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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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## October 8, 2024 Minutes

Attendees:

David A. Vukelja, Special Magistrate

Staff present:

Mr. Anthony Jackson, Deputy City Attorney

Mr. Mark A Jones, Code Field Supervisor

Mr. Mark Bostwick, Code Inspector

Ms. Sara Kirk, Code Inspector

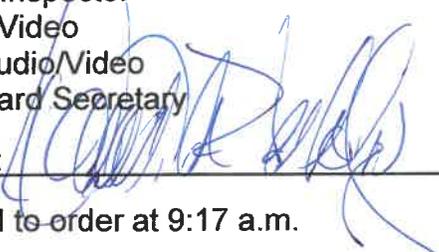
Mr. John Stenson, Code Inspector

Mr. Kevin Yates, Code Inspector

Mr. Joe Graves, Audio/Video

Mr. Xavier Campbell, audio/Video

Ms. Kimberly Reno, Board Secretary

Approval of Minutes by:  \_\_\_\_\_ Special Magistrate

The meeting was called to order at 9:17 a.m.

**Mr. Vukelja** approved the September 10, 2024, Minutes.

**Mr. Vukelja** asked if there were any announcements.

**Ms. Reno** announced the following cases in compliance.

**Page # 7 Mr. Jackson** confirmed for Mr. Vukelja we are not calling this case because the balcony violation was the only thing on the agenda today and that was being called in compliance.

**CASE # 21 - SMG 09-22-278 - Daytona Beach Resort and Conference Center Condominium Association, INC. - Daytona Beach Resort LLC & Daytona Beach Resort II 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 304.10), 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.

### **Compliance October 1, 2024**

#### **Page # 8**

**CASE # 28 - 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.

### **Compliance October 3, 2024**

**Mr. Vukelja** advised he had an announced for case number # 22 and requested the case be placed on the **January 14, 2025, meeting for another progress report** between now and then he has applications and going through the process.

**CASE # 22 - SMG 07-24-110 - S & O Investment USA LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **613 Hillside Ave.** Violation(s) – Work without permit (Interior renovations) First Notified – 2/16/2024.

**DISPOSITION:** Pursuant to stipulation of the parties ordered case be Continued to the **January 14, 2025,** meeting for a progress report and the determination of a compliance date.

**Mr. Vukelja called Case #1**

**CASE # 1 - SMG 10-24-162 - Reginald E & Gwendolyn W Moore** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.b; Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1), at **437 N Caroline St (Parcel # 5238-18-07-0010).** Violation(s) – **Inhabiting in RV, work without permit (window), trash & debris.** First Notified – 6/17/2024.

**Reginal E Moore** 209 N Keech St Sworn in advised he believes it is in compliance now and agreed it was in non-compliance at the time the notice was issued. **Mr. Vukelja** found the respondent in non-compliance and asked how long it should take for him to come into compliance. **Inspector Itani** confirmed he could be in compliance by the next cut off. November 6, 2024. **Mr. Vukelja** read the following order and reminded the respondent to call the inspector for the final inspection.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **November 6, 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 10-24-165 - Venkata Chereddy** is cited for failure to correct violations of The Land Development Code, Art. 10 Sec. 10.1.B; Art. 10 Sec. 10.2.B.2, at **1079 Mason Ave.** Violation(s) – Drive thru not permitted. First Notified – 2/4/2024.

**No Respondent**

**Field Supervisor Jones** testified to the status of the case advising it was a complaint driven case for the drive thru not approved or site plan and permitted process. In order to receive approval, they installed bollards (poles) and drive thru had to be closed. The Business then removes the bollards during the night and opens the drive thru and returns the bollards closing the drive thru during the daytime to be in compliance with the city's recommendation. The staff is recommending a finding of non-compliance compliance with a will fine.

**Witness Daniel Garten 938 Hibiscus Ave** sworn in and testified advising him and his father-in-law were interested in the property to open a Business, and they didn't because of the drive thru and they now drive past there every night and there is a line, drive thru is always open. He has called, written and wanted to come and make his statement.

**DISPOSITION:** Based on the Inspectors testimony, the photographs presented and having heard the testimony of the witness the Special Magistrate found the Respondent in Non-Compliance and ordered the respondent to come into compliance by **November 6, 2024,** or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day.

