

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

April 12, 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, April 12, 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
Mr. Thomas A.D. Jones
Ms. Dalynn Purdy
Mr. Vernon Weatherholtz

Board members absent:

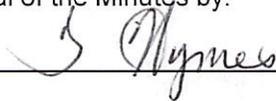
Ms. Turner Hymes – A motion was made by Ms. House, seconded by Mr. Jones, to excuse Ms. Hymes from the April 12, 2018 meeting. The motion carried.

Mr. Charles Cino, Esquire, Board Attorney.

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Enforcement Manager
Officer Steven Jessmer
Mr. Tom Clig, Code Inspector
Mr. Mark A. Jones, Combination Inspector
Mr. Jerome McCoy, Code Inspector
Mr. Clifford Recanzone, Code Inspector
Ms. Aimee Hampton, Senior Paralegal
Ms. June Barnes, Board Secretary
Mr. Glen Urquhart, Chief Building Official

Approval of the Minutes by:



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 March 8, 2018 meeting minutes

Ms. Kuendig noted a correction should be made to Page 12, Item 19, Case No. CEB 03-18-31 - Coalition Against Hunger. Ms. Kuendig stated the minutes reflect that the case will be continued to the April 19, 2018 Code Enforcement Board meeting; however, the item is to be continued to May 10, 2018.

A motion was made by Mr. Harrington, seconded by Mr. Jones, to approve the minutes of the March 8, 2018 meeting as corrected. The motion carried (6-0).

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 01-18-13 – Carolina Club Associates, LTD
- Case No. CEB 03-18-27 – Meinyk-Lazenby Investments, LLC
- Case No. CEB 03-18-29 – Alan G. Batlle
- Case No. CEB 04-18-37 – Kimberly M. Bohannon
- Case No. CEB 04-18-38 – Balasingam Logeswaran
- Case No. CEB 04-18-39 – Earline Bradshaw
- Case No. CEB 04-18-42 – Liu Haogun

6. **Lien Reviews**

LR -1

CASE NO CEB 05-04-102 – 349 Fulton St - Rose Lee Aikens Estate c/o Isaac Aikens (new owner is Anthony Rangasammy) is cited for failure to correct violations of the Land Development Code, Chapter 22-28, Code of Ordinances and Article 19, Section 1. Violation(s) – **Failure to repair a structure with multiple IPMC violations: junk vehicle, rubbish, garbage and dead tree.** First Notified – 03/03/2004. **Order Imposing Fine-Lien of \$200.00 per day effective June 4, 2004. Compliance 2/20/2018 = \$15,000.00 maximized plus \$14.00 recording costs - \$15,014.00. Tax deed sale proceeds received \$13,671.11. Remainder of lien is \$1,314.89 plus \$14.00 recording costs = total amount owed \$1,328.89.**

Anthony Rangasammy was in attendance and was sworn in.

Mr. Jackson stated both Lien Review cases are for the same property which was purchased through a tax deed sale. Mr. Jackson stated the property sat with liens accruing for over a decade. Mr. Jackson stated the property has been renovated and the inspector reports that the property is in compliance. Mr. Jackson stated the city is requesting that a fine be reduced to \$500 for Lien Review No. 1 and a fine of \$1,000 for Lien Review No. 2.

Mr. Rangasammy stated he bought the property for \$22,000 and back taxes and utility liens were paid. Mr. Rangasammy stated he purchased the property in December, 2017, and had the violations immediately addressed. Mr. Rangasammy stated he was not aware of the extent of the lien violations and the liens were not as a result of his action.

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

LR -2

CASE NO SMG 02-07- 43 – 349 Fulton St - Rose Lee Aikens Estate c/o Isaac Aikens (new owner is Anthony Rangasammy) is cited for failure to correct violations of the Land Development Code, Article 19, Section 1. Violation(s) – **Failure to repair or demolish unsafe structure.** First Notified – 11/29/2006. **Order Imposing Fine-Lien of \$1000.00 per day effective April 4, 2007. Compliance 2/20/2018 = \$15,000 maximized. Total amount owed \$15,000.00**

This Lien Review was discussed in conjunction with Lien Review 1.

DISPOSITION: A motion was made by Ms. House to reduce the amount of the lien to \$13,000. The motion failed for lack of a second.

