
City of Daytona Beach Special Magistrate

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

David A. Vukelja, Special Magistrate

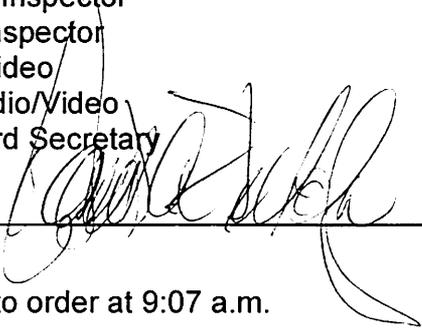
May 14, 2024 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney
Mr. Denzil Sykes, Code Compliance Manager
Mr. Mark A Jones, Code Field Supervisor
Sgt. Timothy Blowers, Code Liaison
Mr. Steve Alderman, Code Inspector
Mr. Mark Bostwick, Code Inspector
Mr. Roosevelt Butler, Code Inspector
Ms. Mariah Quinn 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 9:07 a.m.

Mr. Vukelja approved the February 13, 2024, March 1, 2024 & April 9, 2024, Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Reno advised there are no announcements.

Mrs. Reno swore in the staff members testifying.

Mr. Vukelja called case 21 first.

CASE # 21 - SMG 04-24-72 - Sussmans Inc is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.2.A; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4, 302.7, 304.1, 304.15, 304.2, 304.4, 304.7), at 303 Seabreeze Blvd. Violation(s) – Peeling paint (all structures), damaged awnings, damaged/missing gutters, overgrown trees and hedges, dilapidated roof, roof trusses rotted, overhangs rotted, and rotted missing doors and windows on accessory structure (permits required), rotted storage shed, damaged fencing. First Notified – 1/23/2024.

Mr. Scott Frank (son) sworn in Mr. Scott Frank testified that everything that was required to be completed is done expect for one a building and tried with numerous attempts through a roofing company that had done a lot of the other work, they did not come through with the permit they did reach out to other roofing companies and hope to have a permit secured with in hopefully 2 weeks but certainly within 30days.

Inspector Alderman testified to the status of the case. The city is requesting a fine of \$100 per day to a cap of \$20,000.

Mr. Vukelja stated that Mr. Frank (son) will return by June 11, 2024, with a progress report. This includes a premit, a roofing company or the roof completed.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **June 5, 2024**, to obtain permits and be returned for a progress report at the **June 11, 2024** meeting to establish a compliance date.

CASE # 1 - SMG 05-24-83 - Betty Williams-Prince is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 305.1, 305.3), at 1290 9th St Apt. 208. Violation(s) – Unit 208 Bathroom floor collapsed onto unit 204 causing damage to the unit. First Notified – 2/1/2024.

Betty Williams-Prince sworn in agreed to compliance by next cut off.

Inspector Butler testified that the city recommends compliance by the next cut-off on June 5, 2024.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 2 - SMG 05-24-82 - 2020 Wexford Separate Property Trust dated September 24, 2021, Maria Luisa Miglas as Trustee is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S. 1, at 400 S Grandview Ave. Violation(s) – Expired interior demo permit. First Notified – 10/5/2022.

Anthony Vasquez (trustee of the trust) sworn in agreed to violations

Inspector Kirk testified that the city recommends this case to the next cut-off on June 5, 2024.

Anthony Vasquez testified that the contractor has been on vacation and discussed permits and complete remodel for permit updates and inspections.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 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 05-24-86 - Delmar 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), at S Atlantic Ave (Parcel # 5309-15-01-0250). Violation(s) – Exposed concrete slabs, exposed rebar, bricks, pipes, etc. First Notified – 12/20/2023.

No Respondent

Inspector Bostwick testified to the status of the case. Exposed concrete slab, bricks, pipes, trash and debris on the beachside of the vacant lot. Has had contact with the representative The city recommends this case to the next cut-off on June 5, 2024.

