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# City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

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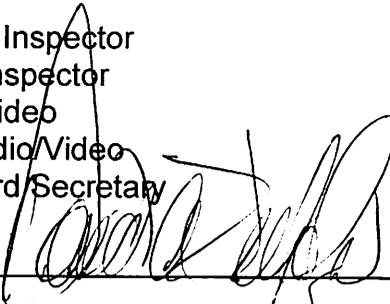
## January 9, 2024 Minutes

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. Tom Clig, Code Inspector  
Mr. Daniel Garcia, Code Inspector  
Mr. Clearvens Jean-Baptiste Code Inspector  
Ms. Sara Kirk, Code Inspector  
Mr. Clifford Recanzone  
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 9:04 a.m.

Mr. Vukelja approved the November 14, 2023 meeting minutes.

Mr. Vukelja asked if there were any announcements.

Mrs. Reno called the following cases in compliance.

**CASE # 16 - SMG 01-24-05 –Nathaniel Henry** 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 Glenwood St (Parcel # 5212-01-00-1690). Violation(s) – Overgrown vacant lot. First Notified – 10/28/2023.

Inspector Bostwick

**Compliance 1/8/24**

**Called case #21 Pulled for Scriveners error and will recite.**

**CASE # 21 - SMG 01-24-31 - UT1 Holdings 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 Clark St (Parcel # 5339-68-00-0051). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 11/3/2023.

**Called case #37**

**CASE # 37 - 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.

**Compliance 1/9/24**

**Mrs. Reno requested LR-4 be pulled to come back at a later date.**

**SMG 08-22-233 - Marchaletta A Corbitt 768 Indiana St (Parcel # 5238-38-00-0750).** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 6 Sec. 6.19.A.3, Violation(s) – Parking on grass, outside storage. First Notified – 10/4/2021. Order Imposing Fine/Lien effective October 6, 2022. \$250.00 a day to a maximum of \$15,000.00. Compliance = November 15, 2023 plus \$24.00 recording costs = \$15,024.00.

**Mrs. Reno swore in the staff members testifying.**

**Mr. Vukelja called case #66 first.**

**CASE # 66 - SMG 01-24-17 - Ivan & Cardin LLC**

**Building owner appeared via zoom had audio difficulties heard case #24 first**

**CASE # 24 - SMG 09-21-247 - Jonathan Worsham III, Allison Worsham, Patrick Worsham** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 302.5, 308.1), at N Charles St (Parcel # 5338-44-02-0010). Violation(s) – Vacant land, sanitation, weeds, rodent harborage, rubbish and garbage, storage of building materials, no permit. First Notified – 6/9/2021.

**Allison Worsham & Mike Harding sworn in**

**Inspector Recanzone** requested a running fine to start on February 8, 2024 at \$300 a day if not in compliance.

**Mike Harding** with M Harding Enterprises testified advising this has been a long-standing project and the original engineer and back on the job. All the compliance issues, the rodents, the trash, the fence, all the other stuff that's all been resolved, everything is cleaned up, done and fixed. The last item is to get the property rezoned. They worked on zoning part of the zoning was they were required to have a site plan, so they got the site plan done. Then they wanted building plans to go with the site plan, so they have 35 to 40 sheets of drawings that are completed had he has a meeting right after the hearing with Hannah Ward to go over them to upload them to the system and get the site plan and Building plan approved which will be the last issue to bring this whole property into compliance. **Mr. Vukelja** asked if everything

goes according to hoil here, then what? **Mr. Harding** confirmed that they would get the site and building permit at looking at probably 60 days to get it through the city permitting process. Discussion on the city not just wanting a concept plan but complete site, building and landscaping plans before issuing any permits on the property to bring it into compliance. And they are 90% complete and met with the fire marshal. Discussed the rezoning for allowing an office on the property. Satisfied with the efforts and continued the case for March 12, 2024, hoping by then they will have the permits and can establish a compliance date.

**DISPOSITION:** Continue to **March 12, 2024** to establish a compliance date.

Called case #66

**CASE # 66 - SMG 01-24-17 - Ivan & Cardin LLC** is cited for failure to correct violations of City Code Ch. 10 Sec. 10-3, at 631 N Grandview Ave. Violation(s) – Business opened after midnight without an after hour license. First Notified – 9/28/2023.

**Tammy Tran** Owner of Ivan & Cardin LLC sworn in

**Mr. Jackson** asked for clarification on ownership of the company, or the property, and Ms. Tran confirmed both. **Supervisor Jones** testified to the status of the case advising the buisness was open after hours and selling and consuming alcohol after midnight with no after hour permit.

**Mr. Vukelja** asked if she agreed to the violations as testified to by the Inspector. **Ms. Tran** advised she was noticed from and talked to Mr. Jones but before that because she is out of state so she has been communicating with Steve Alderman and working on fixing all the requirements that he needs. **Mr. Vukelja** asked again if she agreed the violation occurred on October 15<sup>th</sup>, October 28<sup>th</sup>, December 14<sup>th</sup>, and December 23<sup>rd</sup>. **Mr. Tran** requested the dates be restated and then advised she is not the owner of the buisness. **Mr. Jackson** testified on the facts that they were operating after midnight after hours violating and that starts with the tenants. Discussion on the tenants occurred.

**Mr. Lambert** represents Mr. Kumar and Mr. Jacob who are the tenants the lessease. **Mr. Vukelja** agreed to hear the case based on the fact that the owner was properly noticed. **Mr. Lambert** asked if the notice was posted on the door of the business. **Mr. Jones** confirmed that it was and refered to a photo of the posting on September 28, 2023 the front door. **Mr. Lambert** questioned how the notice of hearing was generated and questioned **Mr. Jones** signature on the notice. **Mr. Vukelja** called officer to testify.

**Sgt Blowers** testified that on Saturday morning he hand delivered to Mr. Jacob the notice for this meeting today. **Mr. Vukelja** asked who is Mr. Jacob, **Sgt Blowers** advised he is one of the owners to Daytona Incorporated which is the business the tenant that is renting the property from Ms. Tram. **Mr. Vukelja** ask to proceed with officer tesimony on the dates in question. **Lt. Gernert** testified that in October they conducted an undercover operation where they had complaints of sale of alcohol after midnight, specifically more after 2am.on the 28<sup>th</sup> the officers went inside and purchased alcohol, through their experience they understood it to be alcohol from what they ordered. In December officers went in there to do a inspection of the property and found multiple citizens inside the business after hours, well after 12, walked around saw numerous customers wityh alcoholic beverages in their posession no just clear cups with an unknown liquid it would be more like beer with the brand name on the outside. One of the listed tenants that operates the business, that operates social Daytona Incorporated they have a tobacco license issued by the city, they do sell hookah tobacco, saw numerous occupants smoking the hookah within. On the 23<sup>rd</sup> went in to do an inspection and also found customers smoking hookah within the structure, they did see customers in possession of clear cups with an unknnown liquid however cant prove that was alcohol. Over the weekend of christmas they had multiple people inside presumed to be drinking alcohol as well. Confirmed

the dates were December 23<sup>rd</sup> into 24<sup>th</sup>. **Mr. Vukelja** asked if **Ms. Tran** had any questions of **Lt. Gernert** and this was her opportunity to do so. **Ms. Tran** said no sir, then questioned the dates she found the bottles with brand on it. **Mr. Vukelja** advised he believed she said over the Christmas Holidays. **Lt. Gernert** advised she executed a search warrant in there, previously in September based on alcohol violations with undercover operation and seized numerous cases of beer and closed bottles of alcohol and that was a violation at that point as well because they don't also have a liquor license. **Mr. Vukelja** advised she had a right to question. **Ms. Tran** advised she was having volume issues. **Mr. Vukelja** confirmed **Ms. Tran** did not have any further questions for the Officer. **Mr. Vukelja** found the respondent in Non-Compliance based on the findings and the testimony of the officer.

