

**MINUTES**  
**CITY OF DAYTONA BEACH**  
**CODE ENFORCEMENT BOARD**

**December 11, 2014**

The meeting of the CODE ENFORCEMENT BOARD was called to order by Chairman Mary Louise "Weegie" Kuendig at 9:05 a.m. on Thursday, December 11, 2014, in City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Members present:

Ms. Mary Louise "Weegie" Kuendig  
Mr. Neil Harrington  
Ms. Turner Hymes  
Mr. Thomas A.D. Jones  
Ms. Sonja Lewis Lucas  
Mr. Donald Smart

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney  
Mr. Hector Garcia, Code Compliance Manager  
Ofc. Sherri Siracusa  
Mr. Michael Fitzgerald, Code Inspector  
Mr. Denzil Sykes, Code Inspector  
Mr. John Stenson, Code Inspector  
Mrs. Aimee Hampton, Board Secretary

Approval of the Minutes by: Marylouise "Weegie" Kuendig Chairman

Ms. Hampton called the Roll and all members were present. The Board had a quorum.

Ms. Kuendig asked for a motion to approve the November 13, 2014 meeting minutes. Ms. Hymes motioned the same with Mr. Harrington seconding. Motion approved (6-0).

Ms. Kuendig asked if there was any ex-parte communication. There was no disclosure of ex-parte communication.

Ms. Kuendig asked if there were any announcements. Ms. Hampton announced the following cases that were in compliance:

**CASE NO 4 CEB 09-14-101 - Locksley Newton** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.13.1, 305.3, 305.6, 307.1, 605.1, & 704.2), at **360 Weaver Street** - Violation(s) - Glazing; interior surfaces; interior doors; accumulation of rubbish or garbage; electrical installation - equipment wiring; smoke alarms - First Notified - 7/2/2014

Respondent was in compliance December 10, 2014.

**CASE NO 10 CEB 11-14-118 - Kevin W. Lebaron** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.7), at **1101 6th Street** Violation(s) - Outside storage; dilapidated fencing - First Notified - 8/20/2014

Respondent was in compliance December 6, 2014.

Ms. Hampton stated staff was going to pull Lien Review 1 due to not receiving the paperwork back signed.

Ms. Hampton swore in members of staff who would be testifying.

Ms. Kuendig read and reviewed the procedure of the meeting to the audience.

### **Lien Review 1**

**CEB 10-14-108 – 833 N. Ridgewood Avenue – James Ashburn (Property Owner) and ACE Cash Express, Inc. d/b/a Ace Americas Cash Express 3269 (Business/Tenant)** is cited for failure to correct violations of the Land Development Code, Art. 17 Sec.2.111; 2.111(a); Art. 18 Sec. 6.6; Art. 18 Sec. 6.6(a); Art. 18 Sec. 6.6(a)6; Violations: Sign Violation – No TPA permit for the banner signs on the front and sides of building; window signs located on the outside of the glass attached to or visible from a window. Order Imposing Fine/Lien of \$250.00 per day imposed 11/13/2014; Compliance date 12/3/2014 = \$5,000 plus \$24.00 recording costs & \$5.20 interest for Total of \$5,029.20.

### **PULLED BY STAFF**

**CASE NO 1 CEB 09-14-94 - International Beach Club Condominium Association, Inc.** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp NFPA 25 5.1 & FAC 69A-47.015), at **313 S. Atlantic Avenue** - Violation(s) – Correct deficiencies per your 2/19/14 Sprinkler contractor inspection; elevator does not meet upgrade standards - First Notified – 2/14/2014 (Sprinkler system) 3/29/2014 (elevator)

Mr. Newell appeared on behalf of staff and reviewed the case history. Mr. Newell stated the only remaining violation was for the installation of the new elevator and he had not been contacted for a re-inspection. Therefore Mr. Newell requested a fine be imposed in the amount of \$100 per day to the maximum amount of \$20,000.

### **Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$100 per day against the respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$20,000. Mr. Harrington motioned the same with Mr. Smart seconding. Motion approved (6-0).

