I. Call to Order at 3:05 P.M.

II. Roll Call.

John Meinelt - Chairman  
Alan Cajacob  
Mark Barber  
Michael McDonald  
Michael Wojtuniak

III. The Minutes of the March 2nd 2022 meeting were approved as written.

IV. Swearing in of Witnesses.

V. Ex Parte Communications:

A. There were no Ex Parte communications.

VI. Unfinished Business.

A. There was no unfinished business.

VII. Public Hearings and Presentation of Applications or Cases

A. New Items – Alleged Violations of Volusia County Code of Ordinances, Chapter 58, Health and Sanitation. Structure is unsafe or dilapidated in accordance with Article II, Section 58-84(a)(4)(7)(8), Section 58-84(b)(2)(3) and Section 58-84(c).

1. CLCA-22-05-002, 180 Mae St., Oak Hill, FL 32759, Owned by William McHugh. Structure is unsafe or Dilapidated.

   Thomas Legler, Deputy Building Official presents the case. This case began with Code Enforcement beginning in January 2022. They conducted initial investigations of the property and found it in violation. On February 11, 2022 the Building Official determined that the structure was unsafe and the Notice of Determination was posted. The Notice of Determination was then mailed to the Owner. The Notice of Hearing was posted on April 26 of 2022. Staff is recommending a Resolution of Condemnation with a compliance date of July 27th 2022. Michael Wojtuniak made a motion to adopt the Resolution of Condemnation with a compliance date of July 27th 2022. The motion is seconded. Board Members vote to adopt the Resolution, no one opposed and motion carries.

B. Items Continued

1. CLCA-21-12-002 and CLCA-22-01-001, 2801 E New York Ave, DeLand, FL
32724, Owned by Eny Equity LLC. Structure is unsafe or Dilapidated.

Thomas Legler, Deputy Building Official presents the cases. Both cases were presented to the Board on the CLCA in December 1st of 2021 at which time the Board agreed to hear the case again in order to grant the Owner time to submit for permit applications, submit a progress report and an update on the eviction of the long-term tenants. Per the Board, if progress to bring the buildings into compliance was not demonstrated, the Board would consider condemnation. On March 2nd of 2022 both cases were presented to the Board and an update was presented by Staff. It was determined that progress and improvements had been made and there were still long-term tenants living in the building. Permit applications were received; however, the permit applications were incomplete. County staff recommended a compliance date of June 1st 2022 to grant the owner additional time to bring the buildings into compliance and to obtain the required permits. The Board approved the recommendations and the case was due to be heard again on June 1st of 2022; however, the meeting had to be rescheduled due to some scheduling conflicts and it was rescheduled to this date. During the time between the last meeting, the County continued to receive complaints regarding the building’s condition. Permit applications have been received and additional information was requested; however, the additional information has not yet been provided. Applications are still in plan review. Based on the continued complaints and the lack of evidence that the building would come into compliance, the County requested permission to perform room by room inspections. The Owner granted permission and the inspection was scheduled on May 10th. The following County teams were present: we had the Building Department, Code Compliance Officers, Fire and the Volusia County Sherriff’s Office. And, of course, Environmental was there as well. During that inspection, we inspected about 56 of the 112 rooms as well as most of the common areas, pipe chases, mechanical rooms, etc. The remaining 56 rooms were either occupied or access was not granted. Several violations and unsanitary conditions were noted in both buildings and no corrections had been made to previously noted unsanitary violations and the long-term renters were still occupying the Hotel. A permit has been issued for the Re-roof of the Restaurant / Lobby Building but the Hotel Renovations and the interior renovations for the Restaurant and Lobby, those plans are still in plan review. We are still requesting information. Kerry Leuzinger, Chief Building Official adds that we have been back and forth with plan reviewers and the most recent comments were sent to them this past Monday. We are requesting their design professionals and contractor to come to our office and we will set aside 2 or 3 hours, whatever it takes to go through the plans and show them exactly what we feel is missing and show them what we are asking for. We are trying to work with them to where we can issue a permit. We are not there yet. They provided mostly Architectural Drawings. We need more details. That is what we are looking for. Structural and MEP details are needed. Three rooms were turned into apartments and we need the plans on how they intend to turn those rooms back into hotel rooms since apartments are not allowed in a Hotel. We have been back and forth trying to get these details and there may be a mis-communication or mis-understanding so that is why we decided to have this meeting. We are requesting that the Engineer, Architect and Contractor be at these meetings.