**DISPOSITION:** Based on the findings and the testimony of the officer the Special Magistrate ruled case was in non-compliance and based upon the stipulation of the city he found that the respondent has since come into compliance and for every future violation the Special Magistrate will consider entering an order for a fine of up to \$5000 for each repeated violation.

**Mr. Vukelja** discussed and confirmed with **Ms. Tran** the order and fine he just put in place of up to \$5,000 dollars for after hour sale of alcohol per occurrence is now in affect effect after today's hearing date.

**Mr. Vukelja** asked if we have any cases, we have an agreement with the respondents that we can get out.

LR-1 and LR-2 called next.

## LR-1

**SMG 10-19-234 - Russell L. Chiodo 1120 Clearwater Rd.** 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 302.4, 304.2, 304.6, 304.8, 308.1), Violation(s) – Dirt and rotted material on exterior surface, rotted planter box, trash and debris, overgrown grass and weeds. First Notified – 5/20/2019. Order Imposing Fine/Lien effective November 14, 2019. \$250.00 a day to a maximum of \$15,000.00 Compliance = October 10, 2023 plus \$24.00 recording fees = \$15,024.00 **Inspector Garcia** advised the agreement was to a reduction to \$1500.00 payable in 30days. **Victor Vanlancker** sworn in and agreed.

**DISPOSITION:** Respondent was granted a reduction to the amount of \$1500.00 dollars payable in 30 days.

## LR-2

**SMG 05-21-128 - Russell L Chiodo 1120 Clearwater Rd.** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, Violation(s) – Overgrown Lot/Landscaping. First Notified – 8/19/2020. Order Imposing Fine/Lien effective June 3, 2021. \$100.00 a day to a maximum of \$15,000.00 Compliance = October 10, 2023 plus \$24.00 recording fees = \$15,024.00

**Inspector Garcia** advised the agreement was to a reduction to \$1500.00 dollars payable in 30days. **Victor Vanlancker** sworn in previous case and agreed to the reduction.

**DISPOSITION:** Respondent was granted a reduction to the amount of \$1500.00 dollars payable in 30 days.

**CASE # 1 - SMG 01-24-25 - Peck Leasing Corp** 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, 304.6, 304.15, 308.1), at 932 Orange Ave (Parcel # 5239-04-16-0230). Violation(s) – Failure to repair damaged glass doors, failure to clean exterior property, unmaintained landscaping, failure to repair exterior holes, failure to remove trash and debris. First Notified – 9/26/2023.

**Edwin Peck** sworn in

**Mr. Vukelja** asked if he agreed to the violations.

**Mr. Peck** advised he wasn't sure which one was being referred to. **Mr. Vukelja** read off the violations at 932 Orange Ave. **Mr. Peck** advised that he didn't know what they were actually complaining about as far as the glass doors they are constantly being shot he has photos of the bullet holes constantly going through the glass doors. Advised it will cost him \$25,000 to replace the glass, which he does not want to do because they will be shot out again. **Mr. Peck** advised he is trying to find some type of material he can put over these openings and windows that will be less expensive if bullet holes go through them. **Mr. Vukelja** asked if this violation had been rectified and happened again? **Mr. Peck** advised no that they are frequently having bullets go through their building from apparently across the street. Every month or so a new bullet hole appears in the glass, so they are looking for a material whether it be metal or whatever that they can put in front of these windows to satisfy the city as their concern about the broken glass as you can see, they have plywood behind it, they understand the concern for having broken glass in front of the building. But they haven't found the right material. **Mr. Vukelja** asked if the building was occupied. **Mr. Peck** advised that it is a maintenance operation facility where they go in and repair tools and equipment from the construction business.

**Inspector Jean-Baptiste** testified to the status of the case and it was a field observation. The inspector had no contact with the owner or management and requested compliance by next cut off.

**Mr. Vukelja** asked if any of the violation had been corrected. **Inspector Jean-Baptiste** advised the grass was mowed and did not know if that was done by management or concerned neighbors. **Mr. Peck** question what cleaning the property involved, and repair the holes, is that the bullet holes that appear in the front door or what exterior holes he is needing to fix. **Mr. Vukelja** confirmed it appeared to be maintainance issues and some discussion on what needed to be done on the property.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 20 - SMG 01-24-15 - Peck Leasing Corporation** 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 Orange Ave (Parcel # 5239-04-16-0210). Violation(s) – Overgrown vacant lot. First Notified – 9/29/2023.

**Mr. Vukelja** asked if he agreed to the violations as stated in the notice of violation?

**Mr. Peck** advised he did not know unless it was the back corner and they wanted to have a buffer between them and the residential neighborhood next to them. **Mr. Vukelja** One man's buffer is another criminal hideout. Found that out when I can now see from the beginning of what used to be Father Lopez all the way to the streets behind it.

**Inspector Bostwick** field generated, testified to the status of the case advised he did not speak to the owner he did speak to the office manager Bobby a couple times but nothing was done and requested compliance by next cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**Mr. Vukelja** advised the respondent to speak with the inspector to find out what needs to be done.

**CASE # 2 - SMG 01-24-36 - Legacy Daytona LLC** 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), at 261 Bill France Blvd. Violation(s) – Failure to clean dirt and grime off exterior walls, failure to pressure wash dirty walls. First Notified – 3/07/2023.

**No respondent**

**Inspector Jean-Baptiste** field inspection, testified to the status of the case and requested compliance by next cut off

**DISPOSITION:** Noting the absence of the respondent, the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 3 - SMG 01-24-28 - Adams Investment Group LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.7, 304.2) City Code Ch. 26 Sec. 26-294, at 201 N Adams St (Parcel # 5238-36-08-0180). Violation(s) – Trash & debris, damaged fence, dirt and grime on exterior surfaces, no rental license. First Notified – 9/22/2023.

**No Respondent**

**Inspector Garcia** testified to the status of the case requested compliance by next cut off citizens complaint.

**DISPOSITION:** Noting the absence of the respondent, the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 4 - SMG 01-24-02 - Faith Temple Church of God** 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 330 N Keech St. Violation(s) – Dilapidated roof. First Notified – 5/11/2023.

**No respondent**

**Inspector Kirk** testified to the status of the case complaint generated case they are waiting on insurance and requested compliance by the April cut off. Discussion on how long the damaged has been there.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **April 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 01-24-21 - Bat Development LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S. 1; City Code Ch. 26 Sec. 26-294, at 711 Park Dr. Violation(s) – Unpermitted fence, no rental license. First Notified – 5/4/2023.

**Timothy B Hudson Sr.** sworn in (owner) agreed to violations.

**Inspector Kirk** testified advised that Mr. Hudson has been in communication with her and has things in progress and requested the March cut off for compliance. **Mr. Hudson** agreed to March 6<sup>th</sup> cut off.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **March 6, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 6 - SMG 01-24-30 - Vicky Ottman** 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 302.8), at 121 S Helme Pl. Violation(s) – Dirt and grime, damaged fascia, flashing & trim, crumbling front steps and inoperable vehicle. First Notified – 9/19/2023.

**No Respondent**

**Inspector Kirk** testified to the status of this case and that this was a complaint generated case requested compliance next cut off.

**DISPOSITION:** Based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 7 - SMG 01-24-22 - GEA Seaside Investments Inc** 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 ) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 232 N Peninsula Dr. Violation(s) – Parking in front yard, unlicensed rental property. First Notified – 10/24/2023.

**No respondent**

**Inspector Stenson** testified to the status of the case advised this was a field generated case requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 8 - SMG 01-24-23 - Bruce Beardsley** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.7), at 227 Williams Ave. Violation(s) – Junk vehicle, damaged roof (soffits).  
First Notified – 11/3/2023.

