
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

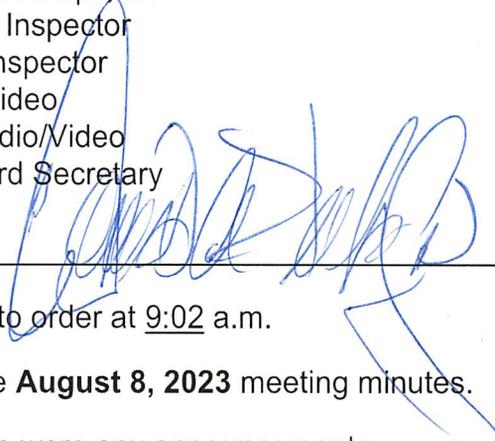
September 12, 2023 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mrs. Kira Honse, Assistant City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Mr. Mark A Jones, Code Field Supervisor
Sgt. Timothy Blowers, Code Liaison
Mr. Steve Alderman, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Clearvens Jean-Baptiste Code Inspector
Ms. Sara Kirk, Code Inspector
Mr. Cliff Recanzone, Code Inspector
Mr. John Stenson, 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 9:02 a.m.

Mr. Vukelja approved the **August 8, 2023** meeting minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

CASE # 9 - SMG 09-23-216 - Shineco IV LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G, at 918 W Intl Speedway Blvd. Violation(s) – Failure to repair damaged sign with missing slot. First Notified – 2/27/2023.

Compliance 9/08/23

CASE # 36 - SMG 08-23-200 - Mystic Oak South LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.6, 304.7, 308.1), at 2721 W Intl Speedway Blvd. Violation(s) – Damaged concrete, dirt and grime, potholes in parking lot, damaged marquee sign post, damaged fascia boards, damaged exterior walls, damaged dumpster gate/fence, dumpster area (trash & debris), chipped paint. First Notified – 5/16/2023.

Compliance 8/03/23

CASE # 37 - SMG 08-23-202 - TH Daytona Beach 2595 IS LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.19.A.3, at 2595 W Intl Speedway Blvd. Violation(s) – Damaged sign, unmaintained landscaping. First Notified – 5/19/2023.

Compliance 8/03/23

CASE # 42 - SMG 11-22-323 - Virgil & Ellen Rosenfeld Family Trust Ellen Rosenfeld Family Trust dated June 22, 2005 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, 304.2, 304.6), at 419 N Wild Olive Ave. Violation(s) – Failure to clean dirt and grime off all exterior surfaces, failure to repair fading and discolored paint, failure to repair damage frame, failure to repair damage concrete above door frame. First Notified – 3/2/2022.

Compliance 8/03/23

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case #26 first.

CASE # 26 - SMG 09-22-256 - 2000 Atlantic 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 304.2, and 304.10), at 2100 N Atlantic Ave. Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 2/22/2022.

Jessica Gow appeared on behalf of the respondent.

Inspector Yates testified to the status of the case and advised he has had contact and they continue to move forward finalizing the permits and waiting for material and requested to amend to the November hearing.

DISPOSITION: Based on the testimony presented and agreement of the parties the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 8, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 27 - SMG 09-22-257 - 2000 Atlantic 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, 304.10), at N Atlantic Ave (Parcel # 4225-05-01-0060). Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 3/7/2022.

Jessica Gow appeared on behalf of the respondent.

Inspector Yates testified to the status of the case and advised contact and progress, the same as the last case, continue to move forward waiting on material, request to amend to the November cut off.

Jessica Gow agreed.

DISPOSITION: Based on the testimony presented and agreement of the parties the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 8, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

Called case #29

CASE # 29 - SMG 09-22-278 - Daytona Beach Resort LLC & Daytona Beach Resort and Conference Center Condominium Association, INC. 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 304.10), at 2700 N Atlantic Ave. Violation(s) – Damaged columns, dilapidated balcony, peeling paint, damaged, cracked, or broken concrete on exterior and interior of parking garage, dirt and grime. First Notified – 11/6/2021

Leanne Wagner on behalf of the Daytona Beach Resort LLC Condominium and Conference Center, LLC. The contractor has been to the property work is very close to being completed and spoke to Inspector Yates last week, and they discussed that once the permit is closed out, everything will be finalized. And she believes he is prepared to recommend a continuation to the November cutoff date.

Inspector Yates testified and clarified, the respondent was talking about one of the items as close to completion. The Garage hasn't moved forward, but the balconies are close to completion. They passed a recent inspection on 8/18/23. Recommended to amend to the November cutoff to allow the work to continue.

DISPOSITION: Based on the agreement of the parties the Special Magistrate ruled to establish a compliance date to allow the respondents until **November 8, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 1 - SMG 09-23-207 - Kelly Scofield & Tom E Cooper is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at 494 Golf Blvd. Violation(s) – Unpermitted storage container. First Notified – 7/20/2023.

No respondent

Inspector Stenson testified to the status of the case and requested order of non-compliance and compliance by next cut off.

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 09-23-208 - Sunshine Ventures & Management, 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.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 302.9, 303.1), at 999 N Atlantic Ave. Violation(s) – Lack of required renovation permits, commercial property maintenance, graffiti, pool maintenance, damaged fencing, unsecure vacant property. First Notified – 6/16/2023.