\*Discussion on Will Fine vs Non-Compliance and the removable Bollards. The Special Magistrate advised that unless they have a permanent solution, they will remain in non-compliance for that until they do. Field Supervisor Jones advised staff's concern is they stop using it as soon as

possible. **Mr. Vukelja** advised the inspector to explain to the respondent that he is not going to be satisfied with his promises of future compliance, if he is being told that can be permanently fixed, then until its permanently fixed, its in non-compliance and he will fine them \$1000.00 per day until it is in compliance.

**CASE # 4 - SMG 10-24-175 - D&P Property Investments LLC** is cited for failure to correct violations of The Land Development Code, Art. 10 Sec. 10.2.B.2; City Code Ch. 90 Sec. 90-297, at **639 N Grandview Ave.** Violation(s) – Renting golf carts & scooters without appropriate development approvals, No Business Tax License for rental of golf carts or scooters. First Notified – 7/30/2024.

**Tyler Donaghy (Manager)** agreed to the non-compliance at the time. **Mr. Vukelja** asked what needed to do for compliance. **Field Supervisor Jones** advised he had removed the advertisement from Google, and he has not seen in the last couple days any rental of any vehicles and in essence he is in compliance and requested a finding of non-compliance so that it would not happen in the future. **Mr. Donaghy** asked to speak. **Mr. Vukelja** had the respondent wait a minute and confirmed he is in compliance now. **Mr. Donaghy** testified that he rents the property to a company, whom they informed not to do that. **Mr. Vukelja** advised the owner **Mr. Donaghy** they can't mess with the tenant; they mess with him. **Mr. Donaghy** advised the tenant could ride it to work just not use it for rental purposes.

**DISPOSITION:** Based on the testimony of the Inspector, photographs presented, **Mr. Donaghy's** testimony, the respondent was found in Non-Compliance and further find the respondent is now in compliance and for every future violation the respondent will be returned to the Special Magistrate for the consideration of a will fine up to \$5,000.00 dollars per occurrence.

**CASE # 5 - SMG 10-24-167 - Seminole Boosters Inc** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.6, 304.13.2, 304.14, 304.2, 504.1) City Code Ch. 26 Sec. 26-294, at **722 N Halifax Ave #2.** Violation(s) – Outside storage, dilapidated fencing, exterior wall staining, broken window, damaged and or missing screens, missing and peeling paint, plumbing system damage (raw sewage). First Notified – 8/8/2024. **ACTION TO BE TAKEN:** Request to Impose Irreparable & Irreversible Fine for Plumbing System Damage (Raw Sewage Spillage); Determine Compliance or Non-compliance for remaining violations.

**John Moore** Attorney with the Law Firm Ackerman LLP

**Inspector Stenson** complaint driven case by the police. Advised the status of the case stating he has had contact, and they just received writ of possession of the property. Requested to amend to the next cut off on all violation other than the raw spillage violation. The issue with the raw sewage needs to be taken care of immediately. City Attorney Mr. Jackson asked how long it has been like this. **Inspector Stenson** advised it has been like this since notification, which was August 8, 2024, and is still going on. Attorney for the respondent **Mr. Moore** advised they understand the problem and will get it corrected as quickly as possible. **Mr. Moore** testified that it is currently not a safe situation at the property. **Mr. Moore** described Seminole Boosters Inc as a direct support organization, and that's statutorily authorized Statute 1428 its organized and operated exclusively to receive hold invest and administer property and to make expenditures to or for the benefit of a State University so they are not working to pay off investors but they are working with public funds. The property was donated and has an upstairs and downstairs. They inherited a tenant that had a lease downstairs. Seminole Boosters does not hold property they market it and sell it then they give the money over to the University. The tenant put in an offer and after looking into the offer there was no real financing there. Shortly after that they learned

the tenant broke into the upstairs unit and allowed unauthorized persons to be there. They terminated the lease effective April 30<sup>th</sup> 2024 with the tenant, who refused to vacate, at that time they also learned that the persons allowed to access the property were involved in drug related activity, they contacted Law Enforcement to get them out of there, and Law Enforcement advised them they had to go through the eviction process since one was a tenant so they filed eviction for unlawful detainer in July of 2024. They received communication on July 22, 2024, from Mr. Stenson and they let him know of the dangerous situation and pointed out there was no reference to raw sewage in the original notice they received. Mr. Moore went into detail on this being the first time he saw the notice on raw sewage, and he immediately took it to the courts via emergency motion for the dangerous situation and raw sewage and requested possession immediately. The Monday after Hurricane Helene they obtained a final judgement on October 1<sup>st</sup> as soon as they got that they mailed in the writ of possession to the clerk, she issued the writ of possession on October 4<sup>th</sup> he believes it has went to the Sherriff but due to the hurricane (Milton) it should be executed this week or early next week. Small discussion on the writ and when it may be served and how long to expedite the repairs of the raw sewage issue. The special magistrate gave his order.

