
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

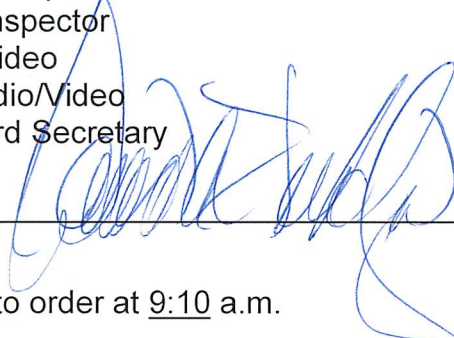
October 10, 2023 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Mr. Mark A Jones, Code Field Supervisor
Mr. Denzil Sykes, Code Compliance Manager
Sgt. Timothy Blowers, Code Liaison
Mr. Steve Alderman, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Clearvens Jean-Baptiste Code Inspector
Ms. Sara Kirk, 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 9:10 a.m.

Mr. Vukelja approved the September 12, 2023 meeting minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

CASE # 14 - SMG 10-23-240 - Timothy D Hudson Sr. 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 Arthur St (Parcel # 5238-18-02-0200). Violation(s) – Overgrown vacant lot & abutment area with trash and debris. First Notified – 8/29/2023.

Compliance 10/09/23

CASE # 16 - SMG 10-23-250 - The A.R. Green Irrevocable Family Trust Dated December 12, 2012 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 Lockhart St (Parcel # 523902010070). Violation(s) – Overgrown vacant lot. First Notified – 8/1/2023.

Compliance 10/09/23

CASE # 17 - SMG 10-23-251 - TAH2 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, 302.4) City Code Ch. 78 Sec. 78-112, at 820 Valencia Ave (Parcel # 523908000180). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 7/27/2023.

Compliance 10/09/23

CASE # 20 - 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.

Compliance 10/09/23

CASE # 37 - 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. IPMC 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.

Compliance 10/05/23

CASE # 43 - SMG 02-23-37 - Sig Global Family Ltd Partnership 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 304.6) City Code Ch. 78 Sec. 78-112, at 216 S Wild Olive Ave. Violation(s) – Failure to repair damage retaining walls, failure to remove dead vegetation, failure to remove all trash and debris. First Notified – 3/21/2022.

Compliance 10/05/23

CASE # 44 - SMG 04-23-105 - Sig Global FLP 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 304.6), at 509 E Intl Speedway Blvd. Violation(s) – Failure to repair damage retaining walls, failure to remove dead vegetation, failure to remove all trash and or debris. First Notified – 3/21/2022.

Compliance 10/05/23

CASE # 45 - SMG 04-23-106 - Sig Global FLP 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 304.6), at 220 S Wild Olive Ave. Violation(s) – Failure to repair damaged retaining walls, failure to remove dead vegetation, failure to remove all trash and debris. First Notified – 3/21/2022.

Compliance 10/05/23

CASE # 46 - SMG 07-23-187 - Daytona Center LLC 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 302.1, 302.8, 304.2, 304.6), at 1002 W Intl Speedway Blvd. Violation(s) – Damaged signs. First Notified – 2/7/2023.

Compliance 10/09/23

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case #1 first.

CASE # 1 - SMG 10-23-241 - Civil Enterprises 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. IPMC 302.1, 304.10, 304.12, 304.13.2, 304.2, 307.1, 604.1), at 625 N Beach St. Violation(s) – Work without permits (east/rear stairs and enclosed front windows), trash & debris, damaged north stairs, handrails, broken window glass, windows that don't open, peeling paint/rotten wood, guards on stairs, open electric box (no GFCI's). First Notified – 8/7/2023.

Jean Civil sworn in agreed to violations.

Supervisor Jones acknowledged compliance could be completed by the next cut off.

Jean Civil testified he is only waiting on glass to be installed that was ordered a couple of weeks ago, he was told 6 to 8 weeks so it should in time. The special magistrate advised if it runs late to get the inspectors card and give him a call and let him know whats going on.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 10-23-232 - Carmil Jack LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at 900 N Halifax Ave. Violation(s) – Damaged roof (soffits). First Notified – 4/10/2023.

No respondent

Inspector Stenson testified to the status of the case and requested a continuance based on a request from the attorney just assigned to the case is in surgery and requested a continuance to the November hearing.

