

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
September 23, 2020
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statement

B. Swearing in Witnesses

2. OPENING REMARKS

A. Indication of any cases being removed from Agenda by staff

3. MINUTES

A. Code Enforcement Special Magistrate Minutes August 19, 2020

The minutes of August 19, 2020, were accepted with no objections.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

A. Property Owner: Hue Management, LLC
Violation Address: 2400 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-09
Volusia County Parcel ID #: 5322-03-05-0180

Ms. Herstein explained that the Respondent had requested a continuance that would include a Zoom meeting since she resides in California. Staff requested that if a continuance was given, it not be held later than the next hearing date of October 21st. It was discussed,

that if the hearing was only audio, the Respondent would need to provide and clearly identify all exhibits in advance.

Special Magistrate deLaroche granted a continuance until the October 21st hearing date.

- B. Property Owner: Michael J. Panaggio
Violation Address: 2711 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-40
Volusia County Parcel ID #: 5327-05-00-1140

Ms. Herstein requested that all the documents and slides be entered into evidence. Special Magistrate deLaroche accepted them. Ms. Herstein was sworn in to provide testimony. The violations were stated for the record. The case began in June when a complaint was received about an oversized real estate sign. After visiting the property in July, the remaining violations were noticed. On July 28, 2020, a Notice of Violation was sent and good service was achieved. The property was re-inspected in August and the sign, dried vegetation, and tall weeds still remained. A Statement of Violation/Request for Hearing and Notice of Hearing were sent on September 3rd and good service was achieved. The property became compliant on Monday, September 21st. A slide was shown of the compliant property. Staff requested an order #4 be issued with no fine but did request reimbursement of the Administrative Fee in the amount of \$149.09.

Special Magistrate issued Order #4 with no fine assessed. He also ordered reimbursement of the Administrative Fee in the amount of \$149.09 payable within 30 days.

- C. Property Owner: Shores Commercial, LLC
Violation Address: 3422 S. Atlantic Avenue in Daytona Beach Shores, FL
Code Enforcement Case #: CDEF2020-26
Volusia County Parcel ID #: 5335-03-07-0050

Ms. Herstein requested that all the documents and slides be entered into evidence. Special Magistrate deLaroche accepted them. Attorney Jeff Rooden, who was present for CVS accepted the documents after a quick review. CVS is the tenant on the property and Dimucci is the owner. Attorney Rooden stated that CVS took responsibility for the sign and requested 60 days to cure the violation. Ms. Herstein showed slides from March and of the present. The sign face had been changed out, but no permits were applied for. There are still remaining issues with the sign base. Attorney Rooden explained that it had been difficult to get the property owner to sign the permit applications. Special Magistrate deLaroche was inclined to continue the case for 60 days. Ms. Herstein requested that an order #7 be issued due to the fact that two permits are required with inspections before the violation corrections are approved, and the sign base still needs to be addressed. Angelo Rotondo who is a project manager for Dimucci was present. The Special Magistrate swore in Mr. Rotondo so he could testify. Mr. Rotondo had no objection to accepting the documents into evidence. He explained that Mr. Dimucci wanted a letter from CVS that stated who would be responsible for the work on the sign. He produced a letter that was received from CVS accepting responsibility for the sign repairs. Both city staff and Attorney Rooden accepted the letter.

Special Magistrate issued Order #7 with all violations corrected by November 23rd or a fine of \$250 per day will begin. He also ordered reimbursement of the Administrative Fee in the amount of \$176.69 payable within 60 days.

6. CLOSING REMARKS

- A. The next regularly scheduled Code Enforcement Special Magistrate meeting will be Wednesday, October 21st at 9:00 a.m.
- B. November/December's proposed meeting is Wednesday, December 2nd at 9:00 a.m.
- C. January's meeting is scheduled for Wednesday, January 20th at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:42 am.