### **Lien Review 2**

**SMG 06-11-56 – 1129 Hillcrest Drive – James Corwin** is cited for failure to correct violations of the Land Development Code, Art. 19 Sec.1.1 (Ref. FBC 105.1) for Violation(s) – Renovations without permits. Order Imposing Fine/Lien of \$50.00 per day imposed 1/4/2012; Compliance date 8/20/2012 = \$11,450.00 plus \$24.00 recording costs & \$1,249.00 interest for Total \$11,721.90.

Mr. Marvin Miller from Miller Real Estate came forward and was sworn. Mr. Miller advised he was representing Mr. Corwin.

Mr. Jackson explained the case history and advised Mr. Corwin was the mortgage holder and took the property back through foreclosure but neglected to include our lien in the foreclosure and therefore it still remains on the property. Mr. Jackson stated staff's recommendation was to reduce the lien to the amount of \$2500.

Mr. Miller stated with the expenses of the foreclosure he will taking a loss on the sale of the property and any relief the board could consider would be appreciated.

### **Board Action**

Ms. Kuendig asked for a motion to reduce the lien to the amount of \$2,500 subject to being paid within 30 days. Ms. Hymes motioned the same with Mr. Smart seconding. Motion approved (6-0).

### **Hearing of Cases**

Ms. Kuendig asked if there were any attorneys' present. The following cases were taken out of order due to presence of attorneys.

**CASE NO 2 CEB 10-14-111 - John Koutouzis, Trustee** is cited for failure to correct violations of The Land Development Code, Art. 1 Sec. 5.3 & 5.4, at **728 Ballough Road, A** - Violation(s) – Zoning - Non-conforming use - living in a commercial building/using a commercial building as living quarters - First Notified – 8/14/2014

Attorney Alan Holt appeared on behalf of the Respondent. Mr. Holt stated they have now filed for eviction.

Mr. Jackson stated staff was aware the eviction was now filed and was agreeable to the February cut-off date for compliance to allow for the eviction to be completed.

**Board Action**

Ms. Kuendig asked for a motion to amend the previous order of noncompliance to allow the respondent until February 4, 2015 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day. Mr. Smart motioned the same with Ms. Hymes seconding. Motion approved (6-0).

**CASE NO 22 CEB 12-14-131 - Bayshore Bath & Tennis Club Condo Association** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.4), at **925 N. Halifax Avenue** - Violation(s) – Failure to maintain structural members (rust, removal of fire coating) First Notified – 5/28/2014

Attorney Christopher Wickersham appeared on behalf of the association.

Mr. Jackson called Inspector Clig to provide testimony.

Inspector Clig stated the case originated from a complaint saying the management company removed fire coating from the beams in the underground parking lot and also there are issues with rust on the support beams. Mr. Clig stated they were looking for a timeline for a completion date.

Mr. Michael Garrett stated the main issue was neglect of maintenance as fireproofing does need to be regularly maintained. Mr. Garrett further stated he met with the local structural engineer and fire engineer who has been brought on for the project. Mr. Garrett stated it is extensive work but not a quick fix so they would like to have a schedule in place and timeline for completion.

Mr. Jackson called a witness to testify.

Mr. Ted Hess came forward and was sworn. Mr. Hess stated he was a resident at the Bayshore and felt he needed to relay to the Board that the fire coating has been deteriorating over the past 8 years and he was unaware who made the decision to paint the steel once the fire coating wore off. Mr. Hess stated this is a considerable expense to the homeowners.

Mr. Wickersham stated he wanted to assure the Board, the association takes this matter very seriously. Mr. Wickersham stated within a short period of time an engineer was hired for the structural portion. Mr. Wickersham explained the process of correcting the problem, the cost of the project and the process of obtaining a special assessment for the cost of the repairs.

Mr. Wickersham presented Exhibit 1 which was a letter from Beckman Engineering who are the fire specialists saying there is no immediate fire hazard and also Exhibit 2 from Robert Bullard, the structural engineer who stated there were no structural deficiencies at this time that would impair the integrity of the building. Mr. Wickersham stated there is no immediate life safety issues on the property.

Mr. Wickersham was requesting a continuance to the next meeting to allow time to submit a final bid and estimates and also to allow notice of the special assessment to take place for the association members.

Mr. Jackson stated staff has advised they are being very cooperative and recommended scheduling a progress report for February to allow them time to work out a timeline and plan.

**Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent appear at the February 12, 2015 Agenda for a Progress Report. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 14 CEB 11-14-122 - Wells Fargo Bank c/o Wells Fargo Home Mgr** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.15 and 604.3); Art. 19 Sec. 1.1 (Ref. FBC 105.1), at **19 Starling Drive** - Violation(s) – Residential appearance standards (trees and landscaping); outside storage of junk and debris; exterior doors (garage door); electrical system hazard; working without permits (roof) - First Notified – 8/25/2014

Attorney Matthew Schulis appeared on behalf of Wells Fargo Bank.

Mr. Jackson stated the property is secure and all the violations have been corrected except the landscaping issue and the permit. Mr. Stenson recommended imposing a fine in the amount of \$100 per day with a maximum of \$15,000.

Mr. Schulis stated the vendor was working on permits and they had a setback with the ceiling and lanai bids approved.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$100 per day against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000. Ms. Hymes motioned the same with Mr. Smart seconding. Motion approved (6-0).

**CASE NO 3 CEB 09-14-100 - Victor Ingram & Agnes Ingram** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.6, 307.1, & 504.1); City Code 90-297, at **526 Wallace Street** - Violation(s) – Exterior walls; accumulation of rubbish or garbage; general plumbing fixtures; No Business Tax Receipt (BTR) - First Notified – 8/1/2014

***Mr. Jones stepped away at 9:50 a.m.***

Respondent was not present.

Mr. Jackson called Inspector Sykes to provide testimony.

Inspector Sykes stated the property remained in non-compliance with exterior walls and plumbing fixtures along with the no business tax receipt. Mr. Sykes stated the only thing repaired was the trash being removed.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$200 per day plus a one-time administrative fine of \$250.00 effective December 11, 2014 to continue until compliance is achieved or the fine reaches the maximum amount of \$15,000. Mr. Harrington motioned the same with Ms. Lucas seconding. Motion approved (5-0).

***Mr. Jones returned at 9:55 a.m.***

**CASE NO 21 CEB 12-14-130 - Le Atlantico Condo Association c/o All Florida GMAC** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.4 & 304.6), at **1404 N. Atlantic Avenue** - Violation(s) – Failure to maintain exterior structural members and exterior walls - First Notified – 10/1/2014

Mr. Paul Hart came forward and was sworn and stated he was the new property manager for the Association.

Mr. Clig stated the spaulding and balcony work was being done without a permit and the building department has a schedule they would like to see imposed.

Mr. Robert Snowden, Building Inspector, came forward and was sworn. Mr. Snowden stated he issued a stop work order because there was work being done on spaulding that was not permitted. Mr. Snowden stated they have since hired an engineer and contractor.

Mr. Hart stated he became the property manager in August 2013. Mr. Hart stated they did acquire an engineer and submitted paperwork for the record. Mr. Hart stated the initial notice was delivered to the past management company he was not notified until November. Mr. Hart stated a plan was being developed by the engineer so they could get a plan and obtain bids from several contractors before they hire one.

Mr. Jackson stated this situation was similar to the last case and staff was recommending a progress report for the February meeting.

#### **Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent appear at the February 12, 2015 Meeting for a progress report and further amend the case style to reflect Paul Hart from Hart Pro Realty as the contact person. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 5 CEB 10-14-112 - Fannie Mae Wallace** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.4), at **Desoto Avenue - Vacant Lot Parcel # 5238-36-08-0110** - Violation(s) – Outside storage of lumber, buckets, trash, junk, debris; high weeds - First Notified – 8/19/2014

Respondent was not present.

Mr. Sykes stated the property was a vacant lot that was cut and landscaping was nice, however there were still materials stored on the property. Mr. Sykes recommended imposing a fine of \$50.00 per day to a maximum of \$10,000.

#### **Board Action**

Ms. Kuendig asked for a motion to impose a fine in the amount of \$50.00 per day against the Respondent effective December 11, 2014 to continue until compliance is achieved or the fine reaches the maximum amount of \$10,000. Mr. Smart motioned the same with Ms. Hymes seconding. Motion approved (6-0).

**CASE NO 6 CEB 10-14-114 - Willie Bailey & Robin L. Gibides** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 302.8 & 307.1), at **563 Live Oak Avenue** - Violation(s) – Inoperative vehicle, tires, tin cans, debris stored outside - First Notified – 8/8/2014

Ms. Robin Gibides came forward and was sworn. Ms. Gibides stated everything was done except the vehicle issue.

