

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

February 8, 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, February 8, 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. Dalynn Purdy
Mr. Vernon Weatherholtz

Mr. Charles Cino, Esquire, Board Attorney.

Members absent:

Ms. Turner Hymes
Mr. Thomas A.D. Jones

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Supervisor
Officer S. Jessmer
Mr. Tom Clig, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Clifford Recanzone, Code Inspector
Mr. Jerry Sanders, Code Inspector
Ms. Aimee Hampton, Senior Paralegal
Ms. June Barnes, Board Secretary

Approval of the Minutes by:

Marylouise "Weegie" Kuendig Chairman

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

1. **Call to Order**

2. **Roll Call**

A motion was made by Mr. Weatherholtz, seconded by Ms. House, to excuse Ms. Hymes and Mr. Jones from the February 8, 2018 meeting. The motion carried unanimously (5-0).

3. **Approval of January 11, 2018 Meeting Minutes**

A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to approve the minutes of the January 22, 2018 Code Enforcement Board meeting as presented. The motion carried unanimously (5-0).

4. **Disclosure of Ex Parte Communications**

Mr. Cino outlined ex parte communications for the Board's information.

5. **Announcements**

Ms. Barnes stated the following cases are in compliance:

- CASE NO CEB 12-17-166 - Matthew F. Kwitowski – as of 1/31/18
- CASE NO CEB 11-17-150 - Kevin Salomono – as of 1/30/18
- CASE NO CEB 11-17-144 - Troy A. Horwedel & Travis R. Horwedel - as of 1/30/18
- CASE NO CEB 01-18-11 - Wesley & Candy Crew – as of 2/1/18
- CASE NO CEB 01-18-16 - Donald R. McKenzie – as of 1/25/18
- CASE NO CEB 02-18-21 - Cartwright & Sons LLC – as of 2/5/18
- CASE NO CEB 02-18-25 - Earnest & Joann Rich – as of 1/29/18

6. **Lien Reviews**

LR -1

CASE NO CEB 06-09-116 - 949 Vernon Street - Seales-Harris, IDA (Viva Investment Homes, LLC) is cited for failure to correct violations of The Land Development Code, Art. 8 Sec. 2.7; Art. 19 Sec. 1 & 2 (ref. 302.8 IPMC), - Violation(s) – Failure to remove vehicle from the yard; parking in the yard; Junk vehicle storage; Failure to remove from exterior-First Notified – 3/5/2009. **Order Imposing Fine-Lien of \$50.00 per day effective 07/09/2009. Compliance 7/15/2010 = \$15,000.00* maximized, plus \$22.00 recording costs = \$15,022.00. Tax deed sale proceeds received \$9,262.24 = total amount owed \$5,759.76.**

Mr. Jackson stated a large portion of the lien has been received and the City is requesting that the remainder be waived.

Ann Hart, Dynamic Real Estate, spoke and stated she is the property manager and stated the owner has removed a tenant through an eviction and is looking to take care of the violations

DISPOSITION

A motion was made by Mr. Weatherholtz to waive the lien. The motion failed for lack of a second.

A motion was made by Mr. Weatherholtz, seconded by Ms. Purdy, to waive the remainder of the lien (\$5,759.76) since \$9,262.24 has been paid. The motion failed 3-2 with Ms. House and Mr. Harrington voting nay (4 affirmative votes are required to pass the motion).

Ms. House stated she would like to see the remainder of the lien paid.

Mr. Harrington stated the lien was imposed in 2009 and should be paid.

Ms. Hart stated the property was purchased in October, 2015.

Mr. Jackson stated the current property owners are not the ones responsible for the violations and the lien is for parking on the grass.

A motion was made by Ms. House, seconded by Mr. Harrington, to have the lien paid in full. The motion failed 2-3 with Ms. Kuendig, Mr. Weatherholtz, and Ms. Purdy voting nay.

Ms. Kuendig passed the gavel to Mr. Harrington.

A motion was made by Ms. Kuendig, seconded by Mr. Weatherholtz, to continue this case until the March Code Enforcement Board meeting. The motion carried unanimously (5-0).

7. Hearing of Cases

CONTINUED CASES:

1. **CASE NO CEB 12-17-166 - Matthew F. Kwitowski** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 12 Sec. 12.4.12, at **112 Knight Place**
Violation(s) – **Trash, junk and debris in the yard; parking of junk vehicles; parking of recreational vehicles.**
First Notified – 7/11/2017

Compliance as of 1/31/18

2. **CASE NO CEB 12-17-167 - Three Oaks Inn, LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.1, 302.4, 304.2, 304.7, 304.13.2, 304.14), at **331 S. Palmetto Avenue**
Violation(s) – **Exterior needs painted; roof in disrepair; inoperable windows; insect screens; rotten wood on exterior.**
First Notified – 6/28/2017

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

Mr. Carney spoke representing the respondent. Mr. Carney stated work continues on the project and a structural engineer has been retained to evaluate the building. Mr. Carney stated he anticipates the work will be done in September and would like to provide a progress report to the Code Enforcement Board in 90 days.

