be done in a month.

Mr. Jackson objected to the continuance and not getting the finding of non-compliance.

DISPOSITION: Continued to March 8, 2022 hearing for the determination of Compliance or Non-Compliance.

Mr. Haba requested to go out of order his case is #27

CASE # 27 - SMG 09-21-257 - Cedar Families 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.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13), at 677 Kingston Ave. Violation(s) – No permit for roof & fascia, damaged window, rotting wood, paint, dirt & grime. First Notified – 4/28/2021.

Mr. Haba attorney for Cedar Families

Inspector Fitzgerald testified to the status of the case and requested to amend to the next cut off. The permit was issued and they are working on the roof.

Mr. and Mrs Riddick sworn in

DISPOSITION: Based on the testimony of the inspector it is ordered that the current order of noncompliance be amended to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 28 - SMG 10-21-285 - Cossi Investment LLC & Emil A. Dotel & Miriam P. Aversano is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.A; Art. 6 Sec. 6.2.H.4.C; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 302.8), at 612 George W Engram Blvd. Violation(s) – Overgrowth, outside storage, junk vehicle, parking. First Notified – 9/21/2020.

Mr. Barry Hughes representing Mr. Dotel and Miriam Aversano

Mr. Hughes advised there was a violation that was cited two prior owners ago and at disclosure, they were told there was a lien and that would be taken care of at closing and the property was in compliance. The clients learned in October that the property was not in compliance, there is a parking issue to correct. It is a thirty thousand dollar issue, And the clients just are not in a position to take care of it immediately. There is a hearing set up in March on March docket by the prior property owner, which is Cossi Investments for a lien reduction. **Mr. Hughes** has been in touch with counsel and trying to work it out with the prior owners. There is money that is held in escrow regarding the lien. Requested this better just be deferred till next month

Discussion on the contract stating there is no proceedings against the property

Inspector Fitzgerald stated they added the new owners last month requested compliance next cut off

DISPOSITION: Based on the testimony of the inspector Will amend the current order of noncompliance to allow the respondents until **April 6, 2022** to come into compliance or be returned to the special magistrate with a Demo permit or for consideration of a fine up to \$1,000 per day thereafter

CASE # 23 - SMG 07-21-198 - Racecoast Marina Land Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at Marina Point Dr (Parcel 5339-01-01-0100). Violation(s) – Outside storage. First Notified – 6/23/2020.

Attorney Brown representing

Inspector Clig testified to the status of the case recommended the **May Cut off**

DISPOSITION: Based on the testimony of the inspector Will amend the current order of noncompliance to allow the respondents until **May 4, 2022** to come into compliance or be returned to the special magistrate with a Demo permit or for consideration of a fine up to \$1,000 per day thereafter

Mr. Jackson asked for a break

Mr. Riggio called for a break at 10:55 until 12:05 and called for the case numbers of the remaining people.

Called the meeting back to order 12:06 and listed the cases, as they would be heard 63, 29, 6, 11, 43, 12, 14,18 ,30, 31, 38, 49, 50-57.

CASE # 63 - SMG 01-22-49 - 500 Seabreeze LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.1; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13) City Code Ch. 78 Sec. 78-42, at 500 Seabreeze Blvd. Violation(s) – Approved site plan, outside activities (seating) not approved, placement of garbage containers, no permit for exterior fence, rotten/damaged exterior door frame. First Notified – 9/20/2021.

Mrs. Peggy Bennett sworn in

Inspector Jones testified to the status of the case had contact stated no change many citizen complaints recommended a fine in the amount of \$250 dollars a day to a max of \$20,000 effective today.

Mrs. Bennett stated when she took the property over there were 31 violation and she had corrected 29 of the 31. The 30th violation was the doors which have been done and Mr. Jones notified. Discussion on the site plan and what she needs to do about a permit and site plan.

Mr. Jones stated the permit for the door needs to be finalized, and the fence permit needs to be applied for. The trashcans not left on the street. In addition, the trash enclosure will need to be submitted to planning.

Mrs. Bennett advised Mike Mullen has gone to the hospital, was unable to do it, and will do the final on the door as soon as he can.

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$250.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$20,000.00 or the property comes in Compliance.