A motion was made by Mr. Weatherholtz, seconded by Ms. Purdy, to reduce the amount of the lien to \$5,000. The motion carried (4-2 with Mr. Harrington and Ms. House voting no).

7. Hearing of Cases:

Continued Cases:

1. **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.

Ben Spivey was in attendance and was sworn in. Mr. Spivey stated he is the owner of Nell 4, LLC which is owned by BMS Holdings.

Mr. Jackson stated the notification should be amended to add BMS Holdings as a respondent. Mr. Jackson stated Nell 4 initiated an eviction due to a problem with the tenants. Mr. Jackson stated the tenants were to be removed by March 31, 2018; and staff is recommending that the Order of Non-Compliance be amended in order to allow Mr. Spivey time to bring the property into compliance.

Mr. Spivey stated his attorney advised him that the order for eviction will be served and Mr. Spivey should not attempt to enter the property until next week.

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 May 2, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (6-0).

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.

Edward Kerney was in attendance who stated he was the general contractor for the owner. Mr. Kerney stated Mr. Urquhart requested that Mr. Kerney retain a structural engineer who determined that the building is structurally sound. Mr. Kerney stated the structural engineer recommended replacement of 4 concrete posts which has been completed. Mr. Kerney stated he would be glad to return to the Board to discuss progress in 60 days.

Mr. Jackson stated bi-monthly reports were ordered by the Code Enforcement Board so Mr. Kerney is to provide a report in June and August.

3. **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.

Mary Lynn Hastings was in attendance and stated she is the property manager.

Mr. Jackson stated the tenant was evicted on March 5, 2018 and the inspector recommends that the case be continued to the next cut-off date.

John Stinson, Lead Code Inspector, stated window repairs need to be made and there is work that needs to be done to the interior. Mr. Stinson stated he has spoken with the general contractor who assures him that work can be completed within the next 30 days.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to amend the previous Order of Non-compliance and allow the respondent until May 2, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (6-0).

4. **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)

ACTION TO BE TAKEN: Impose Fine.

Compliance April 11, 2018

5. **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.

Michael Ciocchetti, Esq., was in attendance representing Vishnu Ltd.

Mr. Ciocchetti stated there have been recent developments with the property that go more toward resolution. This past Friday, the property was posted.

Mr. Jackson stated the property was here for the imposition of a fine and continued issues with the property not been secured and our concerns with the unsecure pool and the unsecure portions of the property. There have been incidents of transients on the property and the condition has been of challenge. Mr. Jackson stated since the last Code Enforcement Board meeting, there have been fires at the site. Mr. Jackson stated the Chief Building Official has issued a condemnation and the property is now condemned and there is an order to either remedy or demolish within thirty days. There has been no change in status. At the last hearing, the Attorney was not present and the Board did not get to hear the status as to what they were doing. There was some discussion of mediation with Insurance. Mr. Jackson stated they have done very little to protect the health, safety and welfare of the citizens of Daytona Beach and this has been a property that has been in disrepair for some time. The recommendation of staff is the imposition of a fine of \$1,000 per day to a maximum of \$45,000.

Mr. Harrington asked if the fine stops when they tear it down. Mr. Jackson stated that demolition would remedy the violations that we have. Mr. Harrington reminded the Board this has been going on for exactly one year.

Tom Clig, Code Inspector, reminded the Board that it ordered the property to be in compliance by 4/4 and stated Vishnu's attorney called him about 10 days ago, and that on March 15th they were supposed to get with the mediation and he didn't know the results, and advised him that there were still issues with the insurance company. Mr. Clig stated there was an arson fire on April 4, 2018, presented a copy of the report to the Board, and that Code Manager Deniz Sykes went out about 6:30 to inspect the property. The Chief Building Official condemned the property the following day. Mr. Clig stated partial work was done on the roof but it was not finalized. Mr. Clig stated his concern was the permits were issued and the Building Inspector issued a pass for the in progress of the roofing but an actual final was not done to the roof.

Ms. Kuendig stated the Code Enforcement Board asked that the city secure the pool. Mr. Clig stated that the pool was not part of the original citation. Ms. Kuendig stated she was confused as the Board has put the pool on specific violation.

Mr. Jackson stated the property owner was not cited for the pool and the manner in which the Board addressed the issue was that the property as a whole be secured and the safety and security of the pool was covered. Mr. Jackson stated that the City was requested but there was no authority to order the city to take action. The manner in which the City would address the issue is through condemnation and the City is trying to take action through the condemnation process to protect the health, safety and welfare of its citizens.