**Bruce Beardsley & Dale DeLoach** sworn in agreed to the violations.

**Mr. Vukelja** asked if they agree to the violations. **Mr. Vukelja** asked when they thought the work could be done. **Inspector Stenson** requested compliance next cut off.

**Mr. Beardsley** advised he moved the truck and has a signed contract for the soffit. Stating the contractor was five to six days out. the end of the week or first part of next week.

**Mr. DeLoach** advised he would assist, and he wanted to give some follow up on the contract, when they called, the company, he is very pleased with it and he had work done with it myself and they already said they are two to four months in arrears to getting jobs done.

Discussed not being able to control in-climate weather and Mr. Beardsley's health and condition they are trying to push it up. **Mr. Vukelja** advised the city is satisfied with the efforts and to notify the in-pector when situations arise.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**Called case #60 Herb Kawesch extenuating circumstances (was not ready).  
Resumed order called case #9**

**CASE # 9 - SMG 01-24-35 - Elephant Group Hotel 7 Inc** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.3, 302.4, 302.5, 304.6, 304.13, 304.13.13.2, 304.14, 304.15, 304.2, 305.3, 305.4, 305.6, 309.1, 309.2, 602.3, 603.3, 603.1, 605.2, 605.4, 704.6.1.2), at 2401 N Atlantic Ave. Violation(s) – Commercial property maintenance, property sanitation, sidewalks and driveways, weeds, rodent harborage, exterior walls, windows, openable windows, screens, exterior doors, protective treatment, interior surfaces (walls, ceilings, floors), walking surfaces, interior doors, infestation, pest elimination (owner), heating facilities (heat supply), mechanical equipment clearance, mechanical equipment (appliances), electric receptacles, electrical wiring, fire protection (smoke alarms).

First Notified – 11/17/2023.

**Mendy Friedman (Property Manager) & Idan Ovadia (Owner)** sworn in and agreed to violations.

**Inspector Stenson** requested march cut off. **Mr. Vukelja** found the respondent in non-compliance. **Mr. Friedman** testified and advised they have made a lot of progress, and it took them a minute to get going considering they had to evict everybody, there was no point of them doing things considering in the past they done work while tenant was there, and it just got repeated so it was just a circle that never ended. They will show a lot of progress by March as they have been able to show a lot of progress in the time since the tenants have been evicted. They would like to request more time but as of now definitely like to just show progress and take it from there considering they want to do a lot more than just getting the compliance they want to get the property to where the city and everybody around the city would enjoy the property. They will improve it even more that what the city is asking. **Mr. Ovadia** testified he will be drafted into the Army (Israel) he came to take care of this because he knew how bad the people vandalized it to its foundations and has damage to pipes underground, and it takes time, they made a lot of progress within two weeks that he has been here.

**Mr. Vukelja** confirmed tenants are gone and they are going above and beyond and discussed giving them to March for a progress report.

**DISPOSITION:** Continue to **March 12, 2024** for a progress report.

**CASE # 10 - SMG 01-24-24 - Adiba Shuja** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 302.8, 302.9, 304.6, 304.10, 304.13.2, 304.14, 304.15, 304.2, 304.3, 305.1, 305.3, 305.4, 305.6, 308.1, 308.2.2, 309.1, 504.1, 603.1, 604.3, 604.3.1.1, 605.2, 704.6.1.2) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at 530 Cannon St. Violation(s) – Outside storage, exterior sanitation, damaged fencing, junk vehicles, graffiti, damaged exterior walls, damaged stairs/decking/porch, broken windows, damaged screens, damaged exterior doors, exterior paint, missing address numbers, interior sanitation, interior surfaces(ceilings, walls), walking surfaces, interior doors, rubbish/garbage, inoperable refrigerator, infestation, damaged plumbing fixtures, mechanical equipment (stove), electrical system hazard, damaged electrical outlets, smoke alarms, failure to obtain rental license/Inspection. First Notified – 8/25/2023.

**No respondent**

**Inspector Stenson** advised this is a field generated case and testified to the status of the case.

**Mr. Vukelja** advised he's got the picture and asked what relief he's looking for?

**Inspector Stenson** requested compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 11 - SMG 01-24-18 - Christina Jones** 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 302.1, 302.4, 302.7, 304.2, 304.3, 304.13) City Code Ch. 78 Sec. 78-122, at 900 Madison Ave. Violation(s) – Vehicle in yard, trash & debris, landscaping maintenance, damaged fence, damaged windows, unpainted surfaces & maintaining abutment. First Notified – 9/20/2023.

**No Respondent**

**Supervisor Jones** testified to the status of the case advised this was a field generated case and requested compliance next cut off. continue to receive compliants on the property.

Discusion on the property being unoccupied and left to deteriorate.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 12 - SMG 01-24-29 - BMS Holdings 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, 304.14), at 418 Pleasant St (Parcel # 5338-75-00-0451). Violation(s) – Unmaintained landscape, unsecured building (missing window glass), trash & debris, damaged/missing window screens, dirt and grime on building and facia. First Notified – 10/24/2023.

**No Respondent**

**Supervisor Jones** testified to the status of the case advised this was a field generated case, no contact and requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photograph's presented respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 13 - SMG 11-23-279 - The Seventh Day Baptist Church of Daytona Beach Inc.** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.2.B.13.i.d; Art. 5 Sec. 5.11.5, at 128 Live Oak Ave. Violation(s) – Operating food pantry. First Notified – 10/13/2023.

**No respondent**

**Mr. Jackson attorney** for the city testified the city had this come before him back in November and they had continued it to the January meeting without any findings. The attorney representing the respondent is Mr. Ebitz and they have been in conversation, he had requested some public records that would answer a lot of the questions of concern as relates to the violation. A lot of that was not delivered to him until after the holiday and he notified Mr. Jackson (passed corrospondance to Mr. Vukelja) he was notified that they would remain closed until

they resolve this but at this time he just received the records request and its voluminous, they stipulated and agree to the continuance.

Discussion on what the violation is in regard to being in violation with the food pantry and it is the city belief they are not properly zoned or allowed somethings happened back in 2011-2012 where it was established, theyre trying to establish or ask whether or not they have some type of a non-conforming use approval. They want to look at records where they were notified and things had changed. The city believes that is reasonable for them to see the history and then make a determination of how they intend to proceed. And requested to continue to February to the next meeting.

**DISPOSITION:** Continue to **February 13, 2024** for the determination of compliance or Non-Compliance.

**CASE # 14 - SMG 01-24-26 - Daytona Beach Resort II LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.d; Art. 6 Sec 6.19.A.3; Art. 6 Sec 6.19.A.4; Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.8.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 303.2, 304.1, 304.10), at 2700 N Atlantic Ave. Violation(s) – Hazardous falling beach retainer wall, dilapidated concrete deck beach access, hazardous exposed rebar, bolts & twisted railings, all landscape overgrown, missing railings around pools, unsecure hazardous beach access to falling concrete retainer wall, dilapidated concrete retainer wall, dilapidated beach entry, unsecure access under concrete slab, public access to damaged empty pools and surrounding eroded pool deck, unsecured access to uncovered water vault, permits required. First Notified – 10/31/2023.

**Tina Garcia** Att Daytona Beach resort II LLC

**Natash Herndon** Resort Manager

**Leanne Wagner** Council for Condo association

**Carolann Marquis & David Marquis** owners at DBR and the complainant's  
Chad Tamaroff and Unk party appeared on zoom not sworn.

