

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

March 8, 2018

The meeting of the CODE ENFORCEMENT BOARD was called to order by Chairman Mary Louise "Weegie" Kuendig at 9:00 a.m. on Thursday, March 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. Turner Hymes
Mr. Thomas A.D. Jones
Ms. Dalynn Purdy
Mr. Vernon Weatherholtz

Mr. Charles Cino, Esquire, Board Attorney.

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
Ms. Aimee Hampton, Senior Paralegal
Ms. June Barnes, Board Secretary

Approval of the Minutes by:

Mary Louise Kuendig (Weegie) Chairman

1. Call to Order

Ms. Kuendig called the meeting to order at 9:00 AM.

2. Roll Call

Roll was taken and attendance was noted as listed above.

3. **Approval of February 8, 2018 meeting minutes**

A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to approve the minutes of the February 8, 2018 meeting as presented. The motion carried unanimously.

4. **Disclosure of Ex Parte Communications**

There were no comments on this item.

5. **Announcements**

Ms. Barnes stated the following cases are in compliance:

Case No. CEB 02-18-22

Case No. CEB 01-18-09

Case No. CEB 11-15-58

Case No. CEB 03-18-26

Case No. CEB 03-18-30

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.**

Juan Santa Cruz stated he was the co-owner and was sworn in.

Mr. Jackson stated this property went to a tax deed sale and sat vacant for quite a while. Mr. Jackson stated staff feels the current owner was not responsible for the lien itself and feels the remaining portion should be waived. Mr. Jackson stated it is estimated that costs by the city to date would be about \$1,000.

Ms. Kuendig stated the initial violation was for a junk car parked on site and it was a vehicle from a tenant of the current owner.

DISPOSITION: A motion was made by Ms. Kuendig to waive the remainder of the lien at 949 Vernon Street. The motion failed for the lack of a second.

A motion was made by Ms. House to reduce the amount of lien to \$2,750, subject to being paid within 30 days or the lien will revert to the original amount. The motion failed for lack of a second.

A motion was made by Ms. Purdy, seconded by Mr. Jones, to waive the remainder of the lien. The motion failed.

A motion was made by Ms. Hymes, seconded by Ms. House, to reduce the amount of the lien to \$1,000 to be paid within 30 days or the amount will revert to the original amount of the lien. The motion carried (5-2).

LR -2

CASE NO CEB 12-17-171 – 226 Lockhart Street - C. Williamson, Sr. & Delphine Williamson are 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, 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 **Order Imposing Fine-Lien of \$100.00 per day effective 1/11/2018. Compliance 1/30/2018 = Total amount owed \$1,900.00.**

Mr. Jackson stated the violation was imposed due to the need for a rental license and inspection. Mr. Jackson stated once the fine was imposed, the respondent addressed the violations. Mr. Jackson stated staff suggests reducing the fine to \$200.

Delphine Williamson, 190 Ericson Drive, Palm Coast, Florida stated the property is currently rented.

DISPOSITION: A motion was made by Ms. Purdy, seconded by Mr. Jones, to reduce the amount of the fine to \$200 which must be paid within 30 days and if not paid within that timeframe, the fine will be reverted to the original amount. The amount carried unanimously.

LR -3

CASE NO CEB 04-17-26 - 536 Fairmount Road - Peter J. Wakeman & Rick D. Singler is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 301.3), Violation(s) – Structure is in disrepair, unmaintained, overgrown and was unsecured. First Notified – 11/7/2016 **Order Imposing Fine-Lien of \$250.00 per day effective 5/11/2017. Compliance 1/30/2018 = Total amount owed \$10,024.00.**

Mr. Jackson stated the property was in foreclosure but the bank did not proceed with the foreclosure. Mr. Jackson stated the City is willing to waive the lien.

James Rose, Esq., spoke representing the respondent, Dr. Peter Wakeman. Mr. Rose stated the co-owner, Dr. Singler, passed away and Dr. Wakeman thought the property was in foreclosure and he no longer owned the property. Mr. Rose stated the lender satisfied the loan and the tax bills were being sent to Dr. Singler. Mr. Rose stated the property is now going through the probate process and Dr. Wakeman has taken action to address maintenance of the property. Mr. Rose stated Dr. Wakeman would be agreeable to paying the costs the City has incurred but would like the lien removed.