**DISPOSITION:** With regard to the raw sewage the Special Magistrate ordered that within Four (4) days of the writ of possession being posted on the property the respondent will be in compliance with regard to the raw sewage or be returned to the special magistrate for consideration of the imposition of any and all fines that may be available. With regard to the remaining violations the respondent was found in non-compliance and ordered to come into compliance by **November 6, 2024**, or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 6 - SMG 10-24-168 - Daytona 418 Management and Investment LLC** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 4.C.12; 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, 302.3, 304.6, 304.2, 304.7), at **101 Indigo Dr (Parcel # 5227-02-00-0021)**. Violation(s) – Storage trailer, graffiti, rotted trailer, rotted fascia, rotted overhangs, peeling paint, damaged lighting, roof leaks, construction debris, overgrown shrubs and landscape, graffiti on rotted trailer, parking lot damaged and cracked, protective treatment, damaged roof. First Notified – 5/29/2024.

**Yunquri Gqo** Owner sworn in and advised he just acquired the property, and the mail went to the prior owner, and he just found out about the case. **Inspector Stenson** agreed he has the current information and agreed to compliance by next cut off. Mr. Gqo requested more time. Inspector Stenson agreed to more time.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **December 4, 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 10-24-169 - Sunshine Ventures & Management LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.9), at **999 N Atlantic Ave (Parcel # 5305-01-45-0010)**. Violation(s) – Graffiti on building. First Notified – 6/7/2024.

**Koby Betzalel** Owner sworn and did not see graffiti, testified that someone had to go up to that spot to get that view, they sent someone to inspect and went around the building from all directions and did not see the violation.

**Inspector Stenson** testified to the status of the case advising this was a complaint driven case. The graffiti is on the west side of the building **Mr. Betzalel** advised the architectural plans are done and the are submitting them.

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

**CASE # 9 - SMG 10-24-170 - Park Drive Land Trust Dated November 3, 2023 Solus Management and Consulting LLC as Trustee** 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 **Park Dr (Parcel # 5339-82-02-0020)**. Violation(s) – Overgrown vacant lot, weeds, trash and debris. First Notified – 8/13/2024.

**Will Jackson** sworn in agreed to the violations

**Inspector Bostwick** requested to compliance by the next cut of of November 6, 2024.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **November 6, 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 10-24-172 - Daytona Bluetide Group LP** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at **E Intl Speedway Blvd (Parcel # 5308-04-00-0010)**. Violation(s) – Overgrown vacant lot, trash and debris, outside storage of commercial vehicles, supplies, building material. First Notified – 7/18/2024.

**Fabrizio Lukeza** sworn in agreed to the violations hopes to have the permit application submitted within 30days. Agreed to have lot clean up and application in by the next cut off

**Inspector Bostwick** testified the Permits expired and the Permit and Licensing department requested a case be started. \*Some discussion on what they could do between now and the next cut off. **Inspector Bostwick** suggested the respondent go to the permit office advise they would like to continue working on the project they would be able to give him some information of what he needed to do to get the permits reissued. The special magistrate discussed what milestones needed to be met and called out the following order.

**DISPOSITION:** Respondent was found in Non-Compliance and ordered to come into Compliance by **November 6, 2024**, with regard to all matters other than the permit application 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 a progress report on the status of the permit application be provided at the November 12, 2024, hearing.

**CASE # 14 - 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

**Inspector Bostwick** advised he has had progress, and communication advised the wall is up and only waiting on the final. **Mr. Vukelja** asked if the request was to amend to the next cut off.

**Inspector Bostwick** agreed.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current Amended order of non-compliance to allow the respondents until **November 6, 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 # 19 - SMG 09-24-148 - Scott Ibsen** 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 304.6), at **301 Riverview Blvd.** Violation(s) – No permit (renovations) and exterior wall staining. First Notified – 5/13/2024.

**Scott Ibsen** Sworn in testified he has a property manager and did not know he needed permits for the repairs he was doing after a tenant moved out.

