



**CITY OF SOUTH DAYTONA  
SPECIAL MASTER CODE ENFORCEMENT  
Minutes**

June 8, 2023 at 9:00 AM  
CITY COUNCIL CHAMBERS  
1672 S. Ridgewood Avenue, South Daytona, Florida

**SPECIAL MASTER: Attorney Matthew Branz, Esquire**

**STAFF:**

Josh McEnany, Economic Development Director, Robert Kuhn, Code Compliance Officer, Matt Miavez, Code Compliance Officer, Becky Witte, Deputy City Clerk

I. **CALL TO ORDER:** Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:01 am.

**II. PLEDGE OF ALLEGIANCE.**

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

III. **APPROVAL OF MINUTES FOR: May 11, 2023.** Attorney Branz approved the minutes with minor modifications as provided by Deputy City Clerk.

**IV. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:**

Executed by Deputy City Clerk, Becky Witte

**V. OLD BUSINESS:**

**Case # 23-000074     Owner: BOESE DEAN**  
**Location: 2211 ORIOLE LN , SOUTH DAYTONA FL 32119**  
**VIOLATION(S):**

1. International Property Maintenance Code 302.1, Sanitation

Comments: property must be free of trash, junk and debris, including front porch

2. International Property Maintenance Code 302.8, Motor vehicles

Comments: cars must have valid tags

3. City of South Daytona Code of Ordinances 4-47, Animal License

Comments: all animals on property must be registered with the City.

**Status: Request Order of Compliance**

Josh McEnany, Economic Development Director presented that the case came on for public hearing before on May 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 9, 2023, where the property was found in violation. Mr. McEnany said the property was in Compliance by June 5, 2023 at 5:00pm.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by June 5, 2023 at 5:00pm for violation of the following:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

**Case # 23-000093      Owner: SPEIDEL CAMRON**

**Location: 519 BLAKE RD , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy

Comments: Lack of water service to the structure

**Status: Request Order Imposing Fine/Lien**

Josh McEnany, Economic Development Director, presented the case which came on for public hearing before the undersigned Special Master on May 11, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 11, 2023, where the property was found in violation. Mr. McEnany said the City still has not reinstated water service to this property.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by June 5, 2023 at 5:00pm. The property remains in violation of the following:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Special Master Branz said accordingly, a fine of \$250.00 per day for violations listed above shall be imposed. These fines shall begin June 6, 2023 and continue to accrue against the property until said property is brought into compliance.

**Case # 19-001033      Owner: Palmer, Edwin & Debra**

**Location: 509 Big Tree Road, South Daytona, Florida 32119**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 302.1 - Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. City of South Daytona Code of Ordinances 302.1 -Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process off being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
3. City of South Daytona Code of Ordinances 304.1 - The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
4. City of South Daytona Code of Ordinances 304.2 - Exterior surfaces, including but not limited to, doors, door and windows frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation statins shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**Status: Request Order of Compliance**

Josh McEnany, Economic Development Director, presented the case came on for public hearing before on February 13, 2020, pursuant to the Special Master's Order (Special Master J. Payton Quarles), titled Findings of Facts, Conclusion of Law and Order, dated February 13, 2020, where the property was found in violation. Mr. McEnany said the property was in Compliance on May 5, 2023.

Respondent Ed Palmer (owner of 509 Big Tree Road) provided testimony.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance as of May 5, 2023 for violation of the following:

1. City of South Daytona Code of Ordinances 302.1 - Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. City of South Daytona Code of Ordinances 302.1 -Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process off being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
3. City of South Daytona Code of Ordinances 304.1 - The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
4. City of South Daytona Code of Ordinances 304.2 - Exterior surfaces, including but not limited to, doors, door and windows frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation statins shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Special Master found that the Respondent is declared to be in compliance as of May 5, 2023 and that pending violation proceedings before the Special Master are concluded.

A fine of \$277,500 is due for 1,109 days of non-compliance.

**Case # 21-000380      Owner: Palmer, Edwin & Debra**

**Location: 509 Big Tree Road, South Daytona, Florida 32119**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 5-201, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage.
4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment.

**Status: Request Order of Compliance**

Josh McEnany, Economic Development Director, presented the case came on for public hearing before on March 10, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 10, 2022, where the property was found in violation.

Respondent Ed Palmer (owner of 509 Big Tree Road) provided testimony.

Respondent Debra Palmer (owner of 509 Big Tree Road) provided testimony.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance as of May 1, 2023 for violation of the following:

1. City of South Daytona Code of Ordinances 5-201, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.



4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

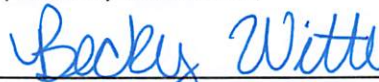
Special Master said that the Respondent is declared to be in compliance as of May 1, 2023 and that pending violation proceedings before the Special Master are concluded.

A fine of \$90,000 is due for 360 days of non-compliance.

**VIII. NEXT MEETING:** July 20, 2023

**IX. ADJOURNMENT.** Hearing adjourned at 9:17 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk