
City of Daytona Beach Special Magistrate

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

David Vukelja, Special Magistrate

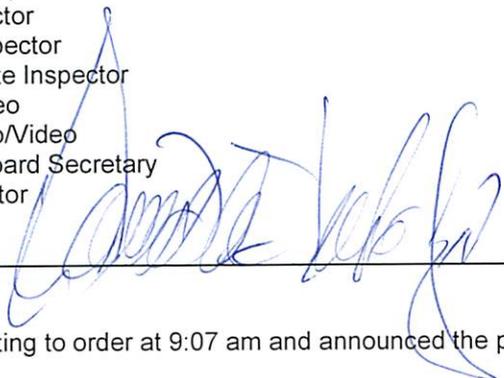
May 10, 2022 Minutes

Attendees:

David Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Mr. Denzil Sykes, Neighborhood Services Manager
Mr. Mark A. Jones, Field Supervisor
Mr. Mark Bostwick, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Mr. Daniel Garcia, Code Inspector
Ms. Sara Kirk, Code Inspector
Mr. Kevin Yates, Code Inspector
Mr. Clearvens Jean-Baptiste Inspector
Mr. Joe Graves, Audio/Video
Mr. Xavier Campbell, Audio/Video
Mrs. Brenda Seivwright, Board Secretary
Mr. Tom Clig, Code Inspector

Approval of Minutes by:  Special Magistrate

Mr. Vukelja called the meeting to order at 9:07 am and announced the procedure for the meeting.

Mr. Vukelja asked if there were any announcements.
Denzil Sykes introduced Brenda Seivwright as the new Board Secretary

Mrs. Brenda Seivwright announced the following cases announcements.

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

Agreed to reduction of \$5,000 fine payable in 30days.

LR 2 #2 BMS Holdings LLC 821 George W Engram Blvd.

at Respondent is working with the city.

LR 2 #3 BMS Holdings LLC 821 George W Engram Blvd. (356 Garden St). Responders request to be pulled working with the city.

CASE # 46 - SMG 09-21-257 - Cedar Families LLC- 677 Kingston Ave

In compliance 5/6/22

CASE # 4 - SMG 05-22-146 - DB 333 CORP

S Atlantic Ave (Parcel# 5309-09-01-0030 via zoom /actually present

Cases were called first.

CASE # 43 - SMG 01-22-45 - Florida Pacific Leasing CO LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at 316 Main St (Parcel # 5305- 08-15-00-0010). Violation(s) – No permits (sealing & striping, plumbing, outside bar, concrete ramp, lights & wood fence).

First Notified – 5/17/2021.

Attorney Moore respondent

Inspector Jones testifies this case was continued on January 10th and on March 8th, was found in noncompliance and was given until May 4th to come into compliance. On March 8th. There was contact with the contractor and on April 29, 2022, the permit for the sealing and stripping was finale on May 2nd this month an application was submitted for and after the fact permit for outside and fencing. during this process the zoning technician notified the applicant that the fence abutting Boot Hill property may need to be moved back to 5 ft from the property line. Due to the length of this case being opened for over a year staff is requesting a fine of \$250 per day

DISPOSITION: found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Case # 36 - SMG 03-22-111 - Nainai Capital LLC % Vienna Capital INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.a; Art. 6 Sec. 6.2.H.4.c; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.2, 302.4, 308.1), at N Atlantic Ave (Parcel # 5305-01-39-0051). Violation(s) – Off Street parking surface, failure to remove all trash and debris, unmaintained landscaping.

First Notified – 7/6/2021.

Attorney Jessica Gow respondent

Inspector Baptiste testifies since last hearing, management and with representatives for this facility as such currently staff is requesting to amend this order to the July cutoff date.

DISPOSITION: found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Case # 37 - SMG 03-22-114 - KRK Investments, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.5, 304.6, 308.1, 605.1), at 110 S Ocean Ave. Violation(s) – Dirt and grime, unmaintained landscaping, dead vegetation, failure to remove electrical cord in grass, failure to add missing shrubbery and vegetation at islands, fading, peeling & discolored paint, exterior storage, trash and debris.

First Notified – 7/22/2021.

Attorney Jessica Gow respondent

Inspector Baptiste testifies since last hearing, he has had contact with the owner copy of the estimates has been provided to us it appears that work is in progress of being done at this time staff wish to set compliance by the amend the case for compliance by the next cutoff.

DISPOSITION found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Case # 51 - SMG 02-22-87 - Karen Hollums-Broome is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D, at 407 Main St (Parcel # 5304-03-19-0130). Violation(s) – Not adhering to approved site plan.

First Notified – 5/20/2021.

Attorney Jessica Gow respondent

Inspector Kirk testifies since the last hearing she has had contact with Ms. Gow and there's been a little bit of progress they're waiting on some zoning remodifications staff is requesting to amend to the next cut off.

Mr. Shammass responds in agreement.

Mr. Vukelja addresses the respondent so that's in the works when you applied for that a month ago or whatever. And there's continued discussion between the respondent and himself and inspector.

DISPOSITION ordered a continuance for a progress report at the June 14, 2022, meeting and wants the building emptied, unoccupied, not utilized until such time as its compliance.

CASE # 47 - SMG 01-22-26 - 115 Main Street INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.B.1; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.10.G; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 605.1), at **115 Main St. Violation(s) – Graffiti, trash & debris, damaged exterior wall, unpermitted windows, exposed electrical outlets, signage hat no longer represents business.**
First Notified – 7/2/2021.

Sharrif Guindi Ayad Shammass sworn

Mr. Guindi Asked for a conditional compliance so business can open up

Mr. Vukelja ask the city councilor if any such creature existed?

Mr. Jackson responds Mr. Vukelja not to the code, but perhaps through commission or through planning, but not through the code for ok.

DISPOSITION first off to pursuant to the stipulation of the parties, amend my current order to allow Respondent till June 8, 2022, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 1 -SMG 05-22-143 - Living Realty & Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.18.D; Sec 6 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1), at **2735 N Atlantic Ave. Violation(s) – Commercial property maintenance, vacant structure and land sanitation, site restoration.**
First Notified – 2/8/2022.

Po Sem Alfred Sem sworn via zoom

Mr. Sem states in discussion with the magistrate plans for the property.

Inspector Jones testifies he has had contact with Mr. Sem via email and doesn't know the city's requirements to open a car wash and parking lot.

Mr. Jackson reminds Mr. Vukelja of the property being the old Red Lobster property. This even went through a filed foreclosure action that ultimately where they paid off in settlement a major amount and still nothing has been done. so this is something that we want to hold watch close, because it's just a lot of conversation about action.