Greg Kong representing owner sworn in

Inspector Stenson testified to the status of the case and requested order of non-compliance and compliance by next cut off.

Greg Kong owners purchased the property in March or April this year, and from what he understands from speaking to permitting, the previous owner went almost two years (M.I.A) and they had interesting conversations because he'd misled them on a lot of things involving the property. The current owner has an engagement letter from a contractor. Also spoke to the building department and submitted a couple of weeks ago, a PD. It's on file and cost \$500 to submit something because they were looking to condemn the building. He submitted that

so they could sit back in front of, technical review because the intention is to move forward with the original plans that were already approved by the city with those architectural plans for renovating the hotel, redoing all the rooms and the pool and everything into a 20 unit hotel. Because of inactivity the permit expired in January or February of this year. They have the architectural plans, and they are already engaged with that architect to bring the plans up to date because of codes and things like that changing, every three years it must be updated. So, they are currently working with those people to take care of that. The fencing, he didn't realize, and he had gone to the property yesterday himself and the contractor that they have that painted it and took care of sealing the building back up, said that he'll be out there tomorrow to wire up that fencing on that berm.

Mr. Vukelja asked when he expects to have the permits. Discussion on the individual violation and what time is needed.

Greg Kong suggested 60 days as far as getting the plans from the architect.

Mr. Vukelja advised that the property has been an eyesore for a long time. The owner comes forward with a good faith effort to do something serious to make this an asset to the community then Happy to work with you. If they are just getting shined on down the road and they continue looking at this for a couple of years, then its going to be accruing fines at the rate of about \$250 a day. If he is going to work with them at all regarding time to do whatever it is the owners have in mind the property at least has to be secured and it must be maintained because as it stands right now, it's a hazard. It's a hazard on a thoroughfare, a busy thoroughfare. So, by the next cut off, he is expecting the commercial property maintenance to be taken care of. Expecting the graffiti to be taken care of. Discussion on what needs to be done with the pool.

Mr. Kong suggested either a barrier to go around the pool or planks that are put over the pool so nobody can fall in. The intention is to keep and renovate the pool.

Mr. Vukelja advised he would leave that to them and the Inspector to figure out the most effective, most convenient, most cost effective way to do it. He advised he is not an expert in that area, but between the maintenance, the graffiti, the pool maintenance, the fencing, and the unsecured status, he wants that corrected by October 4th. Found the respondent in noncompliance.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

More discussion on the timing for the plans from the architect and **Mr. Vukelja** advised regarding the permits, he is going to ask/order him to come back to the **November 14, 2023** meeting to give the city a progress report on the status of the permits, and hopefully they will establish a compliance date for that item. Take care of the housekeeping to maintain it and clean it up and secure it by October 4, 2023 and he will see him again on November 14, 2023. And at that point hopefully he will be in a position to tell him that he either has his permits or he has applied for them and when to expect them.

CASE # 19 - 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.

Attorney Barry Hughes appeared via zoom. Discussion on the history of the case. the issue about parking following the last hearing, they did retain an architect who presumably is meeting with the city the contract with the architect is dated May 23rd and paid a \$1600 deposit. Has been

in contact with the appropriate city officials to get the planned parking. There is engineering, landscaping, drainage, all those issues must be developed. As far as he knows there's no permits issued at this point and no work has been done on the parking area.

Manager Sykes, stepping in for Mark Jones testified since the last hearing, June 14th there's been no contact from the attorney or the property owners, and there have been complaints about the landscape from the neighboring properties. At this time staff recommends a fine of \$250 a day, capped at \$20,000.

Mr. Vukelja asked Attorney Hughes why the property is not being maintained.

Mr. Hughes advised this is the first notice he received that the property is looking unkept and that there's landscape issues.

Discussion on the new and previous owners and the difficulty in obtaining an architect to do the job and when they will have a permit.

Mr. Hughes advised they should have a permit in hand by the next meeting. Once they get the permit they should be in good status to get the parking completed. But the permit is going to be the key element.

DISPOSITION: Continue to the **October 10, 2023** hearing to establish a compliance date.

The reason the special magistrate is continuing the case is to see the permit in hand that the respondent is telling him would be the next step in the process as far as getting way toward this parking lot and leaving open the imposition of the fine, and if the exterior looks like it does now, then he is going to fine the respondent for that.

CASE # 3 - SMG 09-23-209 - Thomas A Libby 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 259 Euclid Ave. Violation(s) – Exterior surfaces (walls) damaged. First Notified – 2/10/2023.

Thomas A Libby & Greg Gimbert (neighbor) sworn in agreed to the violation.

Inspector Stenson testified to the status and should have it done by the next cut off.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 09-23-230 - GEA Seaside 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 304.7, 304.13), at 216 Morningside Ave. Violation(s) – Unmaintained landscaping, broken/boarded windows, damaged roof. First Notified – 7/6/2023.

No respondent

Inspector Stenson testified to the status of the case requested a finding of noncompliance and compliance and compliance by next cut off. and advised the tarp has been on the roof for at least a month.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 09-23-210 - Socrates George & Argene Estelle Danielides 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, 304.6, 304.15), at 536 Hazel St. Violation(s) – Peeling paint, holes in walls,

trash & debris, overgrown landscape, rotted exterior door, holes in wall. First Notified – 6/29/2023.

Mr. Danielides sworn in and agreed to the violations.