**Inspector Stenson** testified to the status of the case advised they are still waiting for permits to be approved, they were submitted May 22<sup>nd</sup> 2024, yet to be approved or issues.

**Mr. Ibsen** advised the permits are submitted waiting on approval.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 # 20 - SMG 08-21-236 - Vishnu LTD & MAA 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.

**Jessica Gow** on behalf of the respondent

**Inspector Yates** testified and gave the progress report advising since last hearing they continue to make progress established final timetable with construction and requested they return in January for another progress report and hopefully establish a compliance date.

**Jessica Gow** advised July 2025 is when construction will be done

**DISPOSITION:** Continue to **January 14, 2025**, for a progress report and possible establishment of a compliance date.

**CASE # 23 - SMG 04-24-67 - Denise T. D'Abato** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.10, 304.13.2) City Code Ch. 26 Sec. 26-294, at **611 Braddock Ave.** Violation(s) – Dilapidated deck/stairway, boarded window. First Notified – 2/11/2023.

**Denise D'Abato & Mike Manderville** sworn in

**Inspector Wiggins** testified to the status of the case advised they have made some progress and requested to amend.

**Mr. Manderville** testified to the status advising they are having issues with the contractor using wrong screws and having to fix mistakes and needing the Building Inspectors to come back and check the work. Requested more time.

**DISPOSITION:** Continue to **January 14, 2025**, for a progress report and possible establishment of a compliance date.

**CASE # 27 - SMG 02-24-43 - Hajjden 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 testified to having the south wall done and stucco by the next cut off, he only has the permit for that wall. **Mr. Vukelja** asked for clarification because there is a lot more than just the south wall.

**Field Supervisor Jones** advised based on what was presented at the last hearing, he thought they would be done with the exterior and doing a dark shell.

**Todd Brasells** advised the work they are doing on the structure, can't be seen but as they go, they are running into problems to include needing engineer repairs. But they are making progress.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 # 30 - 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, Daniel Parker, Andy Clark and Attorney Joey Pose & Cody Bogart** everyone appeared via zoom and was sworn in

**Mr. Joey Pose** advised they now have a PD agreement that has lapsed. This occurred in part because how long the reviewing the site plan plus the platting took.

**Inspector Jones** advised no permit ready site plan was submitted. The lighting permit was returned for corrections and never resubmitted.

**Mr. Joey Pose** is speaking with planning to see about getting limited approvals in the interim so they can take care of some of these things even if it is at the risk of zoning.

**DISPOSITION:** The respondent has until **November 6, 2024**, to come into compliance as to maintaining the potholes and improving the lighting or be returned to the special magistrate for consideration of a fine up to \$1,000 per day thereafter. It is further ordered this case be on the January 14, 2025 meeting for the determination of a compliance date for all remaining violations.

**CASE # 31 - SMG 07-24-109 - Covenant Community Development Corporation of Florida 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, 304.6, 304.7, 308.1), at **507 5th Ave.** Violation(s) – Repair exterior walls and re-paint walls, unmaintained landscaping, damaged exterior walls with holes, damaged walls with an a/c unit, remove exposed and damaged wood, damaged roof, trash and debris. First Notified – 4/5/2024.

**Attorney Cedric Donaldson** appeared via zoom gave a progress report advising he met with inspector Jones to do a walk through of the property to make sure they are in line with all the necessary remediation efforts. This week they met with Mike Underwood from Underwood Construction who recommend they engaged DJ Design Inc who is a local engineering firm and Architecture firm to prepare drawing needed for the roof repair. On the 16<sup>th</sup> they met with DJ Design Inc who did an initial inspection and during that meeting he advised them they needed to actually hire a structural engineer and the work that was needed was outside of his scope. They were provided additional referrals, and they have since now engaged with LAV Engineering PLLC

to address the structural concerns and provide them with the remediation and remodel plans. Mr. Lewis Anthony Vigliotti who is the owner of LAV Engineering PLLC, did intend on attending the hearing today but due to the impending storm he was unable to. He is scheduled to inspect the property and provide them a full report by October 18<sup>th</sup> which he will then forward to ML Underwood Construction so they can proceed with the necessary repairs. So given the current progress they respectfully requested an additional 60-day extension time to the next hearing to allow them to provide a further update on the completion of the project.

**Mr. Vukelja** confirmed he has, and an engineer and they'll have a report by October 18<sup>th</sup> and that report get turned over to Underwood (the contractor)

**Field Supervisor Jones** advised he had not heard since the last hearing; they did do the walk through regarding other violations and requested a progress report to know that something in the works.