**Ms. Garcia** advised that they have some representatives on zoom but don't believe they will be testifying mostly just observing there might be an off chance that we have a question for them in which case we can swear them in then. **Mr. Vukelja** asked if they agree to the violations. **Ms. Garcia** advised, they dispute, responsibility for the violations, and she pointed out the notice was sent to the improper entity, there is no such entity named Daytona Beach resort 11 LLC. Suspect that was a scrivener's error by the city. Advised there is a Daytona Beach II (Roman numeral 2) LLC. **Mr. Vukelja** observed the 11 on the Notice of Hearing and Violation and requested the city council if he wanted to be heard on the ability to move forward. **Mr. Jackson** advised if they're objecting to service, they're present, acknowledged they raised the objection. **Mr. Vukelja** confirmed it was a scrivener's error and everybody's here, so he is inclined to move forward. **Mr. Jackson** was good with that. **Ms. Garcia** discussed the developer entity as well as the association have been in a dispute regarding responsibility for maintenance over various areas of this. **Natash Herndon** Resort Manager for the developer. **Ms. Garcia** advised that it was there position that the association is responsible for the repairs, stated one by one this is number 14 which relates to a seawall issue. Last year and her client representative can speak to it more should you wish to have more information about it. **Mr. Vukelja** asked who holds title to the property Daytona Beach Resort II LLC subject to the condo association's ownership rights. **Ms. Garcia** confirmed that was her understanding. **Leanne Wagner** at the time of turnover of control of the association to the members the developer retained for itself all of the common areas of the building but gave the owners easement right through a separate easement agreement, so that's why the title is still held by the developer, the association owners have rights of access and use to the common areas, but they do not own them.

**Mr. Vukelja** asked for Mr. Jackson to advise on this being an internal squabble between Co-owners for lack of a better term. **Mr. Jackson** advised that you have a property owner, and you have a violation. **Mr. Vukelja** advised who that owner delegates responsibility for remediating those violations irrelevant. **Mr. Jackson** advised that's where Article (1) One section (5) Five he believes it is. It was stated they were in litigation and if this was part of the various matters that they want litigation concerning. **Ms. Garcia** advised they are in arbitration that's currently ongoing, there is a scheduled case management conference to go over the dates for the arbitration and the scheduling order that is on January 15<sup>th</sup>, a week from yesterday. So, then they will get some hopeful finality to the arbitration and when it will conclude for a clearer picture, and also noted for the record that last year the association levied and collected special assessments to repair this very issue with the seawall those funds are being held by the association the developer has moved forward and believes commissioned an engineering report or a survey report and has provided to the association and they are refusing to use those funds to repair the seawall issue. And all of that is being litigated in the arbitration. So, they would number one (1) request a dismissal for the faulty notice of violation and faulty notice of hearing and then number two (2) if that is not granted, they would then request a continuance due to the lingering arbitration. This is also the first notice of hearing, and they would like for the parties to be able to resolve the issue. **Mr. Vukelja** asked how many life safety issues are involved here? **Inspector Alderman** confirmed numerous **Mr. Vukelja** stated the balconies, Inspector Alderman advised this is nothing to do with the balconies its all about pool deck the entrance way, the retainer wall falling. **Mrs. Reno** swore in the individuals that would be testifying. **David Marquis**, owner, and former board member of the association, referred to SunBiz and does not think there was improper notice. He is here to represent property owners who are very concerned about the condition of the property located at 2700 N Atlantic Ave Daytona Beach and proceeded to read off Exhibit #1 a letter he submitted, and provided a copy of a contract from Contractor Services, LLC for a contract for the Scope for Seawall Replacement Exhibit #2 and a letter from their attorney to the owner of the seawall Exhibit #3 an offer to front the money to pay for the seawall then be reimbursed if an arbitration is found that the association is not responsible to pay for the seawall. This has been going on since the hurricane, the seawall partially collapsed, beach goes constantly walk under on and around this falling down seawall. **Carolyn Marquis** submitted Exhibit #4 testified she is a owner and they have 22 floridian owners behind her and another 71 that are watching online. Mrs. Marquis advised it has been a very difficult time for them given the situation. The letter that was given with the offer to loan that entity the money was ignored with no response another was. Ms. Garcia objected to the statement that was hearsay, Mrs. Marquis asked if they could produce the response? **Mr. Vukelja** directed the ladies to talk to him. Mrs. Marquis discussed witnessing the teens taking selfies on this dangerous wall its been heartbreaking watching this go on and a matter of public record the owner has received insurance payouts and is taking loans against the property and has still refused to fix his property and he does own other property in other states and as he continues to expand those properties they continue to suffer. They are residents and taxpayers In the city of Daytona Beach and they would like to have an equitable remedy that is provided by the Florida Statutes and property protection rights and are bringing there concerns befor the Special Magistrate and they ask for assistance through the enforcement of these ordinances and to apply full remedies as available. **Mr. Vukelja** asked the city attorney based on the deed the city believes that Daytona Beach II LLC is the owner of the property. **Mr. Jackson** advised that the city code under article one of the Land Development code section 1.6.c. provides relationships to private agreements nothing in this code is intended to supersede anull or interfere with any easement covenant deed restriction or other agreement between private parties but such private agreements shall not excuse any failure to comply with this code, the city shall not be responsible for monitoring or enforcing private

agreements. The owner is responsible. **Mr. Vukelja** stated the last question he has is Council has brought up the procedural defect if you will that we have Daytona Beach Resort 11 LLC appearing on a notice of hearing and notice of violation, did he want to be heard on that or in his opinion does that in any manner jeopardize or derail this proceeding. **Mr. Jackson** advised Mr. Vukelja it has a proper name it has a proper address the two which is being said is eleven (11) would be consistent with someone who would have been intending to put II and would clearly represent a scrivens error. **Mr. Vukelja** found the respondent in non-compliance and asked how much time should it take for the city to come into compliance. **Inspector Alderman** requested for compliance by next cut off and asked that they obtain engineering and public safety protection for the public and for the owners of the condos along the other side of the walls, and asked to submit a permit from Department of Environmental Protection that was expired back in July. **Mr. Vukelja** advised that at this stage he is supposed to consider a reasonable amount of time for the respondent to come into compliance and on the basis of this list of violations not to mention the photographs the city itself has presented to him, he doesn't believe it is reasonable to expect them to be in compliance by February 7, 2024, also don't think it's reasonable to expect the inspector to give him a definitive compliance date like he wouldn't expect them to give him a compliance date. Next best alternative, how do we get to ultimately determining a compliance date. **Mr. Vukelja** reviewed and discussed how to come up with a plan moving forward and reasonable milestones along the way. **Inspector Alderman** pointed out there has already been permits attempted once but not followed through with so he would like to see an engineering permit within at least two months, and like to see them come in every month if possible for a progress report and as far as an end date for this could be easily looking at 6 months. **Mr. Jackson** advised that there is an immediate necessity for addressing the health, safety and welfare items which sounds like the whole thing. They have some arbitration issues that they expect to be resolving and gave a time. **Ms. Garcia** advised that they have a case management scheduling conference on January 15<sup>th</sup> which will then set the dates for when the arbitration will occur. The final hearing the final dates for evidence to be concluded by. Mr. Vukelja asked what's the issue? Ms. Garcia responded Responsibility for payment and repairs. Discussion on permits being obtained in two months since they have already been applied for in the past. **Leanne Wagner** advised the association would also like to request trap bags or some kind of shoring up that'll at least provide some type of additional protection which should be able to be installed she would hope within 30 days. **Mr. Jackson** agreed with that suggestion. **Mr. Vukelja** asked if we should set a separate hearing. And that is not an unreasonable request. Sometime in the next 30 days we will set time aside.

**DISPOSITION:** Respondent was found in non-compliance and Continued to a future date to be determined within 30 days.

**Mr. Jackson** adds that we can also hear case #59 along with case #14.

**CASE # 59 - SMG 09-22-278 - Daytona Beach Resort LLC & Daytona Beach Resort and Conference Center Condominium Association, INC.** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.10), at 2700 N Atlantic Ave. Violation(s) – Damaged columns, dilapidated balcony, peeling paint, damaged, cracked, or broken concrete on exterior and interior of parking garage, dirt and grime. First Notified – 11/6/2021.