Mr. Sykes stated he met with the property owner and stated all violation are corrected except the vehicle needed to be removed or licensed and insured.

Ms. Gibides stated Mr. Bailey was the owner of the car and she currently had a restraining order against him and he could not come to the property to get the car.

Mr. Cino recommending an automatic fine if the property is not in compliance by next month.

**Board Action**

Ms. Kuendig asked for a motion to amend the previous order of non-compliance to allow the Respondent until December 31, 2014 to come into compliance or an automatic fine of \$100 per day shall be imposed effective December 11, 2014 to continue until compliance is achieved or the fine reaches the maximum amount of \$10,000. Ms. Hymes motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 7 CEB 10-14-116 - Prem K. Bhandari** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 605.1, 704.2, 304.6, 304.7, 307.1, 304.13.2), at **433 Warner Place** - Violation(s) – unopenable windows; exterior wall damage; remove all trash, junk and debris from rear yard and front part of carport area; electrical outlets; smoke detectors - First Notified – 7/1/2014

Respondent was in compliance December 1, 2014.

**CASE NO 8 CEB 11-14-117 - Vernal Johnson & Patricia Roper** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 303.14, 303.15, 303.7, 304.3, 306.1, 504.1, and 704.1), at **646 South Street Unit 3** - Violation(s) – Leaking roof, missing ceiling, infestation, interior/exterior doors, smoke detector and plumbing - First Notified – 5/17/2014

Respondent was not present.

Mr. Sykes stated there has been no contact from the property owner and all violations still exist, and further showed a picture of 1 inch to 1 inch and ½ water in the tenant's unit after it rained. Mr. Sykes stated the property owner did come out over the weekend and try and put a tarp over roof and ended up making it worse.

Mr. Sykes recommended imposing a fine of \$500 per day to a maximum of \$15,000.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$500 against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000. Mr. Smart motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 9 CEB 08-14-90 - Harold W. Hunter, Jr. & Lisa Hunter Davis** is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.7; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.2, 304.14, 304.7, 302.7, 304.6); City Ordinance 90-297, at **803 Madison Avenue** - Violation(s) – Parking in yard; outside storage; peeling paint; dilapidated/missing screens; dilapidated roof; dilapidated accessory structure (detached structure); exterior surfaces; No valid business tax receipt (BTR) - First Notified – 6/2/2014.

Respondent was not present.

Mr. Stenson reviewed the case history and were advised the eviction was started. Mr. Stenson stated since the last meeting he has had no contact. Mr. Stenson stated the property remained in non-compliance and was asking for the imposition of a fine of \$100 per day.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$100 per day against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000. Mr. Smart motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 11 CEB 11-14-119 - George E. Moore** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.13, 304.7, 302.7, 304.6 and 301.3), at **1204 Continental Drive** - Violation(s) – Outside storage; broken windows; dilapidated roof; dilapidated fencing; exterior surfaces; unsecure/vacant property - First Notified – 8/28/2014

Respondent was not present.

Mr. Stenson stated the City secured the property and there has been no contact or progress towards compliance.

Mr. Cino asked what type of service was served on the Respondent.

Mr. Stenson stated he did have to post the property.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$200 per day against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$10,000. Mr. Smart motioned the same with Mr. Harrington seconding. Motion approved (6-0).

**CASE NO 12 CEB 11-14-120 - Michelle McGhee** is cited for failure to correct violations of The Land Development Code, Art. 1 Sec. 4.3; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.6, 305.3, 604.3); Art. 19 Sec. 1.1 (Ref. FBC 105.1); and City Code Ch. 90 Sec. 90-297, at **731 Flanders Avenue** Violation(s) – Rooming house; outside storage; exterior surfaces; interior surfaces; electrical system hazard; working without permits; no valid business tax receipt (BTR) - First Notified – 8/12/2014

Michelle McGee came forward and was sworn. Ms. McGhee asked for an extension because of finances.

Mr. Donald Whisman came forward and was sworn. Mr. Whisman stated the permit for a small piece of stucco was ready but Ms. McGhee did not have the funds available to pay for the permit at this point.

Mr. Stenson stated the property was vacant and the violations were for exterior surfaces, obtaining a permit, interior surfaces and further recommended imposing a fine of \$150 per day to a maximum of \$15,000.