Mr. Harrington expressed a hard time seeing the pictures that were displayed.

Mr. Ciocchetti objected and stated the photographs being shown to the Board reflect damage that has recently been done to the site, taken on 4/4 and 4/5 as a result of the break-in and arson, and do not reflect the items that the property owner was cited for in the case being considered today. Mr. Ciocchetti stated he certainly wanted to work with the Board but there is process here and we are here for roofs and drainage, decks, windows, skylights and door frames. Mr. Ciocchetti stated that while he wants to have a constructive conversation, he wants to keep these issues neatly in their boxes and his preference is to discuss this Notice and what the property owner can do achieve a balance between securing their property, restoring their property and doing it timely to the satisfaction of this Board.

Mr. Harrington asked if there had been a new list of violations.

Mr. Ciocchetti said there was a new list and he believed it would be on next month's agenda.

Mr. Jackson responded to Counsel that if we were at the stage of determining compliance or Non-compliance then he would agree that the scope of the discussions should be limited to the current violations but we are here for the Imposition of a Fine where it is time for the Board to look at all circumstances related to this property in determining what is a reasonable and appropriate fine, the egregiousness, the time it has taken the respondent to come into compliance and the whole nature of what we have here. Mr. Jackson states issues such as fires occurring, transients staying and living in and overtaking the property are all relevant in determining the severity and significance of the status of this property and the need for it to come into compliance.

Mr. Harrington asked Officer Clig if the Fire Department stated that the fires were started from inside the property.

Mr. Clig stated the fire was started in an unsecured room and that the cause of arson is reflected in the report from the Daytona Beach Fire Department. Mr. Clig pointed out the window was shattered into the room where the fire was started. Mr. Clig stated the property owner was notified that the property was to be secured.

Mr. Clig stated there is a new list of violations which include trash and debris and the swimming pool and structural members; and those violations are scheduled for the May, 2018, Code Enforcement Board meeting.

Mr. Harrington asked that the property was not secured then. Mr. Clig responded no and that still was not secured. Mr. Clig stated that they were having problems with the beach side approach where the transients were pushing down the construction fence.

Mr. Harrington asked if the City had told the property owners that they must secure the property. Mr. Clig stated they did. Mr. Harrington asked if that was on record. Mr. Clig stated that is was. Mr. Clig also stated that windows were still busted out from the prior incident and violation back in April.

Mr. Weatherholtz stated that he would also like to hear from the Building Official. Mr. Weatherholtz stated that one of his questions pertaining to this was on the roof and when they were cited for the demolition of the property. He also stated the roof inspection was done by the City or an outside company.

Glen Urquhart, Chief Building Official, stated an in-progress dry-in inspection was done by John Boden, who is a City Building Inspector. Mr. Urquhart stated that they would do in progress on a roof that large until they got to a finished product. Mr. Urquhart stated a final inspection was not requested by the

applicant and the permit expired since no additional work was done. Mr. Urquhart stated it was the duty of the permit holder to reinstate the permit or ask the Building Official to reinstate it but nothing was ever done on it.

Mr. Weatherholtz asked if the permit expired after a year. Mr. Urquhart stated that is correct.

Mr. Ciocchetti called his representative from the roofing company to explain the work that was done to the property. Eric Frate, R & R Roofing was sworn in to testify.

Ms. Kuendig asked Mr. Frate if he had been hired by VISHNU Ltd to do the roof work. Mr. Frate responded that is correct.

Mr. Frate stated he pulled a building permit a year ago; and the old roof was removed and the entire roof was covered with sturdy SBS modified membrane that would be the first layer of a 20 year roof, also called dry-in state, of roof replacement material which should last for at least one year. Mr. Frate stated the reason he did not request a final inspection was because he thought the permit was going to be modified to pour lightweight on top of that and put a thermal plastic roof on top of that. At that time they would modify the permit and move forward with that project.

Ms. Kuendig asked since they pulled the permit a year ago, when did they do the work. Mr. Frate stated it was probably finished about 5 or 6 months ago. Ms. Kuendig asked why at that point they did not just go and get the rest of the permit and finish the work. Mr. Frate stated the owner wanted to tie-in the mechanical work and he has had trouble securing a sub-contractor to do the mechanical work.