**Inspector Yates**

**DISPOSITION:** Continue to a future date to be determined within 30 days

## Called case #15

**CASE # 15 - SMG 01-24-27 - Masonova Daytona 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 302.3, 302.7), at 1021 Mason Ave. Violation(s) – Hazardous potholes throughout parking lot, open/unrepaired utility ditch, damaged fence, damaged non-working parking lot illumination, missing ADA striping, parking location striping missing, permits required. First Notified – 10/16/2023.

**Efraim Brody** sworn and agreed the violations exist.

**Inspector Alderman** advised the respondents to come into compliance by the March cut off.

**Mr. Brody** testified he did not believe it would be finished by then because they have a big job being done on the property. They are redoing the whole parking lot and the façade its about a half million to a million dollar job right now. Right now they are about \$650,000 in the job. They are redoing everything top to botom they have a replat they are waiting for about two acres near out parcel which will be given over to the storage company All Aboard Storage. They waited for the mylar for about five or six months. Now the mylar came in it was sent to the city and the city sent it back on the fourth of last week and they asked the notary to restamp because the stamp smudged. Once they get the mylar back hopefully within the next week hopefully they will be allowed to pull permits. It's a big job and once permits are pulled it will take about three months. Gave the contractor a \$100,000 deposit.

Discussion between the Special Magistrate and the Inspector on a feasible time to obtain permits.

**DISPOSITION:** Respondent was found in Non-Compliance and Ordered to have permits by March 6, 2024 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. It is further ordered that the case be returned to a subsequent hearing for the determination of a compliance date.

Reserving the determination of an ultimate compliance date. Advised to keep in contact with the inspector.

**CASE # 17 - SMG 01-24-08 - The Pompey Land Trust dated March 16, 2010 trustee TRSTE 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 Orange Ave (Parcel # 5339-79-00-0350). Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 10/23/2023.

### **No Respondent**

**Inspector Bostwick** testified to the status of the case and has had no contact with the owner, requested compliance next cut off. They did the inside of the property not the abutment area on the outside and left trash and debris all over.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

**Break 11:05 – Return 11:15**

**CASE # 18 - SMG 01-24-10 - Johnnie L Daughtrey** 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 Loomis Ave (Parcel # 5339-80-03-0140). Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 10/12/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case and has had no contact with the owner, requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 19 - SMG 01-24-13 - Terry Jerome Moore** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.b; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Forest Ave (Parcel # 5212-01-00-0900). Violation(s) – Recreational vehicle, trash and debris, overgrown weeds on a vacant lot. First Notified – 10/11/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case and has had no contact with the owner, everything has been done except for the RV, is still left on the lot requested compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 22 - SMG 01-24-33 - Mohammed Khabazeh** 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 836 Maley St (Parcel # 5239-02-06-0140). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 10/31/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case and has had no contact with the owner, requested compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 23 - SMG 01-24-34 - Simuel F Postell** 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), at Avery St (Parcel # 5338-20-03-0393). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 11/15/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case and has had no contact with the owner, requested compliance by next cut off.

**DISPOSITION:** Noting the absence of the respondent, based on the inspector's testimony and the photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **February 7, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day.

**CASE # 25 - SMG 11-23-278 - Pelican Bay Golf Club LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 303.1, 304.2), at 350 Pelican Bay Dr. Violation(s) – Failure to maintain fence, pool and driveway. First Notified – 9/27/2023.

**Andy Bonus** (Manager)

**Inspector Clig** testified to the status of the case and has had contact with the owner (weekly), two out of the three violations are corrected. He put a fence up with a permit. Cleaned the pool. The only thing left is a driveway with a drainage culvert that has collapsed. Samsula demolition has got a bid out and just waiting for financing to go through requested compliance by next cut off.

**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 **February 7, 2024** to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 60 - SMG 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.

**Herb Kawesch** appeared via zoom and was attempted to be sworn in. (technical difficulty)

**Inspector Yates** testified to the status of the case advised he has had contact but no progress and requested a fine in the amount of \$100.00 a day to a maximum of \$15,000.00.

**DISPOSITION:** Continue to **February 13, 2024** for the imposition of a fine

### **Called Miscellaneous Business**

**SMG 02-23-40 - Indigo Lakes Golf Club LP 312 Indigo Dr & 400** 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), Violation(s) – Overgrown culverts and drainage. First Notified – 11/17/2022. Order Imposing Fine/Lien effective October 5, 2023. \$250.00 a day to a maximum of \$25,000.00

**Thu Pham** for Indigo Lakes Golf

**Carol Raymond & Jane Teresi** sworn in

**Mr. Vukelja** Action to be taken (approval of stipulation) asked who wants to present whatever it is he is hearing?

**Mr. Jackson** presented a copy of the order. **Mr. Vukelja** asked if they were presented with the stipulation. **Mr. Jackson** advised they were at the last proceeding. And the city was notified that the council had gotten involved on behalf of the homeowner's association. **Mr. Vukelja** reviewed and read the details of the stipulation order.

**Carol Raymond** thanked Mr. Vukelja and stated her concerns, advising she is disappointed that Indigo Lakes Golf Club is taking no responsibility. They use the lakes. They've got one lake blocked off which is what's causing the major issues for them at 280 and the whole way around the circle. Interestingly enough there were two people in the beige colored station wagon one of which may have been Mr. Peterson and the other one John the owner, Ms. Teresi went out and said this really is a mess isn't it? The gentleman that they thought was Mr. Peterson never said a word and the other gentleman said yes it really is a mess. They have done nothing on cleaning

out the culver on the other side of the street and disappointed they have taken this kind of position and not being a good neighbor and at least open up that retention pond that is causing them more and more erosion. She can't argue the stipulation because it was put together by the person that built the golf course, that was many years ago and they are not sure what that means in terms of why it would be theirs versus why it would be the Golf Courses.

Mr. Vukelja advised the city brought this notice of violation and the respondent between the two of them fashioned a resolution, understands they may find themselves in a quandary as far as these various improvements, utilities, and such, and maybe there is a legal issue to be resolved but its outside the purview of the special magistrate. Sorry they are disappointed. Conversation on who owns the lake and getting a property attorney.

**Ms. Pham** wanted to submit the surveyor's affidavit into the record just so that the city may have as part of this matter. **Mr. Jackson** had no objection and handed the material to the secretary.

**DISPOSITION: Approved stipulation**

**CASE # 26 - 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.

**No respondent**

**Inspector Garcia** advised the owner was there but had to leave. Testified to the status of the case, had contact with the owner requested to amend to the March cut off, advised owner agreed.

**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 **March 6, 2024** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

**CASE # 27 - SMG 09-22-270 - 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 with out permit, damaged interior and exterior surfaces, leaky ceiling/damaged roof, missing smoke detectors and inoperable window. First Notified – 10/21/2021.

**No respondent**

**Inspector Kirk** testified to the status of the case and advised the owner and the building department came to a conclusion yesterday and that is in the works 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 **February 7, 2024** 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 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. IPMC 304.7, 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.

**Attorney John Morey** for the respondent

**Inspector Kirk** testified to the status of the case requested a 200 a day fine to a max of 15,000.00 dollars.

**Attorney Morey** advised he has been communicating with Mr. Jackson, they have been exchanging emails, he sent an email in December 16<sup>th</sup> and because of the holidays and workload he was unable to get back with him until yesterday, and as of about 5pm and didn't realize they weren't going to have an agreement and that this hearing was going to take place, wasn't able to get his client there, and wasn't able to get their contractor there so he had a phone call with Jackson to request a continuance of the case to come back another date. Advised he was able to get ahold of his client and there has been work done to come into compliance and they requested to have a survey done that took a couple of weeks to get done with Ireland Surveying, they advised they are working with the building department to get this taken care of. But one of the main things, one of the violations listed here kind of conflicts with the new statute under the landlord tenant act which is 834.25 that says that local governments are basically, this statute and anything in chapter 83 the landlord tenant act would supersede anything that the local governments would regulate, so there's been other counties that have issued rulings repealing their rental programs, such as licensing to be able to rent properties because it doesn't come in line with the new statute that was passed in July of last year. This is why he is requesting a continuance.