Mr. Jones stated he believed the city should give them more time.

**Board Action**

Mr. Jones motioned to amend the previous order of non-compliance to allow the Respondent until February 4, 2015 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Ms. Smart seconding the motion and it was approved (5-1) with Ms. Hymes opposing.

**CASE NO 13 CEB 11-14-121 - Matthew Mountain** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 303.1, 303.2 and 304.15), at **116 Point O Woods Drive** - Violation(s) – Unmaintained and unsecured pool; dilapidated pool enclosure; exterior doors (garage door) - First Notified – 9/23/2014

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and the city did secure the pool but the property remained in non-compliance. Mr. Jackson stated the City was asking a fine be imposed of \$200 per day to a maximum of \$15,000. Mr. Jackson further stated the city was going to ask the board to impose a lien for the cost incurred for the boarding and securing of the property.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$200 per day against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000. Mr. Harrington motioned the same with Mr. Smart seconding. Motion approved (6-0).

\*\* The case was postponed while staff obtained the invoice with the specific cost for the boarding and securing.

**CASE NO 15 CEB 11-14-123 - Stuart H. Mortimer** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7; Art. 18 Sec. 7.3; Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 302.7, 303.1, 304.13, 304.14, 304.15, 304.2, 304.6, 305.3, 605.1), at **131 Tarragona Way** - Violation(s) – Unmaintained landscaping; outside storage; dilapidated fencing; unmaintained and unsecured pool; dilapidated windows; torn/missing screens; dilapidated exterior doors; peeling paint; exterior surfaces; interior surfaces; missing/dilapidated electrical fix - First Notified – 8/20/2014

Respondent was not present.

Mr. Jackson stated the property has a number of violations to include securing and maintaining the pool.

Mr. Stenson stated the major issue is the dirty pool and unsecured pool. Mr. Stenson stated the city is asking for \$200 per day to a maximum of \$10,000.

Mr. Cino stated he wanted it in the record that the Board is requesting the City to secure the pool as quickly as possible.

**Board Action**

Ms. Kuendig asked for a motion to impose a fine of \$200 per day against the Respondent effective December 11, 2014 to continue each day thereafter until compliance is achieved or the fine reaches the maximum amount of \$15,000. Mr. Smart motioned the same with Mr. Jones seconding. Motion approved (6-0).

Ms. Kuendig asked for a motion to authorize the City to secure the pool as soon as possible. Ms. Hymes motioned the same with Mr. Harrington seconding. Motion approved (6-0).

*The meeting broke at approximately 10:40 a.m.*

*The meeting resumed at approximately 10:45 a.m.*

**CASE NO 16 CEB 12-14-124 - Donna Rogers** is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.7 (a); Art. 18 Sec. 2.13(b); Art. 18 Sec. 7.3.1, at **520 Poinsetta Drive** Violation(s) – Parking on unimproved surface; unmaintained lawn/landscaping; materials stored on the property - First Notified – 9/23/2014

Respondent was not present.

Ms. Lankford stated the property was previously in non-compliance but currently in compliance and was seeking a finding of non-compliance to prevent any repeat violations.

**Board Action**

Ms. Kuendig asked for a motion to find the Respondent previously in non-compliance but currently in compliance and for any future repeat violation be returned to a subsequent meeting for consideration of a fine up to \$5,000 per occurrence. Ms. Hymes motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 17 CEB 12-14-127 - Clyde D. Baumgardner, Sr.** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3 and 7.3.2; Art. 19 Sec. 1.1 (Ref. FBC 105.1 and Supp IPMC 302.7, 304.15, and 304.7), at **1193 Jimmy Ann Drive** - Violation(s) – Outside storage; clothes line; unpermitted addition to structure; dilapidated shed; dilapidated fencing; exterior doors; dilapidated roof  
First Notified – 9/23/2014

Respondent was in compliance December 2, 2014.

**CASE NO 18 CEB 12-14-125 - Resource Properties, Inc.** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 304.10, 304.13.2, 304.14, 304.7, 305.3, 305.4, 308.1, 504.1, 505.1, 505.4, and 603.1), at **217 Live Oak Avenue -Unit 1** - Violation(s) – Ceiling leaks, holes, cracks; rusted water heater; plumbing, faucets; windows; smoke detectors; peeling paint; rotted wood; dilapidated front and rear porch; roach and mice infestation - First Notified – 10/10/2014

Respondent was in compliance December 5, 2014.