DISPOSITION: continue the determination a compliance date to June 14 hearing what is expected is the progress you've made toward getting this site plan prepared and filed with whatever applications you need to make the improvements you're talking about. If I see little or no progress, then I'm going to establish a compliance date and you're going to be stuck with it. In the meantime, I want the weeds removed and trash removed I want all broken block off the property, and I want it kept pristine until you show me that you've got actual plans in the works. found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance June 8, 2022, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 05-22-144 - Wesley V Wellman is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3), at **515 Silver Beach. Violation(s) – Dilapidated driveway.**
First Notified – 2/22/2022.

No respondent

Inspector Bostwick testifies compliance was due on March 23 2020, to last day of re-inspection was May 6 result of reinspection noncompliance has been in contact with owner staff request findings of noncompliance with compliance due next cut.

DISPOSITION found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

Case # 32 - SMG 02-22-82 - 604 Main Street INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A(Ref. FBC Supp. IPMC 304.2, 304.10, 304.14, 304.15), at **604 Main St.** Violation(s) – Dilapidated doors, trash & debris, dilapidated metal stairs, unpermitted fence, signs not directed towards business, damaged dumpster enclosure, wood rot, dirt and grime.
First Notified – 6/29/2021.

Sharrif Guindi Ayad Shammam sworn

Inspector Yates testifies since the last hearing they've canceled the inspection and haven't rescheduled there has been some progress. They've done some painting, the trash around their fence is still an issue the property is still not being maintained and per Article 6 Section 6.8 temporary fences can be up no longer than 60 days unless they're active construction site and they are currently not and next issue is the stairs, which are an egress issue, have still not been rectified so there's no egress from second floor. There's been no removal of the sign out front, which does need to be removed per Article 6 Section 6.10 signage and the wall has now been painted. Unfortunately, as you see from them doing the paint no prep work was done on the wall. So, while painting it that paint will of course fail in release so just given their refusal to follow the request of the city, the city is requesting a fine of \$200 per day to a maximum of \$20,000. they refusing to remove fencing there no reason to waste time.

Mr. Shammam discussed the building that's been done work and other building parking lot across the street. That's being used for parking.

Magistrates ask Mr. Guindi what they can do that will clean up the property and take down the fence and comply with the city request.

Mr. Vukelja tells the respondents he wants the fence gone, building repainted correctly trash to be cleaned up building cannot be utilized under no circumstance and secure the building in ordinance to the city standards and the inspector is going to contact you to reinspect please make yourselves available to him I don't want to hear no problems with that pretty it up as much you can.

DISPOSITION found the Respondent in Non-Compliance and ordered a continuance for the Respondent to come into Compliance by June 8, 2022, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 45 - SMG 01-22-15 - 504 Main Street D B INC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; Art. 6 Sec. 6.2.H.7; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.7, 304.2, 304.6, 304.8, 304.10, 304.15), at **504 Main St.** Violation(s) – **No sign permit, damaged exterior surfaces, damaged parking lot asphalt, second floor door open, missing staircase second floor.**
First Notified – 5/21/2021.

Sharrif Guindi Ayad Shammam sworn

Inspector Jones testifies since last hearing, no repairs have been completed on the exterior Of the building and no work or application has been submitted for the parking lot and striping. We do understand that there is no access to the upstairs currently from either interior or exterior of the building. so, the stairway which will need to be replaced is not an issue at this time. Staff requesting a fine \$250 per day with a cap of \$20,000.00.

Mr. Shammam states the has not been looking like because they forced us to get rid of a tenant who was a very good tenant, he was paying \$5,000.00 a month. States it cost me \$20,000.00 in legal fees to move the tenant and we removed the sign and it's only been four months since he left. And that's why the outlet/ sign for the business space is exposed right now. And I'm taking building back to the original with staircase.

Mr. Vukelja addresses the respondent, so you've applied for a permit for the interior staircase but knowing that that means you're going to have to replace that staircase to the second-floor exterior.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 3 - SMG 05-22-150 - Khemara Holdings 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. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.6, 304.10, 305.1), at 421 Silver Beach Apt. 9. Violation(s) – Unpermitted work, exposed paint, outside storage, dirt & grime, dilapidated stairway, exterior wall damage, broken kitchen cabinets and missing interior doors. First Notified – 12/28/2021.

Kristina Woodcox daughter to tenant apt #3 Kevin Brewer witness sworn
Tamen Om -owner not present

Inspector Bostwick testifies this case was a citizen complaint opened on December 16,2021 unpermitted work on a dilapidated stairway, fades paint outside storage, dirt and grime, exterior wall damage in apartment 3 69, broken kitchen cabinets and missing interior doors. Last date of reinspection was May 6th, 2022, at that point only thing done was the interior doors were put back on and apt #9 result of reinspection noncompliance have been in contact with Ms. Sorum staff request findings of noncompliance with compliance due next cut.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 4 - SMG 05-22-146 - DB 333 CORP is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 302.9, 304.2), at S Atlantic Ave (Parcel# 5309-09-01-0030). Violation(s) – Peeling and fading paint on seawall, graffiti, loose material.
First Notified – 2/14/2022.

Allan Figueiras sworn.

Inspector Bostwick testifies this case was in violation of peeling and fading paint on seawall, graffiti, loose material. Compliance was due by March 15,2022 last date of reinspection was May 9, 2022, results of inspection was noncompliance I have had no contact with the owner staff request findings of noncompliance with compliance due next cut.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 5 - SMG 05-22-147 - Daniel G Langton 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 302.2), at 428 Pelican Ave. Violation(s) – Unpermitted shed, unpermitted driveway, unpermitted paver installs and unpermitted grading.
First Notified – 6/23/2021

Daniel G Langton Mary Ann Wilson sworn.

Inspector Yates testifies this case is in violations unpermitted shed, unpermitted driveway, unpermitted paver installs and unpermitted grading. staff request findings of noncompliance with compliance due next cut.
Daniel G Langton and Mary Ann Wilson had a discussion with the inspectors and magistrate about the process of permits issued and told respondents to go to permits first and do whatever needs to be done and stay in touch with inspector.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 6 - SMG 05-22-152 - William D Brown & Lucie Denault is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **601 University Blvd.** Violation(s) – **Vehicles parked in the yard, unlicensed and inoperable vehicles on site.** First Notified – 1/21/2022.

Billy Brown sworn

DISPOSITION: based on the testimony of the Inspector, found the Respondent to this property has since come into compliance as of the May 9th, 2022, magistrate finds the respondent was in for the noncompliance and is now in compliance the staff finds this noncompliance to compliance 5/9/2022

CASE # 7 - SMG 05-22-148 - Crystal I LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; City Code Chapter 78 Section 78-112, at **Wallace St (Parcel# 5339-32-04-0150).** Violation(s) – **Overgrown lot, parking on the vacant lot.** First Notified – 6/24/2021.