**Mr. Vukelja** advised he wants a progress report and wants to see the engineers report.

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

Discussion on if the other items listed if they have been addressed, they had a disagreement prior and **Mr. Donaldson** advised that is why they met on seen, and he felt they had been addressed. There is a running fine on the maintenance violation, and he was advised if they had been taken care of, to call for an inspection.

**CASE # 33 - SMG 09-24-158 - R&J Estates LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **110 Palm PL (Parcel # 5339-71-00-0042)**. Violation(s) – No permit (full renovation). First Notified – 11/8/2023.

**Rosa Alvarado & Freddie Aucaquizhpi** sworn in and advised since the last hearing they have tried get help with the new FEMA requirements to get the city permits.

**Field Supervisor Jones** testified tot he status of the case and confirmed the same information and requested to amend to the January meeting.

Discussion on the need to get after the fact permits and with the new FEMA requirement need to raise the home four inches. The new requirements are very new, and research is being done and remediation alternatives are being sought out.

**DISPOSITION:** Continue to **January 14, 2025**, for a progress report and the determination of a compliance date.

**CASE # 34 - SMG 09-24-159 - Rimcim Inc** 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 **341 Fairview Ave (Parel # 5338-32-00-0470)**. Violation(s) – No permit (exterior stairs). First Notified – 5/15/2024.

**Michael Aversano** sworn in

**Field Supervisor Jones** testified to the status of the case advised no contact or permit on file since the last hearing and requested a fine in the amount of \$100 dollar a day to a maximum of \$ \$15,000.

**Michael Aversano** The contractor he hired decided not to do the job. Since then, he hired a new contractor and Architect. Alliance Contractors and Fernando Juan-negeron. And will be the ones submitting the permit application. Update on the progress or no plausible explanation or get fined.

**DISPOSITION:** Continue to **November 12, 2025**, for a progress report in its current state (Imposition of a Fine)

**LR-1**

**SMG 10-21-303 - Mackenzie Turick (David Turick) - 517 Wallace St.** 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1) City Code Ch. 94 Sec. 94-56, Violation(s) – Outside storage, trash & debris, commercial vehicles, parking in yard. First Notified – 6/30/2021. Order Imposing Fine/Lien effective November 4, 2021. \$100.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance September 17, 2024.

**David Turick** advised the notices never received him or his daughter due to an address discrepancy.

**Inspector Kirk** advised as a note that he did attend the hearing when property was found in non-compliance. Confirmed a meeting did occur, no agreement made at the time. City was still willing to reduce the lien to \$1500.00.

**Mr. Vukelja** asked if he accepted Mr. Turick did and he the called the following order

**DISPOSITION:** Reduced the fine to **\$1500.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## **LR-2**

**CEB 01-22-35 - Richard Walch & (David Turick) - 521 Wallace St.** 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; Art. 6 Sec. 6.19.A.4; Art. 9 Sec 9.2.A (Ref. FBC Supp. IPMC 304.13), Violation(s) – Broken/boarded windows, dirt & grime, outside storage, parking in yard. First Notified – 6/18/2021. Order Imposing Fine/Lien effective February 10, 2022. \$100.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance September 17, 2024.

**Inspector Kirk** advised the same as above case they met, and no agreement was made but the city would request a reduction to \$1,500 dollars.

**Mr. Vukelja** asked if he accepted Mr. Turick did and he the called the following order

**DISPOSITION:** Reduced the fine to **\$1500.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## **LR-3**

**SMG 02-23-41 - Danial Marashi - Foote Ct (Parcel # 5339-23-02-0021)** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.18.D; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), Violation(s) – Site appearance standards, site restoration, maintenance standards. First Notified – 9/6/2022. Order Imposing Fine/Lien effective March 9, 2023. \$200.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance September 19, 2024.

**Danial Marashi** Sworn in

**Field Supervisor Jones** no agreement had been made.

**Mr. Vukelja** asked what his circumstances were that caused him to not come into compliance.

**Mr. Marashi** advised he had been shot and subsequently incarcerated.

**Field Supervisor Jones** testified that multiple cases had been opened on this property and would request a reduction down to \$5000 and didn't feel the city could go down further.

**Danial Marashi** advised he bought the property, and it was a mess he worked on it. The containers had been dropped on the property while he was incarcerated.