DISPOSITION: Noting the absence of the respondent based on the testimony of the inspector the respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 2024**, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 4 - SMG 05-24-88 - Ernestine Johnson 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 464 S Caroline St. Violation(s) – Overgrown lot, trash & debris, overgrown weeds and bushes & overgrown abutment area with trash & debris. First Notified – 3/14/2024.

No Respondent

Inspector Bostwick testified to the status of the case. Citizens complaint. No contact with the owner. The city recommends this case to the next cut-off on June 5, 2024.

DISPOSITION: Noting the absence of the respondent based on the testimony of the inspector and photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 2024**, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 5 - SMG 05-24-90 - Phillip Guillaume is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4), at 1359 Cedar Bluff (Parcel # 424415000490). Violation(s) – Overgrown vacant lot, overgrown underbrush and weeds. First Notified – 4/8/2024.

No Respondent

Inspector Bostwick testified to the status of the case, citizens complaint, no contact from the respondent. The city recommends this case to the next cut-off on June 5, 2024.

DISPOSITION: Noting the absence of the respondent based on the testimony of the inspector and photographs presented the respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 2024**, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

CASE # 6 - SMG 05-24-91 - Nitu Enterprises 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 Marion St (Parcel # 533949000300). Violation(s) – Overgrown lot, trash & debris, overgrown weeds and bushes & overgrown abutment area with trash & debris. First Notified – 3/20/2024.

James Alexander Nitu (via zoom – owner) sworn in agreed to the violations.

Inspector Bostwick The city recommends this case be in compliance by the next cut-off on June 5, 2024.

Mr. Nitu advised that the Special Magistrate and city has been fair thus far and apologized it's not done and thinks that's great he has some items for sale and just financially little hard shipped and agreed to June 5th.

DISPOSITION: Respondent was found in Non-Compliance and ordered to come into Compliance by **June 5, 2024**, or be returned to the special magistrate for consideration of the imposition of a fine up to \$1,000 per day.

Mr. Vukelja advised Mr. Nitu to reach out to the inspector if he runs short on time.

CASE # 7 - 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.e.i; Art. 11 Sec. 11.5, at 128 Live Oak Ave. Violation(s) – Operating food pantry. First Notified – 10/13/2023.

No Respondent

Field Supervisor Jones testified to the status of the case. The city recommends a finding of non-compliance compliance will fine.

Attorney Jackson Mr. Ebbets testified to the status of the respondent having initiated a lawsuit and the city has since filed to remove it to the federal court (he believes). So, this is the status of the case and do not see any reason not to proceed. Confirmed the request for a non-compliance compliance will fine.

Mr. Vukelja asked what they are suing the city for in 25 words or less

Attorney Jackson they believe that they should be allowed to have the pantry and do not believe they are having equal treatments with other food pantries that may be in the city, they disagree with that position and it's something that's been going on since 2012 and confirmed, there are regulations and ordinances governing food pantries.

DISPOSITION: Noting the absence of the respondent based on the testimony of the inspector the Special Magistrate found that the respondent was in non-compliance and now in compliance and ordered if returned for a fine of up to \$5000 for each repeated violation in the future.

CASE # 8 - SMG 09-21-247 - Jonathan Worsham III, Allison Worsham, Patrick Worsham is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 302.5, 308.1), at N Charles St (Parcel # 5338-44-02-0010). Violation(s) – Vacant land, sanitation, weeds, rodent harborage, rubbish and garbage, storage of building materials, no permit. First Notified – 6/9/2021.