Dr. Wakeman stated he went to purchase an additional home and was told at that time this property was still in his name. Dr. Wakeman stated the lender forgave the note and the property has been sitting for five years. Dr. Wakeman stated he never received anything during that time period. Dr. Wakeman stated he has incurred numerous expenses since the property had to be secured.

DISPOSITION:

A motion was made by Ms. House to reduce the fine to \$5,000. The motion failed for a lack of a second.

A motion was made Mr. Harrington, seconded by Mr. Weatherholtz, to reduce the fine to \$1,500 and must be paid within 30 days or the fine will revert to the original amount. The motion carried unanimously.

7. Hearing of Cases

CONTINUED CASES:

1. **CASE NO CEB 02-18-22 - MHC Carriage Cove LLCC/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

Compliance 2-12-18

2. **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

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and there has been no contact from the respondent. Mr. Jackson stated staff requests imposition of a fine of \$200 per day up to a maximum of \$15,000.

Disposition: A motion was made by Ms. Hymes, seconded by Ms. House, to impose a fine of \$200 per day effective March 8, 2018 and continue until compliance is achieved or reaches a maximum of \$15,000. The motion carried unanimously.

3. **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

Mr. Jackson stated the property is occupied but is not in compliance. Mr. Jackson stated staff requests imposition of a fine of \$250 per day up to a maximum of \$15,000.

Disposition: A motion was made by Ms. Hymes, seconded by Mr. Weatherholtz, to impose a fine of \$250 per day effective March 8, 2018 and continue until compliance is achieved or reaches a maximum of \$15,000. The motion carried unanimously.

4. **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

The respondent was not in attendance.

Mr. Jackson stated the property is in non-compliance and staff is requesting imposition of a fine of up to \$250 per day up to a maximum of \$15,000. Mr. Jackson stated a business tax receipt has not been obtained for the property so staff is requesting an additional one-time fee of \$250.

Mr. Stinson stated the owner has started work on the property since the tenant has been evicted. Mr. Stinson stated it will take a while to correct the violations since the damages are extensive.

Disposition: A motion was made by Ms. House, seconded by Ms. Hymes, to amend the original Order of Non-Compliance until the next cut-off date of April 4, 2018. The motion carried unanimously.

5. **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 & 10/16/2017 (hand delivered)

Kristen Burns, property manager, was sworn in.

Mr. Jackson stated staff is requesting that the respondent be given until the next cut-off date to correct the violations.

Mr. Stinson stated a permit application has been submitted and the permit has been under review since February 14, 2018.

Ms. Kuendig stated it seems as though this has taken a long time for a simple enclosure.

Ms. Burns stated the property owner has stated that he has never had so much trouble in getting a permit. Ms. Burns stated the applicant stated they have submitted the surveys that have been requested by the Building Department so she will check after the meeting to see what the delay is.

ACTION TO BE TAKEN: Impose Fine.

Disposition: A motion was made by Mr. Harrington, seconded by Ms. House, to amend the original Order of Non-Compliance until the next cut-off date of April 4, 2018 or be returned to a subsequent meeting for imposition of a fine of up to \$1,000 per day until compliance is achieved. The motion carried unanimously.

6. **CASE NO CEB 11-17-158 - AF126southoleander Residential Trust dated 1/26/16; 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 (con't to 2-8-18).

Mike Bretzel was sworn in and stated he was the real estate agent that sold the property.

Mr. Jackson stated the inspector reports the property is in non-compliance and the property is posted with a "For Rent" sign. Mr. Jackson stated staff is requesting imposition of a fine of \$200 per day up to a maximum of \$20,000.

Mr. Jones stated the building was repainted and no wood repairs were made. Mr. Jones stated to date, no permits have been applied for.