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

CASE # 3 - SMG 10-23-243 - George Caffery 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, 304.13.2), at 312 N Wild Olive Ave. Violation(s) – Outside Storage, dilapidated fencing, broken and inoperable windows. First Notified – 3/4/2023.

No respondent

George Caffery was sworn in and found in non-compliance.
Inspector Stenson acknowledged compliance could be completed by the next cut off.
George Caffery advised he is working on it since he evicted the tenants.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 10-23-244 - 555 Seabreeze LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.1, 304.2, 304.6, 304.9), at 555 Seabreeze Blvd & 533. Violation(s) – Peeling paint, damaged exterior walls, damaged awning/overhang. First Notified – 5/6/2023.

Peter Drymonis sworn in and agreed to the violations.

Inspector Garcia acknowledged compliance could be completed by the next cut off.

Peter Drymonis advised that this is a 4 to 5 month process, and that it is a pretty extensive remodel on the exterior façade of the Oyster Pub.

Short discussion on the next milestone.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **January 3, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 10-23-245 - Henley Corp INC 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 112.1), at 404 Seabreeze Blvd. Violation(s) – Construction without permit (stop work order). First Notified – 6/16/2023.

No Respondent

Inspector Alderman testified to the status of the case and requested compliance next cut off. Small discussion on the type of construction and permits.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 10-23-246 - Venkata Chereddy 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.3; Art. 6 Sec 6.19.A.4; Art. 6 Sec. 6.12.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4, 302.9, 304.3, 308.1, 604.3.1.1), at 1079 Mason Ave. Violation(s) – Damaged sign, damaged dumpster enclosure, overgrown landscape and trees, missing siding, graffiti, trash & debris, address numbers, open electrical box. First Notified – 8/7/2023.

Amin Odeh sworn in (new tenant) authorized to speak and agreed to the violations.

Inspector Alderman acknowledged compliance could be completed by the next cut off.

Amin Odeh agreed to compliance by the next cut off.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 7 - SMG 10-23-242 - DB 420 Holdings 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 302.1, 302.4, 302.7, 304.2, 304.6, 304.13, 308.1), at 201 N Nova Rd. Violation(s) – Failure to repair all damaged signs on site, damaged soffits, damaged fence, trash and debris, dirt & grime (all surfaces), fading paint, broken/damaged windows, unmaintained landscaping. First Notified – 5/18/2023.

Jim Kowalak sworn in agreed to the violations.

Inspector Jean-Baptiste acknowledged compliance could be completed by the next cut off.

Jim Kowalak advised the only thing left is windows and sign blanks.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 8 - SMG 10-23-247 - Daytona 1500 LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.B; Art. 6 Sec 6.19.A.4; Art. 6 Sec 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 304.6, 304.7, 304.13, 308.1, 605.1), at 1500 W Intl Speedway Blvd. Violation(s) – Graffiti, trash & debris, broken windows, exposed electrical wires, discolored walls (paint to a uniform color), exposed wood, damaged gutters, damaged wooden fencing, unmaintained landscaping. First Notified – 3/2/2023.

Gordan Hardwick sworn in agreed to violations.

Inspector Jean-Baptiste acknowledged compliance could be completed by the next cut off.

Gordan Hardwick going through the PD approval process with the city commission for the last eight months, and just got approved at the end of August and are redeveloping the property putting in a 6 million dollar project for a car wash. They have cleaned up and boarded but are planning to submit for a permit to Demo the property.

Inspector Jean-Baptiste advised he has contact and agreed to allow them the time they need.

Gordan Hardwick agreed to keep the property maintained until the process is complete. They will apply for permit in the next 30 days, and they have been advised it takes about four months for the permitting.

Mr. Vukelja advised they will reconvene at the January 9, 2024 meeting at that point maybe they will have a clear picture to start talking about a compliance date. In the interim the property needs to be secured to city standards and the exterior maintained failing that be returned for a fine of up to \$1000.00 per day.

DISPOSITION: Respondent was found in Non-Compliance and case continued until the January 9, 2024 for a progress report and further ordered the property be secured to city standards, and property maintained until the property is in compliance.

CASE # 9 - SMG 10-23-248 - BDP Enterprises Inc 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 302.8, 304.2, 304.6, 304.9, 308.1), at 114 Reva St. Violation(s) – Dirt & grime, abandoned/derelict vehicles, damaged signposts, damaged light posts on roof, trash & debris. First Notified – 5/17/2023.