Allison Worsham sworn in

Mr. Vukelja asked the inspector to explain why the case was continued from the April meeting. **Inspector Recanzone** testified it was continued because the city planning department gave them to May 2, 2024 to put in the plans for the project. That happened and now, there are revisions to the plans that need to be done. **Mr. Vukelja** asked the respondent where they stand with this. **Allison Worsham** advised clearly, they have been in contact but the city planning department hasn't given them the comments yet so they didn't even know there were revisions, she was just finding out that there would be revisions. **Mr. Vukelja**, what did they submit to the city? **Allison Worsham** a full set of plans, comments and confirmed (to the planning department) **Mr. Vukelja and Ms. Worsham** discussed the process and leading up to building permit. **Mr. Vukelja** asked what relief the city is looking for right now. **Inspector Recanzone** testified that he has had no contact with the property owner, the city requested in prior hearings to remove everything from the property and that wouldn't affect the planning permits or any other projects that are happening on the property. they have not done that and no movement in the direction of removing everything from the property, the city's requesting a \$100 per day fine up to the maximum of \$20,000 dollars. **Mr. Vukelja** asked what is on the property? **Inspector Recanzone** all the construction equipment because they are using it as a construction yard and until they have the permits and everything its supposed to be a vacan lot. Instead of removing items from the property they've been adding more items. **Allison Worsham** confirmed they have construction materials that they're using for active jobs. Inactive machines that they don't use on the job right now. Theres some vehicles, construction

trucks. The reason more stuff has been added to the property is because the city has doubled down on them and come to their residents where we park our trucks and violated our whole residence. Everything from the residence had to be moved to the yard. **Mr. Vukelja** reviewed the history of the case as he remembered it being a zoning change was to ultimately facilitate restoration of the property or remodeling of the property to accommodate whatever it is that they are trying to park there, now that started 3 years ago and we are now framing around with plans and in the interim, we have an ongoing violation that the city has tolerated and quite frankly he is probably the cause for this cluster. That having been said there is no telling when this construction is ever going to be done and he wants next cut off June 5, 2024 and will work with the respondent because he feels as though he has been hand in hand with the respondent in assisting them in doing what they've done so far as far as trying to restore this property but is not going to allow this violation to continue perpetually and it looks as though that's where we're going. Does removing the stuff that's on the lot bring them into compliance or do they need to build whatever it is they're planning on building to come into compliance? **Inspector Recanzone** if they remove everything from the property and bring it back to a vacant lot then they will be in compliance. **Allison Worsham** both of those would bring them into compliance if the city would approve their plans. It's like they're working hand in hand to keep holding up their plans so that, they ultimately want us to just move everything. **Mr. Vukelja** how much time would reasonably be required to get everything off that lot and then they and the city can take all the time in the world to do whatever it is in the way of construction plans for that property. **Allison Worsham** to find somewhere for it to go (60 days) they don't have anywhere for it to go that is their construction storage lot, it's been that way for 20 years. **Mr. Vukelja** and the last three months have been because of him. The city is overdue in getting this matter rectified.

DISPOSITION: The Special Magistrate ruled the respondents be in compliance by July 3, 2024 failing that a fine in the amount of **\$200.00** dollars per day will go into effect and continue to accrue each day thereafter until the fine reaches a maximum of **\$20,000.00** dollars.

Mr. Jackson clarified the case would be over once that July date is reached, and we would not be bringing her back.

CASE # 9 - SMG 03-24-53 - Fralau Investments LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec 6.10.G; Art. 6 Sec 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 304.6, 304.13.1) City Code Ch. 90 Sec. 90-297, at 201 N Ridgewood Ave. Violation(s) – Faded, chipped and peeling paint, outside storage, broken windows, damaged free standing sign, no Business Tax Receipt for upholstery business, unmaintained landscaping. First Notified – 5/24/2023.

Daniel Ballard (tenant of the property) sworn in advised (his authority is) the sign permit is under his lease and is his responsibility.

Inspector Quinn testified to the status of the case. The city recommends this case to the next cut-off on July 3, 2024.

Daniel Ballard advised he needs a licensed contractor, and his landlord needs to sign, and the permit says it will take them three weeks.

DISPOSITION: Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **July 3, 2024**, or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter

CASE # 10 - 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.