Mr. Vukelja asked the inspector what should be required to come into compliance and how much time should reasonably be expected to take?

Inspector Alderman testified 30 days to the next off.

Mr. Danielides agreed and advised he has pressure washed, it is cleaned up, filled the holes and the doors going to be replaced.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 09-23-211 - James Byrne is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7, 304.9, 604.3.1.1), at 1401 N Atlantic Ave. Violation(s) – Peeling paint on siding and fascia, missing roof shingles, rotted fascia boards, hazardous electrical fuse box. First Notified – 6/20/2023.

No respondent

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

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 7 - SMG 09-23-212 - Vacation Rentals 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. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3), at 1227 N Atlantic Ave. Violation(s) – Damaged signage.

No respondent

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

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 8 - SMG 09-23-215 - RE Equity Investment Group LLC & JJ Equity 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, 302.4, 302.7, 304.1, 304.1.1, 304.5, 304.6, 304.13, 304.18, 305.1.1, 308.1), at 736 S Beach St. Violation(s) – Unmaintained landscaping, failure to repair broken windows, failure to maintain exterior walls, failure to repair damaged walls, failure to repaint, failure to repair exposed electrical wires, failure to repair all damaged exterior, failure to remove trash and debris, failure to repair damaged fence. First Notified – 7/7/2023.

Mr. Joaquim Brito (owner & contractor) was sworn in found in non-compliance.

Inspector Jean-Baptiste testified to the status of the case. advised there is a permit application that needs to be followed through, so they have to go through the permitting

process. So at this time 30 days just to go through that process. then thereafter we will see where they are in their progress.

Mr. Vukelja asked what is the game plan.

Mr. Brito advised they are redeveloping the whole property into an 18 unit apartment building. They are waiting for the city, took a year to approve the site plans and then several months to approve the permits, and as soon as they approved the permits they got on it. they have been working themselves, but there's only so much they can do when it comes to submitting the plan and waiting on the city to approve the project.

Discussion on not just tidying up an old funeral home but converted to a multi-family residential unit.

Inspector Jean-Baptiste if all the permits have been worked through then he would like to see a progress report if possible, if that's agreeable.

DISPOSITION: Respondent was found in Non-Compliance and ordered to be rescheduled for the **November 14, 2023** meeting for a progress report.

CASE # 10 - SMG 09-23-217 - Allison & William Fleck is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.c.19.b; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Live Oak Ave (Parcel # 5339-31-00-0090). Violation(s) – Tree, debris on vacant lot, overgrown landscaping, vehicles parked on lot. First Notified – 5/23/2023.

Allison & William Fleck appeared via zoom sworn in agreed to the violations.

Inspector Bostwick testified to the status of the case advised should be done by next cut off.

Mr. Fleck testified if he cuts limbs from their property, parts may fall on the neighbors home damaging it. they are trying to get the neighbor remove his parts first so he can safely remove the limbs from his property.

Mr. Vukelja asked the city attorney what ability does he have to order a respondent to do something if he has reasonable suspicion that doing so will cause damage to another property.

The city attorney suggested getting an arborist to make an evaluation to see exactly what and how the tree can be trimmed to protect all the properties.

Mrs. Fleck advised that the base of the tree is on the property behind them. So, it is the neighbor's tree that fell on the fence dividing their house and the house to the left of it, to the side of their house.

Inspector Bostwick testified they are correct that the base of the tree is on the property owner to the north, Jorge Alvarez his property has already been sited for the same case and here today for SMG 09-23-198 to fine him \$250 a day for non-compliance.

Mr. Vukelja stated that the only one we don't have here is the resident of that house. Who is the only one with legal right to cut off anything extending over his property. So the person that owns the tree is already before us.

Inspector Bostwick advised that he doubts they are here today because he hasn't had any contact with them. But he is here today to impose a fine on that property. for not cleaning up their vacant lot that's full of trash, debris, overgrown everything. Mr. Vukelja asked if that includes the tree and Inspector Bostwick advised yes.

Discussion on what the respondent can and cant do.

Inspector Bostwick advised he did meet with the contractor yesterday and he said he has the equipment that can get the job done. Maybe they can speak to that because he was sure they've been in touch with him also.

Mr. Fleck discussed being on the hook under his contract if his contractor cuts the limbs. Unless someone indemnifies him and says its okay if any damages happens, he will be held harmless.

He has been in construction for 40 years and knows there's a big risk there. What he heard from the contractor is that she come over and moved the car. He asked if she would pay for him to take it off. She said no, im not paying anything and left and is not getting involved at all.

Inspector Bostwick advised after speaking with Mr. Sykes what they are gong to do is cite the neighbors property to the west and request to amend this case to the next cut off. Continue it, he needs time to site the property owner to the west to see if there willing to cut the branches that are on there side of the property.

DISPOSITION: Respondent was found in Non-Compliance and ordered to be rescheduled for the **November 14, 2023** meeting to join the neighbor so they can talk to both property owners simultaneously and try to resolve the matter.

CASE # 11 - SMG 09-23-220 - Thu Nguyen Ngoc Minh & Hoa Nguyen Ngoc Trung & Nga Nguyen Thi Thu & Trai Nguyen Ngoc & Tam Nguyen Hoang Minh & Cuc Nguyen Thi Thu & Van Nguyen thi Thu & Trinh Nguyen Ngoc & Minh Nguyen Xuan & Manh Nguyen Xuan & Nguyet Nguyen Thi Thu 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, 302.4) City Code Ch. 78 Sec. 78-112, at 941 Lockhart St. Violation(s) – Overgrown vacant lot. First Notified – 7/24/2023.