Francis King sworn in owner agreed to violations.

Inspector Jean-Baptiste acknowledged compliance could be completed by the next cut off.

Francis King agreed to compliance by next cut off.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 10 - SMG 10-23-234 - Daytona Bluetide Group 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, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at E Intl Speedway Blvd (Parcel #5308-04-00-0010). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 8/15/2023.

No respondent

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

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 11 - SMG 10-23-237 - Evelina & Shawndarrell Brockington is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.B.2.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1), at School St (Parcel # 5339-86-01-0031). Violation(s) – Storage units on vacant lot, sanitation. First Notified – 6/21/2023.

No respondent

Inspector Bostwick testified to the status of the case stating he has had contact and progress and requested compliance by next cut off.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 12 - SMG 10-23-238 - Eric L Walker Sr. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.3.c.19.b; Art. 5 Sec. 5.3.b.2.a.2.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1), at Model St (Parcel # 5338-98-02-0470). Violation(s) – Unpermitted storage sheds and structure on a vacant lot. First Notified – 5/19/2023.

Mr. Walker sworn in and disagreed to the violations.

Inspector Bostwick testified to the status of the case stating he has had contact and requested compliance next cut off.

Discussion on the property being a vacant lot and when you can have accessory structures on a lot is when you have a permanent house.

Mr. Walker advised that his house is next door and back when he moved them to the property he spoke to the city and he was advised that because they were portable sheds and he was not pouring a slab that he did not have to have a permit, but they did say he had to have the anchors in for a hurricane. They came out and inspected the anchors that were put in and both sheds have been in compliance with the city since 2012. He agrees they need to be moved now because he sold the house. All he needs is time and he asked for the 90 days.

Mr. Vukelja discussed the timeline and if there was any hazards and the need to maintain the lot.

Mr. Bostwick agreed to the February cut off and for the respondent to maintain the lot.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 10-23-239 - Adiba Shuja 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 Derbyshire Rd (Parcel # 5238-15-11-0160). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 8/31/2023.

No respondent

Inspector Bostwick testified to the status of the case no contact and requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based on the Inspectors testimony and the photographs presented the Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 15 - SMG 10-23-236 - Daytona Beach Bella Vista 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, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Atlantic Ave (Parcel # 422503020020). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/1/2023.

No respondent

Inspector Bostwick testified to the status of the case no contact and requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based on the Inspectors testimony and the photographs presented the Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 18 - SMG 10-23-252 - Carol Dilligard V Est 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) City Code Ch. 78 Sec. 78-112, at Arthur St (Parcel # 5238-18-02-0220). Violation(s) – Abutment area is overgrown with trash and debris, fence-line is overgrown with weeds. First Notified – 8/29/2023.

No respondent

Inspector Bostwick testified to the status of the case no contact and requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based on the Inspectors testimony and the photographs presented the Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 19 - SMG 10-23-253 - Verona V 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, 302.4) City Code Ch. 78 Sec. 78-112, at Marco St (Parcel # 533985000150). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 8/14/2023.

No respondent

Inspector Bostwick testified to the status of the case no contact and requested compliance by next cut off.

DISPOSITION: Noting the absence of the respondent based on the Inspectors testimony and the photographs presented the Respondent was found in Non-Compliance and ordered to come into Compliance by **November 8, 2023** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

Continued Cases:

CASE # 21 - 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 no contact no progress and requested a fine in the amount of \$250 a day to a maximum of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **October 5, 2023** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 22 - 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 no contact no progress and requested a fine in the amount of \$250 a day to a maximum of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **October 5, 2023** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 23 - 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 appeared via zoom on behalf of respondent.

Supervisor Jones requested compliance next cut off testified to the status of the case they cut the yard but they still have not submitted anything to the city for a minor site plan approval, he has had communications from the attorney yesterday, he provided documentation that the owner has hired an architect, they sent a letter of intent dated 9/11 stating that the site plan would be submitted within three weeks which would have been on

October 2nd of this year. Nothing has been submitted and the inspector was told they're still out trying to hire a surveyor.

Mr. Barry Hughes testified he spoke to Mr. Jones and provided the letter of intent. The site plan requires a topographical survey, he provided Mr. Jones a copy of the receipt showing that has been paid for. Listening to the other hearing before his it takes three to four months to get the permit once it's submitted.

