

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

January 11, 2018

The meeting of the CODE ENFORCEMENT BOARD was called to order by Chairman Mary Louise "Weegie" Kuendig at 9:02 a.m. on Thursday, January 11, 2018, in City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Members present:

Ms. Mary Louise "Weegie" Kuendig
Mr. Neil Harrington
Ms. Cheryl House
Ms. Turner Hymes
Mr. Thomas A.D. Jones
Mr. Vernon Weatherholtz

Mr. Charles Cino, Esquire, Board Attorney.

Members absent:

Ms. Dalynn Purdy

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Neighborhood Services Division Manager
Officer S. Jessmer
Mr. Tom Clig, Code Inspector
Mr. Mike Fitzgerald, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Jerry Sanders, Code Inspector
Mr. John Stenson, Code Inspector
Ms. Aimee Hampton, Board Secretary

Approval of the Minutes by:

Mary Louise "Weegie" Kuendig Chairman

Ms. Kuendig called the meeting to order at 9:02 AM.

Ms. Hampton called the Roll and noted Ms. Purdy was absent. Mr. Harrington made a motion to excuse Ms. Purdy's absence. Mr. Jones seconded the motion and it was approved unanimously (6-0).

Ms. Kuendig stated she had a question about the December 14, 2017 minutes. Ms. Kuendig asked if Case No. 26, CEB 11-17-160, Rosetta Henderson, on Page 9 was extended to the February meeting since the case is on the agenda for today. Ms. Hampton stated the item will be scheduled for the February agenda as was in the order from last month's meeting.

A motion was made by Mr. Harrington, seconded by Mr. Jones, to approve the minutes of the December 14, 2017 meeting. The motion carried unanimously (6-0).

Disclosure of Ex Parte Communications: None

Announcements:

Ms. Hampton noted the following cases are in compliance:

CASE NO CEB 11-17-141 - Beach Photo Service, Inc. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G, at **604 Main Street** - Violation(s) – Broken sign - First Notified – 4/7/2017

Compliance 1/3/2018

CASE NO CEB 11-17-152 - Russell J. & Peter A. Morgan is cited for failure to correct violations of City Ordinance Ch. 26 Sec. 26-294 & City Ordinance Ch. 90 Sec. 90-297, at **909 Damron Street** - Violation(s) – Failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 8/24/2017

Compliance 1/2/2018

CASE NO CEB 12-17-175 - Alonzo & Laurther Badie is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **909 North Street** - Violation(s) – outside storage -First Notified – 5/3/2017

Compliance 1/9/18

CASE NO CEB 01-18-03 - Carl Chance & Raymond LaFleur Chance, JTRS is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 302.7, 302.8, 304.2), at **437 Goodall Avenue** - Violation(s) – Trailers parked in the front yard; fencing in disrepair; protective treatment; high grass - First Notified – 7/25/2017

Compliance 1/9/18

CASE NO CEB 01-18-12 - Harmony I, LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 605.1); City Code Ch. 26 Sec. 26-294; City Code 90 Sec. 90-297, at **1102 Berkshire Road** - Violation(s) – Electrical equipment and wiring; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 10/5/2017

Compliance 1/10/18

CASE NO CEB 01-18-18 - Michael & Ellenor Smith is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.7), at **1312 Vine Street** - Violation(s) – off-street parking; dilapidated fencing - First Notified – 6/21/2017

Compliance 1/10/18

Lien Reviews

CEB 04-12-33 – 515 Janice Avenue – George M. & Sandra L. Cencerik (New owner ACL Realty, LLC) was cited for failure to correct violations of The Land Development Code, Art. 19 Sec.1.1 (Ref. FBC Supp IPMC 304.7); City Code Ch. 90 Sec. 90-297- Violation(s) – Dilapidated roof; no business tax receipt (BTR). First Notified – 8/3/2011. **Order Imposing Fine-Lien of**

\$100.00 per day effective 8/9/2012 plus one-time administrative fine of \$250.00 for no business tax receipt (BTR). Compliance 1/3/2018 = \$15,000.00* maximized, one-time administrative fine of \$250.00 plus \$24.00 recording costs = \$15,274.00.

Carlos Lira was sworn and stated he is the owner of the property.