No Respondent

Inspector Kirk testified to the status of the case. Had contact with Mr. Hudson and progress. The permit completed April 2024 and rental license under review. The city recommends this case to the next cut-off on June 5, 2024.

DISPOSITION: Based on the inspector's report, ruled to amend the current order of non-compliance to allow the respondents until **June 5, 2024**, or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter.

CASE # 11 - 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 with no contact from the respondent but progress made on the property. The demo permit was issued May 8, 2024. The city recommends this case to the next cut-off on June 5, 2024.

DISPOSITION: Based on the inspector's report, ruled to amend the current amended order of non-compliance to allow the respondents until **June 5, 2024**, or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter

CASE # 12 - 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.

Mr. Freedman & Mr. Timothy Work sworn in

Inspector Stenson testified to the status of the case with progress to the outside of the property. all the interior work remains and requested a fine in the amount of \$100 a day to be capped at \$25000. The city recommends this case to the next cut-off on July 3, 2024.

Mr. Vukelja asked how much time would reasonably be required for compliance? **Inspector Stenson** advised 60 days and testified the entire exterior structure itself has been completed and has been done now they're basically on the interior individual units. 6 out of 10 units occupied and 4 are currently being restored remodeled.

Mr. Work they have made tremendous progress and to refresh your memory they were given time, and they have taken away the public eyesore and hazard and put all efforts on just the appearance of the property and gotten tremendous compliments from the neighbors and working one unit at a time and six units done four left. **Mr. Vukelja** asked how much time.

DISPOSITION: Ruled to amend the current amended order of non-compliance to allow the respondents until **July 3, 2024**, to come into compliance or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter.

CASE # 13 - SMG 04-24-69 - Virgil & Ellen Rosenfeld Family Trust dated June 22, 2005

Ellen Rosenfeld as Trustee is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 304.6) City Code Ch. 90 Sec. 90-297, at 419 N Wild Olive Ave. Violation(s) – Damaged driveway, damaged exterior walls, failure to obtain a Business Tax Receipt. First Notified – 12/7/2023.

Daniel Rice sworn in

Mr. Rice discussed the progress report on the property per the last hearing. Roof done first He is waiting on the permit for the wall (back area), and then the driveway. He needs at least two months to complete the wall.

Mr. Vukelja asked for everybody to return for the June 11 meeting because the progress report is a little nebulous right now so at the June 11 meeting hopefully, he will have the permit in hand talk to the contractor about when they expect the back wall to be done and then perhaps establish a compliance date once they talk about how much time he will need to repair the driveway.

Mr. Vukelja needs a progress report at the June 11, 2024, meeting. (no life safety issues)

DISPOSITION: Ordered this matter be returned (continued) to the **June 11, 2024** meeting for a progress report and to possibly establish a compliance date.

CASE # 14 - 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

Short discussion on the history of the Americano.

Inspector Yates testified to the status of the case with progress to the property. The city recommends that the property comes back August 2024 for a progress report and hopefully have a compliance date.

Discussion on what it will be and that WestGate owns it so maybe resort/time share.

DISPOSITION: Continue to **August 13, 2024**, for a progress report possibly the determination of compliance or Non-Compliance.

CASE # 15 - 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.

Attorney Alana Smith with Cobb Cole

Inspector Yates testified to the status of the case with contact and progress to the property. The city recommends to amend this case to the next cut-off on August 2024. They are finishing out the wall.

DISPOSITION: Based on the inspector's report and agreement of respondent Ruled to amend the current amended order of non-compliance to allow the respondents until **August 7, 2024**,

to come into compliance or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter

CASE # 16 - 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.

Attorney Alana Smith with Cobb Cole (in agreement)

Inspector Yates testified to the status of the case with contact and progress to the property. The city recommends this case to the next cut-off on August 2024 for the wall to be completed.

