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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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## August 13, 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

Mr. Daniel Garcia

Ms. Abrianna Itani

Ms. Sara Kirk, Code Inspector

Mr. John Stenson, Code Inspector

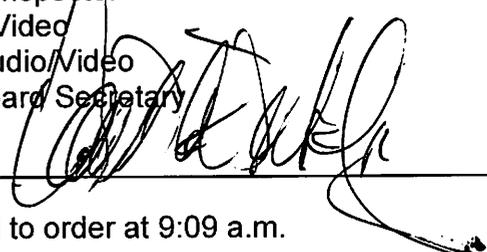
Mr. Curtis Wiggins, Code inspector

Mr. Kevin Yates, Code Inspector

Mr. Joe Graves, Audio/Video

Mr. Xavier Campbell, audio/Video

Mrs. Kimberly Reno, Board Secretary

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

The meeting was called to order at 9:09 a.m.

Mr. Vukelja approved the July 9, 2024 Minutes.

Mr. Vukelja asked if there were any announcements.

Ms. Reno announced the following cases in compliance.

**CASE # 6 - SMG 08-24-140 - GH Daytona Beach FL 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 **Magnolia Ave (Parcel # 5339-17-00-0050)**. Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/1/2024.

**Compliance 8/6/24**

**CASE # 7 - SMG 08-24-141 - Cheryl D Williams** 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 302.1), at **522 George St (Parcel # 5339-47-01-0070)**. Violation(s) – Unpermitted accessory structure (storage shed), trash & debris. First Notified – 7/1/2024.

**Compliance 8/5/24**

**CASE # 8 - SMG 07-24-108 - Denesh Deonanan** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 305.3, 305.6, 504.1, 62.3, 603.1, 604.3.1.1, 605.1, 605.4, 704.6.1.2), at **531 South St (Parcel # 5339-03-71-0051)**. Violation(s) – Broken window, door not weather tight, collapsed ceiling, missing interior door, leaking toilet, no heat, inoperable refrigerator and stove, ceiling fan exposed to water, inoperable and defective electrical outlets, extension cord as permanent wiring, missing smoke detectors. First Notified – 1/16/2024.

**Compliance 8/7/24**

**CASE # 12 - SMG 07-24-107 - John L Dunbar** 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) City Code Ch. 26 Sec. 26-294, at **732 Edwards St** Violation(s) – Outside Storage & unmaintained landscaping, trash & debris, damaged fencing, inoperative vehicles. First Notified – 11/17/2023.

**Compliance 8/5/24**

**CASE # 17 - 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.

**Compliance July 30, 2024**

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

**Mr. Vukelja** asked about the compliance on case #17 Inspector Yates confirmed they have a functional seawall and permit has been finalized.

**Mr. Vukelja** called case number #1

**CASE # 1 - SMG 08-24-132 - Ashley Marie Gilbert** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.C.19.b; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **909 Gibbons St (Parcel # 4244-02-00-0030)**. Violation(s) – Multiple vehicles parked on a vacant lot, outside storage (fence, table, chairs, garbage containers), overgrown lot. First Notified – 6/13/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising it was a field generated case, contact with the owners mom on August 12<sup>th</sup> the daughters in South Dakota she will be back on the 14<sup>th</sup> to move the vehicles and clean everything up, request 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 to come into Compliance by **September 4, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 2 - SMG 08-24-133 - JPL Investment Corp** 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), at **713 Marion St** Violation(s) – Vehicles parked on a vacant lot, trash & debris, overgrown vacant lot & weeds. First Notified – 6/15/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising it was a field generated case, no contact, 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 to come into Compliance by **September 4, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 3 - SMG 08-24-136 - Rosalie Riley** 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 **Taylor Ave (Parcel # 5338-38-00-0260)**. Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/1/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising it was a field generated case, no contact, 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 to come into Compliance by **September 4, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 4 - SMG 08-24-137 - Norman H Riley** 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 **340 Taylor Ave & 342 (Parcel # 5338-38-00-0250)**. Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/1/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising, no contact with the owner he's deceased, requested non-compliance and 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 to come into Compliance by **September 4, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**CASE # 5 - SMG 08-24-139 - Homeaid Contractors 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 **N Charles St (Parcel # 5338-44-01-0060)**. Violation(s) – Overgrown vacant lot, weeds, trash & debris. First Notified – 7/2/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case advising it was a field generated case, had 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 to come into Compliance by **September 4, 2024** or be returned to the Special Magistrate for consideration of the imposition of a fine up to \$1,000 per day thereafter.