**Mr. Jackson** acknowledged Mr. Morey's representation and he did send him the email and he believe it was the day before yesterday but it may have been yesterday. Discussed they have spoke and they may not be clearly understanding each others position and Mr. Morey's inquiry is to the validity of our rental ordinance as it relates to new legislation that went into effect in July. The case has been continued a couple of times while he was reviewing this and ultimately he completed a review and responded to him regarding that he does not agree with his thoughts that the ordinances are preempted based on that statute and even so we have all these other violations and when he was contacted back in December he indicated his client for the most part that was taking care of those violations but as the inspectors indicating without a call back or evidence of that other than what he is being told now, he was invited to be able to come on and ask for the continuance if he so elect, he recognized he wanted to argue that issue and if that issue alone is something, he thinks it would probably be a fair thing if he wants to bring that before the magistrate. But as to these actual physical violations, he believes the city is reasonable in making its request for resolution on those, that they be resolved and the fact that they appear not to be resolved that a fine would be appropriate. **Mr. Vukelja** asked the inspector if she had been out to see the property since November 21, 2023. **Inspector Kirk** advised no, that her last interior inspection was October 6, 2023, but exterior she has driven by. **Mr. Vukelja** asked if the respondent has called her for further inspections or to advise where the respondent stands as far as efforts to make the necessary repairs and **Inspector Kirk** responded no they had not.

**DISPOSITION:** 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 will go into effect **January 4, 2024** 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.

**Attorney Morey** asked to say one last thing, he knows he kind of made a ruling but the reason his client hasn't responded, he was having him do that and the communications with the attorney so. **Mr. Vukelja** advised that his client needs to get out there and make the repairs that are

needed so he doesn't keep being shown the disgusting pictures of the interior of the unit his client owns and that his client has done little or nothing in the way of remediating. So, he suggested his client make the necessary repairs as soon as possible.

Called Cossi Investments and the Secretary reminded the Special Magistrate that the case was requested to be heard last.

**CASE # 30 - 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.

**RT Hillery** sworn.

**Mr. Vukelja** read the action to be taken and called for the Inspector Mr. Jones to report.

**Supervisor Jones** testified to the status that the buildings have not been tarped, the trash not removed and the buildings are not secure. From the photos from January 3<sup>rd</sup> they have not been secured for the last three months. Had no contact with Mr. Hillery until an email yesterday stating that he was working on getting a partial site plan approval. The city continually receives complaints on the property. Staff is requesting a fine in the amount of \$250 a day to a cap of \$20,000 for not tarping and securing the buildings and removing the tree debris and continue for a progress report as to what the status of the development is.

**Mr. Hillery** advised he has been in contact with the city talking to the planning and zoning department to get through the site plan. Even while he was waiting on this hearing he spoke to the deputy city manager two times Mr. Morris, and he told him they could have their contractor request a roof and permit for maintenance purposes of existing structure. He was told this morning to have the contractor contact Mr. Morris so that he can get with the planning director and the building official so they maybe able to get a permit to put that roof stuff on and he explained to Mr. Morris that they have done this here just like he has been asked several times over this last past year but they havent got the site plan so the building and the planning department they would not issue him te permit to be able to get this done. So Mr. Morris told him to have the contractor contact him this morning, he reached out to the contractor while on the phone right here and he will be getting back with him, and they let him know the crew could be there on Friday to do these roofs but they have to get the final part of this in with the city because one rule says because there in this with you (code) they cant get any permits or nothing until they get everything cleared up with you (code). And they cant do anything with the roofs until they get a permit. It's a Catch-22. So Mr. Morris got back with him at 7 something this morning and they couldn't pull it but to let the Special Magistrate know they are working with the city and Mr. Morris told him the contractor needs to contact him when he's coming down to get the permits because the way the system works it wont allow them until they get through the site plan review, they cant do anything to the structures.

**Mr. Jones** added the respondent was first notified back in August of 2021 of these violations and they have not been corrected the last four to five months the properties have been unsecure and not tarped and the trash has never been removed, getting numerous complaints from the citizens. Mr. Hillery advised they have tried to do everything they are asked to do. They are at the point they need to reply and submit something he thinks is just for some landscaping.

**Mr. Vukelja** asked to speak to **Mr. Jackson** on if there was any legal merit to what he has been listening to that should cause him to pause and be more patient. **Mr. Jackson** advised that the issues he raises about the limits on getting permits, putting a tarp on there would not require a permit, Secure to city standards would not require a permit and the circumstance was that these last two meetings this has been an issue raised time and again. **Mr. Jones** confirmed the buildings would be tarped and all buildings would be secured to city standards and trash that's been on the site would have been clean up.

**DISPOSITION:** Order those items to be done by February 7, 2024 or the respondent be returned to the Special Magistrate for the consideration of a fine of up to \$1000 per day thereafter.

**Mr. Vukelja** advised he is putting the respondent on notice he is not giving him that month because he is feeling gracious and not giving him the month because he is satisfied enough has been done. He is giving the respondent that month so he can procedurally clear the deck and fine you if those things are not done. **Mr. Jackson** added he was asked to secure to city standards and that the respondent needs to follow up with the inspector, the inspector heard from him once and that was yesterday, so he needs to follow up with the inspector. Going to planning and going to zoning and all those other places doesn't resolve what he has to do before this board.

**CASE # 31 - 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.

**Caren Spinner** sworn in

**Attorney Kevin Vagovic** appeared via zoom.

**Inspector Stenson** testified to the status of the case he has had contact with the owner. The owner did not have correct information about the need for permits he has provided that information to her and she will work to get it done.

**Attorney Vagovic** advised that his client could speak since she know more about it and talked to the contractor.

**Ms. Spinner** advised that she found someone who can do the work and he said he thinks he can be done by the beginning of February and if not she will contact Mr. Stenson. Part of the problem was finding someone to do the work.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **March 6, 2024** 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 09-23-208 - Sunshine Ventures & Management, LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 302.9, 303.1), at 999 N Atlantic Ave. Violation(s) – Lack of required renovation permits, commercial property maintenance, graffiti, pool maintenance, damaged fencing, unsecure vacant property. First Notified – 6/16/2023.

**Connie Mehler** (Employee) sworn in and provided the update on the violations stating the pool was covered, building had to be repainted and the windows boarded and painted to match the building a gate repaired, and graffiti removed, trash and debris cleaned up and they are working with the engineer and architect who worked with the previous owners on anything upcoming, that they are doing the construction rehabbing it. **Inspector Stenson** there still has been no permits obtained yet for the property. The commercial property maintenance is still incomplete. The only thing that actually has been completely done is the graffiti has been completely removed. The

pool is covered, the fencing is sufficient. And the property is still unsecure and vacant. **Mr. Vukelja** asked if this is the corner of University and A1A and that guy promised he was going to do something. **Inspector Stenson** advised they brought in a dumpster to remove some debris. Discussion on calming the neighbors at the last meeting and all they've done is bring in a dumpster and recently painted the new boards that they put on the building other than that nothing else has been done. **Mr. Vukelja** asked what relief the city is looking for? **Inspector Stenson** stated that this was a progress report and they still want to get compliance as soon as possible and a progress report.

**Mr. Vukelja** advised he is done with project reports.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **February 7, 2024** 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 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.

**Juying Krug** sworn in

**Inspector Stenson** advised she does not currently have a contractor and she has three properties on this corner and she does not concentrate on any one and cannot make progress. Requested a \$200 a day fine to a max of \$20,000.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to allow the respondents until **February 7, 2024**, or a fine will be imposed in the amount of **Two Hundred (\$200.00) dollars** per day effective February 8, 2024, until compliance is achieved or reached the maximum amount of **Twenty Thousand (\$20,000.00) dollars**.