Mr. Vukelja advised that if that site plan is not submitted by November 8, 2023, then it's fine time. The meeting was continued to the November 14, 2023 meeting and by that time he is expecting the site plan to have been filed. Failing that he will schedule compliance for the following month and then just let the chips fall where they may.

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

Mr. Hughes questioned a lien review at the end of the agenda.

Mr. Jackson advised that it's an administrative request from the city to waive a lien for miscellaneous business three and four and dismiss the cases. After some clarification

Mr. Vukelja ruled.

MB-3

SMG 09-22-240 - Arben Properties CO 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), at N Atlantic Ave (Parcel # 5305-01-46-0190). Violation(s) – Peeling paint, and dilapidated seawall. First Notified – 2/18/2022. Order Imposing Fine/Lien effective May 4, 2023. \$200.00 a day to a maximum of \$25,000.00 Compliance = May 30, 2023. \$5200.00 plus \$24.00 recording fees = \$5224.00

DISPOSITION: Based upon the stipulation of the city he is going to cancel or vacate the order imposing fine lien and dismissing the case.

The property is now in compliance.

MB-4

SMG 09-22-239 - Arben Properties CO 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), at N Atlantic Ave (Parcel # 5305-01-46-0170). Violation(s) – Peeling paint, and dilapidated seawall. First Notified – 2/18/2022. Order Imposing Fine/Lien effective May 4, 2023. \$200.00 a day to a maximum of \$25,000.00 Compliance = May 30, 2023. \$5200.00 plus \$24.00 recording fees = \$5224.00

DISPOSITION: Based upon the stipulation of the city he is going to cancel or vacate the order imposing fine lien and dismissing the case.

The property is now in compliance.

CASE # 24 - 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.

Thu Pham Associate Akerman LLC

Inspector Butler testified to the status of the case stating that since July Court proceedings he had contact with the property manager and the Attorney, there has been no. Requested a fin in the amount of \$250 a day to a maximum of \$25,000.

Thu Pham advised that she has some evidence binders that she would like to turn in. **Mr. Vukelja** asked if it was her intent to revisit the determination. **Thu Pham** advised that she wanted to address the compliance status because she did bring photos. **Mr. Vukelja** advised that he's not going to do it that we are here on the imposition of a fine, we had multiple hearings, we reviewed evidence on multiple occasions and made a determination. If its your intent to revisit whether he should have found the respondent in non-compliance or not, not doing it. **Thu Pham** advised that the respondent had 30 days or until October 4th or 5th to come into compliance and brought photos to show that the work has been done. And for due process all she asked was for five minutes. advised that they are in compliance for what's located on her client's property. **Mr. Vukelja** accepted her representation to that effect and stated that's insufficient. **Thu Pham** advised she has photos of the corrective action. **Mr. Vukelja** advised that if the corrections where not done in toto then they were still in non-compliance.

Thu Pham submitted her evidence binders, and referred to the notice of violation advising it had four distinct corrective actions that were required 1. Remove the tree north of 280. The tree that fell over on her client's property north of 280. 2. Clean ditch north of 280. 3. Clean the culvert located behind lot 293. 4. Clean the culvert behind lot 267.

Regarding the tree north of 280 that was removed awhile back. Regarding the culvert behind 267 that's located on her client's property and the reason that wasn't completed, she contacted Butler asking where this culvert is located at because she looked at the engineering plans for the subdivision and the engineering plans for the golf course and neither on shows a culvert being constructed. They were able to very close up view of the areal from the property appraiser's website and finally identify an area that looks like its potentially the culvert so as soon as they pointed that out to the client, the client went out and cleaned it. advised she has photos of it being cleaned attached to tab four.

The other two items are to clean the ditch north of 280 that is included un tab two.

Discussion on the photos presented and the area circled that contains the ditch which claims it is in the lot line of 280. The next page is a closer view and **Thu Pham** advised it clearly shows that its in lot 280 and she attached the plat with the area where the ditch is supposed to be located Circled, supposed to be within that 15 ft drainage easement and it clearly shows that its within what's depicted as number 10 is 280 and

Mr. Vukelja asked who would have constructed that ditch. **Thu Pham** advised that the developer for the Unit 5 PUD which is not the golf course. Unit 5 PUD is the subdivision with single family homes, so this ditch and drainage system is to service the drainage for that development not the golf course. The golf course is part of a separate development.