Anthony Jackson, Assistant City Attorney, stated the respondent has purchased the property and improved it. Mr. Jackson stated the city is asking for a reduction to \$1,500 to cover administrative and recording costs. Mr. Jackson stated Mr. Lira is not the individual that incurred the cost of the lien but has purchased the property and made substantial improvements.

Mr. Lira stated he has extensively remodeled the property and Code Enforcement was pleased with the work that has been done and the improvement to the neighborhood.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to reduce the amount of the lien to \$1,500 subject to being paid within 30 days or the fine will revert to the original amount. The motion carried unanimously (6-0).

Hearing of Cases

CASE NO CEB 12-17-162 - John Clark is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.4, 302.8) City Code Ch. 90 Sec. 90-297, at **559 N. Beach Street** - Violation(s) – Unlicensed vehicles; high weeds; Failure to obtain business tax receipt (BTR) - First Notified – 9/26/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector is Jerry Sanders and Mr. Sanders reports that the property is in non-compliance. Mr. Jackson stated staff is requesting a fine be imposed of \$250 per day to a maximum of \$20,000 plus a fee of \$250 be imposed for failure to obtain a business tax receipt.

Mr. Sanders stated the respondent sent an email last month about his health condition so Mr. Sanders asked for an extension; however, Mr. Sanders has not heard from the respondent since then. Mr. Sanders stated one or two of the cars have been removed but the rest is in the same condition.

DISPOSITION: A motion was made by Mr. Hymes, seconded by Mr. Weatherholtz, to impose a fine of \$250 per day up to a maximum of \$20,000, effective January 11, 2018, plus a one time fee of \$250 for failure to obtain a business tax receipt. The motion carried unanimously (6-0).

CASE NO CEB 09-17-113 - Uzair Shuja is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4,302.1, 304.2, 304.4, 304.10, 304.12, 304.13, 304.14) City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **116 Emmett Street** - Violation(s) – High weeds; sanitation; protective treatment; exterior structural members; stairs, handrails and guardrails; windows; insect screens; Failure to obtain required residential rental license (RTL); Failure to obtain business tax receipt (BTR) - First Notified – 6/1/2017

ACTION TO BE TAKEN: Impose Fine.

Shabaz Shuja was sworn in.

Mr. Jackson stated the inspector is Jerome McCoy. Mr. Jackson stated Mr. McCoy reports the property is in non-compliance. Mr. Jackson stated the city is requesting a fine be imposed of \$250

Mr. Shuja asked for a list of work that needs to be done.

Ms. Kuendig asked that Mr. Shuja speak with Mr. Sykes and Mr. McCoy after the meeting and the information will be provided to him.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to impose a fine of \$250 per day effective January 11, 2018, to continue until compliance is achieved or up to a maximum of \$15,000. The motion carried unanimously (6-0).

CASE NO CEB 11-17-144 - Troy A. Horwedel & Travis R. Horwedel is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 604.3, 605.1, 702.1, 702.2, 304.13.2, 304.14, 403.1); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **508 Fremont Avenue** - Violation(s) – Electrical system hazards; electrical installation; fire safety - means of egress; smoke alarms; unopenable windows; insect screens; ventilation-habitable spaces; failure to obtain required rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 8/9/2017

ACTION TO BE TAKEN: Impose Fine.

Travis Horwedel was sworn.

Mr. Jackson stated Mr. McCoy has been in contact the property owner and the owner has indicated they are waiting for the windows to be delivered.

Mr. Horwedel stated the windows have been ordered and should be arriving soon.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to amend the previous order of non-compliance and allow the respondent until January 31, 2018, to come into compliance or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 10-17-127 - The Carolyn Shave Living Trust c/o Carolyn Shave, Trustee is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **112 S. Oleander Avenue** - Violation(s) – No permit (renovation) - First Notified – 7/20/2017

ACTION TO BE TAKEN: Impose Fine.

Fabrie Clouteau, 126 S Oleander, was sworn stated he is a licensed contractor and has worked on the subject property.

Mr. Jackson stated the inspector, Mark Jones, indicates permits for windows and doors have been obtained but there have been no permits for siding. Mr. Jackson stated the property is in non-compliance.

Mr. Clouteau stated the property owner recently had hip surgery and was unable to attend today's meeting. Mr. Clouteau stated the property owner may install stucco instead of siding and will be done by July 1, 2018 since funds will not be available until March or April of this year. Mr. Clouteau stated Ms. Shave would like the fine removed in order to help her obtain the funds for the work that needs to be done.