**Continued Cases:**

**CASE # 9 - SMG 07-24-130 - TRSTE LLC Trustee for The 228 N Adams St Land Trust dated April 20, 2018**

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 302.7, 302.8, 304.6, 304.13, 304.14, 304.3, 304.7, 308.1), at **228 N Adams St** Violation(s) – Unmaintained lawn, dirt & grime, damaged fence, junk vehicle, damaged siding, boarded window, broken screen, no house numbers, dilapidated roof, trash and debris. First Notified – 5/6/2024.

**No Respondent**

**Inspector Itani** testified to the status of the case advising it was a field generated case, no contact, no progress requested a fine in the amount of \$200.00 a day to a cap of \$15,000.00.

**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 **August 8, 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 # 10 - 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, failure to obtain a rental license. First Notified – 2/11/2023.

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

**Inspector Wiggins** testified to the status of the case advising since last hearing there was an inspection by the building department and passed. Inspector had contact with the owner and recommended amending to the next cut off. **Mr. Vukelja** asked the inspector what he meant by they passed, did that mean they're in compliance. **Inspector Wiggins** advised that they were still working, they came out to do an inspection and they passed, part of that building. Discussion on completing by September 4<sup>th</sup> and **Mr. Manderville** asked if they could have the cutoff after that because he thinks there's going to be odds and ends because of time off do to storms and the time it took for to get the materials. **Mr. Manderville** is Ms. D'Abato' s fiancé not a contractor. Items left are the building of the stair framing, they're going to have to put on siding and trim pieces, brick work. General Contractor is Steve Van Aernam. Inspector is satisfied with the effort in agreement to extra time.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current order of non-compliance to allow the respondents until **October 2, 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 # 11 - SMG 07-24-131 - GEA Seaside Investments Inc** 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 304.13, 308.1, 308.3.2) City Code Ch. 26 Sec. 26-294, at **514 Phoenix Ave (Parcel # 5309-16-00-0170)**. Violation(s) – Peeling paint (front door), west side of building/damaged window ledges, trash & debris, garbage container left on right of way, failure to obtain a rental license. First Notified – 3/22/2024.

**No Respondent**

**Inspector Wiggins** testified to the status of the case advising since last hearing no progress was made, no contact with the owner and recommended a fine in the amount of \$100.00 a day to a cap of \$15,000.00

**Mr. Vukelja** reviewed the violations and asked if any have been attended to. The inspector advised not at this time. **Mr. Vukelja** questioned why is he only asking for \$100.00 bucks a day. The inspector advised he can go \$200.00 a day. **Mr. Vukelja** ruled as follows.

**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 **\$150.00** dollars per day will go into effect **August 8, 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 # 13 - SMG 07-24-111 - 709 Butler 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 302.7, 304.13.2, 304.15, 305.3, 305.6, 309.1, 505.4), at **709 Butler Blvd** Violation(s) – Unmaintained landscaping, dilapidated shed, damaged bathroom window, unsealed front door, damaged interior walls and flooding, damaged and missing interior doors, insect infestation, no hot water supplied to the property. First Notified – 4/13/2024.

**Victoria Worth** manager sworn in

**Mr. Sykes** advised that Inspector Stenson was out today and asked to amend until next month.

**Victoria Worth** advised that was fine and she had pictures of everything done except the hot water heater which will be installed tomorrow pending the permit.

**Field Supervisor Jones** requested to amend to the 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 **September 4, 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 # 14 - 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.

**Field Supervisor Jones** advised property in Compliance as of **August 9, 2024**

**CASE # 15 - SMG 06-24-92 - Kumaresan Natarajan & Umashankari Santhanavelu** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.10, 304.13.2, 304.2, 304.15, 305.3, 305.6, 504.1, 602.3, 603.1, 604.3, 605.2, 605.4, 704.6.1.2), at **725 N Peninsula Dr (Parcel #5305-01-08-0030)**. Violation(s) – Unpermitted plumbing and exterior door, parking in front yard, outside storage, dilapidated stairs to second

floor unit, dilapidated stairs on the exterior of property, windows painted shut, dilapidated exterior door (rear unit downstairs), peeling paint in various locations on exterior of structures, damaged walls and ceilings in the interior of the unit, missing interior closet doors, damaged kitchen faucet, lack of required heating system, inoperable refrigerator, electrical system not supporting living units, exposed electrical wiring, lack of required smoke detectors. First Notified – 3/25/2024.