Mr. Weatherholtz asked Mr. Frate if the tie-ins were the air conditioning and putting them on the roof but when you put the membrane on it, it was dried in totally. Mr. Frate responded that it was 100%. Mr. Weatherholtz asked for the mechanicals if it was shored up correctly underneath and coded to support the weight and everything. Mr. Frate stated that is was. Mr. Weatherholtz stated – so it was just the last of the mechanical contractor that needed to be done. Mr. Frate stated that he had been asked by the owners to also include mechanical work and his company doesn't do mechanical work. Mr. Weatherholtz asked if his company was licensed and Mr. Frate stated that they were but are not anymore. Mr. Frate stated that during that time they had closed their mechanical division. Mr. Ciocchetti stated that he was a licensed roofer.

Mr. Harrington stated that they have not been able to find a mechanical contractor in 5 months. Mr. Frate said they had no. He has gotten some numbers but no finished quotes.

Mr. Jackson stated the City's records reflect that the dry in inspection was completed on July 31, 2017. Mr. Frate stated that work was performed in between hurricane work.

Mr. Ciocchetti stated that the inspection was done by John Boden and whether the Board finds Mr. Frate's testimony as credible, the City has admitted that via that inspection that the roof was water tight as of July 31st. Mr. Ciocchetti stated that we have Mr. Frate's testimony that the roof would be water tight for at least one year and, therefore, the City's first violation does not stand. Mr. Ciocchetti stated that the City's own inspector that roof and gave it a dry-in.

Mr. Kuendig asked the Chief Building Official when the City inspected the roof, what did the inspection say and when was the next inspection due. Mr. Urquhart stated John Boden completed an in-progress dry in inspection on July 31st and a final inspection was not requested. Mr. Urquhart stated it is not typical to leave a roof open for such a long period of time. Mr. Urquhart stated there is no guarantee that a roof is water-tight with an in-progress dry in inspection. Mr. Urquhart stated typically a complete dry-in inspection is requested within 30 days. Mr. Kuendig asked in Mr. Urquhart's opinion that the dry in was not complete. Mr. Urquhart said yes.

Mr. Harrington stated that basically there had never been a final inspection on the roof. Mr. Urquhart stated that was correct. Mr. Urquhart also stated that a final roof inspection would close out the permit and it had never been called in.

Mr. Weatherholtz stated the product says it is viable for one year but that it was not complete and was never meant to be exposed for that long even though you are saying that it could be viable. He also stated that in weather conditions it had never been approved for being that long as he is well familiar with that material.

Mr. Frate stated for product approvals he was correct, according to Florida product approvals. Mr. Frate also stated that the only other inspection that would be required would have been a final. Mr. Urquhart stated they would need an in progress and a final.

Mr. Harrington asked if the windows and the balcony are still in question. Mr. Ciocchetti stated that there are questions he would still like to ask the city.

Mr. Clig stated all of the violations for which the property has been cited remain in non-compliance. Mr. Harrington asked what has not been done. Mr. Clig stated that the windows have not been done, the balconies have not been done, no permits have been pulled. Mr. Harrington stated that he did not quite understand what the intention is and if it is to restore the building.

Mr. Ciocchetti stated that it was his intention today since there was a pending demolition order and that it was his understanding from his attendance at the February Code Enforcement Board meeting that he was to provide an update on settlement negotiations. Mr. Kuendig stated at the March meeting there was supposed to have been a progress report and it was sent to Mr. Clig. Ms Kuendig asked if there was any progress at that time. Mr. Ciocchetti stated that his understanding was that he would provide a report to Mr. Clig and that he would report to the Board because he had a conflict on that day and that settlement negotiations with an insurance company over this scope of damages do not happen overnight or a period of 30 days. Mr. Ciocchetti stated he was very close to solving the settlement negotiations with the violator's insurance company. Ms. Kuendig remembers that the meeting was to be held in about 15 days from the last meeting and wanted to know that that meeting occurred. Mr. Ciocchetti stated that they were having settlement negotiations. Mr. Ciocchetti stated they were trying their best to resolve issues with the insurance carrier and that they were not easy issues. Mr. Ciocchetti stated they were very close to having the issue resolved but that negotiations had to be suspended since a demolition order was issued on Friday. Mr. Ciocchetti stated the the scope of damage to this property had now increased dramatically. Mr. Ciocchetti state that the City has gone from having the building fixed to being torn down and with that threat hanging over the property they had to suspend settlement negotiations with the insurance carrier because they do not know if their damages are X or Y. Mr. Ciocchetti state he is trying to schedule a meeting with the Chief Building Official to determine the exact extent renovations that are going to be required by the City but they do not have enough time.

Mr. Ciocchetti stated he had a meeting scheduled with Mr. Clig at the property for Friday but that meeting was cancelled due to the pending demolition order and his hands are tied because they have the threat of a \$1000 a day fine from the Board and the Building Department saying they must tear down the building.

Ms. Kuendig stated that the Board and the City are upset about the property and the Board cannot determine the intentions of anyone here and can only look at what's been done and what hasn't been done and that fact that there are people going in there and setting fires, the pool is open and the property is not secure. Mr. Ciocchetti stated the property has been secured with 6 foot fencing around the property that the homeless are breaking down and they are constantly repairing that fence. Mr. Ciocchetti further stated that the windows have been boarded; but are constantly removed by homeless entering the property. Mr. Ciocchetti stated that he is not telling the Board that he does not want to work with them and that there are not issues at this property and is asking the Board to have some compassion and not disparage a property owner that has been working hard fighting with an insurance carrier and Code Board that they want to work with and they are fighting with a Building Official who they want to work with. Mr. Ciocchetti stated there has been no testimony from anyone in the city that there has been an inspection on the roof since July 31, 2017, nor has there been statement that water is getting into the rooms.

Mr. Ciocchetti stated in reviewing the actual notice against this property, VISHNU has been cited for exterior conditions, roof and drainage and he has provided testimony that the dry in, inspected by the City, has been in place since July 31st. He further stated there has been no testimony from the City that prior to July 31st any representative of the City of Daytona Beach went on the roof of this property and identified any failures to that roof membrane. Mr. Ciocchetti further stated there has been no testimony given that stated that water is getting in the walls, cavities or within the rooms. Mr Ciocchetti reiterated the citation which did not say that a permit was pulled and final was not obtained. Mr. Ciocchetti stated if the City was not going to work with them he needed to point out the defects in the pleading and the Notice. Mr. Ciocchetti stated that someone would have to go on the roof and find a defect in order to cite the property under the existing citation. Mr. Ciocchetti stated if the doors and windows were addressed and then someone breaks in and damages the doors and windows, the property cannot be in violation under this citation and cannot be cited for future violations.

Ms. House stated if the property has been condemned and is to be torn down in 30 days, all of the violations cease to exist and inquired as to whether the intention was to restore the property.

Mr. Ciocchetti stated his intention is to appeal the demolition order and secure an engineer. Mr. Ciocchetti stated they want to work with the City and are asking for a reprieve. Ms. Kuendig stated that the pictures were bad and acknowledged Mr. Ciocchetti's objection to them. Ms. Kuendig also acknowledged the issues with the pool being relevant. As a matter of due process, Mr. Ciocchetti stated that he objected to the pictures because they were taken subsequent to the Notice and Code Enforcement Officers would not have been able to observe the pool with the 6 ft chain link fence in place. Mr. Ciocchetti stated again he really wanted to work with the Board.

Ms. Kuendig asked what "work with the Board" meant. Mr. Ciocchetti stated that his intention today was to at least present the roofer's testimony that the roof was dried in so the Board could have some understanding that this isn't a property where no efforts have been made. Mr. Ciocchetti stated that is typical and customary in his business where an insurance company files, you put a temporary roof on there and mitigate your damages and try to preserve the property as best you can. A temp roof was put on the property, a 6 foot security fence was put around the property by AAA Fence. At this point we also have off-duty police officers are on-site from 10 PM to 6 AM to deter trespassing issues. Mr. Ciocchetti stated that they are also in the process of boarding up the windows and plywood over the entire first floor. Mr. Ciocchetti stated his intention is to appeal the demolition order and retain a structural engineer to determine if the structure can be rehabilitated. Mr. Ciocchetti asked that the Board allow him the opportunity to meet with the Building Official, secure the property, and retain the services of a structural engineer to determine if the property can be salvaged, and that the fine be deferred until the next Code Enforcement Board Meeting and would not object to monthly status reports. Mr. Ciocchetti stated right now the property owner is restricted by lack of funds.