**DISPOSITION:** Reduced the fine to **\$4000.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## LR-6

### **SMG 07-23-180 - Real Land LLC (Lenir Damaceno) - N Keech St (Parcel # 5238-27-00-0310)**

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, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, Violation(s) – Overgrown vacant lot, outside storage, trash and debris. First Notified – 5/11/2023. Order Imposing Fine/Lien effective August 4, 2024. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance July 29, 2024.

**Lenir Damaceno** sworn in

**Inspector Bostwick** advised no agreement.

**Lenir Damaceno** advised lien recorded on August 16<sup>th</sup> she purchased through a tax deed sale auction only 15 days after the recording September 3<sup>rd</sup> and did not know there was a lien. Once she did notice she contacted the city and worked with Inspector Bostwick, and she hired two different contractors. She tried to contact the owner of the vehicles to get them to move the vehicles, ultimately contacting the Sheriffs. Requested a reduction to \$1500. **Inspector Bostwick** requested a reduction to \$5,000.

**DISPOSITION:** Reduced the fine to **\$1500.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

**CASE # 2 - SMG 10-24-163 - Panora Properties LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.C; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.6, 304.10, 304.14), at **648 Cherry St.** Violation(s) – Work without permit, overgrown landscaping and outside storage, dirt and grime, vacant-boarded home, trash & debris, damaged fencing, rotten wood, damaged porch, damaged screens. First Notified – 5/25/2024.

**No Respondent**

**Inspector Itani** testified to the status of the case, field generated case, has been contact with the owner and minimal progress, requested to amend to the January cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **January 8, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 8 - SMG 10-24-176 - Ryan Ashley Mowery & Tony Guerra** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.10.E.1; Art. 8 Sec.8.2.A, at **318 Flushing Ave.** Violation(s) – Parking in front yard (unimproved surface), off site advertising, nonconforming use of property (business location with equipmentmen storage).First Notified – 12/20/2023.

**No Respondent**

**Inspector Stenson** testified to the status of the case, complaint driven case, the relief was the owner had to remove the advertisement from all the locations that were advertising, which were 318 Flushing, corner of Williams and North A1A also 515 N. A1a, and 1011 N. A1A, and Ocean Dunes South A1A. As of yesterday, the vehicles had been moved from the Williamson A1A location however they still remained at the other locations. requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **November 6, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 10 - SMG 10-24-171 - Theodore & Cheri Yaeger** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **N Frederick St (5238-30-03-0240)**. Violation(s) – Overgrown vacant lot, weeds, trash and debris, abutting area overgrown. First Notified – 8/15/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advised it was a field generated case, contact with owner requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **November 6, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 12 - SMG 10-24-173 - ASP Ready Chem 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 **611 Weber St (Parcel # 5338-16-00-0080)**. Violation(s) – Overgrown vacant lot, weeds, trash and debris, abutting area overgrown.

First Notified – 8/26/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advised it was a field generated case, no contact with owner requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **November 6, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 13 - SMG 10-24-174 - Seaview Surf Club 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), at **N Atlantic Ave (Parcel # 4236-01-06-0280)**. Violation(s) – Overgrown vacant lot, weeds, trash and debris. First Notified – 8/20/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advised it was a field generated case, has had contact with owner and he he's hired someone but has not been able to get out there due to the bad weather and requested compliance next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **November 6, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Break 10 minutes**

**CASE # 15 - SMG 07-24-125 - Larry & Shirley Johnson** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.B.2.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4) City Code Ch. 78 Sec. 78-112, at **637 Marco St (Parcel # 5339-86-02-0130)**. Violation(s) – Unpermitted dilapidated accessory structure, overgrown vacant lot, trash & debris. First Notified – 5/2/2024.

**No Respondent**

**Inspector Bostwick** testified advising they have cut and cleaned up the lot so that part is in compliance. They have signed a contract with the building department to demo the building and requested to amend to the November cut off for the building to be in compliance.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented the Special Magistrate found the respondent in Non-Compliance and ordered the respondent to come into Compliance by **November 6, 2024**, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 16 - SMG 09-24-152 - Amani Group 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), at **S Caroline St (Parcel # 5239-15-03-0160)**. Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 7/26/2024.