**Umashankari Santhanelu** sworn in

**Mr. Sykes** advised this was Inspector Stenson case. **Field Supervisor Jones** requested to amend to the next cut off.

**Ms. Santhanelu** advised that everything is done they just need to get inspection done.

**Mr. Vukelja** advised we would like Mr. Stenson to be here and the city wants to amend, the respondent agreed to the recommendation to amend.

**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 **September 4, 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 # 16 - 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.

**No Respondent**

**Mr. Sykes** requested to continue this case.

**DISPOSITION:** At the request of the City of Daytona Beach the Special Magistrate ruled to Continue to **September 10, 2024** for progress report and set a compliance date.

**CASE # 18 - 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.

**Leanne Wagner Esq** present

**Inspector Yates** at this hearing we should have had Daytona Beach Resort II LLC to present as well as they're the ones who were supposed to have started construction on the garage. Since the last hearing he had no contact with them and no progress on the garage. **Mr. Vukelja** asked why they dropped out of the picture. **Ms. Wagner** advised that they are in settlement discussions to try to resolve the dispute between the parties so they may be waiting that out to see what happens there. Inspector Yates under the conditions of no progress and no contact requested a fine in the amount of \$500.00 a day to a maximum of \$20,000.00. **Mr. Vukelja** asked what have they not done that would warrant \$500.00 dollars a day, what things are they not attending to. **Inspector Yates** they have a dilapidated garage that has not been repaired since 2021. They have walked them through every step of this and attempted to point out every single issue to multiple hearings and to this day repairs have not started. **Mr. Vukelja** asked if they have a contractor to do the work. **Inspector Yates** advised yes they do and have permits but nothing started. They have had those two things for over one and a half months no work no communication no reason why. **Mr. Vukelja** questioned if it is appropriate for him to inquire

into what the settlement conversations are, his only interest would be to what extent they address the garage. So consequently he is left with no input whatsoever regarding what their intentions are only the fact that they're in violation with a very big project that they have been working on for a long time and from the record that he has before him there's no excuse for not starting work.

**Mr. Vukelja** confirmed that they were talking about **Daytona Beach Resort II** and not the **Daytona Beach Resort and Conference Center Condominium Association, INC.**

**DISPOSITION:** Hereby fining the Daytona Beach Resort LLC II based on the testimony of the inspector and photographs presented, the absence of the respondent the Special Magistrate ruled to fine the respondents in the amount of **\$500.00** dollars per day will go into effect **August 8, 2024** and continue to accrue each day thereafter until the respondent comes into compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

**CASE # 19 - 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 sworn in

**Inspector Yates** testified to the status of the case advised since last hearing he has had contact and unfortunately the contractor on the job Steve Weaver passed and the city requested to amend to the next hearing to allow Mr. Kawesch additional time to contract with a new GC and develop new plans. **Mr. Kawesch** agreed. **Mr. Vukelja** advised that he is continuing this matter to the September 10 meeting and in the interim Mr. Kawesch is to locate another contractor. **Inspector Yates** and get under contract. **Mr. Vukelja** at the next meeting hoping to establish a compliance date and we need those permits.

**DISPOSITION:** Continued as it currently stands to the **September 10, 2024** meeting in accordance with the stipulation of the parties.