Mr. Bretzel stated Reed Berger checked the property and was advised that he was not satisfied with the painting of the 2 x 4. Mr. Bretzel stated a tenant has been evicted and broken windows have been repaired. Mr. Bretzel stated the business license has been applied for but it is a transfer of the license and the former owner has not responded. Mr. Bretzel stated electrical repairs have been made and a contractor has been retained for repairs to the outside stairs. Mr. Bretzel stated the property owner owns other properties in town which he has no problems with.

Danny Rice stated he is the property manager and has not applied for any building permits. Mr. Rice stated he has been working on the rental license issue.

Mr. Jones stated the rotten siding will have to be replaced by a licensed contractor. Mr. Jones stated permits will be required for much of the other work.

Reed Berger, Redevelopment Director, stated his involvement with the property has been working through the grants that are available from the Redevelopment Department for the applicant.

Mr. Harrington stated he would like to see a new list at the next meeting of the items that are required to be corrected.

Disposition: A motion was made by Ms. House, seconded by Ms. Hymes, to amend the original Order of Non-Compliance until the next cut-off date of April 4, 2018 or be returned to a subsequent meeting for imposition of a fine of up to \$1,000 per day up to a maximum of \$15,000 or compliance is achieved. The motion carried unanimously.

7. **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.

Mr. Jackson stated staff requests that this case be amended to continue until the next cut-off date since some of the work has been completed.

Disposition: A motion was made by Mrs. Hymes, seconded by Mr. Weatherholtz, to amend the original Order of Non-Compliance until the next cut-off date of April 4, 2018 to come into compliance or be returned to a subsequent meeting for imposition of a fine of up to \$1,000 per day until compliance is achieved. The motion carried unanimously.

8. **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: Impose Fine.

Aaron Blake was sworn in and stated he is the managing partner.

Mr. Jackson stated the respondent has been making progress and is working to have a tenant evicted.

Mr. Blake stated the roof and windows have been repaired. Mr. Blake stated the tenant was notified that he would have to leave in order to make the interior repairs. Mr. Blake stated the only issue right now is the rental license and inspection.

Mr. Jackson requested an affidavit be signed by the property owner that the property is not rented once the current tenant is evicted.

Disposition: A motion was made by Mrs. House, seconded by Mr. Weatherholtz, to amend the original Order of Non-Compliance until the next cut-off date of April 4, 2018 to come into compliance or be returned to a subsequent meeting for imposition of a fine of up to \$1,000 per day until compliance is achieved. The motion carried unanimously.

9. **CASE NO CEB 01-18-09 - Imperial Land Trust** is cited for failure to correct violations of The Land Development Code, 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

Compliance: 2-12-18

10. **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
Compliance: 3/1/18

11. **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: Monthly Progress Report and determination of compliance date.

Mr. Jackson stated the inspector has informed him that attorney for the property is unable to attend the meeting today.

Mr. Clig stated no work has been done on the property and the respondent has a hearing scheduled with the insurance company on March 15, 2018. Mr. Clig stated there is still one permit active, which is for the structural work but the other permits have expired.

Ms. Kuendig stated she is concerned that the pool is not secured and suggested asking the city to secure the pool.

Mr. Jackson stated the inspector advises that the respondent has not been cited for the pool.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Ms. House to enter a compliance date of April 4, 2018 and authorize the owner to secure and maintain the property. If owner fails to do so, the Board authorizes the City to secure the pool and property as soon as possible. The motion carried unanimously.

12. **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: Impose Fine.

Robby Burke, 286 Hartford, property owner, was sworn in.

Mr. Jackson stated the property is in non-compliance and the inspector requests a fine of \$250 per day up to \$15,000.

Mr. Clig stated Mr. Burke contacted him and told him the property is not occupied and none of the repair work has been done.

Mr. Burke stated the tenants left after Hurricane Irma but his contractor has not applied for a permit to date.

Disposition: A motion was made by Mrs. Hymes, seconded by Ms. Purdy, to amend the original Order of Non-Compliance to allow the respondent until the next cut-off date of April 4, 2018 to come into compliance or be returned to a subsequent meeting for imposition of a fine of up to \$1,000 per day until compliance is achieved. The motion carried unanimously.