Alan Cajacob asks if he feels they want to get this worked out or if he feels they are just trying to delay things. Kerry Leuzinger responds to the question. Through this entire process going back to last September, their words have indicated that yes, they are going to do this. They are going to take care of things; they are going
to rehab the building. Their actions do not indicate that. Mr. Legler also reminded that at the visit on May 10th no improvements appeared to have been made. The conditions at the site were pretty deplorable.

Mr. Legler reviews the photos taken at the inspection on May 10th, pointing out numerous sanitation and safety issues in all of the rooms they inspected. Based on our findings and the current conditions of the building it was determined that to ensure the life safety and the well-being of the occupants that the building needed to be evacuated and the power disconnected. The power was disconnected as ordered on May 23rd. Being that the property has its’ own water supply and sanitary/sewer systems they were also disabled when the power was disconnected. Currently there is no power, water or sanitary sewer facilities. The county notified the Property Owner and Occupants on May 12th that the power company would disconnect the power on May 23rd. At that time, the Volusia County Community Services was on site to assist occupants for relocation. There was outside help as well there to help find these people places to live. Some accepted the help and others refused. After the power was disconnected on May 23rd, people continued to occupy the Hotel using generators for power. The Notice of Hearing and a Notice to Vacate was posted on June 1st. The Hotel occupants had until June 6th to vacate the building by order of the Building Official. On Monday, June 6th we had the Building Department, Community Services, Code Compliance, Fire and the Sherriff’s office there on site. Around 5:00 P.M. they finally got all of the occupants out of the building. Currently the building is vacated and there is no power, no water and no sanitary. On June 21st the re-roof permit was issued. To date, no new work has begun, or inspections scheduled for the roof. The County did receive additional information on the Renovations and a review was performed this past Monday. It was determined that information was still missing and that is when I sent out an Information Request for the Meeting. If we are ever going to get these permits issues, we need the meeting. To date, I have not received a response for the coordination of a meeting. That is where we are at with the permitting. That brings us up to date. The Owner and Owner’s representative are present and have presented an appeal to the order to disconnect power. This appeal will be heard immediately following this case. Staff is requesting a Resolution of Condemnation with a compliance date of July 27th 2022.

Building Official, Kerry Leuzinger requests to provide an additional statement. You have all seen the photos, the conditions have deteriorated - gotten worse from the times I have visited the property. This property has not only been a problem with the condition of the property but, overall, it has been a nuisance property to the County. The last time we were there with the full group, Assistant County Attorney, Chris Ryan, joined us as well. I have been in Building Code Enforcement for 21 years and 20 + years as an electrician prior to that. I have seen a lot of deteriorated buildings that were in bad shape. This one was one of the worst and when you magnify that this is a 112 room Hotel with children that were on the site, this was absolutely deplorable. These are just my opinions. All that being said, we are requesting a Resolution of Condemnation, but we are still willing to work with the Property Owner and his design team. If they can come to us and show us they are going to fix this property correctly and get it code compliant, we will work with them and we will help them get there. From what I have seen so far, I am not confident they are going to do that. Tom Legler makes an additional comment: During this time, I have been communicating with the Division of Hotels and they have pulled their licenses to operate as a Hotel and Restaurant. The Chairman
opens up the floor for comments from the Owner and / or Owner’s Representatives.

I am an Attorney, my name is Justin Garcia and I represent ENY and the folks over at the Budget Inn and appreciate the time for us to talk. I’m here to talk about and have other representatives talk about what we have done to show that we are committed to making this property safe and making it compliant with the issues that the County has found consistently. To start with, we would be happy and appreciate any chance to sit down with the Building Inspector’s office to go through the plans and make sure that we’re giving them exactly what they want. It is 100% our desire to do that and to make sure that it’s compliant and that it’s safe. We are committed to that process right now. To that end, we have a design team that is in place, an Architect, a contractor that we signed up who is ready to go as well as a consultant who is helping us. We have a team in place that is ready to execute on these plans. We recently picked up the Roof Permit and are ready to start on that again. Throughout the last 3 or 4 months we have been making progress on our permit applications. If you look back through the permit log you can see that we have been submitting and resubmitting. It does take time and money to do those things and it is an example of our commitment to getting this done. We are well aware that this problem will not go away unless we demonstrate otherwise. When I say problem, I’m talking about the conditions and the potential for the Determination of Condemnation. We are happy to and more than willing to welcome the opportunity to get assistance from the Building Inspector’s Office and from the County to help us determine what they want to see from us. We have additional plans we are submitting that contain structural elements which we will be submitting. I’d like to have Steven Heckner talk a little bit now.

No one appears to be present by that name.