**CASE # 20 - SMG 07-24-127 - Chirag Ranjitbhai Patel** 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 **Wallace St (Parcel # 5339-32-04-0150)** Violation(s) – Overgrown lot, trash & debris, overgrown weeds. First Notified – 6/3/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since last hearing no contact or progress and requested a fine in the amount of \$250.00 a day to a max of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, and current order of non-compliance. The Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 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 # 21 - SMG 07-24-128 - Joshua Lee Swift** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4)

City Code Ch. 78 Sec. 78-112, at **526 Wallace St (Parcel # 5339-37-04-0020)** Violation(s) – Overgrown vacant lot, trash & debris, overgrown weeds, unmaintained abutment area trash & debris. First Notified – 6/3/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since last hearing no contact or progress and requested a fine in the amount of \$250.00 a day to a max of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, and current order of non-compliance. The Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 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 # 22 - SMG 07-24-113 - Verona V LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4), at **Marco St (Parcel # 5339-85-00-0150)** Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 4/29/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since last hearing no contact or progress and requested a fine in the amount of \$250.00 a day to a max of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, and current order of non-compliance. The Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 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 # 23 - SMG 07-24-120 - Christine Anderson & Alice 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 **751 Whitehall St** Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 5/7/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since last hearing no contact or progress and requested a fine in the amount of \$250.00 a day to a max of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, and current order of non-compliance. The Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 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 07-24-121 - Crystal I 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 **536 George St (Parcel # 5339-47-01-0120)** Violation(s) – Overgrown vacant lot, trash & debris. First Notified – 5/9/2024.

**No Respondent**

**Inspector Bostwick** testified to the status of the case since last hearing no contact or progress and requested a fine in the amount of \$250.00 a day to a max of \$15,000.00.

**DISPOSITION:** Noting the absence of the respondent based on the testimony of the inspector and photographs presented, and current order of non-compliance. The Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 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 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.

**No Respondent**

**Inspector Bostwick** testified to the status of the case, advising this is a progress report. He has been in contact with Michael and his wife weekly. The city and the county have agreed to combine the vacant parcel with their house that was next door. They have been able to get the permit for the accessory wall that they were putting up. Requested to amend to the October cut off to give them time to finish the project.

**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 **October 2, 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 # 26 - SMG 06-24-94 - Argogio LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **305 Seabreeze Blvd** Violation(s) – No active permit (Interior renovations). First Notified – 2/2/2024.

**No Respondent**

**Vernon Weatherholtz** sworn in advised he spoke at the June hearing agreed to sign a contract as a General Contractor to help the owner resolve this case. He now has had no contact with the owner. Sent bills, texted.

**Field Supervisor Jones** testified the owner was supposed to get an after the fact permit for the demolition work because the demolition was already done. The Building department would then go out and inspected what they did.

**Vernon Weatherholtz** added what needed to be done was for him to get the permit and to pay him, and she did not. **Mr. Vukelja** asked what relief the city is asking for. **Field Supervisor Jones** advised \$200.00 a day with a cap of \$20,000.00.

**DISPOSITION:** Based on the testimony of the inspector and photographs presented, and the order of non-compliance the Special Magistrate ruled to fine the respondents in the amount of **\$200.00** dollars per day will go into effect **August 8, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

**CASE # 27 - 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.

**No respondent**

**Field Supervisor Jones** advised we are here for a progress report. Mr. Jones talked with the property owner who has been attending the meetings. Do to some religious reasons cant attend today. Had a roofing permit when they met the last time but when the roofer went up they realized there were some structural issues with the roof framing. Another contractor has already applied for the structural framing permit and its under review. Recommended to amend the compliance date to the October cut off.

**DISPOSITION:** Based on the testimony presented the Special Magistrate ruled to amend the current amended order of non-compliance to allow the respondents until **October 2, 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 # 28 - 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** testified to the status advised he met with the owners and given a tour of the building, the roof has passed final inspection. There has been progress inspections on the electric, plubing and insulation, drywall was presently being installed waiting for a screw inspection. The majority of the windows have been installed and inspected with the exception of a revision that the city required to raise the windows up to the hight of the sill. Requested a progress report at the October hearing.

This property has been converted to be apartments.

**DISPOSITION:** Based on the report of the inspector the Special Magistrate continued to **October 8, 2024** for another (Inspectors) progress report.

**CASE # 29 - 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.

**No Respondent**

**Field Supervisor Jones** testified to the status of the case advising at the last hearing the respondent was ordered to secure the building to City standards, remove all trash and debris, maintain the exterior walls and maintain the landscaping by the August 7<sup>th</sup> 2024 cut off. Then to return to the October hearing to discuss the roof. Mr. Jones contacted the owner on August 1<sup>st</sup> to let them know the property was not in compliance. The AC units were removed and the openings closed up but there is a window that's not sucure to City standards, there is still trash

and debris, the exterior of the building has not been maintained nor has the landscaping. Recommended a fine in the amount of \$250.00 a day to a maximum of \$20,000.00.