13. **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: Progress Report and determination of compliance date.

Mike Nelson, the respondent, was sworn in.

Mr. Jones stated he has not had access to the property to determine if any repairs have been made. He stated there is no parking on the front lawn and the home does not appear occupied.

Mr. Nelson stated the property is occupied. Mr. Nelson stated he sent an email to Mr. Jones requesting that the property be inspected. Mr. Nelson stated the vehicles are gone.

Disposition: A motion was made by Mrs. Hymes, seconded by Mr. Purdy, Jones, to enter a compliance date of April 4, 2018. The motion carried unanimously.

Ms. Hymes left the meeting at 10:55 a.m.

NEW CASES:

14. **CASE NO CEB 03-18-26 - Marjorie Simpson** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 4.1.A and 5.2.A.2; City Code Ch. 90 Sec. 90-297, at **2730 S Atlantic Ave**

Violation(s) – **Zoning - short term rentals. Short term rentals, known as “other accomodations”, are not a permitted use in this SFR-5 Zone district.**

First Notified – 7/17/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance: 3/6/2018

15. **CASE NO CEB 03-18-27 - Melnyk-Lazenby Investments LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 305.3, 602.3), at **828 N Grandview**
Violation(s) – **Failure to maintain interior, no heat.**
First Notified – 1/10/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the inspector advises the property is in non-compliance and staff requests that the respondent be given until the next cut-off date to come into compliance. Mr. Clig stated there is only a portable heating unit so there is not heat throughout the building.

Disposition: A motion was made by Ms. House, seconded by Mr. Jones, to find the respondent in non-compliance and ordered the respondent to come into compliance by the next cut-off date of April 4, 2018, or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day. The motion carried.

16. **CASE NO CEB 03-18-28 - Melnyk-Lazenby Investments LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 404.4.1), City Code Ch. 26 Sec. 26-294, at **828 N Grandview**
Violation(s) – **Failure to obtain Rental License (RTL), occupancy limitations - room area.**
First Notified – 11/30/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the inspector advises the property does not have a rental license and does not meet minimum square footage required. Mr. Jackson stated the inspector advises the property is in non-compliance.

Disposition: A motion was made by Ms. House, seconded by Mr. Jones, to find the respondent in non-compliance and ordered the respondent to come into compliance by the next cut-off date, April 4, 2018, or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day. The motion carried.

17. **CASE NO CEB 03-18-29 - Alan G Batlle** is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294, Ch. 90 Sec. 90-297, at **824 Pinewood St**

Violation(s) – **Failure to obtain Rental License (RTL), failure to obtain Business Tax Receipt (BTR)**

First Notified – 11/8/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the property is in non-compliance and asked that the Board grant the respondent until the next cut-off date to come into compliance.

Disposition: A motion was made by Mr. Weatherholtz, seconded by Mr. Jones, to find the respondent in non-compliance and ordered the respondent to come into compliance by the next cut-off date, April 4, 2018, or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day. The motion carried.

18. **CASE NO CEB 03-18-30 - Thomas D Soriero** is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294, Ch. 90 Sec. 90-297, at **156 S Coates St**
Violation(s) – **Failure to obtain Rental License (RTL), failure to obtain Business Tax Receipt (BTR).**
First Notified – 1/24/2018
Compliance 2/27/2018

19. **CASE NO CEB 03-18-31 - Coalition Against Hunger** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **217 Arlington Ave**
Violation(s) – **Failure to obtain building permits.**
First Notified – 1/26/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Pete Glover was sworn in and stated he is the current owner of the property.

Ms. Kuendig stated as of February 16, 2018, the Coalition Against Hunger is listed as the property owner.

Mr. Jackson stated he is satisfied that Mr. Glover is the new owner.

Disposition: This case was continued to the April 12, 2018 Code Enforcement Board Meeting.

8. **Election of Vice Chairman**

Ms. Hymes was appointed to serve as Vice Chair.

9. **Miscellaneous Business**

10. **Adjournment**