CASE # 29 - SMG 01-22-12 - Victory Temple of God INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 304.6, 304.7, 304.8, 304.9, 304.13, 304.13.1, 304.13.2, 304.15, 308.1), at 1047 Madison Ave (Parcel # 5338-01-18-0065). Violation(s) – Lawn maintenance, paint fading and peeling, vacant unused and unsecured buildings, dilapidated buildings, including accessory structures & sports complex, overgrown lot, landscaping including the right of way, outside trash & debris, damaged doors and windows, broken glass, interior surfaces, roof damage, rotten wood. First Notified – 8/13/2021.

Mr. RT Hillery sworn in

Inspector Fitzgerald stated to the status of the case and stated no contact requested a fine.

Mr. Hillery stated he left detailed messages with the inspector and went to the planning board who stated they cant do anything to the building until they go through the planning dept.

Capt Lee advised they did submit a project and some things have been approved and requested to amend to the next cut off for some time to communicate with the other departments.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 6 - SMG 02-22-89 - Fai Hung & Hang Lou Lo is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.2.H.7.c, at 582 Mason Ave. Violation(s) – All commercial property shall maintain and conform to the approved site plan, No parking spaces, stacking spaces or loading area shall encroach upon the right of way. First Notified – 9/27/2021.

Albert Washing Lo sworn in

Inspector Butler testified to the status of the case had contact with the owner requested compliance next cut off.

Mr. Lo stated his brother took over the business when the parents pass, the brother lives in Melbourne. The tenants have been advised on what they can do.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 11 - SMG 02-22-75 - Donald Lee & Shirley Gay 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 N Ridgewood Ave (Parcel # 5338-08-00-0030). Violation(s) – Trash & debris, overgrown grass, weeds and vines. First Notified – 12/24/2020.

Mr. Gay sworn in

Inspector Garcia testified to the status of the case and requested a finding of non-compliance and later in compliance on 2/1/22 and requested a will fine.

Mr. Gay advised this problem is compounded by the buisness next door.

DISPOSITION: Found the Respondent in Non-Compliance and subsequently into compliance on February 1, 2022 and hereby order the respondent not violate that section of the land development code again in the future or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$5,000 per occurrence.

CASE # 43 - SMG 01-22-44 - Donald Lee & Shirley C Gay is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at N Ridgewood Ave (Parcel # 5338-08-00-0030). Violation(s) – No permit for added concrete. First Notified – 8/2/2021.

Mr. Gay previously sworn in

Inspector Garcia testified to the status of the case requested a fine in the amount of \$250 a day to a max of \$15,000. No contact until February 1, 2022. Requested to add the new owner. Discussion on the sale of the property deed, sales contract. Mr. Wilson, Creative kids Learning Center LLC. Permit applied for the concrete.

Captain Lee asked to amend the case to the next hearing.

DISPOSITION: Based on the testimony of the inspector will add the new owners Creative Kids Learning Center LLC, and amend the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 12 - SMG 02-22-76 - Beatrice Wyche 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)

City Code Ch. 78 Sec. 78-112, at Loomis Ave (Parcel # 5339-82-01-0110). Violation(s) – Unmaintained vacant lot, trash & debris. First Notified – 7/22/2021.
Marjorie Hicks (Daughter) sworn in
Inspector Garcia testified to the status of the case requested compliance next cut off.

DISPOSITION: Continued to the **March 8, 2022** hearing.

Break 1:28 returned 1:48

CASE # 14 - SMG 02-22-78 - Truevine Temple Ministries 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) City Code Ch. 78 Sec. 78-112, at Rose Ave (Parcel # 5338-66-00-0130). Violation(s) – Trash and debris, overgrown grass and weeds. First Notified – 6/21/2021.
Tim Jackson sworn in (president)
Inspector Garcia testified to the status of the case (contact only by accident) and she was advised what needed to be done, requested compliance next cut

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 18 - SMG 09-21-247 - Jonathan Worsham III, Allison Worsham, Patrick Worsham 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 301.3, 302.1, 302.4, 302.5, 308.1), at **N Charles St (Parcel # 5338-44-02-0010)**. Violation(s) – Vacant land, sanitation, weeds, rodent harborage, rubbish and garbage, storage of building materials, no permit. First Notified – 6/9/2021.