The second page of the final subdivision plan depicted where the ditch is. The engineering plans show that the ditch is constructed inside the lot line. The next page has a note that says this is to be constructed behind those lots. The next page shows photos of the ditch being located within the individual lots. The final plat, the final subdivision plan and the final engineering plans were all documents approved by the city. It's not a private document so the extent there's construction its supposed to comply. The final plat the recorded plat,

subdivision, engineering plan all support what's depicted in the property appraisers aerial which is the ditch is located within the property boundary for 280. **Mr. Vukelja** questioned that they are claiming that they don't have any obligation. **Thu Pham** advised that its within the 280's property boundary, it was developed as part of the storm water drainage system for Unit 5 PUD which is the subdivision. Thu Pham referred to past statements regarding notes on a survey and stuff like that or private agreements and pointed out the final plat which is recorded and approved by the city has a note that says that the individual lot owners are responsible for maintaining whatever's located within the 15ft easement and that's located within the 15ft easement. The final subdivision plan note 11, states the same exact thing were approved by the city which governs this subdivision. Regarding the culvert behind 293 the first on tab three the first aerial. She drew a circle around the culvert and its well within the property boundary of 293. Discussion on the culvert leading into a lake and it's on private property and they don't have any obligation to maintain it and it does not service any part of the golf course. The golf course drainage is separate from the drainage system for the subdivision. The storm water engineering design was designed to drain water for the subdivision.

Mr. Vukelja had a small discussion on the materials provided, submitted, and reviewed that would cause the city attorney to revisit, and reconsider the determination in this matter. **Mr. Jackson** responded No there's nothing that would cause him to reconsider. **Mr. Jackson** advised he understood her point, her reference to the note on the plat and the land development code is clear, those were notes between the obligations of owners presumed by the developers, has nothing to do with the mere fact that the city approved the plans. Does not prove that agreement as part of that approval. **Thu Pham** advised It was the note in front of the subdivision plan that was approved. More discussion on plans and it was stated that the final subdivision plan did not address the golf course. That's why it never allowed the golf course owner the right to go onto these lots because it's not part of the golf course development, it's part of the Unit 5 PUD development. **Mr. Jackson** summarized the case as a whole and stated that the order was clear and still in non-compliance. Mr. Jackson summarized the records request and confirmed that it was filled.

Carol Raymond sworn in and stated she appreciated the fact that this is golf course property, and they are making the right decision based on what has been recorded and thanks everyone.

DISPOSITION: Having heard both sides, the Special Magistrate ruled to fine the respondent in the amount of **\$250.00** dollars per day will go into effect **October 5, 2023** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$25,000.00** dollars.

Thu Pham requested the basis for the fine amount and requested again copies of the photos.

CASE # 25 - SMG 09-22-270 - Willie Gilmore is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.7, 304.13.2, 305.3, 704.2) City Code Ch. 78 Sec. 78-43, at 605 S Martin Luther King Blvd. Violation(s) – Dumpster enclosure installed w-out permit, damaged interior and exterior surfaces, leaky ceiling/damaged roof, missing smoke detectors and inoperable window. First Notified – 10/21/2021.

Juliette Parker sworn in

Inspector Kirk testified to the status of the case, progress has been made and requested to amend to the next cut off.

Juliette Parker agreed.

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** 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 # 26 - 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 a fine in the amount of \$100 a day to a maximum of \$15,000

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **October 5, 2023** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 27 - 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.

No respondent

Inspector Kirk testified to the status of the case, progress has been made and requested 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 **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 # 28 - SMG 06-23-149 - Be Good Developments 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.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2 304.15, 605.1), at 145 Orange Ave. Violation(s) – Work without permit, overgrown landscaping, trash and debris, broken light fixture, areas of rust, peeling paint, expired permits. First Notified – 8/13/2022.

Joe Hopkins sworn in still working with permits and licensing. They are maintaining the property for now. They had some confusion about the drawing.

Inspector Yates clarified that expired permits are part of the case, and they need to get the permits, have all the work completed and the permits finalized, to be in compliance. The city is proposing a January date.

Joe Hopkins agreed to the January compliance date.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **January 3, 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 # 29 - SMG 11-22-328 - Lorin & Herb Kawesch 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 302.1, 302.3, 304.2, 304.6, 304.10, 304.12, 304.13.1), at 517 S Palmetto Ave & 515. Violation(s) – Unpermitted structural work, unpermitted water heater install, unpermitted heater install, unpermitted structural bracing, dilapidated steps, peeling paint, rotted wood, damaged stair rails, cracked sidewalk, broken window, dilapidated deck and rails, dirt, grime, areas of rust at AC unit. First Notified – 5/23/2022.