**CASE # 34 - 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 – 2/13/2023.

**Inspector Stenson** no permits issued nothing has been done.

**Ms. Krug** advised since June to October to get permits and talked to contractor who told her that **Mr. Stenson** told him to cancel his permits. Now has to get new permits and contractor. **Inspector Stenson** requested a fine same as the last \$200 a day to a max of \$15,000.

**DISPOSITION:** 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 will go into effect **January 4, 2024** 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 # 35 - 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.

**No respondent**

**Inspector Stenson** testified to the status of the case no progress requested a fine in the amount of \$100 a day to a maximum of \$10,000.00.

**DISPOSITION:** Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **One Hundred (\$100.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Ten Thousand (\$10,000.00) dollars**.

**CASE # 36 - SMG 11-23-257 - Barbara & James Chester Jones** 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 302.7, 302.9, 304.2, 304.6, 304.7, 304.13, 304.15, 308.1), at 539 & 541-537 Dr Mary M Bethune Blvd. Violation(s) – Damaged or broken sign, damaged wooden accessory structure, damaged exterior walls, damaged windows, dirt & grime, peeling flaking and decayed paint, exposed wood, damaged roof, trash and debris. First Notified – 8/2/2023.

**Barbara Jones** sworn in

**Inspector Jean-Baptiste** testified to the status of the case and requested to amend to the April cut off.

**Ms. Jones** advised she is in negotiations with the city.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 4, 2024** 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 # 40 - 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 advised the claim has been submitted and the suit is going to go against the insurance, and they will meet at the building on the 12<sup>th</sup> at 2pm a measurement technician is coming out to apply to the claim against the lawsuit against the insurance company.

**Inspector Jean-Baptiste** based on the progress report the city will request another progress report on March 12<sup>th</sup>.

**DISPOSITION:** Continue to **March 12, 2024** for a progress report and the determination of a compliance date.

**CASE # 54 - SMG 06-22-166 - Mark A & Julie L Wallschaeger** 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 1700 N Atlantic Ave. Violation(s) – Dilapidated seawall and peeling paint. First Notified – 2/24/2022.

**Attorney Cory Brown**

**Inspector Yates** testified to the status of the case advised the work is ongoing and near completion requested to amend to the next cut off. **Mr. Brown** advised that should give them enough time to get it done the last estimate was 30 day but depends on the weather and the tides.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **February 7, 2024** 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 # 55 - SMG 09-22-279 - Americano Beach Lodge Resort Condominium Association INC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at 1260 N Atlantic Ave. Violation(s) – Peeling paint, and dilapidated seawall. First Notified – 2/19/2022.

**Bryon Smith** sworn in

**Inspector Yates** testified to the status of the case advised he has had contact and progress. All contracts required for the work have been signed and the construction schedule issued and requested to have them come back in March for a report. Mr. Smith agreed.

**DISPOSITION:** Continue to **March 12, 2024** for a progress report and the determination of a compliance date.

**CASE # 56 - SMG 09-22-276 - Joseph P Torch** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2,304.10), at 1305 N Atlantic Ave. Violation(s) – Dilapidated steps and balcony. First Notified – 3/26/2022.

**Joseph P Torch** sworn in advised he sent the inspector an email and the contractor was busy, and the stop work permit was preventing him from changing him from the permit to him and its now resolved and they will start working on the steps and what he's not sure about is the siding if it's on the old or new permit.

**Inspector Yates** testified to the status of the case requested the April 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 **April 3, 2024** 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 # 57 - SMG 09-22-256 - 2000 Atlantic LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D.; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, and 304.10), at 2100 N Atlantic Ave. Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 2/22/2022.

**Alana Smith** with Cobb-Cole law firm

**Inspector Yates** testified to the status of the case having contact and progress requested the March cut off

**Ms. Smith** agreed

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **March 6, 2024** 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 # 58 - SMG 09-22-257 - 2000 Atlantic LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.10), at N Atlantic Ave (Parcel # 4225-05-01-0060). Violation(s) – Dilapidated seawall, damaged steps, and peeling paint. First Notified – 3/7/2022.

**Alana Smith** with Cobb-Cole law firm

**Inspector Yates** testified to the status of the case having contact and progress requested the March cut off

**Ms. Smith** agreed

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **March 6, 2024** 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 # 61 - 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.

**Alana Smith** with Cobb-Cole law firm

**Inspector Yates** testified to the status of the case having contact and progress requested the April cut off

**Ms. Smith** agreed

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **April 3, 2024** 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 # 65 - SMG 08-21-236 - Vishnu LTD & MMA Shantoshi** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.1, 304.7, 304.13, 308.1, 304.10, 605.1), at 1000 N Atlantic Ave. Violation(s) – Unmaintained landscaping, dilapidated pool shed, general conditions of exterior structure, dilapidated roof, missing and broken windows, trash and debris, dilapidated stairs, balconies and rails, exposed wiring. First Notified – 5/30/2020.

**Alana Smith** with Cobb-Cole law firm advised they will update that one and get back to the city, they are still working on it. She is just filling in for the attorney.

**Mr. Vukelja** asked if they were in a position to determine a compliance date.

**Inspector Yates** stated the one question would be, what is the new completion date because he knows they are about six months behind at least. **Mr. Vukelja** asked if they were adding another floor? **Ms. Smith** stated she is just filling in and will ask the attorney these questions.

**Inspector Yates** advised that they continue towards the goal and requested them come back in April for another report.

**DISPOSITION:** Continue to **April 9, 2024** for a progress report and the determination of a compliance date.

**CASE # 63 - 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 HVAC, damaged interior doors and frames, rotted areas of soffit and fascia, unmaintained landscaping, graffiti, dilapidated roof, outside storage, wood rot, windows that won't open, dilapidated exterior patio, broken louver, dilapidated exterior doors, dilapidated shed, no Business Tax Receipt. First Notified – 2/15/2023.

**Daniel Castillo** sworn in

**Inspector Yates** testified to the status of the case no contact no progress requested a fine in the amount of \$100 dollars a day to a maximum of \$15,000.00. **Mr. Castillo** advised they try to contact inspector Yates in December and discussed the issues they had with being unsure of what they needed to do on the permit matters. They have everything on hold. It has been hard to comply. They have been trying to find the path to make it right. **Mr. Vukelja** asked what needs to be done on this? **Inspector Yates** listed the items that still need to be completed. The permit issues they're speaking of were fixed, its simply an issue of they haven't been in contact and they haven't got me in there to do a reinspection if all that's been done.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to allow the respondents until **February 7, 2024**, or a fine will be imposed in the amount of **One Hundred (\$100.00) dollars** per day effective February 8, 2024, until compliance is achieved or reached the maximum amount of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 64 - 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 & April Bassett** sworn in **Inspector Yates** Testified to the status of the case work continues requested to amend to the March cut off. **Mr. Hopkins** advised they will agree with that.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **March 6, 2024** 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 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.

