

MINUTES
CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING
August 22, 2024
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. CALL TO ORDER

A. Opening Statements by Special Magistrate deLaroche
SM deLaroche called the meeting to order at 9:00 am.

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

2. OPENING REMARKS

A. Notification of Items Removed from Agenda by City Staff
There were no items removed from the agenda. Ms. Herstein introduced the new Code Enforcement Officer, Lori McLaughlin.

3. MINUTES

A. Code Enforcement Special Magistrate Minutes June 20, 2024
SM deLaroche approved the minutes from June 20, 2024.

4. ADVANCED HEARINGS (Post-Initial Hearings)

5. INITIAL HEARINGS

E. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 115 Oceans Circle
Code Enforcement Case Number: CDEF2024-22
Volusia County Tax Parcel ID #: 5327 24 00 0150

Ms. Herstein began by stating all eleven cases on the agenda had the same two violations; trash and recyclables containers were not screened from view from abutting streets, and they were left out earlier than 5:00 pm Monday or later than 9:00 pm Tuesday. The properties are all within Oceans 25 Townhomes. Complaints regarding the toters being left out have been coming in since they became occupied in April 2022. Ms. Herstein has spoken with many people about the issues over the past two years, but the violations keep occurring. The city has been made aware that there is a discussion about getting a dumpster and an enclosure for the townhomes.

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. This was an Initial Hearing with two violations and a slide was shown depicting them. It was noted that good service was achieved for all the notices sent. Laura Pendergrass spoke on her own behalf.

She apologized for having to appear with four cases before the Special Magistrate. These are rental properties, and she was made aware of the issue this past April. She immediately contacted the management company, who said a new procedure would be in place. There was a misunderstanding as they thought the cans could be in front of the house, but did not have to be in the garage. Her management company assured her they would take care of it and she will stay on top of the problem.

The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 45 days.

- F. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 116 Oceans Circle
Code Enforcement Case Number: CDEF2024-23
Volusia County Tax Parcel ID #: 5327 24 00 0160

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- G. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 117 Oceans Circle
Code Enforcement Case Number: CDEF2024-24
Volusia County Tax Parcel ID #: 5327 24 00 0170

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- H. Property Owner: Laura B. Pendergrass, Individually and as Trustee of the Laura B. Pendergrass Trust dated January 14, 2016
Violation Address: 118 Oceans Circle
Code Enforcement Case Number: CDEF2024-25
Volusia County Tax Parcel ID #: 5327 24 00 0180

This case was stipulated to by Ms. Pendergrass during the hearing for Case #CDEF2024-22. The Special Magistrate issued Order #7 as provided, allowing 45 for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 45 days.

- I. Property Owner: Higgins Hideaway LLC
Violation Address: 123 Oceans Circle
Code Enforcement Case Number: CDEF2024-26
Volusia County Tax Parcel ID #: 5327 24 00 0230

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. This was an Initial Hearing with two violations and a slide was shown depicting them. It was noted that good service was achieved for all notices sent. The property owner, Liz Hadaway, was present. She explained that she was part of the HOA board, (Secretary/Treasurer), and she had a meeting later that afternoon with a representative of Waste Pro to discuss installing a dumpster. She stated this

was a rental property, and she had advised her guests to leave the toters by the garage door. She was not aware that was still not correct.

The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within seven days.

- A. Property Owner: Bobbie Bray, Jr.
Violation Address: 101 Oceans Circle
Code Enforcement Case Number: CDEF2024-11
Volusia County Tax Parcel ID #: 5327 24 00 0010

9:45 am 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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. This property is under the direction of a property management company and there was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- B. Property Owner: D'SCIPLES LLC
Violation Address: 104 Oceans Circle
Code Enforcement Case Number: CDEF2024-14
Volusia County Tax Parcel ID #: 5327 24 00 0040

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent.

The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- C. Property Owner: David Ortiz
Violation Address: 108 Oceans Circle
Code Enforcement Case Number: CDEF2024-16
Volusia County Tax Parcel ID #: 5327 24 00 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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent.

The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- D. Property Owner: David M. Goldman as Trustee of the 114 Oceans Circle Land Trust dated February 6, 2024
Violation Address: 114 Oceans Circle
Code Enforcement Case Number: CDEF2024-21
Volusia County Tax Parcel ID #: 5327 24 00 0140

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. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- J. Property Owner: Crystal Anderson
Violation Address: 124 Oceans Circle
Code Enforcement Case Number: CDEF2024-27
Volusia County Tax Parcel ID #: 5327 24 00 0240

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days.

- K. Property Owner: Crystal Anderson
Violation Address: 125 Oceans Circle
Code Enforcement Case Number: CDEF2024-28
Volusia County Tax Parcel ID #: 5327 24 00 0250

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 are available to the Respondent, some of which were provided by mail. The Special Magistrate accepted the documents with no objection. This was an Initial Hearing with two violations and a slide was shown depicting them. There was no one present for the Respondent. It was noted that good service was achieved for all notices sent. The Special Magistrate issued Order #7 as provided, allowing 45 days for compliance or a fine of \$25 per day will be imposed. The Administrative Fee of \$135.29 is due within 30 days.

6. CLOSING REMARKS

- A. The next Code Enforcement Special Magistrate Meeting is scheduled for Thursday, September 26, 2024, at 9:00 a.m.

- B. October's C.E.S.M. Meeting is scheduled for Thursday, October 17, 2024, at 9:00 a.m.
- C. November/December's C.E.S.M. Meeting is scheduled for Thursday, December 5, 2024, at 9:00 a.m.

7. SPECIAL MAGISTRATE COMMENTS

8. ADJOURNMENT

The meeting ended at 10:19 am.

Special Magistrate, Steven deLaroche

Recording Secretary, Cheri Schwab