Allison Worsham sworn in
Inspector Recanzone testified to the status of the case and requested compliance at the July cut off
Captain Lee advised that he has been in contact and they are moving forward with the process and requested the July cut off.

DISPOSITION: Based on the testimony of the inspector Will amend the current order of noncompliance to allow the respondents until **July 6, 2022** 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 01-22-13 - Journey Holdings FL LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at **506 Main St**. Violation(s) – Exterior surfaces, paint fading and peeling, including back of building. First Notified – 5/25/2021.

Ashley Gilbert (manager)
Inspector Fitzgerald testified to the status of the case requested a fine in the amount of \$100 a day to a max of \$20,000.
Mrs. Gilbert advised they were remodeling and brought in blue prints and permits have been applied for. Mrs. Gilbert could email the architect and the engineer. They will paint the back so it looks presentable until it is completed.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 31 - SMG 01-22-14 - Journey Holdings FL LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6), at **508 Main St.** Violation(s) – Exterior surfaces, paint fading and peeling, including back of building. First Notified – 5/25/2021.

Ashley Gilbert (manager)

Inspector Fitzgerald testified to the status of the case requested to Amend to the next cut off.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 38 - SMG 01-22-30 - Betty Williams Prince 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 302.7,308.1), at **509 Maple St.** Violation(s) – Damaged fence, debris, overgrowth, stairs repaired & altered without the permit. First Notified – 6/2/2021.

Betty Prince sworn in

Inspector Kirk testified to the status of the case contact made and a lot of progress. Requested to amend to the next cut off.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 49 - SMG 01-22-59 - Agroparcel & Associate LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.7, 304.2, 304.6), at **402 Auditorium Blvd.** Violation(s) – No building permit, overgrown grass, hedges, shrubs and trees, dirt and grime, damaged concrete, damaged wood. First Notified – 8/5/2021.

Mr. Gill sworn In (owner)

Inspector Jean-Baptise testified to the status of the case had contact received a roof permit. Requested to amend to the next cut off.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 50 - SMG 01-22-60 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Atlantic Ave (Parcel # 5304-05-02-0011)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress.

Mr. McDonald described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 51 - SMG 01-22-61 - Boardwalk at Daytona development 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 302.1, 302.3, 302.7, 304.6, 308.1) City Code Ch. 90 Sec. 90-297, at **N Atlantic Ave (Parcel # 5304-01-06-0020)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress.

Mr. McDonald described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 52 - SMG 01-22-62 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0010)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress.

Mr. McDonald described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 53 - SMG 01-22-63 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0101)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress. **Mr. McDonald** described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 54 - SMG 01-22-64 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0110)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress. **Mr. McDonald** described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 55 - SMG 01-22-65 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0120)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress. **Mr. McDonald** described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 56 - SMG 01-22-66 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0080)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, damaged fence, discolored paint, trash & debris, dirt & grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress. **Mr. McDonald** described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 57 - SMG 01-22-67 - Boardwalk at Daytona development 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 302.1, 302.7, 308.1) City Code Ch. 90 Sec. 90-297, at **N Ocean Ave (Parcel # 5304-05-02-0130)**. Violation(s) – Permits, no approved parking plan, unapproved parking surface, potholes, damaged fence, discolored paint, trash and debris, dirt and grime. First Notified – 6/24/2021.

Mr. McDonald sworn in

Inspector Jean-Baptise testified to the status of the case had contact and some progress. **Mr. McDonald** described the history of the parcels. The progress and the maintenance that is ongoing.

Captain Lee advised to reach out to the planning department to see how to reestablish a parking lot there.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 9 - SMG 02-22-88 - Nellie Bell c/o Gladys B Shells 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 637 Hudson St. Violation(s) – Peeling paint. First Notified – 7/19/2021.

Mr. Ingram sworn in

Inspector Kirk testified to the status of the case and requested compliance next cut off

Mr. Ingram advised covid and weather have been a problem and he has someone now to paint and can have it done by March 2, 2022

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 20 - SMG 10-21-281 - Americano Beach Resort Assoc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.12.D; Art. 6 Sec. 6.19.A.3, at **1260 N Atlantic Ave (Parcel # 4236-21-00-0001)**. Violation(s) – Expired building permits, minimum maintenance standards (fencing, dumpster enclosure, missing windows/air-conditioning units), unmaintained landscaping. First Notified – 4/22/2021.