No respondent

Inspector Bostwick testified to the status of the case requested compliance by next cut off. Confirmed all names are on the deed.

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 12 - SMG 09-23-222 - Daryl Jones 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, 302.4) City Code Ch. 78 Sec. 78-112, at Holmes Ave (Parcel # 5238-13-06-0310). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 6/30/2023.

No respondent

Inspector Bostwick testified to the status of the case requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 09-23-224 - Ashley Marie Gilbert is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.B.2.a, at 909 Gibbons St (Parcel # 4244-02-00-0030). Violation(s) – Storage containers on a residential lot. First Notified – 7/28/2023.

Inessa Hansen (previous owner) on behalf of Ashley Gilbert there intention was to build something on the lot unfortunately, they are out of the country too much, and its almost impossible for them to find someone to do the work, so they sold the lot to her. They have already gotten most of it into compliance that was getting those two containers sold, they finally have sold them, and the person is supposed to be coming next Tuesday to pick both containers up.

Mr. Vukelja asked where Ms. Gilbert is, and he was advised she is out of state, she's in Ocean city Maryland working and she knows Ms. Hansen is hear making commitments on her behalf.

Ms. Hansen advised they are making commitments on their behalf because it was their containers that they sold that are getting removed.

DISPOSITION: Based upon the testimony of our inspector and Ms. Hansen, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 14 - SMG 09-23-225 - Deric Smith 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, 302.4) City Code Ch. 78 Sec. 78-112, at S Martin Luther King Blvd (Parcel # 5339-86-01-0013). Violation(s) – Overgrown vacant lot. First Notified – 8/1/2023.

No respondent

Inspector Bostwick testified to the status of the case requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 09-23-226 - 1995 Big Island Trust dated August 8, 2020 is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 123 S Wild Olive Ave & 125. Violation(s) – No Rental License/Business Tax Receipt, damaged/rotted exterior, no permit (deck & railing). First Notified – 4/29/2023.

No respondent

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

DISPOSITION: Noting the absence of the respondent, based upon the inspector's testimony and the photos presented, Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 16 - SMG 09-23-227 - Willie Gilmore is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 304.13.2, 304.14, 305.3, 603.1, 604.3, 704.2), at 573 Cedar (605 S Martin Luther King Blvd). Violation(s) – Broken/damaged doors, defective windows/missing locks, front door not weather tight, missing insect screens, defective interior surfaces, loose electrical outlet, inoperable stove, missing smoke detectors. First Notified – 1/24/2023.

Juliett Parker (daughter) sworn in agreed to the violations.

Mr. Vukelja asked how much time should reasonably be required for the respondent to come into compliance?

Inspector Kirk advised by next cut off.

Ms. Parker advised that may not be enough time. They are renovating all of the units there. The building next to it is over 100 years old. And this one is coming near 100 years. That apartment has been vacant. They were not aware of all the issues that were in there until the tenant was evicted and call Code.

Mr. Vukelja asked how many units.

Ms. Parker advised they are talking about three in that building and its three in the other building.

Mr. Vukelja asked how long have you been at it now?

Ms. Parker advised they just completed one. **Mr. Vukelja** asked what it 573 Cedar, is that one building or more than one building? **Ms. Parker** advised it is one building with three units, separate structures.

Ms. Parker clarified that there are two structures on one parcel and the two structures each have three units and one has a store under (mix use).

Inspector Kirk advised the violatin they are looking at is one apartment in 573 and was a tenant complaint that she received in January of 2023. **Mr. Vukelja** asked if it was empty.

Ms. Parker advised that it's been vacant since they evicted the tenant. They are going to start renovating this unit. Ms. Parker testified that the building is almost 100 years old and they need the funding to renovate. They are sticking with where they are and this unit is going to be redone, I would say, 90 days or so. The building is historical, Unofficially, the violations as far as the windows, theyre 90 year old windows where theyre wood frame everything, so its going to require them to actually go in and either get a historical preservation contractor or were going to have to go in and reframe and redo in order to put aluminum windows in there, which requires a whole contruction phase. So they are probably going to go that route. Its probably going to cost more to bring a historical preservation person in there, then to just change it all out to new. They actually need 6months to a year. They are transferring the property over to the kids, the father is 84 years old. The building, the entire property, both stuctures have lots of issues. they are trying to get it transferred to the kids so that they can get the funding to be able to renovate them all. They completed the renovations on one.

Mr. Vukelja found the property in non-compliance and advised if the property is kept empty and unit is secured to city standards he can be a little more relaxed when it comes to the time to bring it into compliance.

DISPOSITION: Respondent was found in Non-Compliance and ordered to be rescheduled for the **November 14, 2023** meeting consider establishing a compliance date. Conditioned on that unit remaining empty and not being rented, utilized, or occupied by anyone until such time as it is in compliance and secured to city standards.

CASE # 17 - SMG 09-23-229 - Florida LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC304.7, 304.13, 304.14, 305.3, 305.6, 603.1) City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at 710 Loomis Ave. Violation(s) – Expired Rental License/Business Tax Receipt, defective and unsanitary interior surfaces, ceiling caving in, weak flooring, missing interior doors, missing insect screens, broken windows, inoperable appliances, unpermitted bathroom. First Notified – 6/30/2023.