Ms. House stated the Board always makes an attempt to work with property owners; but this property has not been secured. Ms. House stated the applicant may ask for an extension but the case has already been extended for over a year and the original violations were not addressed.

Mr. Ciocchetti stated settlement negotiations have stopped based on the demolition order.

Mr. Weatherholtz stated Mr. Ciocchetti's clients have never secured the property and have not been responsible to the City of Daytona Beach. Mr. Weatherholtz stated someone gained access to the building and started a fire which changed everything.

Mr. Jackson stated the Board is here to impose a fine on the violations that exist and have never been remedied. Mr. Jackson stated minimal work has been done on the violations in the last year and the off-duty police officers have just been retained in the last few days. Mr. Jackson stated the roof permit was issued in June and the first inspection was done in July and nothing has been done since. Mr. Jackson stated he would like Mr. Urquhart to state what would be the minimal amount of time to gain compliance, which would be demolition.

Mr. Urquhart stated the balconies are still falling and there is structural cracking on the supports, especially in the lobby area. Mr. Urquhart stated the Building Department is contacted when public safety has been breached and staff was confronted several times on site by tourists who stated they were being confronted by the homeless. Mr. Urquhart stated there were two fires last week and there were arrests of individuals who were in the building. Mr. Urquhart stated when his staff went on site to post the property, they were confronted by the homeless who stated they had been living there. Mr. Urquhart stated the process for demolition is that the property owner is given 20 days to appeal the condemnation once the property owner has been cited. Mr. Urquhart stated if the property owner plans to appeal, staff can meet with him to review the process to determine what can be done to rectify the situation. Mr. Urquhart stated without the recycle process, demolition could occur in 30 days; however, if the materials are to be recycled, that process can take 4 to 6 months. Mr. Urquhart stated there is a 3 to 4 foot gap where the sand has seeped out underneath the pool and people are living under there.

Mr. Ciocchetti stated the Building Official only recently visited the site so he would not be familiar with the issues that are presented in this case. Mr. Ciocchetti stated he feels there is lack of evidence to the Board that this property is not in compliance. Mr. Ciocchetti stated the notice of violation should state which room has specific damage.

Ms. Kuendig stated the property has been found in non-compliance and the Board should determine if there will be a fine imposed or what action will be taken.

Mr. Jackson stated the Board should consider the violations for which the property has been cited and noted the demolition is a separate issue. Mr. Jackson stated the city's position is that a fine of \$1,000 per day should be levied to a maximum of \$45,000.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Jones, to impose a fine of \$1,000 per day against the respondent effective April 12, 2018 and the fine shall continue until compliance is achieved or a maximum of \$45,000 is reached. The motion carried (6-0).

6. **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 was in attendance and was sworn in.

Mr. Clig, Code Inspector, stated permits have been issued and the work is about complete.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Purdy, to amend the previous Order of Non-compliance and allow the respondent until May 2, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (6-0).

7. **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

Compliance 03-29-2018

8. **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: Impose Fine.

Mr. Jackson stated there was not a rental license issued for the property; and a rental license inspection was held on March 29, 2018. Mr. Jackson stated the inspector recommends that the respondent be given until the next cut-off date to complete the repairs. Mr. Jackson stated the issue of occupancy limitations and room area have been remedied and should be removed from the agenda.

Mr. Clig stated there is a rental license on file but the property did not pass the rental inspection. Mr. Clig stated the first notification of the violation should read November 30, 2017 and not November 30, 2018 as is listed on the agenda.

Mark Jones, Neighborhood Services, stated a rental inspection was completed and the deficiencies found were minor and the respondent was given 30 days to correct those violations.

Tracy Remark, 815 N. Oleander Avenue, stated she also owns 301 Riverview Blvd. Ms. Remark stated she visited a tenant in the building during the 1990's and all of the units are one bedroom apartments. Ms. Remark stated the apartment building she owns is located at 301 Riverview Blvd. and she toured the Grandview property for possible purchase during 2011. Ms. Remark stated when the property was acquired by the new owner, the new owner stated it was a two-bedroom apartment building which means

the second bedroom would have been added illegally to the units. Ms. Remark stated she did not believe a rental license could be issued on a property that is non-conforming.