**DISPOSITION:** Based on the testimony of the inspector and photographs presented, and order of non-compliance the Special Magistrate ruled to fine the respondents in the amount of **\$250.00** dollars per day will go into effect **August 8, 2024** and continue to accrue each day thereafter until the property is in compliance, or the amount of the fine reaches a maximum of **\$20,000.00** dollars.

## LR-1

**SMG 05-23-129 - Donald Moore - 732 Mason Ave** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19. A; Art. 6 Sec. 6.19. B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 604.3, 108.2.1), Violation(s) – No permit (flat roof), peeling paint (overhangs/fascia), rotted walls on accessory structure and main office, hazardous power meter and pole, damaged fencing. First Notified – 3/2/2023. Order Imposing Fine/Lien effective May 30, 2023. \$200.00 a day until compliance achieved \*Life Safety\*. \$24.00 recording fees = \$11,024.00. Compliance July 24, 2024.

2<sup>nd</sup> Order Imposing Fine/Lien effective June 8, 2023. \$100.00 a day until compliance achieved. = \$6,000.00. Compliance August 7, 2023.

**Mr. Moore** sworn in

**Mr. Vukelja** reviewed and confirmed that this case had two liens and asked if there had been any discussion. **Field Supervisor Jones** advised that there had been, but no agreement.

**Mr. Moore** testified that he was not trying to be non-compliant or evading inspector Alderman, he was out of town and did not receive the certified mail (not picked up because he was out of town) returned to the city. When he did come back the inspector was on vacation in Oregon. There was a period they were not in contact, when Mr. Moore did get in contact with the inspector, he hired a licensed electrician who did pull a permit and hired a residential contractor for the rotten wood, pulled a permit and repaired everything. At that point on the final inspections Mr. Moore considered the matter done. Mr. Moore did not realize there was a lien until there was a deed search for a mortgage recently and he was going about his business normally everyday not knowing that there's a lien on his property accruing every day. Mr. Moore wanted the Special Magistrate to hear his side, because Inspector Alderman is no longer with the city, however he has dealt with Inspector Roosevelt in the past, and he will say Mr. Moore has always been very available, taken care of things that's asked. Mr. Moore advised he is here today because at the meeting couldn't come to terms. Terms were made but after consideration Mr. Moore thought that was a lot for something he truly wasn't aware of. Mr. Moore discussed his prior knowledge of the property as a fire fighter and the calls responded to by Fire and Police, and since he has taken over the property the calls have all but stopped. Acknowledged cost and asked for a reduction to the administrative fees.

**Mr. Vukelja** asked Mr. Moore at what point did he have the notice of violation in hand, and what did he need Mr. Alderman for, that wasn't the notice of violation self-explanatory. Mr. Moore advised it said to contact the inspector and when he called, he didn't get a response and then when he did, he said he was on vacation. The lag between fixing the Life Safety Code was simply getting an electrician that would actually come out there and do the work. **Mr. Jones** testified to the status advising the property was posted because the mail came back undeliverable. It was mailed to 732 Mason Ave. according to the property appraisers address on file. Discussion on Mr. Moore being out of town when service was attempted and unable to sign for the letter. Further discussion on communication and proper posting of the property.

**Mr. Jackson** confirmed the respondent met with staff prior to the hearing and decided not to agree with the negotiated amount. Discussion on the property being vacant in March 2023 due of hurricane damage and the office being moved to the secretary's house. **Mr. Vukelja** agreed to reduce the lien to \$2500.00 payable in 30days and the amount is in reference to the life safety issues.

**DISPOSITION:** Reduced the fine to **\$2500.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

**Mr. Vukelja** called Lien Review – 2

**Mrs. Reno** advised LR-2, LR-3 and LR-4 could be done together.

## **LR-2**

**SMG 07-20-138 - Ramon A. & Cassandra F. Culver (Arlinda C Adderley) - 345 Taylor Ave (vacant lot parcel # 5338-38-00-0460)** 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), Violation(s) – Overgrown grass & weeds. First Notified – 12/3/2019. Order Imposing Fine/Lien effective September 10, 2020. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$20,024.00. Compliance June 25, 2024.