The Contractor, Mr. Waller, now speaks. What I want to do is to explain the process. We hire a design professional that we work with to tell us our scope of work that we plan to do and, once that is done, I get the design professional to draw it and then he gives it to me and then I present it to the Building Department. Until the permit is issued, the Contractor is a go-between. We submitted what we thought with the damages we saw that needed to be repaired. The Building Department looked at what we said we thought needed to be done. They are asking for additional information.

The Chairman of the Board states that they have heard enough. The issue is does the building comply with the codes. No, it does not. The issue is to order the condemnation unless it is brought up to code and all of the legalities. That is what is before us. John Meinelt states that he would like to set forth a motion for condemnation and the date set forth of July 27th 2022 and it is up to you to make sure you have all of your paperwork done and meet with the County. You have a set date of July 27th and that’s gonna be it. If you don’t have a permit by then or this Building Department is not satisfied you are going to do anything, then the Condemnation will go through. I am making a motion. Michael Wojtuniak seconds the motion. Chris Ryan states that the Chairman, John Meinelt cannot make the motion without passing the gavel and that we need to make sure the opposition has been heard. Michael Wojtuniak makes a motion of condemnation for CLCA-22-01-001 and CLCA-21-012-002 with a compliance date of July 27, 2022. The motion is seconded. Board Members vote to adopt the Resolution, no one opposed and motion carries. Chris Ryan states that a 2nd vote needs to be held since there
are two separate cases at 2801 E New York Ave – one for the Hotel and one for the Restaurant/Lobby. The first vote was for CLCA-21-012-002 and now we need to vote for CLCA-22-01-001. Board Member makes a motion for the 2nd case of CLCA-22-01-001 and Michael Wojtuniak seconds the motion. Board Members vote to adopt the Resolution, no one opposed and motion carries.

2. CLCA-22-06-001, 2801 E New York Ave, DeLand, FL 32724, Owned by Eny Equity LLC. Appeal of the Building Official’s decision to disconnect power.

Thomas Legler, Deputy Building Official presents the case. The power was ordered to be disconnected on May 23rd and it was disconnected on May 23rd and the Owner would like to appeal that decision. Let’s hear from the Owner. Kerry Leuzinger, Chief Building Official, makes a statement for clarification that the order to disconnect was at his direction and that was his decision. That decision was made based on the conditions of the property and it was made in the interest of life safety and general welfare of the public. I heard Mr. Waller state that the electrical issues were minor, and I totally disagree with that. I started doing electrical work in 1979. It is not minor, there is a great deal of work to be done. Many hazards throughout the buildings. Chris Ryan states that he just handed out the Code regarding Appeals of the Building Official’s decisions. He then goes through the 4 avenues of appeal available. Let’s hear from the Owners. We are prepared to have an electrical contractor come in and address any of the electrical issues out there but right now as it stands we need the electricity turned back on for a number of reasons. One being, that with it off it creates a condition that causes more damage to the building. The building is structurally sound but the conditions inside are ripe now without electricity and without the ability to run the air conditioning, once it is fixed if there are any issues, that would allow us to keep the temperature of the building that does not encourage the growth of mold and create more damage to the structure itself, the Building itself, the rooms, the furniture, anything that is in it. In addition, without water there is no sanitary which is almost a bigger problem. That is something critical for us to fix the building as well. We can’t fix this building or it becomes much more difficult to fix this building without those services. Without those services it continues to cause damage. Kerry Leuzinger requests to comment. There are issues with the structure. The attorney mentioned there are not and I disagree with that. Once a permit is issued, we would look at this as a construction site and at that point we will look at any temporary power needs that they have. The water and sewer is an issue. They have on-site water and sanitary. We will work with them once I know we have an electrician on site and it is an active site to get them those systems up and running through a safe method that we would use on any construction site. We will work with them when it gets to that point but at this time I do not feel the power needs to be returned. The Chairman, John Meinelt states that the only way power will be returned is minimal temporary power for construction only. Not for living conditions or keeping the A/C on. The A/C wouldn’t be on if you’re building this building new or rehabbing it from the ground up or anything. I’m willing to go along with temporary power once a permit has been issued and temporary power is asked for but minimal. Michael Wojtuniak made a motion to uphold the decision of the Building Official by keeping the power off. The motion is seconded. Board Members vote to adopt the Resolution, no one opposed and motion carries. John Meinelt states that the Appeal has been denied.

VIII. Staff Comments.
Kerry Leuzinger introduces Mark Barber and welcomes him into the CLCA. We look forward to him serving on this Board.

IX. Citizen Comments.

There were no citizen comments.

X. Adjourn at 4:03 PM.

If any person decides to appeal a decision made by the CLCA with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.