No respondent

Inspector Garcia testifies this case was field generated for an overgrown lot, parking on the vacant last day reinspection was May 6, 2022, the result in reinspection finding a noncompliance had no contact with the owner. staff request findings of noncompliance with compliance due next cut.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 8 - SMG 05-22-153 - Lofts of Seabreeze 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) City Code Chapter 78 section 78-112, at **N Halifax Dr (Parcel# 5305-01-07-0140).** Violation(s) – **Trash & debris on the vacant lot, overgrown grass, and weeds**

No respondent

Inspector Garcia testifies this case was field generated for an overgrown lot, parking on the vacant last day reinspection was May 6, 2022, the result in reinspection finding a noncompliance had no contact with the owner had contact with property manager and nothing has been done. staff request findings of noncompliance with compliance due next cut.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 9 - SMG 05-22-155 - Michael Lamb is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3(c); Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **Orange Ave (Parcel# 5339-28-05-0010).** Violation(s) – **Overgrown vacant lot, trash & debris.** First Notified – 7/29/2021.

In compliance 5/5/2022

CASE # 10 - SMG 05-22-156 - Delia Mae Williams is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3) City Code Chapter 78 Section 78-112, at **Jefferson St (Parcel# 5338-69-14-0230).** Violation(s) – **Overgrown grass and weeds, trash & debris.** First Notified – 6/29/2021

No respondent

Inspector Garcia testifies he spoke to respondent she unable to come this case was generated from Rule of 6. That's when we are looking at one property and we find another adjacent to it for an overgrown grass and weeds, trash & debris site inspection done June 14, 2021, notice was claimed on June 29, 2021. last reinspection was May

6, 2022, result in reinspection finding a noncompliance have had contact with the owner. They are making some progress they just got to pick up couple of debris and piles they've been compliant staff request findings of noncompliance with compliance due next cut.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 11 - SMG 05-22-139 - Duane C Compo is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPCM 304.2), at **411 S Ridgewood Ave.** Violation(s) – **Dirt & grime, peeling paint, untreated porch.**
First Notified – 2/23/2022.

No respondent

Inspector Clig states the field generated case notified February 23 23rd 2022 compliance state of March 5th 2022 for 30 to maintain exterior dirt and grime first thing to maintain exterior and staff is recommending noncompliance next cut off.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 12 - SMG 05-22-140 - H. James La Douceur is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPCM 304.2, 304.12), at **419 S Ridgewood Ave.** Violation(s) – **Failure to maintain handrails, peeling paint, dirt & grime.** First Notified – 2/15/2022.

Harvey James La Douceur sworn

And agrees violations occurred as stated in the notice of violation

Magistrates ask Inspector Clig if he thinks this could be completed by June 8th 2022

Inspector Clig agrees city is suggesting that this will be taken care by the next cut off by June 8th 2022.

Mr. La Douceur says yes, he's about 40% done.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 13 - SMG 05-22-141 - Bin Zhang is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPCM 304.2, 304.12), at **405 S Ridgewood Ave.** Violation(s) – **Failure to maintain lawn (weeds), dirt & grime, mildew on exterior walls, peeling paint and faded paint on exterior walls, soffits & fascia area.**

First Notified – 2/23/2022.

No respondent

Inspector Clig since the field generated case starting February 23rd 2022 compliance date of March 2nd of 2022 sing to maintain its restructure dirt and grime. Say the main thing sockets mildew, peeling and faded paint that's recommended and noncompliance let's cut off.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022 or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 14 - SMG 05-22-149 - Jay Jalaram Corporation is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **640 S Ridgewood Ave.** Violation(s) – **No permit (expired 2/14/22) Seal coat for parking lot.**

First Notified – 8/16/2021.

No respondent

Inspector Clig testifies the compliance date of August 26th_it was for (no permit) for open for sealing coat striping the staff recommended noncompliance to the next cut off noncompliance next cut off

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 15 - SMG 05-22-154 - Jack Verde Holdings LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G, at **939 S Ridgewood Ave.** Violation(s) – **Failure to maintain sign.**
First Notified – 3/23/2022.

Inspector Clig testifies the field generated Case No the first notified March 23rd of 2022 compliance date April 7,2022 for failure to maintain a sign he's got permit waiting for the final status staff is recommending Noncompliance to the next cut off.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 16 - SMG 05-22-145 - Khiur Property INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.C.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1)City Code Ch. 78 Sec. 78-43, at **518 S Dr. Martin Luther King Jr Blvd.** Violation(s) – **Trash & debris and no enclosure for dumpster.**
First Notified – 12/22/2021.

No respondent

Inspector Kirk testify that this is a field generated case that I opened December 17th of 2021 for debris and missing enclosure for the enclosure dumpster first contact on 12/22/21 have had contact with the property owner. I reinspected on May 6th of 2022. And there's noncompliance staff is requesting an order of noncompliance with compliance with the next cutoff date.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 17 - SMG 05-22-151 - Mary Hawkins Yan & Sharon Hawkins-Holden 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. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13) City Code Chapter 78 section 78-42, at **227 Reva St.** Violation(s) – **Damaged exterior door and windows, outside storage, garbage totes stored in the front yard, unpermitted fence, parking in yard.**
First Notified – 12/21/2021.

Mary Yan sworn.

And agrees that she's in non-compliant magistrates communicates with respondent she that should be able to take care of this by June 8, 2022, and she agrees.

DISPOSITION: based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by June 8, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 18 - SMG 05-22-157 - Fai Hung & Hang Lou & Harry Wai chi Lo is cited for failure to correct violations of The Land Development Code, IPMC VIOLATION(S): 302.1 Sanitation., 302.3 Sidewalks and driveways., 302.4 Weeds., 302.7 Accessory structures., 304.2 Protective treatment., 304.9 Overhang extensions., 304.13 Windows, skylight and door frames., 305.3 Interior surfaces., 308.1 Accumulation of rubbish or garbage., 308.2 Disposal of rubbish., 308.2.1 Rubbish storage facilities., 308.2.2 Refrigerators., 502.5 Public toilet facilities.

CITY LAND DEVELOPMENT CODE VIOLATION(S): Section 6.2.B.5.a. – Off-Street Parking and Loading. Applicability. Use of Parking and Loading Areas. Nonresidential Districts., Section 6.2.C.1.a. – Off-Street Parking and Loading. Off-Street Parking Space Standards. Minimum Number of Off-Street Parking Spaces., Section 6.2.D. – Off-Street Parking and Loading. Accessible Parking Spaces for Physically Disabled Persons., Section 6.2.E.4. – Off-Street Parking and Loading. Vehicle Drop-Off/Pick-Up Zones, Stacking Spaces, and stacking Lanes. Parking Lot Entrance Driveways., Section 6.2.H.2. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Required Off-Street Loading., Section 6.2.H.3. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Design., Section 6.2.H.4.a. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Surfacing. General., Section 6.2.H.7.c. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Location of Off-Street Parking Spaces. No Right-of-Way Encroachment., Section 6.2.H.8. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Exterior Lighting., Section 6.2.H.9. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Landscaping., Section 6.2.H.10. – Off-Street Parking and Loading. General Design Standards for Off-Street Parking and Loading Areas. Maintained In Good Repair., Section 6.8.C.1. – Fences, Walls, and Hedges. General Standards. Configuration., Section 6.8.G. – Fences, Walls, and Hedges. Maintenance., Section 6.10.G. – Signage. Sign Maintenance and Removal.