**Barry Hughes** appeared via zoom.

**Supervisor Jones** testified to the status of the case advised since last hearing he had no contact from the owners or the attorney and to his knowledge from checking with the development theres been no site plan submitted and recommended a compliance date of February 7, 2024. **Mr. Hughes** advised that he does not disagree with Mr. Jones. He has not been in contact with him. He has been in contact with the owner and the owners representative who indicated they have been in contact with the officials in the City of Daytona Beach trying to get a site plan, they initially had to get a survey which I believe have and now they're told they need a percolation test which they've ordered is what he's been advised, He cannot independently verify any of that information. **Mr. Vukelja** advised out of an abundance of caution he ordered the respondents be in compliance by March 6<sup>th</sup>. and he is not beeing generous, he's airing on the side of caution before he decides to fine them. **Mr. Hughes** understands and will advise his clients the same.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **March 6, 2024** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

## **LR-3**

**SMG 10-22-308 - Edward G. Mayo (Roger & Betty Thomas) Lane St (Parcel # 5338-66-00-0310)**. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, Violation(s) – Unmaintained vacant lot. First Notified – 3/10/2022. Order Imposing Fine/Lien effective January 5, 2023. \$250.00 a day to a maximum of \$15,000.00 Compliance = November 20, 2023 plus \$24.00 recording fees = \$15,024.00

**Roger Thomas** sworn in

**Inspector Garcia** advised the respondent and the city have agreed, to waive the fine. **Mr. Vukelja** asked why we came to that decision. **Mr. Thomas** advised appreciation for everyone who helped him work on this since his father-in-law had passed and nothing was left in order. They got notified by the individual who bought the property where the father-in-law lived, he's been deceased since April of last year. They didn't know anything about it. (lot next to it)

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled and accepted request to waive and cancel the fine and the lien.

**Mr. Sykes** suggested to just ignore Lien Review 5 therefore it was not ruled on.

**CASE # 38 - SMG 09-23-215 - RE Equity Investment Group LLC & JJ Equity LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 302.7, 304.1, 304.1.1, 304.5, 304.6, 304.13, 304.18, 305.1.1, 308.1), at 736 S Beach St. Violation(s) – Unmaintained landscaping, failure to repair broken windows, failure to maintain exterior walls, failure to repair damaged walls, failure to repaint, failure to repair exposed electrical wires, failure to repair all damaged exterior, failure to remove trash and debris, failure to repair damaged fence. First Notified – 7/7/2023.

**No respondent**

**Inspector Jean-Baptiste** testified to the progress currently construction is ongoing and as such it needs to go through all the disciplines and hoping for another progress report until the final certificate of occupancy is received, requested another progress report for March 12, 2024.

**DISPOSITION:** Continue to **March 12, 2024** for a progress report and the determination of a compliance date.

**CASE # 39 - 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.

**No Respondent**

**Inspector Jean-Baptiste** testified that he has had contact with Mr. Clarke they are in the process of obtaining permits. This has to do with the liening of the retaining wall. Requested to continue to the march cut off to give them sufficient time to come into compliance.

**DISPOSITION:** Based on the inspectors report Special Magistrate Continued to **March 12, 2024** for a progress report and the determination of a compliance date.

**CASE # 41 - SMG 11-23-259 - Vasken of Florida Inc** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.8.C; Art. 6 Sec. 6.8.D; Art. 6 Sec. 6.8.E; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.6), at 401 Mason Ave. Violation(s) – Dilapidated block retainer wall, junk vehicles,

peeling paint, perimeter must be 8ft in height, building sheetmetal damages, damaged gutters, peeling and faded paint. First Notified – 4/3/2023.

**No Respondent**

**Inspector Alderman** testified to the status of the case advised he has had contact, it is occupied and it is not complete and requested a \$200 a day fine to a cap of \$20,000.00.

**Mr. Vukelja** asked if they have had any effort lately by the respondent to come into compliance? **Inspector Alderman** they are getting there but it's still not complete and its been open a very long time. **Mr. Vukelja** asked whats left to be done? **Inspector Alderman** advised the fence across the front, the requirement for the fencing is because the visibility required for the type of occupation they're doing. They have the covering on the south side. They have it on the north side but not on the street side. The fencing has to go up and a barrier has to be installed on that to for visibility. Requested a fine of \$200 a day up to \$20,000.

**DISPOSITION:** Based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **Two Hundred (\$200.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Twenty Thousand (\$20,000.00) dollars**.

**CASE # 42 - SMG 11-23-260 - Morning Star Missionary Baptist Church of Daytona Inc.** is

cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3, 304.6, 304.7, 304.9, 304.10, 604.3), at 635 Madison Ave. Violation(s) – Falling overhangs, rotted fascia and soffits, dirt and grime on walls and stair entry, peeling paint, missing address numbers, damaged roof, rotted electrical. First Notified – 8/23/2023.

**No Respondent**

**Inspector Alderman** ask if we can do the next one, these are both the same place and same issue. **Mr. Vukelja** consolidated cases # 42 (635 Madison Ave) and case # 43 (643 Madison Ave). **Inspector Alderman** testified to the status of the case and advised no contact, has been occupied, no permits and requested a fine in the amount of \$200 a day to a cap of \$20,000 each case.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector, the Special Magistrate ruled to fine the respondents in the amount of **Two Hundred (\$200.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Twenty Thousand (\$20,000.00) dollars**.

**CASE # 43 - SMG 11-23-261 - Morning Star Missionary Baptist Church of Daytona Inc.** is

cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.7, 302.8, 304.2, 304.3, 304.7), at 643 Madison Ave. Violation(s) – Pot holes in parking lot, dilapidated fencing and block retainer wall, junk vehicles, peeling paint, missing address numbers, dilapidated roof. First Notified – 8/23/2023.

**Combined testimony with case # 42**

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector, the Special Magistrate ruled to fine the respondents in the amount of **Two Hundred (\$200.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Twenty Thousand (\$20,000.00) dollars**.

**CASE # 44 - 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, had contact with the contractor, the permit was applied for but never approved. Requested a fine in the amount of \$100 a day to a cap of \$20,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector, the Special Magistrate ruled to fine the respondents in the amount of **One Hundred (\$100.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Twenty Thousand (\$20,000.00) dollars**.

**CASE # 45 - SMG 11-23-262 - Robert J Schott** 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 Orange Ave (Parcel # 5239-03-11-0260). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/26/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with a max of \$15,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector, the Special Magistrate ruled to fine the respondents in the amount of **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 46 - SMG 11-23-263 - Eldorado Property Holdings 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 427 N Caroline St. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/19/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 47 - SMG 11-23-265 - Emmett & Marie Fountain** 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 Whitehall St (Parcel # 5339-03-71-0070). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/18/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 48 - SMG 11-23-267 - John, Ken, Samuel, Jimmie, Willie Sharper & Elnora Jackson & Arlivia Robinson** 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 904 Oak St (Parcel # 5238-36-07-0140). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/27/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing the lot has been cleaned, the debris has been moved to the abutment area, they are working on it, went by there this morning, they still got a little bit more to go, 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 **February 7, 2024** 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 # 49 - SMG 11-23-269 - Alfredo Jose Louis Serrano** 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 501 Pine St. Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 10/3/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 50 - SMG 11-23-270 - Sylvester & Garrette Covington** 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 Maple St (Parcel # 5339-30-02-0070). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 10/4/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 51 - SMG 11-23-275 - Blue Tourmaline Properties** 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 634 Cannon St (Parcel # 5339-65-00-0080). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/5/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, since last November's hearing there has been contact with the owner, lots of progress has been made. 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 **February 7, 2024** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter and further ordered to add owner Marie Adonis to the case.

**CASE # 52 - SMG 11-23-276 - George W & Gladys M Carr** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at Division St (Parcel # 5339-31-00-0170). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/7/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 53 - SMG 11-23-277 - Van Houten Properties 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 Bellevue Ave (Parcel # 5339-03-70-0056). Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/27/2023.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since the last hearing no contact and no progress was made and requested a fine in the amount of \$250 a day with 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 **Two Hundred Fifty (\$250.00) dollars** per day will go into effect **January 4, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **Fifteen Thousand (\$15,000.00) dollars**.

**CASE # 62 - 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**

**Manager Sykes** advised that he does not have the facts of the case, but the request was to amend the case to the March cut off.

**DISPOSITION:** Based on the stipulation of the City Noting the absence of the respondent, the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **February 7, 2024** or to come into compliance or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter.

6. **Adjournment:** 1:10 pm