Mr. Jones stated hardy board has been installed and he informed the property owner that a permit was needed to do the work.

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. Hymes, to impose a fine of \$100 per day against the respondent effective January 11, 2018 and continuing until compliance is achieved or reaches a maximum of \$10,000. The motion carried unanimously (6-0).

CASE NO CEB 11-17-158 - AF126southoleander Residential Trust dated 1/26/16 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.3, 302.7, 304.1, 304.2, 304.6, 304.8, 304.13, 304.13.2, 304.14, 604.3); Art. 6 Sec. 6.19.A.3, at **126 S. Oleander Avenue** - Violation(s) – Sidewalks; driveways; accessory structures; general maintenance; protective treatment; exterior walls; decorative features; window, skylight, door frames; unopenable windows; insect screens; electrical sytem hazards and site appearance standards - First Notified – 8/18/2017

ACTION TO BE TAKEN: Impose Fine.

Mr. Jackson stated the inspector, Mark Jones, reports there has been no permit application submitted and the respondent continues to work without permits.

Mr. Jones stated none of the violations have been corrected and no permits have been obtained.

Mr. Clouteau stated he sold the property two days ago.

Michael Bretzel, 242 Royal Dunes Circle, Ormond Beach, Florida, was sworn in. Mr. Bretzel stated closing on the property was January 8, 2018. Mr. Bretzel stated he is a representative of K. Williams Real Estate and the new owner lives in California.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mrs. House, to continue the case until February 8, 2018 so the new owner can be added to the case. The motion carried unanimously (6-0).

CASE NO CEB 11-17-151 - Marquis S. Williams is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1 and 302.8), at **1016 Cadillac Drive** - Violation(s) – Off-street parking; exterior property - sanitation; junk vehicle parking - First Notified – 9/19/2017

ACTION TO BE TAKEN: Impose Fine.

Marquis Williams was sworn in.

Mr. Jackson stated the property is in non-compliance.

Mark Jones, Code Inspector, stated he visited the site yesterday and the exterior storage has been removed. Mr. Jones stated two vehicles now have license plates but are inoperable.

Mr. Williams stated his understanding was that the vehicles needed to be licensed and insured, which they are and he has provided that documentation. Mr. Williams stated all vehicles are licensed, registered, and are operable.

Mr. Jones stated he explained to Mr. Williams that the vehicles not only need to start but they need to be able to be moved.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mrs. Hymes, to impose a fine of \$100 per day effective January 11, 2018, and to continue until compliance is achieved or reaches a maximum of \$10,000. The motion carried unanimously (6-0).

CASE NO CEB 11-17-154 - James O. Jackson, Jr., & Jaqueline P. Jackson is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **811 Harrington Street** - Violation(s) – No permit for building handicap ramp - First Notified – 8/8/2017

ACTION TO BE TAKEN: Impose Fine.

The respondents were not in attendance.

Mr. Jackson stated staff is requesting a fine be imposed.

Mark Jones stated he has had contact with the daughter of the property owner, who is Jacqueline, and the father, James has passed away.

DISPOSITION: A motion was made by Mr. Jones, seconded by Mr. Weatherholtz, to impose a fine of \$100 per day effective January 11, 2018, and shall continue until compliance is achieved or a maximum of \$10,000 is reached. The motion carried unanimously (6-0).

CASE NO CEB 11-17-159 - Angelo Pagan is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.A.; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 505.3), at **545 Spruce Street** - Violation(s) – General non-conforming use of individuals residing in RV in the back yard; no water - First Notified – 9/14/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the city is requesting imposition of a fine.

Mark Jones stated the RV has been removed and someone is living in the home. Mr. Jones stated there has not been water service to the property since 2008.

DISPOSITION: A motion was made by Ms. House, seconded by Mrs. Jones, to impose a fine of \$250 per day effective January 11, 2018, and to continue until compliance is achieved or reaches a maximum of \$15,000. The motion carried unanimously (6-0).

CASE NO CEB 11-17-160 - Rosetta Henderson is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.1, 302.4, 302.8; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **785 Tennessee Street** - Violation(s) – Work without permits; site appearance standards; sanitation; weeds; unlicensed, inoperable vehicle; failure to obtain required residential rental license (RTL); failure to obtain business tax receipt (BTR) - First Notified – 8/18/2017

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION: This case was removed from Agenda due to it being scheduled the February Agenda.

CASE NO CEB 12-17-169 - Cassandra Lee is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 605.1, 704.2, 304.3, 304.15, 505.4); City Code Ch. 26 Sec. 26-294, at **1347 Cadillac Drive** - Violation(s) – Electrical system in disrepair; smoke detectors; no address numbers; front door and trim; hot water heater; failure to obtain required residential rental license (RTL) - First Notified – 10/26/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports there has been no progress on the case. Mr. Jackson stated the owner needs to submit an application for a rental license.

Mr. Jones stated the tenant was evicted as of Friday of last week. Mr. Jones stated the daughter owns the property so there is no application.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to impose a fine of \$100 per day effective January 11, 2018, and continue until compliance is achieved or a maximum of \$15,000 is reached. The motion carried unanimously (6-0).

CASE NO CEB 12-17-170 - Stemmler Properties, LLC is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **1220 Imperial Drive** - Violation(s) – Failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 9/26/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the property remains in non-compliance.

DISPOSITION: A motion was made by Mr. Jones, seconded by Mrs. Hymes, to impose a fine of \$100 per day effective January 11, 2018, until compliance is achieved or up to a maximum of \$15,000. The motion carried unanimously (6-0).

CASE NO CEB 12-17-171 - C. Williamson, Sr. & Delphine Williamson is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7, 305.3, 309.1, 602.1, 704.2) City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **226 Lockhart Street** - Violation(s) – Leaking roof; interior finishes; pest infestation; heating; smoke detectors; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL) - First Notified – 8/9/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance; however a rental license application is currently under review.

Mr. Jones stated this was a tenant-driven complaint.

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. Hymes, to impose a fine of \$100 per day effective January 11, 2018 until compliance is achieved or up to a maximum of \$15,000. The motion carried unanimously (6-0).

CASE NO CEB 12-17-172 - Mike Nelson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A.; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.13.2, 309.1, 504.1), at **104 Maplewood Drive** - Violation(s) – Parking on front lawn; roof leaking; inoperable windows; pest infestation; plumbing system and fixtures (missing fixtures in bathroom) First Notified – 9/25/2017

ACTION TO BE TAKEN: Progress Report & determination of compliance date.

Mike Nelson was sworn in.

Mr. Jackson stated this is a progress report.

Mr. Nelson stated he prepared a progress report and provided it to the Board. Mr. Nelson stated the tenant has been evicted.

Mr. Jones stated he did not know if a contractor will be required for the roof repairs.

Ms. Kuendig stated a fine will not be imposed today but a date will be set as to when compliance is expected.

DISPOSITION: A motion was made by Mr. Jones, seconded by Mr. Weatherholtz, to continue Case CEB12-17-172 to the March 8, 2018 Code Enforcement Board meeting and require a progress report at that time. The motion carried unanimously (6-0).

CASE NO CEB 12-17-173 - Samuel & Patricia White is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 302.4, 302.8, 308.1), at **554 Mark Avenue** - Violation(s) – Parking of trailer and vehicles on front lawn; exterior property sanitation; high weeds; junk vehicle; accumulation of rubbish or garbage - First Notified – 9/27/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector is Mark Jones and he reports that the respondent is only halfway through in making progress on this case.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to impose a fine of \$100 per day effective January 11, 2018 until compliance is achieved or up to a maximum of \$10,000. The motion carried unanimously (6-0).

New Cases

CASE NO CEB 01-18-01 - VISHNU LTD is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 304.10, 304.13), at **1000 N Atlantic Avenue** - Violation(s) – Failure to maintain roof, windows and balconies - First Notified – 4/28/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

Ms. Kuendig stated an extension is requested by the owner's attorney.

Tom Clig, inspector, stated he has been working with the owners and the motel has extensive damage as a result of the hurricanes.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Ms. Hymes, to have the respondent come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for imposition of a fine of \$1,000 per day. The motion carried 5-0 (Mr. Harrington abstained).

CASE NO CEB 01-18-02 - Donald M., Genevieve T. & Dwayne D. Waltrip, as JTRS is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **263 Seaview Ave aka 273 Seaview Ave** - Violation(s) – outside storage - First Notified – 7/8/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondents were not in attendance.

Mr. Jackson stated there are neighbors who want to be heard regarding these violations.

Mr. Clig provided photos that were taken on January 10, 2018 of the subject property. Mr. Clig stated the owner lives in Tampa, Florida. Mr. Clig stated the property was inspected for a rental license and failed.

Gary Sutton provided testimony and stated the garage has been converted to an apartment. Mr. Sutton stated there are 4 motorcycles, an RV that has been sitting there for 10 years, a Ford Mustang convertible that has been sitting there for 8 or 9 years, along with 5 other cars. Mr. Sutton stated there has been criminal activity at the property. Mr. Sutton stated some of the vehicles on the property are inoperable.

Officer Steve Jessmer stated he will tag the vehicles tomorrow and the owner will be required to remove them within 10 days.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Jones, to find the respondent in non-compliance and to have the respondent come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously.

CASE NO CEB 01-18-04 - Lynn Stepp is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.1, 302.4, 302.7, 303.1, 303.2, 304.1, 304.2, 304.5, 304.6, 304.7, 304.9, 304.10, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.16, 505.1), at **44 N. Halifax Avenue** - Violation(s) – Damaged roof; broken windows; no insect screens, the front and back doors are broken; fence is broke down around the pool; overgrown yard; dirty and unmaintained pool; the house need to be painted; there is no water service to the occupied house. First Notified – Posted 10/31/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance. Mr. Jackson stated there is no water service to the property. Mr. Jackson asked that the pool be secured within the next 10 days.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and be required to come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day and to have the respondent secure the pool within the next 10 days; if the respondent does not secure the pool within that timeframe, the city has the authorization to secure the pool. The motion carried unanimously (6-0).

CASE NO CEB 01-18-06 - Gilbert Myara is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 304.7, 304.13, 304.14); Art. 3 Sec. 3.4.S.2, at **127 N. Hollywood Avenue** - Violation(s) – Damaged roof; missing windows; missing window screens; protective treatment; overgrown grass -First Notified – 10/26/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondent was not in attendance.

Mr. Jackson asked that this case be continued to the March 8, 2018 meeting due to Mr. Myara's health issues. Mr. Jackson stated Reed Berger, Redevelopment Manager, has requested that this case be continued since Mr. Myara is in the hospital having surgery.

DISPOSITION: A motion was made by Mr. Jones to continue this case until the March 8, 2018 meeting. The motion failed for lack of a second.

A motion was made by Mr. Weatherholtz, seconded by Ms. House, to find the respondent in non-compliance and ordered the respondent to come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-08 - Kalil Land, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1222 Essex Road** - Violation(s) – Parking on the front lawn; failure to obtain business tax receipt (BTR); failure to obtain required residential rental license (RTL)
First Notified – 10/27/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

Aaron Blake was sworn in and stated he is the majority owner of Kalil Land, LLC.

Mr. Jackson stated the property is in non-compliance.

Mr. Jones stated there has been no application for a BTR or rental license and vehicles continue to remain parked on the front yard.

Mr. Blake stated he had been unable to visit the property for the last few months and when he visited there last week, he was shocked and embarrassed. Mr. Blake stated he has hired a roofing contractor to repair the roof; and the tenant has been cooperative. Mr. Blake stated the cars will be removed next week. Mr. Blake stated he would like 60 days to get the property into compliance.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and to order a progress report at the February 8, 2018 meeting and allow respondent until February 28, 2018 to come into compliance or be returned to the Code Enforcement Board for imposition of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-09 - Imperial Land Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1006 Imperial Drive** - Violation(s) – Failure to obtain required residential rental license (RTL); Failure to obtain business tax receipt (BTR) -
First Notified – 11/15/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondent was not in attendance.

Mr. Jackson stated the owner is in the process of evicting the tenants.

Mr. Jones stated he spoke with the owner and he stated he will be evicting the tenant. Mr. Jones stated the unlicensed vehicle has been removed.

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. House, to find the respondent in non-compliance and ordered the respondent to come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for imposition of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-10 - Nell2, LLC is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.A; City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **530 Washington Street** - Violation(s) – Non-conforming use - zoned as a Single Family and has added second residence; failure to obtain a required rental license (RTL); failure to obtain a business tax receipt (BTR) First Notified – 11/3/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance.

Mr. Jones stated this was a tenant generated complaint and noted there is only one water meter for two living units on site.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to find the respondent in non-compliance and to have the respondent in compliance by January 31, 2018 or be returned to the Code Enforcement Board for imposition of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-11 - Wesley & Candy Crew is cited for failure to correct violations of The Land Development Code, Art. 9 Sec.9.2.A. (Ref. FBC Supp IPMC 302.8), at **665 Winchester Street - Violation(s) – junk vehicle -First Notified – 10/10/2017**

ACTION TO BE TAKEN: Compliance or Non-compliance.

The respondent was not in attendance.

Mr. Jackson stated the property is not in compliance and there are junk vehicles on site.

DISPOSITION: A motion was made Ms. Hymes, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and to have the respondent come into compliance by January 31, 2018 or have the case returned to the Code Enforcement Board for imposition of a fine of up to \$1,000 per day.

CASE NO CEB 01-18-13 - Carolina Club Associates, LTD is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; City Code Ch. 78 Sec. 78-43(b)(1); at **100 Carolina Lake Drive - Violation(s) – Outside storage; placement of refuse enclosure -First Notified – 10/3/2017 & 10/30/2017 (Hand Delivered)**

ACTION TO BE TAKEN: Compliance or Non-compliance.

Kristin Burns, property manager, and William Anderson, were sworn in and represented the property owner.

Mr. Jackson stated the property is in non-compliance and there is no enclosure for the trash receptacles.

Mr. Stinson stated a new enclosure was recently constructed but will not be allowed to stay since no permits were obtained and was not reviewed by Zoning.

Ms. Burns stated the enclosure was burned down and noted a survey would be required

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. Hymes, to find the respondent in non-compliance and to have the respondent in compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-15 - Eddie & Joyce Ann Anderson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7 and 302.8), at **568 Heineman Street -Violation(s) – Off-street parking; outside storage and dilapidated accessory structure (fencing); junk vehicle - First Notified – 10/17/2017**

ACTION TO BE TAKEN: Compliance or Non-compliance.

Eddie Anderson was in attendance and was sworn in.

Mr. Jackson stated minimal effort has been made to obtain compliance.

Mr. Anderson stated he has moved some of the vehicles.

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. Hymes, to find the respondent in non-compliance and to have the respondent come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-16 - Donald R. McKenzie is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i., at **162 Lee Street** -Violation(s) – Parking in the front yard (unimproved surface) - First Notified – 9/2/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

Donald McKenzie was sworn in.

Mr. Jackson stated the property is in non-compliance and Code Enforcement has received multiple complaints regarding this property.

Mr. McKenzie stated there is not sufficient room for parking and that is why he parks on the front yard.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and to have the respondent to come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

CASE NO CEB 01-18-17 - JL & W Property of Daytona, LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.3 and 504.3); City Code Ch. 26 Sec. 294 and City Code Ch. 90 Sec. 90-297, at **1116 Madison Avenue** - Violation(s) – Outside storage; address numbers; plumbing system hazard; no residential rental license (RTL); no business tax receipt (BTR) - First Notified – 10/31/2017

ACTION TO BE TAKEN: Compliance or Non-compliance.

Marilynn Hastings, property manager, was sworn in.

Mr. Jackson stated the property is in non-compliance.

Ms. Hastings stated she became property manager on October 18 and determined that the owner did not have a business or rental license. Ms. Hastings stated that has been corrected. Ms. Hastings stated she found out that the water bill had not been paid and there is someone living in the house with children. Ms. Hastings stated water service was restored in the owner's name and the tenant is being evicted.

DISPOSITION: A motion was made by Mr. Jones, seconded by Ms. Hymes, to find the respondent in non-compliance and to order the respondent to come into compliance by January 31, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried unanimously (6-0).

9. **Election of Chairman & Vice Chairman**

Ms. Kuendig was nominated to continue to serve as Chair. The motion carried unanimously.

Election of Vice Chair was postponed until the February 8, 2018 meeting.

10. **Miscellaneous Business**

There was no miscellaneous business.

11. **Adjournment**

The meeting was adjourned at 11:39 a.m.