CITY CODE OF ORDINANCES VIOLATION(S): Section 78-112(a) - Abutting property owner's maintenance of parkages and traffic view obstructions. at **582 Mason Ave.** First Notified – 2/24/2022.

Harry Lo sworn.

Mr. Lo agrees with the violations and is found in noncompliance to the violations.

Inspector Butler discusses the violations listed found at the property.

Attorney Anthony Jackson City Attorney

Gives clarification for what's on the agenda those are not in your jurisdiction and the 708112a so we're going to just modify and amend that. That's not something you would be considering that very last portion. let's leave out that's it's a maintenance program that independent of the code board review. It's separate from the Code Board magistrate.

Mr. Lo asking for a little more time I hope you agree maybe 60 days. And discussion of progress and the owner's responsibility.

DISPOSITION: found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by July 6, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 19 - SMG 04-22-127 - Phantom of Daytona 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 304.2), at 1226 S Atlantic Ave. Violation(s) – Rust and corrosion on exterior of property. First Notified – 11/15/2021. ACTION TO BE TAKEN: Impose Fine)

In compliance 5/9/2022

CASE # 20- SMG 04-22-131 - Robert Hsieh is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1,304.2), at **528 Revilo Blvd.** Violation(s) – Faded and peeling paint, dirt and grime. First Notified – 11/8/2021.

John Jones sworn friend POA

Inspector Bostwick states since the last hearing he received an e-mail on May 3rd of 2022 from Robert Hsieh who is the proposal for painting contracts and Carlson painting with a note saying that they will start last Friday. No progress was made staff is requesting a fine of \$100 a day up to the maximum of \$15,000. He also said the content in the contractor unable to contact then checking business on Sunbiz and he was he was inactive.

Mr. Jones discusses his actions and his efforts to get this resolved and get someone the job started said he handed it back to the owner and it was left in his hands and he was supposed to get back with Mark and email him the information I've been staying in contact with Mark and because Robert lives in California then he just sent him the information to come to court today on yesterday.

Mr. Bostwick says the email he received did not have a date on it and then John says Robert sent him an email yesterday and now it says it's going to be May 13th after the deposit. there continues be a discussion.

DISPOSITION: found the Respondent in Non-Compliance and ordered the Respondent to come into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 21- SMG 08-21-229 - Roslyn Page is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7), at **555 Oak St Apt # 3**. Violation(s) – Parking on an unapproved surface, peeling paint, roof and fascia damage.
First Notified – 10/13/2020.

Roslyn Page sworn **Carla Morris** daughter sworn

Ms. Morris discusses the current progress made and future and deposits that been made on work to be done and a painter standing by to paint. And waiting for permit and survey.

Inspector Butler says as it pertains to 555 Oak St this is a citizen generated complaint which he opened on October the 8th 2020 set the last month court proceeding I had no contact with the owners and no progress towards the dirt and grime peeling paint fascia and soffit violations. Staff request \$100.00 One Hundred Dollar per day to the maximum of \$20,000.00 Twenty Thousand Dollars.

DISPOSITION: continuance of the imposing of the fine and ordered the Respondent to come into Compliance by June 14, 2022 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 22 - SMG 02-22-92 - 1448-1490 W Intl Speedway Blvd 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, 302.3, 302.7, 304.1.1, 304.2, 304.6, 304.8, 304.13, 604.3.1), at **1440 W Intl Speedway Blvd**. Violation(s) – Signage for a vacant business, outdoor storage, trash & debris, exterior surfaces, peeling paint, rotten wood, dirt and grime, damaged asphalt, dilapidated fencing, damaged doors, exposed electrical wires.
First Notified – 10/22/2021.

No respondent

Inspector Butler states he spoke with the owners on yesterday which they are out there right now finishing up everything since last one court proceeding as I stated I did talk with them, and they are correct, and I'm supposed to meet with him right after court today so I'd like to amend to the next cut off.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 6, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 23 - SMG 02-21-31 - 736 S Beach Street INC & RE Equity Investment Group LLC & Juanny Paulino is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.4, 304.13), at **736 S Beach St**. Violation(s) – Failure to maintain exterior structure, protective treatment, structure members, windows, skylight, door frames.
First Notified – 12/31/2019.

Joe Hopkins Agent

Inspector Clig progress report no progress no permits been pulled, and nothing been done this is the tenth hearing staffing is recommending a Two Hundred Dollars \$200 per day up to maximum Twenty Thousand Dollars \$20,000.00.

There was a continued discussion about the progress and whether future progress on this property made. I'm responding states it's been ongoing for to the client's ownership of the building but kind of put but we cannot hear it some of this stuff respondents says at this point he can commitment to board and to code enforcement to pressure wash it and paint it.

Anthony Jackson – city attorney comments it's what it's been ever since we've been talking about this court on point stresses it is that we want to look better and even if it's a temporary fix and that's why I said if we've been talking this out maybe they could have come to some alternative but something that we get the complaints settled while they move toward a realistic plan utilizing this and then proved way. We've been going along time with a lot of complaints about the parents of this structure and what they can do about it.

Mr. Hopkins addresses Mr. Vukelja by saying at one point I would like to make and think the code enforcement officer would agree that there has been substantial improvement done to this. It's not that we have ever been able to resolve this resolving bringing us into full compliance but there's a substantial work that has been done. The building has been painted the grounds have been maintained hello that it's a bathroom and from what it was back in December when these photos were taken. Since my clients play only two other things that need to be done overhang the wooden garage are the only two things need to be done and as we committed last month recommended to evaluating these as interim measures of to demolish them. ownership there has been work towards bringing this property into compliance it's not in the cards it's not going to work continue discussion about the property being inherited with all this issues and hopefully they'll be someone will come along and take care of the problems and keep their word and spark others to do the same.

Mr. Vukelja continue to discussion on what needs to be done to bring the property so by the next meeting I want you to paint the West wall do what you can to remediate the overhang you will continue to secure the city standards, it would not be utilized on occupied or what have you and want a progress report by meeting you don't have to attend you can let our inspector keep me apprized by just satisfy myself.

DISPOSITION: June meeting Progress Report. Where you stand on approval on the plans for this property.

CASE # 24 - SMG 04-22-133 - Legacy Daytona Suites 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, 304.5, 304.13), at **209 S Ridgewood Ave.** Violation(s) – Failure to maintain exterior wood (rotten), dirt & grime, canopy dirt, missing windows. First Notified – 7/17/2021.

No respondent

Inspector Clig since last hearing, had minimal contact I had no progress have been made the city is recommending fine number One Hundred Dollars \$100 a day maximum up to Twenty Thousand \$20,000.00 until they come into compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$100.00 per day, effective **May 5, 2022**, until the fine reaches a maximum of \$20,000.00 or the property comes into Compliance.