DISPOSITION

A motion was made by Mr. Weatherholtz, seconded by Ms. House, to continue Case CEB 12-17-167, Three Oaks Inn, LLC, and to receive progress reports bi-monthly, starting April 12, 2018, through August 2018. The motion carried unanimously (5-0).

3. **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 – 9/21/2017; Posted 10/31/2017

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated staff would like this case dismissed since there were due process issues. Mr. Jackson stated the first notification was not sent correctly nor received by the respondent.

Ms. Kuendig stated the respondent was to have the pool secured within 10 days or the city would secure the area.

Mr. Jackson stated that would be an after the fact issue since the respondent was not properly notified. Mr. Jackson noted the case has already been re-opened.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. House, to dismiss Case CEB 01-18-04, Lynn Stepp, without prejudice. The motion carried unanimously (5-0).

4. **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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated staff would like this case dismissed without prejudice since the property was sold prior to the last Code Enforcement Board meeting.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Harrington, to dismiss Case No. CEB 01-18-06, Gilbert Myara, without prejudice. The motion carried unanimously (5-0).

5. **CASE NO CEB 11-15-58 - Daytona Beach Club Condo Association** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.4), at **800 N. Atlantic Avenue**
Violation(s) – **Exposed and rusty rebar, support beams; concrete missing in parking area and balconies.**
First Notified – 9/17/2015

ACTION TO BE TAKEN: Impose Fine.

Mr. William Turkcock spoke representing the applicant. Mr. Turkcock stated work should be completed by early next week.

DISPOSITION

A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to amend the previous order of non-compliance and to allow respondent until February 28, 2018 to come into compliance. The motion carried unanimously (5-0).

6. **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: Impose Fine.

Mr. Jackson stated Mr. Clig reports that this project will be long-term and staff is asking that bi-monthly reports be initiated for progress.

Ms. Kuendig stated the case was first noticed in April, 2017, and asked what work has been done since that date.

Mr. Clig stated the damages were a result of Hurricane Matthew and the owner's wife was trying to negotiate a settlement with the insurance company. Mr. Clig stated a fence was installed and windows were boarded. Mr. Clig stated two building permits were issued, one for a re-roof and one for doors. Mr. Clig stated the roof permit has expired.

Attorney Michael Cochetti spoke on behalf of Vishnu Ltd. and stated there has been lack of payment from the insurance carrier. Mr. Cochetti has been retained to settle or litigate the insurance dispute. Mr. Cochetti stated the roof has been dried in and is not visible from street level. Mr. Cochetti stated the owner is soliciting bids but the limitation is the lack of funds.

Mr. Jackson stated staff would not be opposed to receiving updates from Mr. Cochetti via email on the progress being made.

DISPOSITION

A motion was made by Ms. House to order a progress report on Case CEB 01-18-01, Vishnu LTD, at the March 8, 2018 Code Enforcement Board meeting. The motion failed for lack of a second.

A motion was made by Mr. Weatherholtz, seconded by Ms. House, to receive a progress report on Case CEB 01-18-01, Vishnu LTD, at the March 8, 2018 Code Enforcement Board meeting

7. **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: Impose Fine.

Mr. Jackson stated the property is in non-compliance for outside storage.

Mr. Clig stated work has been done but there is still a lot of trash and debris in the rear yard.

Officer Steve Jessemer stated all of the vehicles have been removed from the property.

Donald Waltrip stated there was a tenant on the property and he started the eviction process on the tenant. Mr. Waltrip stated the tenant challenged the eviction due to medical reasons. Mr. Waltrip stated he believed the tenant would correct the code violations. Mr. Waltrip stated he has started another eviction process and papers were served on the tenant on January 25, 2018. Mr. Waltrip apologized for the situation but stated he has also faced medical situations which has delayed his action on the Code Enforcement situation.

Russell Claunch, 275 Columbus Avenue, Daytona Beach, Florida stated there has been a camper parked on the property since 2006. Mr. Claunch stated an attempt has been made to improve the area. Mr. Claunch stated a pit bull has been loose on the property; and the tenant has washed clothes in the pool in the back yard.

Mr. Larry Sutton stated he is an adjoining neighbor and the situation has existed for 10 years. Mr. Sutton stated there has been criminal activity at the property.