Leandra Franko (tenant) sworn in

Inspector Kirk testified to the status of the case, advised this is a tenant complaint treceived on May 25, 2023 for an expired rental license, defective and unsanitary interior surfaces, ceiling caving in, weak flooring, missing interior doors, missing insect screens, broken windows, inoperable appliances, unpermitted bathroom. First notification was a posting on June 30, 2023 compliance was due August 1, 2023. Exterior site visit on September 1st and its still in non-compliance. Staff is recommending a finding of non-compliance and compliance by next cutoff.

Ms. Franco testified to the status of the home she signed an as is lease put her own appliances in and she turned the water on. They did fix a couple things but it is a hazard for having a toddler in the house.

Florida LLC is known as Sunbelt Pros and registered agent is Ben Spivey.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate 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.

Inspector Recanzone III testified the city has checked with planning and they're still working on getting the permits, asking for compliance day of next cut off.

Mr. Vukelja asked if there had been any developments since the last time, we talked about it.

Inspector Recanzone advised that they are trying to get the plans approved to make it not a vacant lot anymore and to actually put a building on the property so they can use it as a storage yard. **Mr. Vukelja** asked if they have some sort of administrative thing going on right now that he needs to know about? **Inspector Recanzone** advised that they are working with the planning department to get the project approved.

Allison Worsham was sworn in via Mr. Washingtons phone and testified they just received their third round of comments from the city last week, and they are working with the engineer and the architect to get the plans resubmitted. Still working with the city, they sent back about seven pages of comments that they are working through. They have tests to get done and do their best. Advised they will get submittals back into the city in a week. The city is taking on average about 30 to 45 days to give them back a response and requested 60 days and expects that this fourth submittal to be close to permit issuance. **Mr. Vukelja** advised that he is going to continue this matter to the November 8, 2023 meeting, but he is putting everyone on notice at that point, he is expecting to establish a compliance date.

DISPOSITION: Continue to the **November 14, 2023** hearing to establish a compliance date.

CASE # 20 - 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.

R.T Hillery sworn in via zoom.

Mr. Vukelja asked for a progress report.

R.T Hillery advised they got the information before Labor Day from the city planning department and the engineer is still working on it and should have it resubmitted this week and it is taking

30-45 days for the city to respond. The tarps were put up and new doors and stuff closed and emailed pictures over to Mr. Jones.

Manager Sykes testified on behalf of Mr. Jones that the items have been taken care of the tarps and, he was not sure if the tree debris that was in the picture was removed and if not, it needs to be removed. Mr. Hillery advised it will be. The site plan will be resubmitted by the end of the week and is taking 30-45 days for the city to respond.

Manager Sykes requested 60 days.

DISPOSITION: Continue to the **November 14, 2023** hearing for a progress report.

CASE # 21 - SMG 02-23-40 - Indigo Lakes Golf Club LP is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.2), at 312 Indigo Dr & 400. Violation(s) – Overgrown culverts and drainage. First Notified – 11/17/2022.

Edward Peterson, Carol Raymond, and David Foutch sworn in

Inspector Butler testified to the status of the case had contact with the property manager and there has been no progress. Staff requested a fine of \$250 a day to a maximum of \$25,000.

Mr. Peterson testified First of all, it hasn't been established that it is our property. I have given them surveys and their own PUD's on the development. Also gone to tax plats to show that their boundaries and their responsibility and what they pay taxes on. These are private properties that are owned and the city doesn't even have the right to the street or the sidewalk because the PUD owns them, they just have the utilities there. They have their own maintenance crew that has nothing to do with the golf course. Those culverts and outfalls have been put in for the development themselves. It has no way to do anything with the golf course and he has no access to it even if it was. This is a piece of vegetation that sits on the lake bank and the culverts are the responsibility of the homeowners and he has given exuberant amount of surveys PUD's, current surveys, pictures of the plats, all the property lines, everything that exists, everything that was put in, all these culverts were put in for the community, not for the golf course and everything falls on their property lines. And its all private property.

Mr. Vukelja questioned 312 Indigo & 400 Indigo Dr. Are 312 and 400 within the parameters of what we've already been studying? **Manager Sykes** confirmed yes.

Mr. Vukelja advised that they are done talking about it, and stated so, now are you going to do the work or not?

Mr. Peterson testified this property is not on their property. Mr. Vukelja stated that he has heard the argument, they have been given multiple hearings. They had special reviews of all the materials you've provided and made a determination that it is Indigo's responsibility and not going to argue it. the only question is whether they are going to do the work or just stand your ground and take and face the consequences.

Mr. Peterson asked if there is a finding with the court and how would he recommend him go about that?

Mr. Vukelja advised the order was entered that it was your responsibility to maintain to bring these culverts into compliance, that I was his obligation to perform what was required in the notice of non-compliance.

Mr. Peterson advised he understands that, but its private property and how is he supposed to go on private property and then be responsible for that?

Mr. Vukelja advised he is done with it. He's looked at the surveys, the titles, the ordinances, the plats, the plans, the specifications. Looked at it all. Looked at the aerials, he is familiar

with the boundaries. He looked at everything he needed to look at and made the determination that he is responsible for these overgrown culverts and the drainage requirements. Now he is hearing they haven't been brought into compliance and made his ruling. He guesses what he is being told is that they are not going to do it.