CASE # 25 - SMG 04-22-135 - Martin Nass e t a l is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **120 S Beach St.** Violation(s) – Failure to maintain exterior canopy, building, mildew, dirt & grime. First Notified – 11/10/2021.

No respondent

Inspector Clig since last hearing, I no contact, no progress has been made the city is recommending fine of \$100 a day maximum up to \$20,000.00 until they come into compliance.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector Mr. Vukelja imposed a fine in the amount of \$100.00 per day, effective **May 5, 2022**, until the fine reaches a maximum of \$20,000.00 or the property comes into Compliance.

CASE # 26 - SMG 01-22-44 - Donald & Shirley C Gay & Creative Kidz Learning Center LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **N Ridgewood Ave (Parcel # 5338-08-00-0030)**. Violation(s) – No permit for added concrete. First Notified – 8/2/2021.

Christopher Wilson owner of Creative Kidz sworn
Donald Gay sworn

Inspector Garcia since last hearing he has been speaking with Paula Long via emails and she's stating that there was a permit hold. And the property must be combined into first properties which is yet under common ownership so that once the application is received, they can move forward so their waiting on some information from them, Mr. Wilson states that he's done everything asked of him to do and he had everything done and even hired a contractor.

There was continued discussion and conversation about the pictures being shown and there was also talk about the concrete may need to be removed by inspector Garcia.

Mr. Vukelja said he thought the purpose of all of this was to get a permit for the concrete.

Mr. Garcia agrees but goes to say that they had issues with combining the parcels. The corner vacant lot lock is commercial and the one they want to combine is on Congress and it is residential that's the problem.

Mr. Wilson states he's been speaking with Ms. Askew; Mr. Garcia's explains who Ms. Askew is she is with the zoning department with zoning, and they've been communicating and they're trying to resolve it and they're trying to come up with something and agreement with them.

It's a long process still waiting that information. Mr. Garcia was going to ask for a fine but now he's going to ask for a little more time to see if they can resolve it.

Mr. Vukelja seems to think that they're not going to be able to combine those lots together but, in any event, he said you're going to have to deal with it and you're going to either going to have to figure it out or the concrete is getting ready to go away.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 27 - SMG 04-22-132 - Daytona Bluetide Group LP is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3 (c); Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **E Intl Speedway Blvd (Parcel# 5308-04-00-0010)**. Violation(s) – Unmaintained vacant lot, overgrown grass & weeds, outside storage, trash & debris.

First Notified – 11/29/2021.

Dana Speer sworn agent

Inspector Garcia states in the last thing I have had contact with Dana Speer and she's me keeping me notified on everything going on May 4th there are some in there when I walked the property with her bring all the crap look out of the grass mowed they removed a lot the debris that the homeless people had put but it seems that they're still having problems with them since they've been thinning out a lot of the overgrown which one to eliminate the homeless people from living in there Halifax and you can see that there some piles that they're going be eliminating and that will put them in compliance then. So, Mr. Garcia's the next cut off.

There have been a lot of cleanups a lot of areas in the property they also posted a note respecting signs throughout the property and that would help.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 28 - SMG 04-22-124 - Meena Ramasami is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **Magnolia Ave (Parcel # 5339-26-00-0130)**. Violation(s) – No permit for chain link fence.

First Notified – 11/12/2021.

Thomas Huger sworn Meena Ramassami sworn.

Inspector Garcia states since the last hearing he's been in continuous contact with Ms. Ramassami there's a hold up with the permits basically to come into compliance and to do So what they need to do is to get a permit for this chain link fence you see in the picture.

Or they can either do that or get it removed and that will put her in compliance but after talking with permits and license they're asking them to another permit and put a fence down the middle put a fence down the middle and divide the property so that's what they're waiting on I believe the survey came in they got that survey and now they're in the process of getting all that they have to do is have a contract to put in a new fence. once that's done, they're in compliance.

DISPOSITION: The Special Magistrate continued the determination of an imposition of a fine to the June 14, 2022, meeting to give the respondent opportunity to make a permit and hopefully get this matter resolved.

SMG 03-22-93 - Palma R Swinehart is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.12), at **333 Flushing Ave & 335**. Violation(s) – Dilapidated stairs rails, unpermitted work at the steps, rails, and right of way.
First Notified – 11/24/2021.

Inspector Yates has had contact with the owner progress has been made and all permits are now pulled. I would like to amend the compliance date to August cut off to allow them to finish the work.

DISPOSITION: The Special Magistrate amended the previous order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day.

CASE # 30 - SMG 03-22-96 - Joseph and Laurie Ochmanek is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1), at **1601 N Grandview Ave**. Violation(s) – Unpermitted window install, unpermitted siding install, dirt and grime.
First Notified – 6/1/2021.

Joseph Ochmanek sworn

Inspector Yates' states that the property has made compliance and they've been in contact with him during this period. They do have one final step we have to complete they have to get the rest of the windows permitted then some of the siding permitted. So, I like to amend until the July cut off to allow them time to get the rest of the windows done.

Mr. Ochmanek who said he states little confusion about the windows and the corporation installed them this is involved in a court case and listed the last time I was here OK love the windows had to be repaired or whatever we came into they did most of the work I was done with them it was already found in 2016 when the windows this we left the stickers because they were involved in the court case that's all Mr. Yates saw them he thought they were new Windows the reason why those stickers are left only because they were in a court case there has been a place like 20 latches and they still have another frame to do and they have another Broken window to replace what's that something that they're doing hello no if they need the improvements with that stuff because it's repairs on warranty work or whatever that's where those windows came from all windows the first part of the windows will put in 2010 and then the second part was split in 2015 and they left them to be done.

Mr. Yates explains he's speaking about permit for two windows, respondent states there was a revision on the permit and there were another nine windows add to that permit. Windows have a finalize permit. Respondents says the city told him that has been finalized already this morning. That's it got all the other work done he has nothing else left to do.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by July 6, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 31 - SMG 10-21-281 - Americano Beach Resort Assoc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 5 Sec. 5.12.D; Art. 6 Sec. 6.19.A.3, at **1260 N Atlantic Ave (Parcel # 4236-21-00-0001)**. Violation(s) – Expired building permits, minimum maintenance standards (fencing, dumpster enclosure, missing windows/air-conditioning units), unmaintained landscaping.
First Notified – 4/22/2021.

Brian Smith Board member for respondent
Magistrate asked for progress report

Inspect Yates I understand the windows will be delivered this week and will be installed and we like to give them enough time to install those windows and we like to amend to the August cut off.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by August 3, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 32 - SMG 02-22-82 - 604 Main Street INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A(Ref. FBC Supp. IPMC 304.2, 304.10, 304.14, 304.15), at **604 Main St.** Violation(s) – Dilapidated doors, trash & debris, dilapidated metal stairs, unpermitted fence, signs not directed towards business, damaged dumpster enclosure, wood rot, dirt and grime. First Notified – 6/29/2021.