Mr. Harrington stated it is not fair to the owner of the property to state there has been criminal acts when there is nothing to support it. Mr. Harrington stated that has nothing to do with the case before the Board.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. House, to impose a fine of \$250 per day against the respondent, effective February 8, 2018, and continue until compliance is achieved or reaches a maximum of \$15,000. The motion carried unanimously (5-0).

8. **CASE NO CEB 11-17-150 - Kevin Salomono** 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, 304.2, 304.5, 304.7, 304.10, 304.13, 304.14, 305.3, 305.4, 604.3, 702.2), at **551 Whitehall Street**
Violation(s) – **Exterior property area - weeds, accessory structures, fence, protective treatment; Exterior conditions - foundation walls, roofs and drainage, stairways, windows, skylight, and door frames; insect screens; Interior structure - walking surfaces; electrical system hazards; fire safety - means of egress-aisles.**
First Notified – 4/10/2017

In compliance as of 1/30/18

9. **CASE NO CEB 11-17-142 - Nell 4, 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, 605.2, 704.2, 304.2, 304.7, 304.10, 304.12, 304.13, 304.13.2, 304.14, 304.15, 305.3, 309.1, 309.2); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **713 Cedar Street**
Violation(s) – **Electrical equipment; receptacle; smoke alarms; roofs and drainage; handrails and guards; stairs; infestation; pest; insect screens; windows, skylights and door frames; failure to obtain required rental license (RTL); failure to obtain business tax receipt (BTR).**
First Notified – 6/2/2017

ACTION TO BE TAKEN: Impose Fine.

Mr. Jackson stated Jerome McCoy reports that the property owner has initiated eviction on the tenant. Mr. Jackson asked that the order be amended to April 4, 2018 and the property remain vacant until the property is in compliance.

Ben Spivey stated two evictions have been filed on the tenant. Mr. Spivey stated he had already acted on some of the issues prior to being notified by Code Enforcement of the new case.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to amend the previous order of non-compliance and allow respondent until April 4, 2018 to come into compliance or be returned to the Code Enforcement Board for imposition of a fine of up to \$100 per day and the property is to remain vacant until all violations are addressed.

10. **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

COMPLIANCE – 1-30-2018

11. **CASE NO CEB 11-17-158 - AF126southoleander Residential Trust dated 1/26/16 and Stonegate Properties, LLC** 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 (continued from 1-11-18).

The respondent was not in attendance.

Mr. Jackson stated staff has added a new owner and new notification must be sent.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Weatherholtz, to amend the previous order notice of non-compliance and allow the respondent until February 28, 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 until compliance is achieved.

12. **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.

The respondent was in attendance.

Mr. Jackson stated the owner has taken actions to clear the property. Mr. Jackson stated Ms. Henderson has applied for a business tax receipt and a rental license. Mr. Jackson asked that the respondent be given until February 28, 2018 to comply.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. House, to amend the previous order of non-compliance to allow the respondent until February 28, 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 (5-0).

13. **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: Progress Report 2-8-18; (Compliance set for 2-28-18).

The respondent was not in attendance.

Mr. Jackson stated this case is set for compliance as of February 28, 2018.

Mark Jones stated the owner has made progress. Mr. Jones stated vehicles have been removed but there is still work to be done.

14. **CASE NO CEB 01-18-09 - Imperial Land Trust** is cited for failure to correct violations of The 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: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the respondent has filed an eviction notice on the tenant. Mr. Jackson stated staff would like to amend the notice of compliance to allow the respondent until February 28, 2018 to bring the property into compliance.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Harrington, to amend the previous order of non-compliance to allow the respondent until February 28, 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 (5-0).

15. **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: Impose Fine.

Mr. Jackson stated the property remains in non-compliance and staff requests that a fine be imposed of \$250 per day.

Mr. Spivey stated he was not aware of the Code Enforcement issues until he received the notice on January 16, 2018 and immediately drove to City Hall to address the issues. Mr. Spivey stated there are two separate units. Mr. Spivey stated the property is registered as a duplex but has one water meter. Mr. Spivey stated a new roof has been installed. Mr. Spivey stated he is unable to address the licensing issue until the Code Enforcement issue is resolved. Mr. Spivey stated he is working to rezone the property. Mr. Spivey stated the lease expires on May 31, 2018, and he does not want to re-rent the property until it is rezoned.

DISPOSITION

A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to impose a fine of \$250 per day effective February 8, 2018, until compliance

is achieved or the fine reaches the maximum of \$15,000. The motion carried unanimously (5-0).

16. **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
COMPLIANCE as of 2/1/2018

17. **CASE NO CEB 07-17-79 - John B. Clark** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **726 Rawlings Court**
Violation(s) – **No permit for building renovations.**
First Notified – 6/2/2017

ACTION TO BE TAKEN: Impose Fine.