DISPOSITION: Ruled to amend the current amended order of non-compliance to allow the respondents until **August 7, 2024**, to come into compliance or be returned for a to the special magistrate for consideration of a fine of up to \$1000 per day thereafter.

CASE # 17 - SMG 04-24-79 - Michael D Eady and Julie A Herbart-Eady is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at Wisteria Rd (Parcel # 5316-02-00-0330). Violation(s) – Unpermitted accessory wall. First Notified – 2/7/2024.

Michael Eady sworn in

Mr. Eady discussed the progress report to the property. He is waiting on the city (planning department) to give him permission to merge the two lots together and get permits.

Discussed the process and next milestone is getting the lot merged and it is in front of planning department now, once they are merged he can pull the permit and the construction could be done in a weekend.

Inspector Bostwick agreed with waiting on the planning department to merge the two lots.

DISPOSITION: Continue to **June 11, 2024**, agenda for a progress report then to determination of compliance or Non-Compliance.

Inspector Bostwick requested to go a little further maybe August because it takes awhile and the respondent concurred.

****Because were waiting to hear back from the planning department as to whether they're going to approve the merger of these two lots. ****

DISPOSITION: Based on the stipulation of the parties the special magistrate amended it to read he will Continue to **the August 13, 2024 meeting** for a progress report then to determination of compliance or Non-Compliance.

CASE # 18 - 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.

Joaquin Brito & Jonathan Paulino sworn in

Inspector Alderman testified to the status of the case with contact and progress to the property. The city recommends this case to come in compliance by **November 6, 2024** and a progress report **July 9, 2024**.

Mr. Brito testified he was confused why he is even there. He had permits to demolish the building and got fines for no windows on a complete remodel and he has permits.

It was corrected he meant to say (Violations)

Mr. Vukelja Altered a building that was already in non-compliance.

Inspector Alderman we are here for the imposition of a fine but the construction far exceeds the original codes so they are amending. **Mr Vukelja** advised they took over a building that was already in non-compliance that having been the case brought that building to the special magistrate and the city of Daytona Beach so the best way he can describe is they are kind of a building in flux right now. More discussion on violation and fines and the administrative process. Mr. Brito asked why he got the violations if he had the permit and Mr. Vukelja advised the permit does not mean compliance. **Inspector Alderman** confirmed his original request and **Mr. Jackson** advised speaking with the inspectors would help them understand

DISPOSITION: Continue to **July 9, 2024**, for a progress report and further order to come into Compliance by **November 6, 2024**, failing that a fine in the amount of \$1,000 per day will go into effect and continue each day thereafter until the property is in compliance.

Mr Vukelja reviewed the status.

Mr. Jackson asked for clarification on the auto fine.

Mr Vukelja reviewed his original order correcting and rephrased it.

DISPOSITION: Continue to **July 9, 2024**, for a progress report and further order to come into Compliance by **November 6, 2024**, failing that the respondent will be returned to the special magistrate for consideration of a fine of up to \$1000 per day thereafter

CASE # 19 - SMG 02-24-44 - Daytona Ridgewood 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, 302.4, 304.1, 304.2, 304.6, 308.1, 605.1), at 200 N Ridgewood Ave. Violation(s) – Failure to remove all exterior trash and debris, failure to repair holes in wall, repair damaged gutter drain pipes, repair damaged asphalt, failure to repair parking lot, Unmaintained landscaping and overgrowth, Clean dirt and grime off all exterior walls, Exposed electrical wires, peeling paint on walls. First Notified – 8/3/2023.

Inspector Alderman testified to the status of the case with no contact and no progress to the property. The city recommends a fine for the property of \$100 per day up to \$25,000 with the next cut-off.

Attorney Kristia Hoffman (Daytona Ridgewood tenant) appeared via zoom advised the repairs are taking a little longer that they expect but they've been making progress. Bothe the landscaping and the trash violations have been resolved since they've been noticed and her clients working on the remaining violations. the electrical wires they've hired a third party company to do, and the landlord is taking care of the parking lot repairs and exterior paint they have bids on that. Confirmed she is here on behalf of Daytona Ridgewood the tenant (Family Dollar).