Already heard this case earlier

CASE # 33 - SMG 03-22-115 - Blue Daytona One, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.5, 304.6, 304.10, 304.12), at 103 S Ocean Ave. Violation(s) – Discolored and peeling paint, damaged concrete, rust, dirt & grime, dead vegetation. First Notified – 7/26/2021.

Daniel Mundrean sworn General Manager of Hotel

Mr. Mundrean proceeds with progress report which includes the following May 4th correspondence between the general contractor and our engineering add submit a 60% plan to urgent on that general contractor and this is the concern of the corner seawall that has some damage we have also submitted information application to US Army Corps of engineering for it ran into a grand suite pick up without boundary survey which has been approved by the ownership to be redone and then done this past week. At this point I don't have time frame of work being completed my guesstimate time to be honest would probably be 120 days out because us getting to this point here after my first hearing was back in March 60 days out to this cat time with the percentage done, I'm looking probably another 100 days out to finish up a plan get it approved and all the permits pulled and get the work done. And manpower seems to be the issue everywhere so I'm hoping it's not with this case, but I've been in correspondence with JB here since the first hearing.

Magistrate asked Inspector Baptistes what's the next event I can grab hold of to make somebody do something. Inspector Baptistes states at this point we've been satisfied with the progress. And it's not an immediate fix but it's a process and he has taking the steps from the city perspective we want to set a compliance date and to see the progress of this point and as you can see he has provided several document from the civil documents from the engineering department as you had stated a plan was already submitted for review so at this time we want to make sure that things are progressing along.

Anthony Jackson (city attorney) asked for clarity on a timeline never actually got an actual timeline is there one? Is that something that can be done? The inspector states wouldn't that be given to me I can request again. Mr. Smith says he will request then. We have been pressuring them since that first meeting back in March or GC has been because GC is pulling all the work there, but I could again put more pressure on them for a timeline and Mr. Jackson says that will help us to be able to see where we can go where we're going in the future in terms of time and progress.

Mr. Mundrean asking the magistrate to be allowed two weeks I'll get something to JB's hands some type of timeline, and then we'll meet for progress report in July. There was also an additional conversation about turtle nesting and how to handle that when they get to that point.

DISPOSITION: Meeting July 12,2022 Progress report.

CASE # 34 - SMG 01-22-73 - 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. 6.2.H.4; Art. 6 Sec. 6.4.S.1; Art. 6 Sec.6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.6, 304.2, 304.6, 304.9, 308.1), at **151 S Atlantic Ave.** Violation(s) – No established parking master plan, dirt and grime, rust, damaged canopy/overhang, exterior storage, trash & debris, faded paint on fascia boards, dirty stairs, peeling paint, parking on grass/vacant lot, unmaintained landscaping. First Notified – 9/24/2021.

John Hopkins previously sworn

Inspector Baptistes says has had contact with Mr. Hopkins however no progress was observed. As you can I see from my last photo at this time the staff is requesting \$100 a day to be cap at \$20,000.00 It's worth noting that this

morning I received an e-mail stating that the work is in process of being done but, I have not yet been out to investigate yet.

Mr. Hopkins state that he stepped in this last April 12th we're working with this client I committed in the last month meeting to try to bring resolution to this. The owner has hired a contractor and architect and engineer JB then he did have communication his photos have been posted to his e-mail that shows progress with regards to the green algae on the walls and so forth that's all been cleaned up. The grounds have been cleaned up and they are going to be proceeding with the permitting of the awning to repair the awning that's fronting on A1A. There's a separate issue under this regarding with regards to the parking area and the rear that's going to require engineering and permitting and that's going to have to go to the planning and development services division upstairs.

Inspector Baptistes states there's no parking issue, the back is being used as a parking lot but it's not it should not be used as a parking lot. So that's the understanding we should get there, you folks may have removed the dirt and grime it's possible I have not gone out there for an inspection. However, the main issue with the hangover is the fact that as you clearly see there it's dilapidated. Is that part of the planning that you folks are planning on taking care of because I wasn't certain on that?

Mr. Hopkins response is yes, they're planning to repair it in the interim and hire an architect to do the complete facelift of the building. So that's going to be repaired on the short term and they would then replace it in the long term.

Inspector says if the cleaning has been done, he'll go out and reinspect, but it will only be for the awning the parking lot is still not in compliance. Respondent agrees that is correct so that's what happened with regards to parking master plan to date. There is continued detail discussion. however there hasn't really been included distinction or any clear progress being made on the property it's always this is going to happen I've talked to and so on but I personally even talking to Mr. Hopkins wasn't provided any concrete proof that things are being done.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 35 - 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.

John Hopkins previously sworn.

Mr. Hopkins states that the property has been cleaned up and it should be deemed in compliance. Inspector Baptiste on the other hand says and it's more of the same from last time the wall has been repaired however as you can see there is now a marine trailer that's on the property there's also a porta potty, I do have pictures since last hearing showing that were people parking on the parking lot but again Mr. Hopkins it is the same thing, I need proof.

Capt. Lee explains that there has never been an established compliance date set.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

And at the July 14, meeting status report effort to establish a compliance date for masterplan for the parking lot.

CASE # 36 - SMG 03-22-111 - Nainai Capital LLC % Vienna Capital INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.a; Art. 6 Sec. 6.2.H.4.c; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.2, 302.4, 308.1), at **N Atlantic Ave (Parcel # 5305-01-39-0051)**. Violation(s) – Off Street parking surface, failure to remove all trash and debris, unmaintained landscaping. First Notified – 7/6/2021.

This case has already been heard earlier

CASE # 37 - SMG 03-22-114 - KRK Investments, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.5, 304.6, 308.1, 605.1), at **110 S Ocean Ave**. Violation(s) – Dirt and grime, unmaintained landscaping, dead vegetation, failure to remove electrical cord in grass, failure to add missing shrubbery and vegetation at islands, fading, peeling & discolored paint, exterior storage, trash and debris.
First Notified – 7/22/2021.

CASE # 38 - SMG 01-22-59 - Agroparcel & Associate LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.7, 304.2, 304.6), at **402 Auditorium Blvd**. Violation(s) – No building permit, overgrown grass, hedges, shrubs and trees, dirt and grime, damaged concrete, damaged wood.
First Notified – 8/5/2021.

Xavier Gill sworn owner

Inspector Baptistes just last hearing he has had communications with the owner and in the process of I'm repairs done himself it is worth noting the roof permit has been obtain but it has not finalized.

And there is still work that must be done on the property as well he did mention that he was working I believe Friday or Saturday was the last we spoke, and I will need to go out and look. at this time staff is requesting amend until the next cut off.