Mr. Jackson stated this case is in compliance.

18. **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: Impose Fine.

DISPOSITION – Compliance as of 1/25/18

19. **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: Impose Fine.

The respondent was not in attendance.

Mr. Stenson stated the property manager advised him this morning that the tenant is in the process of being evicted.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. House, to amend the previous order of non-compliance and allow the respondent until February 28, 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 or until compliance is achieved. The motion carried unanimously (5-0).

20. **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 – 10/17/17

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance and staff request imposition of a fine.

Mr. Stenson stated some issues have been addressed. Mr. Stenson stated there are no vehicles parked on the front yard.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Harrington, to impose a fine of \$200 per day effective February 8, 2018, up to a maximum of \$10,000 or until compliance is achieved. The motion carried unanimously (5-0).

NEW CASES:

21. **CASE NO CEB 02-18-19 - Robby & Wendy Burke** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.7); City Code Ch. 26 Section 26-294., at **273 Hartford Ave.**
Violation(s) – **Failure to Maintain roof; Failure to obtain required residential rental license (RTL).**
First Notified – 12/5/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance and asked that the respondent be given until February 28, 2018 to achieve compliance.

DISPOSITION

A motion was made by Mr. Weatherholtz, seconded by Ms. House, to find the respondent in non-compliance and order the respondent to come into compliance by February 28, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day.

22. **CASE NO CEB 02-18-21 - Cartwright & Sons LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 4.S.1, at **1122 Mason Ave**
Violation(s) – **No Permit – for installation of A/C unit.**
First Notified – 12/8/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance as of 2/5/18

23. **CASE NO CEB 02-18-22 - MHC Carriage Cove LLC C/O Equity Property Tax Group** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7), at **4 Golf Cove Ct**
Violation(s) – **Damaged roof.**
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 in non-compliance and asked that the respondent be given until February 28, 2018 to gain compliance.

Mr. Garcia stated he spoke with the property manager and there is a contract to have the trailer removed.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and order the respondent to come into compliance by February 28, 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 (5-0).

24. **CASE NO CEB 02-18-23 - Samuel E Blanco** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.a (Ref. FBC Supp IPMC 304.2 and 304.13), at **127 Fairview Ave**
Violation(s) – **Peeling paint; broken windows.**
First Notified – 11/20/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the property remains in non-compliance and the inspector has had no contact from the owner.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. Purdy, to find the respondent in non-compliance and order the respondent to come into compliance by February 28, 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 (5-0).

25. **CASE NO CEB 02-18-24 - Samuel E Blanco** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.a (Ref. FBC Supp IPMC 304.2), at **125 Fairview**
Violation(s) – **Peeling paint.**
First Notified – 11/20/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the property remains in non-compliance and the inspector has had no contact from the owner.

DISPOSITION

A motion was made by Mr. Harrington, seconded by Ms. House, to find the respondent in non-compliance and order the respondent to come into compliance by February 28, 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 (5-0).

26. **CASE NO CEB 02-18-25 - Ernest & Joann Rich** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a, at **1213 Sunland Rd**
Violation(s) – **Personal & commercial vehicles with trailer parking on grass.**
First Notified – 11/16/2017

COMPLIANCE – 1-29-2018

8. Election of Vice Chairman

A motion was made by Mr. Harrington, seconded by Ms. House, to postpone the election of Vice Chair until the March 8, 2018 agenda. The motion carried unanimously (5-0).

9. Miscellaneous Business –

MB-1

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: Respondent's Motion to Vacate Order of 1/17/2018 and Dismiss Alleged Violation of City Code

The respondent was in attendance.

Mr. Cino stated there is an order for compliance by March 8, 2018 so if the respondent comes into compliance, the requested motion is mute.

Ms. Kuendig stated the respondent was given until March 8, 2018 to come into compliance and that is when the Board will hear the case again.

DISPOSITION

Ms. Kuendig stated this item will be added to the March 8, 2018 agenda.

MB – 2

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: Staff request for Dismissal of Order Imposing Fine/Lien of \$250.00 per day imposed 1/11/2018 as property was in compliance on 1/11/18.

Mr. Jackson stated the respondent is in compliance and staff requests dismissal.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Weatherholtz, to dismiss the order imposing a fine. The motion carried unanimously.

27. **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 and 10/16/2017 (hand delivered)

Mr. Jackson stated the property remains in non-compliance and permits are needed for the enclosure.

Kristin Burns spoke and stated she is the property manager for the property.

DISPOSITION

A motion was made by Ms. House, seconded by Mr. Weatherholtz, to amend the previous order of non-compliance and allow the respondent until February 28, 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 (5-0).

10. **Adjournment**