Brian Smith sworn in

Inspector Yates testified to the status of the case had contact and progress requested to amend to the next cut off.

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

LR-1

SMG 06-20-121 - 552 Live Oak Ave Togado LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.14, 305.3, 305.6, 504.1, 602.2, 603.1, 604.2, 605.4, 704.2), Violation(s) – Lack of heat, no insect screens, damaged interior & exterior surfaces, missing smoke detectors, defective plumbing, inoperable electrical outlets and inoperable vehicles. First Notified – 2/28/2020. Order Imposing Fine/Lien effective August 11, 2020. \$100.00 a day to a maximum of \$15,000.00 Compliance = December 23, 2021. \$15,024.00, \$24.00 recording fees = **\$15,024.00**

Mr. Ricardo Wallace Manager advised Mr. Dlin who knows more about the case but is in the hospital and could not attend

Mr. Ogle (Full Name ineligible) sworn in

Mr. Riggio advised that if they believe Mr. Dlin would make a good case then this is the time to ask to move this Lien review to another hearing.

All agreed to pull from this agenda.

CASE # 5 - SMG 02-22-93 - Arc Capital Management 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, 302.1, 302.7, 304.3, 304.7, 304.13, 304.13.1, 304.13.2, 304.14), at **456 Pleasant St.** Violation(s) – Unmaintained vacant and unsecured house, damaged doors and windows, overgrown grass and weeds, trash & debris, damaged fascia board and rotten wood, missing address numbers. First Notified – 8/19/2021.

No Respondent

Inspector Fitzgerald testified to the status of the case and requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 7 - SMG 02-22-86 - Amvet Post 100 Cherry Branch-FS 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 301.3), at 526 Orange Ave. Violation(s) – Overgrowth and debris. First Notified – 7/30/2021.

Inspector Kirk advised the case was put in compliance **February 4, 2022**

CASE # 8 - SMG 02-22-87 - Karen Hollums-Broome is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D, at 407 Main St (Parcel # 5304-03-19-0130). Violation(s) – Not adhering to approved site plan. First Notified – 5/20/2021.

No Respondent

Inspector Kirk testified to the status of the case had contact still have no site plan in place requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 10 - SMG 02-22-91 - Martha A Smith 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 302.4, 304.2, 304.7), at 753 Terrace Ave. Violation(s) – Damaged carport roof, rotted wood, overgrown grass on porch roof, dirt & grime, peeling paint. First Notified – 9/3/2021.

No Respondent

Inspector Kirk testified to the status of the case had no contact requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 02-22-77 - John & Mary Ann Odell 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) City Code Ch. 78 Sec. 78-112, at 1304 N Shangri La Dr (Parcel # 5330-02-01-0100). Violation(s) – Overgrown vacant lot. First Notified – 12/9/2021.

No Respondent

Inspector Garcia testified to the status of the case had no contact requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 02-22-79 - James Bogle Beck Jr. C/O Donna Ezell 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 311 Temko Ter. Violation(s) – Parking on a vacant lot, dirt and grime on the retaining wall. First Notified – 9/28/2021.

No Respondent

Inspector Garcia testified to the status of the case had no contact requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 16 - SMG 02-22-80 - James Lloyd Jr & Rene Marie Altherr Wood is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3(c)(Ref. FBC Supp. IPMC 301.3)City Code Ch. 78 Sec. 78-112, at 301 N Seneca St. Violation(s) – Overgrown vacant lot. First Notified – 11/10/2021.

No Respondent

Inspector Garcia testified to the status of the case had no contact requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 17 - SMG 02-22-81 - Alice Mae Jelks is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 LDC, Art 9 Sec 9.2 A (Ref. FBC Supp. IPMC 304.13.2), at Ranney Ave (Parcel # 5238-13-06-0090). Violation(s) – Outside storage, parking on a vacant lot. First Notified – 6/30/2021.

No Respondent

Inspector Garcia testified to the status of the case had no contact requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 19 - SMG 01-22-03 - Petronas Internatl LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at 930 Lewis Dr. Violation(s) – Overgrown landscaping. First Notified – 7/22/2021.