The inspector advised nothing had been done and described multiple items as of April 24th per the photos presented. Ms. Hoffman advised that she would speak with her client.

DISPOSITION: Based on the testimony of the inspector and photographs presented, the Special Magistrate ordered the property be in compliance by **June 5, 2024** failing that a fine in the amount of **\$100.00** dollars per day will go into effect and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$25,000.00** dollars.

CASE # 20 - SMG 04-24-71 - 901 6th Street Daytona 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, 404.4), at 901 6th St. Violation(s) – Construction without permit. First Notified – 1/19/2024.

No respondent

Inspector Alderman testified to the status of the case has had contact it is occupied and there has been no progress. Staff recommends a fine in the amount of \$100 a day to a cap of \$30,000. Had contact with the owner the contractor and the labor crew all of them are very well aware

DISPOSITION: Noting the absence of the respondent upon the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **May 9, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$30,000.00** dollars.

CASE # 22 - 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.

Mr. Efraim Brodi & Mr. Daniel Parker (via zoom) sworn in
Mr. Vukelja asked them both if they had the permits

Mr. Parker explained that the permit (electrical) application was submitted not approved, hoping to get that approved this week. The painting on the back wall was completed. Potholes not completed because they are doing the underground (doing the whole parking lot)

Inspector Alderman testified to the status of the case. The city needs the potholes completed.

Mr. Parker asked if they could just do the potholes or did, they need a permit for that repair.

Inspector Alderman confirmed they do not need a permit for the potholes.

Mr. Sykes confirmed a school and bingo on the property and that causes a lot of traffic.

Mr. Parker confirmed he would handle the potholes to just end this. **Mr. Brodi** thinks the change of ownership should be done within two weeks. **Mr. Parker** confirmed permit for the electric out for more lighting in the parking lot and the potholes could be taken care of in the 30days.

DISPOSITION: Amend current ordered of non-compliance to July 3, 2024 come into Compliance or be returned to the special magistrate for consideration of a fine of up to \$1000 per day thereafter.

DISPOSITION: Amend by **June 5, 2024**, to have the potholes or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Also, continue to **July 9, 2024**, for a progress report on the permit for the electrical repairs. Look at overall compliance at that time.

CASE # 23 - SMG 03-24-56 - Edward E Kemp III & Bobby C. Vaught 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 304.1, 404.4), at 511 North St & 515. Violation(s) – Deteriorated overhang, rotted fascia and rotted rafter tails. First Notified – 7/14/2023.

Victor Vanlancker (represent relative Boby Vaught) sworn in
Inspector Alderman testified to the status of the case with contact and progress to the property. The city is asking for the July 3, 2024 for the next cut-off.

Victor Vanlancker described some of the progress and agreed to the July cut off.

DISPOSITION: Amend current ordered of non-compliance to July 3, 2024 come into Compliance or be returned to the special magistrate for consideration of a fine of up to \$1000 per day thereafter.

CASE # 24 - SMG 02-24-43 - Hajgden International College Inc is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.7, 302.9, 304.1, 304.6, 304.2, 304.7, 308.1, 605.1), at 228 N Ridgewood Ave (Parcel # 5339-02-53-0071). Violation(s) – Unmaintained landscaping, damaged exterior walls, graffiti, dirt and grime, damaged soffit and fascia board, trash and debris, failure to repaint, exposed electrical wires. First Notified – 8/18/2023.

Todd Brasells General Contractor, Mr. & Mrs. Paul appeared via zoom sworn in
Inspector Alderman testified to the status of the case with contact and progress to the property. The city is asking for progress report at the July 9, 2024 for the next cut-off and compliance for January 2025.