**CASE NO 19 CEB 12-14-126 - Angel & Jose Rivera** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3.1; Art. 19 Sec. 1.1 (Ref. FBC 105.1); Art. 19 Sec. 1.1. (Ref. FBC Supp IPMC 302.3, 302.7, 304.10, 304.12, 304.2, 304.6, 305.3, 605.1); Art. 8 Sec. 3.1; City Ordinance 90-297(a), at **224 San Juan Avenue** - Violation(s) – No electrical, building, or plumbing, permits; outside storage; unapproved fence; exposed wood; interior surface damage; exposed wires; holes, cracks, rotted wood, peeling paint, dirt and grime; no business tax receipt (BTR) - First Notified – 9/3/2014

Respondent was not present.

Mr. Garcia stated the tenants were stealing power, no building and plumbing permits, outside storage and peeling paint, and no business tax receipt for the rental property. Mr. Garcia recommending a finding of non-compliance and next cut-off date for compliance.

#### **Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent come into compliance by December 31, 2014 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

**CASE NO 20 CEB 12-14-128 - Lisa Hempel Smith & Marga Miller** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.1, 304.6 & 304.13.2), at **108 Flower Drive and 1008 Chaffee Place** (Same Structure with two units and two addresses) - Violation(s) – Failure to maintain windows and walls - First Notified – 5/9/2014

Ms. Lisa Hempel Smith came forward and was sworn.

Mr. Jackson called Mr. Clig to provide testimony for the case.

Mr. Clig stated the case was complaint driven and there are numerous broken windows and stucco and frames coming apart. Mr. Clig stated this was the first time he has had contact with the respondent.

Ms. Smith stated most of the damage was done by a former tenant and she just has not had the funds to be able to make the repairs. Ms. Smith stated she was asking for more time to come into compliance.

#### **Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent come into compliance by February 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Smart motioned the same with Ms. Hymes seconding. Motion approved (6-0).

**CASE NO 23 CEB 12-14-132 - Bruce A. Lindergrass** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.1 & Art. 17 Sec. 2.189, at **388 Brookline Avenue** - Violation(s) – Outside storage; parking of a trailer in the front yard - First Notified – 10/16/2014

Respondent was not present.

Mr. Clig stated the violations were for numerous outside storage issues and there is also parking on the grass. Mr. Clig was asking for non-compliance with the next cut-off date for compliance.

#### **Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent come into compliance by February 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Smart motioned the same with Mr. Harrington seconding. Motion approved (6-0).

**CASE NO 24 CEB 12-14-133 - Bruce & Shirley Robinson** is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.7, at **523 Janice Avenue** - Violation(s) – Parking on the grass First Notified – 7/30/2014

Mr. Bruce Robinson came forward and was sworn. Mr. Robinson stated they were parking in the grass because of the break in's and the high speed chases but now they are not parking in the grass any more.

Mr. Clig stated the violation was for parking in the grass and the property is in non-compliance and asked for the next cut-off date for compliance.

#### **Board Action**

Ms. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent come into compliance by February 4, 2015 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Smart motioned the same with Mr. Jones seconding. Motion approved (6-0).

**\*\*Case No. 13 CEB 11-14-121 was revisited.**

**\*\* CASE NO 13 CEB 11-14-121 - Matthew Mountain** is cited for failure to correct violations of The Land Development Code, Art. 19 Sec. 1.1 (Ref. FBC Supp IPMC 303.1, 303.2 and 304.15), at **116 Point O Woods Drive** - Violation(s) – Unmaintained and unsecured pool; dilapidated pool enclosure; exterior doors (garage door) - First Notified – 9/23/2014

Mr. Jackson stated the invoice for the cost of securing the pool is \$3,975.00.

#### **Board Action**

Ms. Kuendig asked for a motion to impose a lien against the Respondent in the amount of \$3,975.00 for the cost of securing the pool. Ms. Hymes motioned the same with Mr. Smart seconding. (6-0).

#### **Miscellaneous Business**

1. There was no miscellaneous business.

#### **Adjournment**

The meeting was adjourned at 11:15 a.m.