Mr. Peterson advised what he is asking is how does he get to this here, which is on private property, on a lake bank that doesn't even belong to him. This is on a lake bank and no way to get to it.

Mr. Vukelja we've already looked at it all and they are satisfied. They have satisfied themselves that he does have the means and he does have access to get the work done. And it was an obligation and it was a requirement assumed by Indigo from the very get go. So is it your intention to come into compliance because that is something from him to take into consideration when he's asking to fine you for non-compliance.

Mr. Peterson so are we going to be able to go on private property to do this?

Mr. Vukelja not answering any more questions. Are you going to come into compliance or not?

Mr. Peterson advised he can do that.

Mr. Vukelja asked how much time he needed.

Mr. Peterson advised 30 days.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

Ms. Raymond testified this had been going on for a long time. They have water moccasins that are all over the place, the grass is not being maintained, it was just mowed yesterday. She had a water moccasin when she walked out her front door that scared her because they are very dangerous. This stuff needs to be taken care of and at this point she is tempted to ask that the city buy the golf course because they are not going to be in compliance.

Mr. Vukelja advised he is not here to sympathize with one side or the other, he understands the arguments on both sides and made his ruling.

CASE # 22 - SMG 05-23-136 - Stefan Liebe is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.2.B.28.e; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPCM 302.1, 302.8, 308.1) City Code Ch. 90 Sec. 90-297, at 815 Mason Ave. Violation(s) – Hole in exterior wall, fading metal roofing, overgrown landscape, trash & debris, damaged unlicensed and wrecked vehicles, damaged fencing, obtain Business Tax Receipt. First Notified – 3/28/2023.

Tish & Neville Kaiser sworn in

Inspector Alderman testified to the status of the case. the business is occupied and has had progress. The balance left is the fence repair and the BT. Staff requested a fine in the amount of \$100 a day plus a \$250 for the BT.

Discussion on what has already been repaired and it was advised that Mr. Kaiser can get with the inspector after the hearing for what is left to be done.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 23 - SMG 06-23-165 - Waldemar Rucinski is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7) City Code Ch. 26 Sec. 26-294 and Ch.90 Sec. 90-297, at 342 Nautilus Ave. Violation(s) – Outside storage, parking in yard, damaged fencing, unlicensed rental property. First Notified – 4/13/2023.

Deanne young (Property Manager) sworn in

Inspector Stenson testified to the status of the case and the tenants are gone, requested to amend to the October cut off.

Ms. Young agreed

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 24 - SMG 04-23-99 - Andre Rondeau & Odette Perreault & Inose 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, 304.7, 304.8, 304.13, 304.14), at 506 N Halifax Ave. Violation(s) – Exterior staining, damaged roof, damaged lattice, broken inoperable windows/damaged screens. First Notified – 3/13/2023.

Juying Krug sworn in

Inspector Stenson testified to the status of the case, more complaints and more work without a permit since the last hearing and requested a fine

Juying Krug testified they have the permits, interior and exterior but now just waiting for the tenant to move out, from the eviction.

Discussion on the project and waiting for the tenant to be evicted. Once she is out it will be quick. Work being done without permits. The outside storage was not removed, it was buried. And the wood steps were covered over with concrete with no permit.

Mr. Vukelja asked that Ms. Krug bring her Contractor to the next meeting. They will talk about all the permits that she has, and she can get whatever other permits she wants between now and then. Going to talk about the work you can be doing while you're wrestling with this tenant. Going to talk about the tenant's impact on construction going forward and most importantly, going to talk about how if she is given the time to get this place straightened out, it better look nice when she's done. Update on the tenant when she thinks she will be gone.

DISPOSITION: Continue to the **August 8, 2023** hearing to establish a compliance date all other units are to remain empty, not rented, used, or occupied until the property is in compliance. Secure to city standards and exterior of the property maintained.

CASE # 25 - SMG 09-22-276 - Joseph P Torch is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2,304.10), at 1305 N Atlantic Ave. Violation(s) – Dilapidated steps and balcony. First Notified – 3/26/2022.

Joseph Torch sworn in

Inspector Yates testified to the status of the case advised he has had contact and progress, they have been scheduled for a variance hearing on the 19th and would like to amend to the November hearing.

Discussion on the variance and time needed.

Mr. Torch advised that he could give a status at the November hearing but compliance maybe by December.

DISPOSITION: Continue to the **November 14, 2023** hearing for a progress report.

CASE # 28 - SMG 06-23-148 - Pro Development USA LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.12.B; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.7, 304.1, 304.2, 304.6, 304.7, 304.13, 304.13.1, 304.13.2, 304.16, 605.1, 704.2) City Code Ch. 90 Sec. 90-297, at 934 S Ridgewood Ave. Violation(s) – Interior surfaces, dirt & grime, peeling paint, smoke detectors, unpermitted havc, damaged interior doors and frames, rotted areas of soffit and fascia, unmaintained landscaping, graffiti, dilapidated roof, outside storage, wood rot, windows that wont open, dilapidated exterior patio, broken louver, dilapidated exterior doors, dilapidated shed, no Business Tax Receipt. First Notified – 2/15/2023.