Herbert Kawesch sworn in

Inspector Yates testified to the status of the case no contact no progress and requested a fine in the amount of \$200 a day to a max of \$15000.

Herbert Kawesch testified he got all the areas that needed to be painted finished, all the wood rot and rails have been replaced and repaired and areas of deck and rails have been done. Cleaned the rust from around the AC units cleaned grime removed. 2nd floor windowpanes were replaced, and they started with Mr. Weaver on the other things that required permitting. What is left is the stairway to actually be built and an electrician that will need to do a water heater that is there and then Mr. Weaver is going to talk about what he believes is the solution to the leveling of the two units in the back.

Steve Weaver sworn in.

Mr. Vukelja advised Mr. Weaver that the city said nothing was done and Mr. Kawesch gave a long list of items that have been done and asked what is left to be done.

Steve Weaver with Realtime property development services. **Mr. Kawesch** and his maintenance crew did do the things he mentioned. The staircase is under construction today. Mr. Weaver advised he had a substantial personal tragedy last month. He is behind but they are underway right now. The main thing is this is a tenant reported complaint that the building was raised, and, in his opinion, it may have been leveled not raised. Discussion on this being a tenant driven complaint. No stop work order on 515, there's little if any evidence that the building was raised and the cost of the client of coming in and getting engineered drawings to relevel the building and to strap it down is like twenty thousand dollars. And he did not know that a permit was required for leveling with cedar shims.

Inspector Yates advised that new cinder blocks were installed underneath to help support the frame and clear photo evidence to support that, and they have been part of the case.

Inspector Yates questioned whether this work requires an engineer over an architect since its structural.

Mr. Weaver advised Florida statute allows an architect to do anything an engineer does on a single family dwelling (he can look it up)

Mr. Vukelja questioned the status of this property and if it would require a special setting.

Inspector Yates clarified, with the things they are describing that they have complied with but what he is specifically talking about is the time, between the last hearing and this hearing. 99% of what was described took place before the last hearing.

Mr. Vukelja acknowledged the contractor indicated he's had some personal issues that have delayed him and now he's back at work.

Inspector Yates advised there's unpermitted structural work, unpermitted water heaters, unpermitted heater install, unpermitted structural bracing, dilapidated steps and still the wood rot at the steps, there's still the paint issue at the steps. Still have not been brought back in to investigate the rear of the property where there could still be issues, but the safety issues are what we're left with and that's concerning. Discussed having a structural engineer.

Mr. Weaver discussed the 2nd floor of the main home is not occupied and promised to have drawings submitted by November 1st. and clarified how the process works and getting the permits.

Mr. Kawesch stated the work he listed was not old and that it was since the last meeting.

Inspector Yates requested the drawings submitted and permits issued by the next cut off and will be willing to extend the time frame further to allow the work to be completed.

Mr. Weaver by November 8th he will have the stairs done and probably the strongest element of the house, and have the drawings turned in for the other two.

Mr. Vukelja will continue the hearing regarding the imposition of a fine, resume discussion at our November 14, 2023 meeting. by November 8th expecting a minimum a permit application to be submitted and understands that once submitted it's out of his hands and hoping they will have permits by then. Ordering the respondent to have his permit application filed on or before November 8, 2023 failing that the respondent will be returned to the special magistrate for consideration of up to \$1,000 dollars per day thereafter, and coming close when hearing life safety issues, to telling them to throw the tenant out of 517 and the buildings not going to be occupied or utilized.

DISPOSITION: Continue to the **November 14, 2023** hearing for the imposition of a fine and resume discussion. Ordered to have his permit application filed on or before November 8, 2023 failing that the respondent will be returned to the special magistrate for consideration of up to \$1,000 dollars per day thereafter.

CASE # 30 - SMG 06-22-170 - ESH Daytona Beach 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, 304.10), at 1216 N Atlantic Ave. Violation(s) – Dilapidated seawall, peeling paint, dilapidated steps. First Notified – 2/17/2022.

Jessica Gow

Inspector Yates testified to the status of the case, had contact and progress, walls going up and they continue to move forward and requested to amend to the January cutoff to allow the work to be completed.

