

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
April 18, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

SM deLaroche called the meeting to order at 9:00 am.

A. Opening Statements by Special Magistrate deLaroche

B. Swearing in Witnesses

All witnesses were sworn in for the day's hearings.

2. OPENING REMARKS

A. Indication of any cases being removed from the Agenda by City Staff

There were no cases removed from the agenda.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes March 21, 2024

SM deLaroche approved the minutes from March 21, 2024.

4. ADVANCED HEARINGS (Post-Initial Hearings)

A. Property Owner: Beachside Coastal LLC
Violation Address: 3150 S. Atlantic Ave. in Daytona Beach Shores, FL
Code Enforcement Case Number: PCDEF2022-61
Volusia County Tax Parcel ID #: 5334 00 02 0080

Ms. Herstein requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection and stated that this case had been addressed multiple times. This is a Second Compliance Hearing for a case that had three violations. The case began in September 2022. Final compliance was achieved on October 29, 2023. The total number of non-

compliant days were 240 and the total fine due was \$60,000.00. The Administrative fee of \$128.03 from last month had not been paid and the fee for this hearing was \$79.69. Slides of the property and violations were shown. The SM had questions regarding the time it took for the interior work to be completed as weather should not have been a factor.

Attorney Victoria Zinn was in attendance for the property owner. She explained that the interior issues were delayed due to tenants having to move out/relocate or be evicted for non-payment. The plumber that had been contracted had extensive back surgery that included rehabilitation. The city did provide a list of plumbers but no one was interested in the job. Mr. Mike Bretzel, Property Manager, advised that some interior work wasn't done when it was raining as the contractors had to keep going in and out of the units. They didn't want to track in water and mud. Attorney Zinn requested a reduction of 30 days due to the fact that no meeting was held in March 2023. Mr. Bretzel indicated that he would have appeared to request additional time to complete the work. SM deLaroche confirmed that the total number of days asking to be removed from the fine was 195. Attorney Zinn confirmed the number at 195. The packet provided by Attorney Zinn at the last meeting was submitted into evidence. Ms. Herstein asked Attorney Zinn if she was aware that the list of plumbers provided by the city was not a recommendation, but a list of those who had pulled permits in the city. She understood that fact. Ms. Herstein also inquired if they understood that if a meeting had been held in March 2023, that would not have been a time to ask for an extension. Attorney Zinn replied yes but her client could have been able to submit that he had applied for permits and was showing a good faith effort.

SM deLaroche issued Order #13 reducing the fine to \$50,000 based on weather delays, plus both the Administrative Fees of \$79.69 and \$128.03 payable within 30 days.

5. INITIAL HEARINGS

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, May 16, 2024, at 9:00 a.m.
- B. June's Code Enforcement Special Magistrate Meeting is scheduled for Thursday, June 20, 2024, at 9:00 a.m.
- C. July's Code Enforcement Special Magistrate Meeting is scheduled for Thursday, July 18, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 9:24 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab