

To ensure that the Town Commission is fully apprised of the history of the current code enforcement fines that are accruing, staff has outline necessary background information and relevant history in chronological order to ensure a comprehensive discussion may be held on the proposed concerns.

Note: In accordance with state public records laws, the Town maintains significant email correspondence regarding this property (with Mr. Aram and his various associates/contractors) to corroborates the timeline and statements below. These emails are available upon request.

A timeline and summary of the relevant information is provided below:

September 7, 2022 – Mr. Aram purchased the property (754 Park Avenue Lake Park LLC)

November 2022 thru March 2023 – Mr. Aram and his contractor worked to gather all prior construction plan/drawing authorizations from design professionals previously involved in the project and were working on new plans, where necessary, for a complete building permit resubmittal.

March 2023 – Since a new permit submittal was not yet received, staff began to request/scheduling meeting(s) with Mr. Aram, Yefry Jave (Vice President of Finance and Operations) and Mr. Aram’s General Contractor (Scott Van Bommel of Trend West).

May 16, 2023 – A follow-up meeting was held (with the general contractor, Mr. Aram, Mr. Yefry, and staff) since a new permit submittal was not yet received. At that meeting, it was mentioned by the General Contractor that the first set of renderings would be ready the following week by May 25, 2023 and then the final renderings in early June 2023, and that follow-up meetings would be scheduled to present them so that formal permit applications could then be made.

June 6, 2023 – A follow-up meeting was held (with the General Contractor, Mr. Aram, Mr. Yefry and staff). At this meeting, staff explained that based on our prior discussions, we were hoping to have a permit submittal by that time. It was further reminded that there had not been any activity on the property for quite some time. Furthermore, it was indicated that while staff was able to extend a lengthy courtesy and put things on hold in order to afford them the necessary time to gather their design professionals/plans/drawings, that at that point, if a complete permit application with all associated plans was not submitted by July 12, 2023, Code Compliance would move forward and begin the code enforcement citation/fine process against the property for an unfinished building without a valid construction permit. It was explained to Mr. Aram’s team, that it was not the Town’s preference, but given the lack of activity, the Town had no choice but to pursue code enforcement action since an extended courtesy period had been granted previously to provide Mr. Aram and his team with an opportunity to obtain construction plans authorization and/or to redraw the plans for the building. Town staff requested that Mr. Aram and/or his team notify the Town when he planned to submit. Additionally, as information, there was also discussion regarding improving the building/property located at 700/748 Park Avenue as well.

July 12, 2023 – An initial permit submittal was received from Mr. Aram.

July 20, 2023 – The contractor was issued comments on the permit submitted and advised that a complete review could not take place and a resubmittal was needed since the application was missing several required plans and information making it an incomplete submittal.

August 7, 2023 / August 31, 2023 / September 11, 2023 / September 26, 2023 – Staff followed up with the General Contractor, Mr. Aram and Mr. Jave on the complete permit resubmittal. The contractor indicated that he was working through the plans. Staff reminded Mr. Aram’s team that a considerable amount of time had passed and, while the permit submittal was made on July 12, 2023, it was incomplete and a resubmittal had not yet been received, a Notice of Violation was being issued on September 26, 2023.

September 27, 2023 – Notice of Violation was issued for an unfinished building without a valid building permit.

November 8, 2023 – Staff reached out to the General Contractor, Mr. Aram and Mr. Jave requesting a status on the permit submittal and advised Mr. Aram’s team that the case was being scheduled for the Special Magistrate Hearing in December 2023. A meeting with Mr. Aram and his team was also requested to enable staff to assist and provide guidance on how to best prepare for the Magistrate Hearing since the timeline information on the project’s next steps would be crucial.

Week of Monday, November 27, 2023 – Staff met with the General Contractor, Mr. Aram and Mr. Yefry where staff was notified that a permit submittal would be received by the end of that week.

December 6, 2023 – staff emailed the General Contractor, Mr. Aram and Mr. Yefry indicating that a permit submittal was not received and reminded Mr. Aram’s team that the case was scheduled for Special Magistrate Hearing on December 13, 2023 and that administrative costs would also be applied. Further, based on discussions with Mr. Aram’s team, it was thought that any potential fines that may be levied against the property begin 60 days from the Special Magistrate Hearing date to provide Mr. Aram and his team with sufficient time obtain the requisite permit. It was also emphasized that in order to meet that timeline, a permit submittal was required asap.