Todd Brasells, General Contractor described the structural repairs that need to be done then they will start construction.

DISPOSITION: Continue to July 9, 2024, for a progress report.

LR-1

SMG 11-23-263 – Eldorado Property Holdings LLC (Gonzalo Diaz) 427 N Caroline St 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, Violation(s) – Overgrown vacant lot with trash and debris. First Notified – 9/19/2023. Order Imposing Fine/Lien effective January 4, 2024. \$250.00 a day to a maximum of \$15,000.00 plus \$24.00 recording fees = \$15,024.00 Compliance April 9, 2024.

Mr. Gonzalo Diaz sworn in

Inspector Bostwick testified to the status of the case. Communication and an agreement was made on the property. The agreement is to pay \$500 to be paid in 30 days.

DISPOSITION: Reduced the fine to \$500 to be paid within 30 days, if not paid it will revert back to the original fine.

LR-2

SMG 06-22-164 - Doron Nissim TR - 1915 N Atlantic Ave is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Violation(s) – Unpermitted work to electrical, mechanical, demo, and windows systems. First Notified – 2/24/2022. Order Imposing Fine/Lien effective August 4, 2022. \$200.00 a day to a maximum of \$20,000.00 plus \$24.00 recording fees = \$20,024.00 Compliance April 3, 2024.

Mr. Doron Nissim (via zoom)

Inspector Yates Communication and an agreement was made on the property. The agreement is for the respondent to pay \$12,000 to be paid in 30 days.

DISPOSITION: Reduced the fine to **\$12,000 to be paid within 30 days**, if not paid it will revert back to the original fine.

LR-3

SMG 06-21-145 – Giniya International Corp (Mason Quick Stop) (Sirisha Gadiparti) - 580 Mason Ave 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, 304.2), Violation(s) – Landscaping, dirt and grime. First Notified – 9/8/2020. Order Imposing Fine/Lien effective July 8, 2021. \$250.00 a day to a maximum of \$13,750.00 plus \$24.00 recording fees = \$13,774.00 Compliance September 1, 2021.

No respondent

Inspector Butler Communication and an agreement was made on the property. The agreement is for the respondent to pay \$4,000 to be paid in 30 days.

DISPOSITION: Given the absence of the respondent asked for the reason behind the reduction. Based on the testimony the fine was reduced the fine to **\$4,000 to be paid within 30 days**, if not paid it will revert back to the original fine.

LR-4

SMG 10-23-245 - Henley Corp INC (Roger Bronk) - 404 Seabreeze Blvd. 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), Violation(s) – Construction without permit (stop work order). First Notified – 6/16/2023. Order Imposing Fine/Lien effective January 4, 2024. \$100.00 a day to a maximum of \$1,900.00 plus \$24.00 recording fees = \$1,924.00 Compliance January 23, 2024.

Roger Bronk sworn in

Inspector Alderman Communication and an agreement was made on the property. The agreement is for the respondent to pay \$500 to be paid in 30 days.

DISPOSITION: Reduced the fine to **\$500 to be paid within 30 days**, if not paid it will revert back to the original fine.

LR-5

SMG 10-08-165 - Joy M. Brown (Marie Adonis) 634 Cannon Street.is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7 & Art. 19 Sec. 1 (ref. 302.7 and 304.13 IPMC), Violation(s) – Outside Storage; fencing; detached garage, windows. First Notified – 2/21/2008. Order Imposing Fine/Lien effective November 5, 2008. \$100.00 a day until compliance achieved. Interest \$18,065.92 and \$22.00 recording fees = \$32,587.92 Compliance March 13, 2020. **No respondent – Email sent**

Inspector Stenson Communication and an agreement was made on the property. The city request to be waved based on a previous lien and compliance.

DISPOSITION: Based on the City's request order the Fine/Lien be waved per the city.

Miscellaneous Business: Why did we reduce LR 1 to \$500 (Just Curious)

Adjournment: 11:05