Additional discussion between the magistrate and the respondent about why he get roofing permit for roof wasn't completed and the rest of the work will be completed by the next cut off.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 39 - SMG 04-22-130 - Talib LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1, 302.7, 304.7, 304.8, 304.9, 308.1, 605.1, 605.4), at **601 Main St**. Violation(s) – Working without a building permit, no sign permit, damaged sign, repair damaged second floor deck and submit engineer's survey or certificate, damaged and exposed wood, damaged stairs, failure to remove debris and exterior storage, failure to remove and discontinue using an extension cord for electricity.

First Notified – 1/26/2022.

No Respondent

Inspector Baptiste state since the last hearing has had contact with the owner but there has been minimal progress however it's worth noting that the property was sold recently on April 22nd and I believe, I did verify that with the County Clerk of the Court website yet although it has not hit the Volusia County Property Appraiser website but at this time we wish to amend to give the new owner the opportunity to be cited and come into and come in compliance.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by July 6, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 40 - SMG 01-22-71 - Kelly Lynne Riley is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.1, 304.2, 304.5, 304.6, 304.13, 304.13.2, 304.14), at **105 N Peninsula Dr**. Violation(s) – Parking on grass, faded and peeling paint, dirt & grime, exposed wall stucco, broken windows, ripped damaged window screens.
First Notified – 9/22/2021.

Kelly Riley sworn

Inspector Baptistes since the last hearing he has had contact with put the responded and they met on site at the property she's progressing along at this time the only thing left is call Alex career property that footstep would like to come into the next cut off.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 41- SMG 01-22-47 - 540 B LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.1.A; Art. 6 Sec. 6.19.B; Art. 3 Sec. 3.3; Art. 4 Sec. 4.S.1; Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 302.8) City Code Ch. 44 Sec. 44-111.a; City Code Ch. 78 Sec. 78-112.a, at **N Beach St (Parcel # 5338-25-03-0070)**. Violation(s) – Restriction on outside activities and uses, property maintenance, standard development approval, permits for site use, site restoration, sanitation, accessory structure without primary structure, prohibited storage, surfacing, abutment maintenance.
First Notified – 8/21/2021.

Pete Zhan Engineer of Zhan Engineering

Inspector Jones yes the last hearing on February 8th I did receive a preliminary site plan from the engineer but at this time no project had been submitted to the no problem had been submitted to the city the payment on the property that was installed without a permit has not been removed and as you see from the photos they are now back parking on the vacant parcel they even have to have it blocked off with cars stops and parking on the property and the fence they install it's still not being removed now the steps of the question is fine of Two Hundred Dollars \$250 a day with the capped at Thousand Dollars \$20,000.

There is discussion about the current plans of this property and the next case after this one. In need of survey for both properties this and one after this one.

Mr. Zhan says there was a discussion with inspector Jones there was also discussion about survey and site plans and restored property and remove storage

additional explanation to Magistrate of the actual violation. And still and need of survey in hand to move forward.

Captain Lee how our process works by settling just the process that we set a progress report two months out and we see how much we've progressed through this probably as a sitting we're very concerned that this has just gone on for almost a year and we're hoping that some type of progress will made within that time.

DISPOSITION: continuance to the next meeting July 12,2022 for Progress Report

CASE # 42 - SMG 01-22-48 - 540 B LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.1.A; Art. 6 Sec. 6.19.B; Art. 3 Sec. 3.3; Art. 4 Sec. 4.S.1; Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.7, 302.8) City Code Ch. 44 Sec. 44-111.a; City Code Ch. 78 Sec. 78-112.a, at **Bungalow St (Parcel # 5338-25-03-0050)**. Violation(s) – Restriction on outside activities and uses, property maintenance, standard development approval, permits for site use, site restoration, sanitation, accessory structure without primary structure, prohibited storage, surfacing, abutment maintenance.
First Notified – 8/21/2021

Pete Zhan respondent

A lot of the same as to above case and the lot is included in the case above

Captain Lee asked if this property is included in previous discussed plan Mr. Zhan says yes.

Captain Lee suggest keeping these two cases on the same track, but the biggest concern is that they have to do right now like you said it's just get rid of the outside storage. Then make it a lot easier for us to not be dealing with that complaint or that issue. Well, we're kind of working through this process. it's a little elongated once again because we got to go through so many steps.

Inspector Jones also asked that we ask along the way if they wouldn't mind just to maintain the abutment there if you go down the road, they've got quite a bit of weeds and tall weeds they had maintained previously when cited before.

DISPOSITION: Continuance to the next meeting July 12,2022 for Progress Report

CASE # 43 - SMG 01-22-45 - Florida Pacific Leasing CO LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **316 Main St (Parcel # 5305-08-15-00-0010)**. Violation(s) – No permits (sealing & striping, plumbing, outside bar, concrete ramp, lights & wood fence).

First Notified – 5/17/2021.

This case has already been heard earlier

CASE# 44 - 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.

no respondent and

Inspector Jones has had no contact and no information I know they had a first reading and I believe the City Council meeting is on Wednesday, but I have not heard any results or had any contact with the owner they've been here, and all the other meetings and I assume they would be here for the progress report, and I would like to set a compliance date for the next cut off.

Captain Lee suggested the month after next because he's thinks there's a second council meeting.

DISPOSITION: Noting the absence of the respondent, based on the testimony of the Inspector, found the Respondent in Non-Compliance, and ordered the Respondent to come into Compliance by July 6, 2022, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

CASE # 45 - SMG 01-22-15 - 504 Main Street D B INC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; Art. 6 Sec. 6.2.H.7; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.7, 304.2, 304.6, 304.8, 304.10, 304.15), at **504 Main St**. Violation(s) – No sign permit, damaged exterior surfaces, damaged parking lot asphalt, second floor door open, missing staircase second floor. First Notified – 5/21/2021.

First Notified – 5/21/2021.

This case has already been heard earlier

CASE # 46 - SMG 09-21-257 - Cedar Families LLC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13), at **677 Kingston Ave**. Violation(s) – No permit for roof & fascia, damaged window, rotting wood, paint, dirt & grime. First Notified – 4/28/2021.

ACTION TO BE TAKEN: Impose Fine

DISPOSITION _____ (Mark A. Jones)

This case has already been heard earlier

CASE # 47 - SMG 01-22-26 - 115 Main Street INC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.B.1; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.10.G; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 605.1), at **115 Main St**. Violation(s) – Graffiti, trash & debris, damaged exterior wall, unpermitted windows, exposed electrical outlets, signage that no longer represents business. First Notified – 7/2/2021.

This case has already been heard earlier

CASE # 48 - SMG 04-22-129 - Joshua Lee Swift 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, 302.4,308.1), at **526 Wallace St**. Violation(s) – Unsecured and unsanitary property, trash & debris and weeds. First Notified – 2/15/2022.

No respondent

Inspector Kirk states since the last hearing no contact with the owner and there has been no progress. Its eye sore staff is requesting a \$500 a day fine up to a Max of \$15,000.00.