December 13, 2023 – Special Magistrate Hearing was held and the property was found in violations (copy of Order Finding Violation is enclosed with this agenda item). The Magistrate granted Mr. Aram and his team until February 11, 2024 to obtain a building permit for the completion of the construction. Failure to do so would result in a fine of \$150 per day, plus interest, which would accrue. Additionally, it was ordered that administrative costs in the amount of \$269.69 for conducting the hearing were also levied and ordered to be paid by February 11, 2024.

January 2, 2024 – Staff followed up with the General Contractor, Mr. Aram and Mr. Jave indicating that the Town has yet to receive a permit submittal and cautioned that since it had not yet been received, the Town could not guarantee it could be reviewed and finalized in time for issuance prior the Magistrate’s ordered compliance date of February 11, 2024, which Mr. Aram had previously agreed to. Based on the delays, Mr. Aram’s team were also reminded by staff that as of February 12, 2024, a lien would be recorded against the property and fines would begin to accrue, assuming a permit was not obtained by February 11, 2024. Additionally, a reminder that the administrative costs of \$269.69 would also need to be paid no later than February 11, 2024 was provided. A response was provided by the contractor in that they were working through the plans.

February 8, 2024 – Staff followed up with Mr. Aram since a permit submittal was not yet received. At that time, the Commission also requested that Mr. Aram provide a construction status presentation at their March 6, 2024 meeting. Mr. Aram later indicated on February 20, 2024 that he had a conflict and could not attend the Commission meeting, but that maybe a future meeting could be accommodated. He also explained they were doing their best to wrap up the permit submissions.

March 18, 2024 through April 25, 2025 (Note: staff communicated with the General Contractor and/or property owner several times throughout this timeframe and a meeting with the previous Town Manager was also held):

- ➔ March 18, 2023 submittal - Initial review for the master permit submittal was conducted and reviewer comments, including PBC Fire, were completed and issued to contractor on April 3, 2024
- ➔ Resubmittal by contractor was received on October 29, 2024 for review and all reviewers completed their review and issued comments to the contractor on October 31, 2024
- ➔ Resubmittal by contractor was received on January 22, 2025 and all reviewers completed their review and issued comments to the contractor on January 28, 2025
- ➔ Resubmittal by contractor was received on February 27, 2025 and all reviewers completed their review and issued comments to the contractor on March 7, 2025, with only mobility fees and impact fees left to be paid before final approval and permit issuance
- ➔ April 25, 2025 – all fees paid and permit issued (Town Staff did follow-up with County on the impact fees earlier in the month since Mr. Aram and the General Contractor indicated the County was taking long to respond. The County explained that since an impact fee credit was being requested in an effort to assist Mr. Aram, it would a few weeks to determine and process the credit

June 2025 - The property owner reached out to the Town to discuss the lien and fines that had accrued. In exchange for a reduction in code enforcement fines that had accrued due to the Order Finding Violation by the Special Magistrate in December 2023 (approximately \$66,000 plus interest - \$150 per day).

July 19, 2026 – The Town recommended to the Special Magistrate, which was approved by Mr. Aram, a Stipulation and Agreed Order for Fine Reduction that included an agreed upon date to complete all outlined construction no later than December 30, 2025. Mr. Aram agreed to this Agreement and executed the Agreement (See attached). The approved Stipulation also required the Town to significantly reduce the code enforcement fine down to \$17,788.76 (which was paid by Mr. Aram). Additionally, the Agreement provided that Mr. Aram would ensure that interior vanilla shell and exterior improvements to the building would be completed no later than December 30, 2025 - a date that was agreed to by the property owner and their contractor.

December 2025 - Leading up to December 2025, Town Staff reached out to the property owner and/or their contractor requesting a status update. Staff also met with Mr. Aram and his contractor in November 2025 and notified the Town that they had experienced some delays due to some pending leases with some end users and that these leases would require some changes to their approved permit plans so that some future buildout work for these tenants (Big John's and a Vegan Bakery) can be applied for separately.