**No Respondent**

**Inspector Bostwick** testified advising no contact or progress since last hearing requested a fine in the amount of \$250 a day to a maximum of \$15,000 dollars.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **October 3, 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 # 17 - SMG 09-24-144 - Lance Stromberg & Eddy Court Residences 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 304.2, 305.3, 404.7, 504.1), at **716 Orange Ave (Parcel 5239-06-28-0220)**. Violation(s) – Unpermitted interior renovations (door frames, walls), peeling paint, exterior paint not uniform, unsanitary interior walls, missing appliance (stove), inoperable plumbing. First Notified – 5/31/2024.

**No Respondent**

**Inspector Kirk** testified to the status of the case advising she had contact, the permit has been issued September 30, 2024, asked to amend to the next cut off

**DISPOSITION:** Noting the absence of the respondent based on the testimony and photographs presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 # 18 - 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. First Notified – 12/7/2023.

**No Respondent**

**Inspector Stenson** testified to the status of the case advising there's ongoing slow progress permit issued on May 20, 2024, requested a fine of \$200 a day to a maximum of \$15,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **October 3, 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 # 24 - SMG 09-24-149 - GEA Seaside Investments 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 304.10), at **507 Phoenix Ave (Parcel # 5309-31-00-0150)**. Violation(s) – No permits (soffit/siding), damaged railings. First Notified – 4/10/2024.

**No Respondent**

**Inspector Wiggins** testified to the status of the case no contact and no progress requested a fine in the amount of \$100 a day to a maximum of \$15,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **October 3, 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 # 25 - SMG 09-24-150 - GEA Seaside Investments Inc** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **1928 Marilyn St (Parcel # 5316-10-04-0250)**. Violation(s) – Expired demolition permit. First Notified – 2/13/2024.

**No Respondent**

**Inspector Wiggins** testified to the status of the case no contact and no progress requested a fine in the amount of \$100 a day to a maximum of \$15,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **October 3, 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 # 26 - SMG 09-24-151 - GEA Seaside Investments Inc** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.5, 302.8, 304.13.2, 304.2, 305.3, 704.6.1.2), at **121 S Grandview Ave (Parcel # 5304-01-09-0120)**. Violation(s) – Outside storage, peeling paint, dilapidated wood fence, exterior siding, dilapidated deck/stairwell, boarded windows, missing screens. First Notified – 4/29/2024.

**No Respondent**

**Inspector Wiggins** testified to the status of the case no contact and no progress requested a fine in the amount of \$100 a day to a maximum of \$15,000.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, the Special Magistrate ruled to fine the respondents in the amount of **\$100.00** dollars per day will go into effect **October 3, 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 # 29 - 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**

**Field Supervisor Jones** advised this case was here for a progress report. They have made considerable progress. Stucco and windows complete. Requested to amend the current compliance date to the January 8<sup>th</sup> cut off.

**DISPOSITION:** Based on the testimony and photographs presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **January 8, 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 # 32 - SMG 09-24-156 - Beach Development Group 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 **530 N Beach St.** Violation(s) – Damaged metal roof on north facing side of the commercial building. First Notified – 4/11/2024.

**No Respondent**

**Field Supervisor Jones** testified to the status of the case advised he has had contact with the owner, the roofing contractor was waiting for materials. Staff recommends amending to the next cut off.

**DISPOSITION:** Noting the absence of the respondent based on the testimony and photographs presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **November 6, 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 # 35 - SMG 09-24-160 - D&J Global Holdings LLC** is cited for failure to correct violations of The Land Development Code, City Code Ch. 90 Sec. 90-297, at **552 N Beach St (Parcel # 5338-20-02-0062).** Violation(s) – **No valid Business Tax Receipt.** First Notified – 6/14/2024.

**No Respondent**

**Field Supervisor Jones** staff is requesting to vacate the order of non-compliance and dismiss this case.

**DISPOSITION:** Noting the absence of the respondent based on the testimony order the Order of non-compliance dated September 18, 2024, and the corrected Order of non-compliance dated October 7, 2024, be vacated and case dismissed.

## **LR-4**

**SMG 09-23-229 - Florida LLC - 710 Loomis Ave.**

## **LR-5**

**SMG 04-24-55 - Oregon LLC 935 S Martin Luther King Blvd**

**Mr. Jackson** advised he has been in communication with the attorney and we did partial releases at the last meeting for some cross encumbrances and we said we would come back and address the remaining portions of their request for lien review and requested LR-4 & LR-5 be moved to the next meeting.

**Mr. Vukelja** advised we will continue the determination of whatever remains in those two lien review requests to the November 12, 2024, meeting.

**Adjournment: 12:01**