DISPOSITION: Noting the absence of the respondent and based on the testimony of the inspector and the photographs Mr. Vukelja imposed a fine in the amount of \$500.00 per day, effective **May 5, 2021**, until the fine reaches a maximum of \$15,000.00 or the property comes into Compliance.

CASE # 49 - SMG 01-22-31 - Luke Childs Jr. 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 304.2,304.7), at **509 S Martin Luther King Blvd**. Violation(s) – Damaged roof, rotted wood, peeling paint, overgrown landscaping. First Notified – 6/23/2021.

Luke Childs Jr. sworn
Edward Montgomery son in law

Inspector Kirk states she has had contact with Mr. and Mrs. Montgomery the property is still not in compliance. however, they do have a permit now to repair the rotted wood and the damaged roof. And I would like to amend to the next cut off for compliance.

Mr. Montgomery ask for additional 30 days and was granted

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by July 6, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter.

CASE # 50 - SMG 03-22-99 - Murry Creek Properties LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.D; Art. 6 Sec. 6.10.G; Art. 6 Sec. 6.12.D; City Code Ch. 90 Sec. 90-297, at **705 W Intl Speedway Blvd & 707**. Violation(s) – No business license, no sign permits, unused signs and brackets. First Notified – 10/21/2021.

Ronald Tucholski sworn Owner
Jermaine Farrell sworn Tenant

Inspector Kirk the property is still non-compliance there is still unlicensed business activity at the property and the violation from the unused signs is still in non-compliance staff is requesting one time final \$250 a day for no license as well as \$200 a day for the other violations.

This is the county says he doesn't understand there is no business going on there he rented the building to Mr. Farrell right before COVID end call it hit and now they're saying he's doing business there but every time I go there there's nothing going on there. And it's far as the signs we remove all the signs and now she's saying that we must remove the electronic behind box behind the sign but we're going must put that right back to come to compliance.

Magistrate is asking the owner what midtown cafe is and according to the picture being shown it is displayed in a window and the owner is explaining to him what it is the tenant was going to open a café and I believe he still is. There's discussion on what goes on in the building.

The tenant comes forward and discusses his businesses he has had in the city for over twenty years never had a problem with any of them and this particular time how evidence breaking literally said that there was Internet gambling inspector was asked by the owner of the building if he did any and investigation and I wase given a 10 day notice for the cars to get all my cars off the lot or they'll be towed, on the 9th day they were all towed.

Magistrate asked if there's business being conducted there the tenant says or if he was starting a restaurant his response was neither.

Mr. Farrell showed her the application that we just requested to put in a billiard (Pool Hall) into the whole building and the reason why because during the event of all of this because kids next door were always saying that we have nothing to do show me came down to the city and asked them is this place allowed to have a billiards they said yes can we submit an application to get it built she verbally told me 30 minutes to go outside only thing we needed was a license however she just spoke to you so and said something totally different I told her that I flat for the license I went downstairs and gave her a copy of when I planned for what they gave me to give her but yet when she spoke to you it was something totally different.

Inspector Kirk says there is no business license Mr. Farrell states first the application takes 10 days according to what they told you I submitted it because that's that was the last of the ordeal

Captain Lee explains to the magistrate this case is partly generated by staff receiving complaints about illegal gambling in the facility and people coming and going coming and going for the property both Courtland Lampe (Daytona Beach Police Officer) who is here and can speak for himself on the facts and Inspector Kirk have been attempting to conduct an investigation to what business use is and occurring at the property and to address the violations they observed when they were out there and they've been repeatedly denied access. And I believe we even talked about getting access to the last meeting if I recall have the minutes here in front of me.

Inspector Kirk confirmed yes, that's correct still not being provided access to the building to confirm this or be able to move on past this. It's very clearly so my training and experience having dealt with him list of facilities that do this activity that is set and appears to be operating.

There is a discussion About given access for investigation communication between the parties.

Mr. Jackson city attorney clarifies and because they have signs, they're holding themselves out as their business and now that's in it and the owner speaks out and says all signage is gone.

Mr. Jackson continues to try to clarify so the allegations are or the violation or no business license which I don't know if anyone had to testify second no signs permit which I think they're knowledge that at least initially because of the change why they end up in that circumstance

And I'm not sure what they had heard the testimony I'm not sure what I hadn't heard the testimony yet, but I presume this testimony regarding unused signs and brackets. If so, I can just ask inspector scanner discuss issues I think we could probably move on. But if there any intent or plan for this to be a business use it would be it would be open to me it will be open to the need it will be open for the meal in the right turn inspection, I'm not sure why it's so adamant to fight against simple inspection. Answer enough the inspection necessary to alternative mean then that's fine. Continued discussion and clarification of this case has been recorded via web for further information.

DISPOSITION: The Special Magistrate amended the current order of Non-Compliance and ordered the Respondent to bring the property into Compliance by June 8, 2022 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day thereafter

CASE # 51 - SMG 02-22-87 - Karen Hollums-Broome is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D, at 407 Main St (Parcel # 5304-03-19-0130). Violation(s) – Not adhering to approved site plan.
First Notified – 5/20/2021.

This case has already been heard earlier.

Lien Reviews

LR-1 SMG 06-20-121 - Togado LLC - 552 Live Oak Ave. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2. A (Ref. FBC Supp. IPMC 302.8, 304.6, 304.14, 305.3, 305.6, 504.1, 602.2, 603.1, 604.2, 605.4, 704.2) Violation(s) – Lack of heat, no insect screens, damaged interior & exterior surfaces, missing smoke detectors, defective plumbing, inoperable electrical outlets and inoperable vehicles. First Notified 2/28/2020. **Order Imposing Fine/Lien effective August 11, 2020. \$100.00 a day to a maximum of \$15,000.00 Compliance = December 23, 2021. \$15,024.00 = \$15,024.00**

Mr. Bidomenco sworn via zoom.

DISPOSITION: Agreed to the reduction of Five Thousand Dollars Fine (\$5,000.00) payable in 30days.

LR-2 SMG 03-20-62 - BMS Holdings LLC - 821 George W Engram Blvd. 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, 302.3, 302.4, 304.1.1, 304.2, 304.6, 304.7, 304.13.1, 304.13.2, 304.15, 308.1) Violation(s) – Abandoned unsecured building (open to transients), attractive nuisance, damaged roof, damaged windows, outside storage and trash, no yard maintenance, overgrown grass and noxious weeds, overgrowth onto city sidewalk, paint fading and peeling (including al First Notified – 9/17/2019. **Order Imposing Fine/Lien effective April 9, 2020. \$250.00 a day to a maximum of \$15,000.00 Compliance = April 22, 2022. \$15,024.00 = \$15,024.00**

DISPOSITION: Respondent request to be pulled working with the city

Month of July Mr. Vukelja will not be here.

6. Adjournment: 12:58pm