Daniel Castillo sworn in and advised they have been working on the property and has one tenant that would be out by this Friday. Requested schedule a meeting to go over the violations. Advised the only one that they are not going to comply now is the request for license for use. Because the owner is trying to figure out what he wanted to do and, in the meantime, they removed all the tenants. They have made a good improvement and should be able to close this with the next inspection.

Inspector Yates testified they are no where near closing this. They were cited for unpermitted work, received a stop work order they continue to work unfettered, In July they were supposed to start the proceedings to remove people due to unsafe conditions, they have not completed that as promised, requested to set a compliance date for the next cut off. **Mr. Vukelja** asked what that does. **Inspector Yates** advised since they continue to press forward, there is no choice but to seek a fine. If they are already cited for unpermitted work and then they have to put a stop work order because they are doing more unpermitted work and that doesn't slow them down then he is left with nothing but a fine. Theres currently no permits in the works, no paperwork in the works.

Daniel Castillo advised they have a permit in July permit number is R2307-600 for the fence they installed. **Inspector Yates** advised that is for a repair that would not cover the brand new fence.

Mr. Vukelja asked if it was feasible for the respondent to be able to come into compliance by October 4, 2023? **Mr. Castillo** replied Yes, sir. He thinks they can walk next week and see what is going on. They are not doing major repairs they are focusing on the items on the list. The fence was an emergency and had to stop people from going on the property. They hired engineering to check the property and they were advised to remove anything illegal.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **October 4, 2023** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

Mr. Vukelja advised that they need to be on the same page and the respondent needs to get with the Inspector.

CASE # 30 - SMG 06-23-154 - Abdulwahab FN AL Qatami 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, 302.4) City Code Ch. 78 Sec. 78-112, at School St (Parcel # 5339-83-02-0060). Violation(s) – Overgrown vacant lot, trash and debris. First Notified – 3/20/2023.

No respondent

Inspector Bostwick testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 31 - SMG 08-23-195 - Willie Mae Lane 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, 302.4) City Code Ch. 78 Sec. 78-112, at Division Ln (Parcel # 5339-28-06-0010). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/24/2023.

No respondent

Inspector Bostwick testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 32 - SMG 08-23-196 - Chuckie D Edwards 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, 302.4) City Code Ch. 78 Sec. 78-112, at 329 Division St (Parcel # 5339-28-06-0020). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 5/24/2023.

No respondent

Inspector Bostwick testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 33 - SMG 08-23-198 - George R & Angelina M Alves 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, 302.4) City Code Ch. 78 Sec. 78-112, at Division St (Parcel # 5339-31-00-0100). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 6/19/2023.

No respondent

Inspector Bostwick this is the other case (with the Tree) testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 34 - SMG 08-23-199 - Randy Rocco Etal & Thomas Bolick 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, 302.4) City Code Ch. 78 Sec. 78-112, at N Frederick Ave (Parcel # 5238-30-03-0230). Violation(s) – Overgrown vacant lot. First Notified – 6/15/2023.

No respondent

Inspector Bostwick testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 35 - SMG 08-23-204 - Earl McCrary III is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.c.19.b; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at Pinewood St (Parcel # 5212-01-00-0670). Violation(s) – Overgrown landscaping, trash and debris, vehicles parked on vacant lot. First Notified – 7/5/2023.

No respondent

Inspector Bostwick testified to the status of the case, advising no contact, no progress and requested a fine in the amount of \$250 a day to a maximum of \$ 15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photos presented the Special Magistrate imposed a fine in the amount of \$250.00 per day, effective **September 7, 2023** until the fine reaches a maximum of \$15,000.00 or the property comes in Compliance.

CASE # 38 - SMG 04-23-103 - David Clarke is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.5, 304.6), at 37 S Peninsula Dr. Violation(s) – Failure to repair damage concrete, failure to repair damaged retaining wall. First Notified – 2/2/2023.

David Clarke sworn in

Inspector Jean-Baptiste testified to the status of the case advised he has had contact by email. Progress was an email stating that he was working on contractors. Requested a fine in the amount of \$100 a day since nothing was done since the last hearing.

Mr. Clarke advised he had two different contractors that gave quotes, gave the okay to move forward with to contractors and as soon as he requested something in writing because he was going to submit it to the Historic preservation grants that's where it got left and he never heard back from them. Has two quotes and an application for the Historic Preservation and that's where he is at.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 03-22-113 - Sandals US, LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.5, 304.6) City Code Ch. 90 Sec. 90-297., at 140 S Ocean Ave. Violation(s) – Failure to obtain and maintain an established parking lot master

plan, trash and debris, damaged concrete wall, unmaintained landscaping, no Business Tax License for paid parking, failure to remove wood poles. First Notified – 10/27/2021.

No respondent

Inspector Jean-Baptiste testified to the status of the case advised he has had contact with the owner and contractor requested to amend to the November hearing to give them the time to complete the work.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 8, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 40 - SMG 07-23-188 - Daytona Center LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.6, 304.8, 304.9), at 100 N Nova Rd. Violation(s) – Damaged signs, damaged ceiling tiles (store front #288), damaged exterior walls(holes), dirt and grime. First Notified – 2/6/2023.

Dea Etlinger sworn in

Inspector Jean-Baptiste testified to the status of the case advised he has had contact with Ms. Etlinger work has been made and requested to amend to the next cut off.