**Ms. Adderley** sworn in

**Mr. Vukelja** asked the respondent why he should consider reducing the lien. **Inspector Garcia** responded there was a staff meeting and came to the agreement to reduce the liens all three to a combined amount of \$5000. **Ms. Adderley** advised that she did agree at that time but later she was informed that there were other leans on the property that were non-negotiable in regard to a price reduction. Some discussion on the lot clearance liens being separate and the only thing before the magistrate are the code enforcement liens. **Ms. Adderley** asked for further reduction and what are her options, confirming she bought the property at tax deed sale and didn't understand the process. **Mr. Vukelja** confirmed the total amount of the reduction equaled to the amount of administrative cost therefore he agreed to the total \$5,000.00 reduction for all three.

**DISPOSITION:** Reduced the fines for all liens to a combined fee of **\$5000.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## **LR-3**

**SMG 10-21-296 - Ramon & Cassandra Culver (Arlinda C Adderley) - 345 Taylor Ave (Parcel # 5338-38-00-0460)** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.c; City Code Ch. 78 Sec. 78-112, Violation(s) – Unmaintained vacant lot. First Notified – 8/20/2021. Order Imposing Fine/Lien effective November 4, 2021. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance June 25, 2024.

**Ms. Adderley** previously sworn in

**DISPOSITION:** Reduced the fines for all liens to a combined fee of **\$5000.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## LR-4

**SMG 08-22-231 - Ramon A Culver & Cassandra F Culver (Arlinda C Adderley) - 345 Taylor Ave (Parcel # 5338-38-00-0460)** 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 Chapter 78 Section 78-112, Violation(s) – Overgrown grass & weeds, trash & debris. First Notified – 5/26/2022. Order Imposing Fine/Lien effective September 8, 2022. \$250.00 a day until compliance achieved. \$24.00 recording fees = \$15,024.00. Compliance June 25, 2024.

**Ms. Adderley** previously sworn in

**DISPOSITION:** Reduced the fines for all liens to a combined fee of **\$5000.00 to be paid within 30 days**, if not paid in 30 days it will revert back to the original fine.

## LR-5

**SMG 03-24-64 - Beville Commercial LLC (Jonathan Moshe) - 1106 Beville Rd (Parcel # 5340-05-22-0060)** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3), Violation(s) – Failure to repair damaged uneven driving surface with potholes. First Notified – 1/10/2024. Order Imposing Fine/Lien effective April 4, 2024. \$200.00 a day until compliance achieved. \$24.00 recording fees = \$9,424.00. Compliance May 21, 2024.

**Elyse Ginsberg** Manager for CEO/representative for Ariel Yisraelian sworn in

**Mr. Vukelja** asked what are the extenuating circumstances that he should take into consideration reduce the lien. **Elyse Ginsberg** advised they did fix the potholes in the time needed to be fixed. They used the same inspector throughout it all once they did fix them the inspector was not responding. They also fixed other cosmetic issues as well and looking for a reduction.

**Field Supervisor Jones** testified to the case discussing the date case opened April 10, 2024 and the location of the potholes, in the exit driveway and came into compliance **May 21, 2024**, there was a previous case that was not before the hearing in 2023 for the same issue. **Mr. Jones** advised this was the plaza on the corner of Nova and Beville across the street from Walmart. Discussion on the entrance portion of the property is owned by South Nova Partners LLC and was paved. The Exit Dr is owned by Beville Commercial LLC and as shown in photos the cold patch they used is already coming back and request no reduction. **Mr. Jackson** questioned **Mr. Jones**, the compliance was not only late but also very minimal and in fact nothing more than a bandaid at best. **Mr. Jones** advised they did some patching, and the inspector put them into compliance, but it's already coming out of compliance as the photos show. **Ms. Ginsberg** questioned since the inspector put it in compliance can they get it reduced. **Mr. Vukelja** advised they need to attend to this, and they need a permanent solution. Lien Review reduction was denied.

**DISPOSITION:** Reduction denied.

## **Miscellaneous Business**

**Mr. Jackson** introduced **Mr. Dave Dixon** to Mr. Vukelja, a new attorney for the City of Daytona Beach advised he may at some point possibly do some of the Code stuff. Mr. Dixon is his replacement as Legal Advisor. Mr. Jackson is now the Deputy City Attorney for about a year now.

**Adjournment: 10:27**