Mr. Cino stated the violation for the additional bedrooms is a violation that would require the property to be returned to the Board.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to amend the previous Order of Non-compliance and allow the respondent until May 2, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (6-0).

9. **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.

Mr. Jackson stated the inspector reports the building has been painted but no repairs have been made.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Weatherholtz, to impose a fine of \$250 per day effective April 12, 2018, and continue until compliance is achieved or the fine reaches a maximum amount of \$20,000. The motion carried.

10. **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 the inspector reports the property is in non-compliance and requests that the respondent be given until the next cut-off date to gain compliance.

Mr. Jones stated the inoperable vehicle has been removed and the yard has been cleaned and outside storage removed.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to amend the previous Order of Non-compliance and allow the respondent until May 2, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (6-0).

11. **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.

Mr. Jackson stated the inspector reports the property is in non-compliance. Mr. Jackson stated the fee has been paid for the Business Tax Receipt but the respondent is in non-compliance on all other issues.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to impose a fine of \$200 per day effective April 12, 2018, and continue until compliance is achieved or the fine reaches a maximum amount of \$15,000. The motion carried.

12. **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: Impose Fine.

Compliance April 5, 2018

NEW CASES:

13. **CASE NO CEB 04-18-32 - Mike Nelson** is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294, at **104 Maplewood Dr**
Violation(s) – **Failure to obtain Rental License (RTL)**
First Notified – 2/27/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mike Nelson, 843 Loyola Drive, Ormond Beach, Florida was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is non-compliance for failure to obtain a rental license.

Mr. Jones stated the respondent has a Business Tax License but has not filed for a rental license or rental inspection.

Mr. Nelson stated he contacted Melissa Carter in the Permits & Licensing Division and was told that the property is legally licensed and can be rented. Mr. Nelson stated he has had a rental license inspection. Mr. Nelson provided copies of the Business Tax Receipt, not a rental license, to the Board.

Mr. Jones stated he checked this morning and the property has not been inspected for a rental license.

DISPOSITION: A motion was made by Mr. Jones, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and ordered the respondent to come into compliance by May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

14. **CASE NO CEB 04-18-33 - Zack H Foster** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **606 S Peninsula Dr**
Violation(s) – **Boat in the driveway**
First Notified – 12/4/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Zack Foster was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance. Mr. Jackson stated the inspector has spoken with Mr. Foster and Mr. Foster believes he can keep the boat in the driveway, which is not permitted by the Code.

Mr. Foster stated he has attempted to reach the Code Inspector but has been unable to contact him. Mr. Foster stated the boat has been in place since the 1980's. Mr. Foster stated the house is 50 feet back from the street, there are a lot of trees, and the boat can only be seen by someone entering the driveway. Mr. Foster stated the boat was invisible before the recent hurricane.

Ms. Kuendig stated the boat does not have to leave the property but cannot remain in the driveway.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Purdy, to find the respondent in non-compliance and ordered the respondent to come into compliance by June 6, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

15. **CASE NO CEB 04-18-34 - Schulte Ave Rentals LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1 - General, at **2031 Schulte Ave**
Violation(s) – **Failure to obtain building permit for new roof**
First Notified – 12/18/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Kenneth Botkin was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the respondent is in non-compliance. Mr. Jackson stated a permit was issued on April 11 and staff is requesting that the respondent be given until May 2, 2018 to reach 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 May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

16. **CASE NO CEB 04-18-35 - Susan Hancock** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **613 Holmes Ave**
Violation(s) – **Maintenance Code - parking**
First Notified – 2/21/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Marcus McDonald was in attendance and stated he is a friend of Susan Hancock and had permission to speak on her behalf.

Mr. Jackson stated the inspector reports the property is in non-compliance and the inspector requests that the respondent be given until May 2, 2018 to come into compliance.

Mr. Recanzone stated he was contacted by the tenant who advised that she has nowhere else to park the car.

Mr. McDonald stated he has talked with the tenant who has stated she will come into compliance.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to find the respondent in non-compliance and ordered the respondent to come into compliance by May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

17. **CASE NO CEB 04-18-36 - MKVY Enterprises LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **609 Holmes Ave**
Violation(s) – **Maintenance Code - parking**
First Notified – 2/23/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. McDonald was in attendance and stated he owns the property. Mr. McDonald stated there were family members living at 609 Holmes who are not on the lease. Mr. McDonald stated he has explained to the family members that they are not to park in front of the structure and must park parallel to the street in the right of way and they are fine with that requirement.