Ms. Etlinger discussed the sign and reusing the sign that was left. If the new tenant cannot use the sign she will remove it. Advised she will be speaking with him today.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

CASE # 41 - SMG 06-23-152 - Jacqueline Manning is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 308.1), at 368 Dr Mary M Bethune Blvd. Violation(s) – Failure to repair damaged wall, failure to remove exterior bricks and debris on site. First Notified – 2/9/2023.

Roger Washington sworn in

Inspector Jean-Baptiste testified to the status of the case advised reminding everyone this was the insurance case and Mr. Washington would provide us any updates that he may have in regards to the property.

Discussion on what happened with the property.

Mr. Washington testified that the Insurance company and the bank is still not communicating with us like before. The contractor has a lawyer on retainer that he will use to push the bank and insurance company to move forward. So, he (contractor) did an e-sign and signed for the lawyer because they are still dragging there feet. The main power line needs to be turned back on that was damaged when the wall was damaged during the hurricane.

Mr. Washington reminded everyone that in December the Insurance company cut a check to the Bank then that bank sold the mortgage to another bank. Which the whole hold up is the insurance check with the new bank and the insurance company.

Mr. Vukelja advised that he has an insurance company that ponied up with the money that presumably was the cash that was going to be used to fix the wall and make the repairs. It's handed over to a bank that holds a mortgage on the property and under the terms of your

mortgage, the bank may or may not have an obligation to turn that money over to you. And just to complicate matters more, now they have another bank involved that took over for bank number one.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** 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 07-22-195 - Daytona Lands 1 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 302.4, 302.4, 302.7, 304.2, 304.6, 304.10, 304.12, 304.13.2, 308.1, 304.14), at 161 E Intl Speedway Blvd & 155. Violation(s) – Failure to repair entrance gate, failure to repair damaged wooden stairs, loose planks and rotten wood, failure to remove exterior storage, failure to repair discolored walls and peeling paint, failure to repair broken windows, failure to clean dirt and grime, failure to repair door screen enclosure, failure to repair windows, unmaintained landscaping. First Notified – 1/22/2022.

Fabrizio Lucchese sworn in via zoom by Manager Sykes

Inspector Jean-Baptiste testified to the status of the case advised he has had contact the demo has happened and needs to be finalized and the building department request some things to be done and they have come to an agreement. Request to amend to the next cut off.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 4, 2023** 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 01-08-12 - Investment of Ankh LLC (Jerome Thompson) - 817 Lewis Dr.

is cited for failure to correct violations of The Land Development Code, Chapter 90.297, Code of Ordinances; Article 8, Section 2.7, Violation(s) – Failure to obtain rental occupational license; parking in the grass. First Notified – 10/9/2007. Order Imposing Fine/Lien effective February 6, 2008. \$50.00 a day to a maximum of \$15,000.00 Compliance = July 20, 2023. \$15,000.00 plus \$24.00 recording fees = \$15,024.00

Jerome Thompson sworn in

Inspector Butler testified regarding the stipulation and agreement with the parties requested the lien be waived

DISPOSITION: Based on the stipulation and agreement the special magistrate dismissed the lien.

LR-2

SMG 01-22-47 - 540 B LLC - N Beach St (Parcel # 5338-25-03-0070) 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, 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. Order Imposing Fine/Lien effective July 12, 2022. \$250.00 a day to a maximum of \$20,000.00 Compliance = February 01, 2023. \$20,000.00 plus \$24.00 recording fees = \$20,024.00

Manager Sykes advised the representative Pete Zahn met with the city and submitted confirmation and stated that his client agreed to a reduction to the amount of \$3000 dollars.

DISPOSITION: Based on the stipulation and agreement the special magistrate reduced the lien to the amount of \$3000 payable in 30days or the lien reverts to the original amount.

LR-3

SMG 01-22-48 - 540 B LLC - Bungalow St (Parcel # 5338-25-03-0050) 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, 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. Order Imposing Fine/Lien effective July 12, 2022. \$250.00 a day to a maximum of \$20,000.00 Compliance = February 01, 2023. \$20,000.00 plus \$24.00 recording fees = \$20,024.00

Manager Sykes advised the representative Pete Zahn met with the city and submitted confirmation and stated that his client agreed to a reduction to the amount of \$3000 dollars.

DISPOSITION: Based on the stipulation and agreement the special magistrate reduced the lien to the amount of \$3000 payable in 30days or the lien reverts to the original amount.

LR-4

SMG 05-22-113 - Lawton B & Esther B Thomas - Seaman PL (Parcel# 5339-16-00-0190) 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), Violation(s) – Overgrown lawn, weeds and hedges. First Notified – 3/15/2022. Order Imposing Fine/Lien effective June 09, 2022. \$250.00 a day to a maximum of \$15,000.00 Compliance = August 03, 2023. \$15,000.00 plus \$24.00 recording fees = \$15,024.00

Inspector Bostwick testified to the status of the lien advised Council of aging started coming and help Mrs. Thomas read the letters as she went blind in 2021. She came into compliance and the city would like to waive the liens and she has hired a company to maintain her lot going forward.

DISPOSITION: Based on the stipulation and agreement the special magistrate cancelled the lien with the understanding that it's going to be maintained going forward on a monthly basis by a lawn care company.

6. **Adjournment: 11:39 am**