No Respondent

Inspector Butler testified to the status of the case had no contact requested a fine in the amount of \$100 to a max of \$10,000.

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 21 - SMG 09-21-262 - Tambra N Davis Management Tr is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13), at **2301 S Peninsula Dr.** Violation(s) – Broken windows. First Notified – 4/15/2021.

No Respondent

Inspector Bostwick testified to the status of the case windows starting to be put in request to amend to the next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 22 - SMG 01-22-06 - Jonathon H Glugover & Amanda E Mackey 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 302.1, 304.2, 304.3), at **1301 S Peninsula Dr.** Violation(s) – Dirt and grime on home, exposed paint, no premises identification. First Notified – 10/5/2021.

No Respondent

Inspector Bostwick testified to the status of the case home being painted requested to amend to the next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 25 - SMG 05-21-115 - Jeffrey Todd Newfield & Julie Baker is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.12, 304.13), at 641 Marina Point Dr. Violation(s) – Failure to maintain balcony railings, patio window. First Notified – 1/11/2021.

No Respondent

Inspector Clig testified to the status of the case had contact recommended compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 26 - SMG 01-22-01 - Jerry Nasta 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 800 Donnelly PL # 802. Violation(s) – Parking on the grass, failure to maintain exterior surfaces. First Notified – 6/11/2021.

No Respondent

Inspector Clig testified to the status of the case had contact with property manager and minimal progress and remaining violations remain recommended a fine in the amount of \$100 a day to a max of \$15,000 or property brought into compliance.

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 32 - SMG 01-22-18 - MHC CARRIAGE COVE 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 302.8, 304.3, 304.6, 304.7, 304.8), at 27 Pathway Ct (Parcel # 5344-16-00-1560). Violation(s) – Unmaintained landscaping, junk vehicle, address numbers, exterior surface staining, damaged roof, damaged/missing skirting. First Notified – 9/20/2021.

Mr. Jackson advised the staff has agreed to vacate the finding of non-compliance and request the case be dismissed do to confusion.

DISPOSITION: Ordered the previous order on non-compliance be vacated and the case be dismissed

CASE # 33 - SMG 01-22-19 - MHC CARRIAGE COVE LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6), at 21 Trotter Ct (Parcel # 5344-16-00-1560). Violation(s) – Exterior surface staining. First Notified – 9/27/2021.

Mr. Jackson advised the staff has agreed to vacate the finding of non-compliance and request the case be dismissed do to confusion.

DISPOSITION: Ordered the previous order on non-compliance be vacated and the case be dismissed

CASE # 34 - SMG 01-22-22 - Pelican Bay Golf Club 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.6), at 550 Sea Duck Dr. Violation(s) – Site appearance standards, commercial property maintenance, vacant structure and land, exterior wall staining. First Notified – 10/4/2021.

No Respondent

Field supervisor Jones testified to the status of the case and requested a fine in the amount of \$250 a day to a max of \$20,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$250.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$20,000.00 or the property comes in Compliance.

CASE # 35 - SMG 10-21-305 - Johnny & Triana Dutra & Marisa Kitson 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.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13, 304.12.2, 305.3, 504.1,603.1, 604.3.1.1, 704.2), at **552-550 Magnolia Ave.** Violation(s) – Exposed electrical, leaky A/C, no permit for handrails, no permit for enclosing upstairs room and window, rotted wood, defective interior and exterior surfaces, cracked plaster, broken & defective windows, door that is not weather tight, missing smoke detectors and damaged kitchen faucet. First Notified – 8/31/2021.

No Respondent

Inspector Kirk testified to the status of the case and requested a fine in the amount of \$200 a day to a max of \$20,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$200.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$20,000.00 or the property comes in Compliance.

CASE # 36 - SMG 01-22-24 - Neptunes Sports Pub Mainstreet LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6), at 415 Main St. Violation(s) – Unpermitted signage, broken light fixture, cracked exterior wall, trash & debris, unused sign bracket. First Notified – 5/20/2021.

No Respondent

Inspector Kirk testified to the status of the case and requested compliance next cut off

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 37 - SMG 01-22-27 - ASP-READYCHEM 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, 304.14), at **701 Magnolia Ave.** Violation(s) – Damaged fence, peeling paint, outside storage, overgrown yard, missing insect screens. First Notified – 9/14/2021.