DISPOSITION: A motion was made by Mr. Purdy, seconded by Ms. House, to find the respondent in non-compliance and ordered the respondent to come into compliance by May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

18. **CASE NO CEB 04-18-37 - Kimberly M Bohannon** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **609 Cassin Ave**
Violation(s) – **Maintenance Code - Parking in the front yard**
First Notified – 2/15/2018

Compliance 4/4/2018

19. **CASE NO CEB 04-18-38 - Balasingam Logeswaran** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.14), at **630 Holmes Ave**
Violation(s) – **Maintenance Code - damaged screens.**
First Notified – 2/17/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 4/4/2018

20. **CASE NO CEB 04-18-39 - Earline Bradshaw** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a, at **606 Gibson St**
Violation(s) – **Vehicles in yard**
First Notified – 3/7/2018

Compliance 4/4/2018

21. **CASE NO CEB 04-18-40 - Silver Leaf 130B LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.14, 602.1, 603.1, 604.2, 605.3, 304.8, 304.13.1, 304.15, 305.3, 402.2), at **130 Botefuhr Av #3**
Violation(s) – **Insect screens, heating facilities, mechanical appliances, Luminaires, decorative features, Exterior Structure - Doors, Light - common halls and stairways.**
First Notified – 12/13/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Teresa Valdez was in attendance and was sworn in and stated she was in attendance to represent the owner. Ms. Valdez stated she is the property manager.

Mr. Jackson stated the inspector reports the property is in non-compliance. Mr. Jackson stated most of the outside work has been completed but the inspector has not entered the building to see what work has been done.

Ms. Valdez stated the tenant at Unit 3 called and reported the violations. Ms. Valdez stated the work requested to be done on Unit 3 has been applied to the entire building. Ms. Valdez stated a plumber has corrected the leak issue.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Purdy, to find the respondent in non-compliance and ordered the respondent to come into compliance by June 6, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

22. **CASE NO CEB 04-18-41 - Ajanta Properties LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.6), at **327 Silver Beach Ave**
Violation(s) – **Maintenance Code - damaged exterior walls**
First Notified – 9/25/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Angeline Karana was in attendance and was sworn in. Ms. Karana stated she is the daughter of the owner.

Mr. Jackson stated the inspector reports the property is in non-compliance. Mr. Jackson stated the only issue before the board is exterior painting.

Ms. Karana stated she is working to get the repairs made but has had some difficult experiences with contractors.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Purdy, to find the respondent in non-compliance and ordered the respondent to come into compliance by May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

23. **CASE NO CEB 04-18-42 - Liu Haogun** is cited for failure to correct violations of The Land Development Code, Art. 6, Sec. 6.10.E.1 - Prohibited signs - all districts, at **1008 S Ridgewood Ave**
Violation(s) – **Flashing Sign**
First Notified – 1/11/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance April 9, 2018

24. **CASE NO CEB 04-18-43 - Clinton & Margaret Smith** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec 3.4.S.1, at **636 Fremont Ave**
Violation(s) – **No permit**
First Notified – 3/13/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Margaret Smith was in attendance and was sworn in.

Mr. Jackson stated the permit is under review for the structure and the structure that was built without a permit has been removed.

Mr. Recanzone stated a building was being constructed in the back yard and a permit would be required to re-build the structure.

Ms. Purdy stated the property is in compliance since the structure has been removed.

DISPOSITION: Mr. Jackson stated since the structure has been removed, there is no violation, so this case has been withdrawn.

25. **CASE NO CEB 04-18-44 - JFK Capital Group LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec 3.4.S.1, at **520 Vermont Ave**
Violation(s) – **No permit**
First Notified – 6/8/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Klever was in attendance and was sworn in.

Mr. Jackson stated the owner installed stairs and did not obtain a permit.

Mr. Recanzone stated the permit was approved yesterday so the owner must schedule a final inspection so the case can be closed.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Purdy, to find the respondent in non-compliance and ordered the respondent to come into compliance by May 2, 2018 or be returned to the Code Enforcement Board for consideration of a fine of up to \$1,000 per day. The motion carried.

8. **Miscellaneous Business**

The Board thanked Ms. Purdy for her service.

9. **Adjournment**