Jessica Gow advised they are in agreement and the work should be completed in December, but we don't meet then so January should be all wrapped up.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **January 3, 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 # 31 - SMG 07-22-210 - Ocean Winds Condo Assoc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 2101 N Atlantic Ave. Violation(s) – Unpermitted concrete work to building. First Notified – 12/29/2021.

No respondent

Inspector Yates testified to the status of the case, had contact and progress but unfortunately the scope of the work continues to expand and requested to amend to the January cutoff to allow the work to continue.

DISPOSITION: Based on the testimony presented and the efforts by the respondent the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **January 3, 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 # 32 - 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 and appeared via zoom represents the respondent and is the General Contractor out of Miami.

Inspector Yates testified to the status of the case, had contact, and progress all the tenants have officially moved out so the work can continue unrestricted, requested to amend to the January cutoff.

Daniel Castillo agreed to the January cutoff.

DISPOSITION: Based on the stipulation of the parties the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **January 3, 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 # 33 - SMG 07-23-183 - Atlantis of Daytona LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.B; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.9, 304.1, 304.3, 304.9, 308.1, 605.4 NFPA 1, 11.1.5), at 2739 N Atlantic Ave. Violation(s) – Damaged trash containment structure, overgrown landscape, retainer wall (overgrowth & graffiti), trash and debris, missing soffit, damaged signs, electrical (extension cord). First Notified – 2/28/2023.

No respondent

Inspector Alderman testified to the status of the case, had no contact with the owner or contractor. It is occupied and there has been progress, the only thing left is the large pole sign out front and Kenco signs was supposed to be scheduled last month but was delayed because of the storm. Requested to amend to the next cutoff.

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** 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 # 34 - 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.

Socrates G. Danielides sworn in

Inspector Alderman testified to the status of the case, has had contact with the owner, it is not occupied. There has been progress, owner has begun painting, pressure washing is done and requested to amend to the next cutoff.

Socrates G. Danielides advised he hoped he could be done by November 8th.

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** 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 # 35 - 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.

James Byrne & Daedra Byrne sworn in

Inspector Alderman testified to the status of the case, has had contact and progress. The owner has a deposit for a roofing contractor and requested to amend to the next cutoff.

Daedra Byrne advised the gentleman that they hired and paid a deposit to does not want to do the job any longer and will be returning the check on Thursday. Looking for another contractor. They have three discreet tasks. Shingles on the roof, rotted fascia, and painting. Ms. Byrne has secured a carpenter to do the fascia work removing the rot putting in the fascia and she is meeting with him at 1:30. Ms. Byrne has reached out to several contractors to find out if any of there subs are available to do the roof and the painting after the fascia is up and requested 60 days.

Mr. Vukelja advised that on November 14th she can give an update on what progress she made on replacing the roofer and getting the work done and at that time maybe address a new compliance date.

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

CASE # 36 - 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, permit required, overgrown landscape, missing sign. First Notified – 6/27/2023.

No respondent

Inspector Alderman testified to the status of the case, has had contact with the owner and property manager, could not reach the sign company but this is the same situation, they were scheduled last month but were delayed because of the storm. Property is occupied and requested to amend to the next cutoff.

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** 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 # 38 - SMG 04-23-100 - Andre Rondeau & Odette Perreault & Inose 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 304.6, 304.7, 304.10, 304.12, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 504.1, 504.3, 604.3, 605.4) City Code Ch. 26 Sec. 26-294 and Ch. 90 Sec. 90-297., at 209 Oakridge Blvd. Violation(s) – Outside storage, exterior walls, damaged roof, damaged stairs, damaged handrails, broken windows, windows painted shut, missing screens, dilapidated exterior doors, damaged interior surfaces, infestation, plumbing system general disrepair, plumbing system hazard, electrical system general hazard, electrical wiring, lack of required Business Tax Receipt, and Rental License and inspection. First Notified – 2/13/2023. **Ms. Krug** sworn in and testified to the progress and stated they applied for additional permit. **Inspector Stenson** testified to the status of the case and advised there has been a lot of activity but not a lot of progress.

Discussion on every time she opens something up, she needs more permits. She has roof permit and it passed, window permit, and renovation permit. **Ms. Krug** agreed she needed one more permit and has an architect working on that and expects to submit a permit application and can work on replacing windows by the November hearing.