No Respondent

Inspector Kirk testified to the status of the case and requested a fine in the amount of \$100 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of 100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 39 - SMG 01-22-33 - Russell J Dukes is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.15.7.c, at **116 Anita Ave.** Violation(s) – Removal of large oak tree. First Notified – 11/17/2021.

No Respondent

Inspector Kirk testified to the status of the case and requested a fine in the amount of \$100 a day to a max of \$10,000

At the last hearing they were fined \$2500 and ordered to plant a 4" diameter tree the tree has not been planted.

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$10,000.00 or the property comes in Compliance.

CASE # 40 - SMG 10-21-290 - Panora Properties 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, 304.6, 304.7, 304.13, 304.14, 304.15, 305.3, 305.6, 308.1, 308.2, 504.1, 505.1, 603.1, 605.1, 704.2), at **210-208 Pierce Ave**. Violation(s) – Outside storage, trash & debris, rubbish & garbage, damaged fence, damaged and peeling interior and exterior surfaces, damaged roof, soffit and fascia, damaged window screens, missing plumbing, no water heater, toilet, sinks, exposed wires, overgrown grass, missing smoke detectors, damaged circuit breaker. First Notified – 2/5/2021.

No Respondent

Inspector Garcia testified to the status of the case and requested a fine in the amount of \$100 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of 100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 41 - SMG 01-22-34 - Luke Childs 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,) City Code Ch. 78 Sec. 78-112, at **Fulton St (Parcel #5338-70-00-0270)**. Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 9/20/2021.

No Respondent

Inspector Garcia testified to the status of the case and requested compliance next cut off

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 42 - SMG 01-22-35 - Jessie Fowler is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 19.A.3(c); Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **Cedar St (Parcel# 5339-84-00-0060)**. Violation(s) – Overgrown grass, weeds, trash& debris. First Notified – 9/30/2021.

No Respondent

Inspector Garcia testified to the status of the case and requested a fine in the amount of \$250 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$250.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 44 - SMG 01-22-54 - GEA Seaside Investments Inc 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. 6 Sec. 6.10.J.12; Art. 6 Sec. 6.10.J.7, at **428 N Peninsula Dr**. Violation(s) – Large sign in yard. First Notified – 9/1/2021.

No Respondent

Inspector Jean-Baptiste testified to the status of the case and requested a fine in the amount of \$100 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$100.00 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 45 - SMG 01-22-55 - 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. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 304.5, 304.6), at **21 S Peninsula Dr.** Violation(s) – Trash and debris, damaged and loose bricks, damaged concrete and retaining walls, peeling & discolored paint, unmaintained landscaping. First Notified – 9/21/2021.

No Respondent

Inspector Jean-Baptiste testified to the status of the case and requested a fine in the amount of \$300 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$300 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 46 - SMG 01-22-56 - GEA Seaside Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.E.1; Art.6 Sec. 6.10.J.7; Art.6 Sec. 6.10.J.12; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.7, 304.6), at **433 N Peninsula Dr.** Violation(s) – No building permit, large sign in yard, dirt and grime, damaged/cracked retaining walls, damaged and cracked walkway and stairs, peeling and discolored paint. First Notified – 9/1/2021.

No Respondent

Inspector Jean-Baptiste testified to the status of the case and requested a fine in the amount of \$300 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$300 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 47 - SMG 01-22-57 - GEA Seaside Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.E.1; Art.6 Sec. 6.10.G; Art. 6 Sec. 6.10.J.12; Art. 6 Sec. 6.10.J.7; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.6), at **330 N Peninsula Dr.** Violation(s) – Large sign in yard, dirt and grime, damaged/cracked walls. First Notified – 9/1/2021.

No Respondent

Inspector Jean-Baptiste testified to the status of the case and requested a fine in the amount of \$300 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$300 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 48 - SMG 01-22-58 - GEA Seaside Investments Inc is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 19.A.3; Art. 6 Sec. 19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.7, 304.1, 304.4, 304.5, 304.6, 304.10, 304.12, 304.13), at **25 S Peninsula Dr & 23**. Violation(s) – Peeling & discolored paint, exterior storage, trash & debris, peeling shaker siding, unmaintained landscaping, damaged wood, boarded windows, damaged fascia board, damaged concrete and retaining wall, rotting wood, uneven flooring, damaged stairs, damaged handrails, dirt and grime. First Notified – 9/20/2021.