December 15, 2025 – Following a request by Mr. Aram's team and in an effort to work to support the completion of this project in a timely manner, the Town recommended a 1st Amendment to the original Stipulation Agreement to the Special Magistrate, which was agreed to by Mr. Aram, granting him an additional one (1) month to complete the project before any code enforcement fines would begin to accrue (due to violation of the approved Agreement). The new compliance date was now January 30, 2026, which again, Mr. Aram agreed to meet.

January 15, 2025 – Staff met with the General Contractor on the work status and an updated timeline was requested, but not provided by Mr. Aram's team. The contractor indicated that they were moving fast and they hoped to complete the project on or around January 30, 2025. Staff explained their concerns with

providing additional time due to the current construction status and that an extension had already been provided. Staff was available to assist in any way with the hope of avoiding a non-compliance situation per the 1st Amendment to the Stipulation Agreement. The contractor acknowledged his awareness of the compliance date and understood we would be reaching out at the end of month (January 2025) if work was not completed. The contractor indicated they were doing everything possible to complete the work on time or close to the actual compliance date that Mr. Aram had agreed to meet.

January 30, 2026 – In addition to reaching out on January 7, 2026, Town staff also reached out on January 30, 2026 advising the property owner that the property was not in compliance by the extended compliance date of January 30, 2026, which Mr. Aram had agreed to meet. Thus, as outlined with the 1st Amendment to the Stipulation Agreement that was approved by the Special Magistrate and Mr. Aram, an additional payment of \$18,000 was now due to be paid to the Town by Mr. Aram.

February 2, 2026 - The property owner (through his contractor) paid the additional \$18,000 to the Town. Additionally, pursuant to condition #9 within the 1st Amendment to the Stipulation Agreement, which was approved by Mr. Aram, staff further notified Mr. Aram's team that \$150/day, plus interest, would be retroactive to July 1, 2025 and would continue to accrue until the work that was to be completed within the Stipulation Agreement was actually completed.

At this time, the work continues to not be completed and a revised timeline for completion has not been received by Mr. Aram and/or his team. It should be noted that staff has been verbally notified that it may be mid-March 2026 that this work may be completed (the date of this Agenda Item is March 17, 2026), but, to date, a formal timeline for completion has not been received.

Note: The Town's staff has been committed to working to support the completion of this project ((which is contrary to various statements being leveled against the Town and staff) as evidenced by the Town's willingness to recommend a longer period to complete the project and ensure that Mr. Aram was able to meet all of the terms/requirements as provided within the original Stipulation Agreement and the 1st Amendment. Further, the Town, as provided within the Agreement, which was approved by the Special Magistrate and approved and executed by Mr. Aram, is not eligible to provide Mr. Aram with further code enforcement reductions, which is clearly outlined within #7 of the original Stipulation Agreement:

*“In the event a Certificate of Completion is not received by December 30, 2025, then the Code Enforcement Lien against the property pursuant to Case No. 23090024 shall continue to accrue a daily fine and interest pursuant to the Order, with a retroactive accrual starting July 1, 2025 onwards, **and shall not be eligible for any further fine reductions.**”*

As noted previously, the timeline and summary outlined above represents many of the discussions and written correspondence regarding this project over a number of years. This timeline is not representative of an exact account of all emails and discussions, but these public records may be provided and made available to confirm the above timeline and summary statements, if needed.

March 19, 2026 – The property owner's code compliance case was presented and discussed at the Special Magistrate Hearing. The Community Development Director provided a brief history/timeline. A representative from the ownership, Mr. Yefry Jave and their general contractor, Scott Van Bommel of Trend West, were present and addressed the Magistrate as well. It was determined by the Special Magistrate and Town Attorney that the property is not in compliance however, that the current fines should not be retroactive to July 1, 2025 since two fine payments had already been made through January 30, 2026 for lack of compliance. Consequently, the Special Magistrate issued a Second Amendment to

Stipulation for Agreed Order of Fine Reduction so that the current fines have an accrual start date of February 1, 2026, and will continue accruing at \$150/day until the building is completed. In addition, these accrued fines would not be eligible for a fine reduction. The ownership acknowledged these revised terms on the record and agreed to them verbally in advance of the revised agreement being provided to them.

Construction work at the property is ongoing and further updates will be provided at the May 6, 2026 Town Commission meeting.