Mr. Vukelja advised he would continue to the **November 14, 2023** hearing and at least by then she should have applied for the additional permits she needs and continue to make progress on everything else that needs to be done to be brought into compliance.

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

CASE # 39 - 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.

Ms. Krug sworn in previous case.

Inspector Stenson testified to the status of the case stating the progress is slow and requested a fine.

Discussion on what is needed and what has already been done.

Marlon Taylor advised the work on the property is very confusing, once he leaves other work has been done, Mr. Taylor has concerns on the building being structurally sound, a couple windows have been put in, and people been working without his knowledge, so he pulled off the job. Work has been done prior to her hiring him. He should be the only one that should be working in there and he hasn't worked on the property yet because of doing more drawings, when he comes back, she changes her mind, she wanted more rooms added so they hired an architect to do drawings and for her not to do anything until permits are in place. Mr. Thar (in audible) is the architect and submitted for approval. The permit changed from revocation permit to an alteration permit. She will need a whole new wiring, and Mr. Taylor is a licensed plumber. Mr. Taylor advised he should be on hold until the permit is issued, hell let him know exactly what's going on, what needs to be fixed, it should be approved in one to two weeks.

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

CASE # 40 - 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.

No respondent

Inspector Stenson testified to the status of the case most violations corrected, application in for the rental inspection that is scheduled for next week and just moved the parking violation yesterday, requested to amend to the next cutoff.

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** 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 # 41 - 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.

Mr. Libby sworn in

Inspector Stenson testified to the status of the case they have made progress, the neighbors are helping and requested to amend to the next cut off.

Mr. Libby testified to the progress and the items he still needs to do and the time he needs might be more than one month.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **January 3, 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 # 42 - 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 no contact no progress requested a fine in the amount of \$200 a day to a max of \$15,000.

DISPOSITION: Noting the absence of the respondent Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day and will go into effect **October 5, 2023** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$15,000.00** dollars.

CASE # 47 - 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 property manager appeared via zoom sworn in

Inspector Jean-Baptiste testified to the status of the case had contact and progress requested to amend to the next cutoff.

Dea Etlinger advised she will try her best to get it completed by the 8th.

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** 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 # 48 - 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 had contact and requested to hear the owner's progress.

Mr. Clarke advised he had several contractors and several quotes, and he is in contact with the historical development because he has a historical property and is eligible for more. Façade Grant application will also be submitted today. The home is in the historical zone and is 140 years old. This makes him eligible for up to 50% of what it costs him to a max of \$15,000 and that includes repairing the wall. Advised it is a quick process and has contractors lined up and could get started 10 days out. Must be approved by the grant process first then permits can be pulled because they must agree with what the grant will approve, then it goes to permits. An engineered retaining wall is being planned for submission for permit.

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

CASE # 49 - 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, and he has had contact requested progress report from the owner.

Mr. Washington discussed letters sent and how the check was returned from the bank to the insurance company and the attorneys are pulling out of the contract.

Discussion on what and where to go as it appears they may not get any relief from the insurance company and to come up with a plan.

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** 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 # 50 - 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.

No respondent

Inspector Jean-Baptiste testified to the status of the case, and he has had contact, demo needs to be finalized and requested to amend to the next cutoff.

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** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

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SMG 01-22-03 - Petronas Internatl LLC - 930 Lewis Dr. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, Violation(s) – Overgrown landscaping. First Notified – 7/22/2021. Order Imposing Fine/Lien effective February 8, 2022. \$100.00 a day to a maximum of \$15,000.00 Compliance = March 17, 2022. \$3700.00 plus \$24.00 recording fees and Interest \$960.30 = \$4684.30

Carolyn Gadson Shank sworn in

Inspector Butler advised there has been a meeting and as a city requested to waive all the fines. The city agreed to do the legalities of the case the respondent should not be held responsible for the fine.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to vacate and cancel the order imposing fine and release be issued.

MB-1

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

Elan Schlachet sworn in and gave the history on the property and how they tried to come into compliance by buying the extra lots to use the primary structure and combine the lots. They tried to correct the fence issue.

Supervisor Jones advised the city is still agreeable to the \$3,000 dollar reduction.

DISPOSITION: The Special Magistrate ruled to keep the previous ruling reducing to \$3,000 dollars payable in 30 days.

MB-2

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

DISPOSITION: The Special Magistrate ruled to keep the previous ruling reducing to \$3,000 dollars payable in 30 days.

6. Adjournment: 11:53 am