No Respondent

Inspector Jean-Baptise testified to the status of the case and requested a fine in the amount of \$300 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$300 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 58 - SMG 05-21-140 - Alberta Elliott Est 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 302.5, 304.2, 304.7, 304.13, 304.14, 305.3, 308.1, 309.1, 604.3), at **449 Walnut St**. Violation(s) – Outside storage, broken windows, peeling paint, rodent and insect infestations. First Notified – 8/28/2020.

Inspector Jean-Baptise advised the property in compliance on **February 5, 2022**

CASE # 59 - SMG 11-21-319 - Brenda G Soderlund 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 302.1), at **109 S Hollywood Ave**. Violation(s) – No permit (fence), dirt and grime. First Notified – 5/20/2021.

No Respondent

Inspector Jean-Baptise testified to the status of the case had contact permit applied for and requested to amend to the next cut off

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **March 2, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 60 - SMG 10-21-275 - Amer Khaled 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 302.1, 304.2), at 300 N Grandview Ave. Violation(s) – Trash & debris, discolored fascia boards, dirt & grime, work without a permit unmaintained landscaping, discolored paint. First Notified – 4/21/2021.

No Respondent

Inspector Jean-Baptise testified to the status of the case had several communications and requested a fine in the amount of \$100 a day to a max of \$15,000

DISPOSITION: Based on the testimony of the inspector Mr. Riggio imposed a fine in the amount of \$100 per day, effective **February 8, 2022** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 61 - SMG 01-22-47 - 540 B LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.1.A; Art. 6 Sec. 6.19.B; Art. 3 Sec. 3.3; Art. 4 Sec. 4.S.1; Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 302.8) City Code Ch. 44 Sec. 44-111.a; City Code Ch. 78 Sec. 78-112.a, at **N Beach St (Parcel # 5338-25-03-0070)**. Violation(s) – Restriction on outside activities and uses, property maintenance, standard development approval, permits for site use, site restoration, sanitation, accessory structure without primary structure, prohibited storage, surfacing, abutment maintenance. First Notified – 8/21/2021.

No Respondent

Field supervisor Jones testified to the status of the case had contact with the engineer and provided a schedule and requested to amend to the May cut off

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **May 4, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 62 - SMG 01-22-48 - 540 B LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.1.A; Art. 6 Sec. 6.19.B; Art. 3 Sec. 3.3; Art. 4 Sec. 4.S.1; Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 302.8) City Code Ch. 44 Sec. 44-111.a; City Code Ch. 78 Sec. 78-112.a, at **Bungalow St (Parcel # 5338-25-03-0050)**. Violation(s) – Restriction on outside activities and uses, property maintenance, standard development approval, permits for site use, site restoration, sanitation, accessory structure without primary structure, prohibited storage, surfacing, abutment maintenance. First Notified – 8/21/2021.

No Respondent

Field supervisor Jones testified to the status of the case had contact with the engineer and provided a schedule and requested to amend to the May cut off

DISPOSITION: Amended the current order of noncompliance to allow the respondents until **May 4, 2022** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter

CASE # 4 - SMG 02-22-82 - 604 Main Street INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A(Ref. FBC Supp. IPMC 304.2, 304.10, 304.14, 304.15), at **604 Main St**. Violation(s) – Dilapidated doors, trash & debris, dilapidated metal stairs, unpermitted fence, signs not directed towards business, damaged dumpster enclosure, wood rot, dirt and grime. First Notified – 6/29/2021.

No Respondent

Inspector Yates testified to the status of the case had no contact no progress requested compliance next cut off.

DISPOSITION: Found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by **March 2, 2022** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 24 - SMG 02-21-31 - 736 S Beach Street INC & Juanny Paulino 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.

No Respondent

Inspector Clig requested to amend the order to the next cut off for new owner notification

DISPOSITION: Amended the current order of Non-Compliance to allow for notification of the new owner and that the respondents bring the property into compliance by March 2, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

The meeting was adjourned at 03:47 PM