

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

May 10, 2018

The meeting of the CODE ENFORCEMENT BOARD was called to order by Vice Chairman Turner Hymes at 9:00 a.m. on Thursday, May 10, 2018, in City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Members present:

Mr. Neil Harrington
Ms. Cheryl House
Ms. Turner Hymes
Mr. Thomas A.D. Jones
Mr. Vernon Weatherholtz
Mr. Charles Cino, Esquire, Board Attorney

Members absent:

Ms. Mary Louise "Weegie" Kuendig

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Code Manager
Officer S. Jessmer
Mr. John Stenson, Lead Code Inspector
Ms. Barbara Collins, Code Inspector
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 "Weegie" Kuendig Chairman

1. Call to Order

Ms. Hymes 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 April 12, 2018 meeting minutes**

A motion was made by Ms. House, seconded by Mr. Harrington, to approve the minutes of the April 12, 2018 meeting as presented. The motion carried.

4. **Disclosure of Ex Parte Communications**

There were no comments on this item.

5. **Announcements**

The following cases are in compliance:

- Case No. CEB 11-17-142 - compliance 5/9/2018
- Case No. CEB 02-18-19 – compliance 4/26/2018
- Case No. CEB 04-18-35 – compliance 5/8/2018
- Case No. CEB 04-18-36 - compliance 5/8/2018
- Case No. CEB 04-18-44 – compliance 5/2/2018
- Case No. CEB 05-18-48 – compliance 5/8/2018
- Case No. CEB 05-18-51 – compliance 5/8/2018

6. **Lien Reviews**

LR-1

CASE NO CEB 10-17-127 – 112 S. Oleander Ave - The Carolyn Shave Living Trust c/o Carolyn Shave, Trustee is cited for failure to correct violations of The Land Development Code. Violation(s) – No permit (renovation). First Notified – 7/20/2017. **Order Imposing Fine-Lien of One Hundred (\$100) Dollars per day effective 1/11/2018. Compliance - 2/7/2018 = 2,700.00, plus \$24.00 recording costs = \$2,724.00.**

Carolyn Shave was in attendance and was sworn in. Ms. Shave stated she is confused as to what the fine is for and asked for clarification. Ms. Shave stated the property is in compliance and asked that the lien be released.

Mr. Cino stated the fine is for the time Ms. Shave was fined in January until the compliance order was granted in February, which is normal Board procedure.

Mr. Jackson stated staff would be agreeable to reducing the fine to \$1,000.

Mr. Jones stated the property is up to code and looks very nice. Mr. Jones stated Ms. Shave purchased the home and the work had already been done.

Reed Berger, Redevelopment Director, stated the home is in the Surfside Historic District and Ms. Shave has worked to bring the home back to its original character and architecture.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to reduce the fine to \$500, payable within 30 days. The motion carried (5-0).

7. **Hearing of Cases**

1. **CASE NO CEB 11-17-142 - Nell 4, LLC – 713 Cedar St** is in Compliance 5/9/2018.

2. **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 Ave.**

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.

Mr. Jackson stated the inspector reports the property is in non-compliance and asked that the respondent be given until the next cut-off date to achieve compliance.

Mr. Stinson stated a rental inspection was held last week and the property did not pass the inspection.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to amend the order of non-compliance to allow the respondent until June 6, 2018 to come into compliance. The motion carried (5-0).

3. **CASE NO CEB 02-18-19 - Robby & Wendy Burke – 273 Hartford Ave** is in Compliance 4-26-2018.

4. **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 not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance. Mr. Jackson stated permits were issued on March 12, 2018 and no work has been done. Mr. Jackson stated staff is requesting that a fine be imposed.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Mr. Harrington, to impose a fine of \$100 per day effective May 10, 2018, and continuing to a maximum of \$10,000. The motion carried.

5. **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: Impose Fine.

Mike Nelson was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and the property has not had a rental inspection. Mr. Jackson stated staff is requesting that a fine be imposed.

Mr. Nelson stated the property has been a rental property since 2011. Mr. Nelson stated the property was inspected on March 30 and found in compliance. Mr. Nelson stated Mr. Jones wrote an affidavit stating Mr. Nelson did not have a license so as a result his tenant refused to pay rent.

Mr. Jones stated that Mr. Nelson went to Permits & Licensing and paid for his rental application on April 12 but the inspection has not been completed. Mr. Jones stated he would have to receive the tenant's permission to enter the property.

Ms. House stated it appears Mr. Nelson has rented the property without obtaining a rental inspection.

Mr. Harrington asked Mr. Nelson if he understood that the property cannot be rented again until Mr. Nelson has an inspection on the property. Mr. Nelson said yes.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to amend the Order of Non-Compliance and allow the respondent until the next cut-off date of June 6, 2018 to come into compliance. The motion carried.

6. **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: Impose Fine.

Kevin Bogden was sworn in.

Mr. Jackson stated the respondent is working to correct the violation and asked that the respondent be given until the next cut-off date to comply.

Mr. Jones stated three inspections have been completed on the project but has not received a final inspection since the roof is not completed.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. House, to amend the Order of Non-Compliance and allow the respondent until the next cut-off date of June 6, 2018 to come into compliance. The motion carried.

7. **CASE NO CEB 04-18-35 - Susan Hancock - 613 Holmes Ave** is in Compliance 5/8/2018.
8. **CASE NO CEB 04-18-36 - MKVY Enterprises LLC – 609 Holmes Ave** is in compliance 5/8/2018.
9. **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: Impose Fine.

A. J. Carrano was sworn in and spoke representing his mother who is the property owner.

Mr. Jackson stated the property owner is working on compliance and asked that the respondent be given until the next cut-off date to achieve compliance.

Mr. Carrano stated he has had problems with contractors and is having termite damage addressed.

Mr. Jackson stated the only violation is exterior walls.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to amend the Order of Non-Compliance and allow the respondent until the next cut-off date of June 6, 2018 to come into compliance. The motion carried.

10. **CASE NO CEB 04-18-44 - JFK Capital Group LLC** at **520 Vermont Ave** is in compliance 5/2/2018.

NEW CASES:

11. **CASE NO CEB 05-18-45 - Cathy L & Kyle D Shone** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **29 Goodall Ave.**
Violation(s) – **Fence was installed without a permit.**
First Notified – 5/22/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the inspector reports the property is in non-compliance but still needs to obtain a permit.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and amend the order of non-compliance to allow the respondent until June 6, 2018, to come into compliance or be returned to the Code Enforcement Board for imposition of a fine. The motion carried.

12. **CASE NO CEB 05-18-46 - Michael A. Kramer** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **13 Goodall Ave.**
Violation(s) – **No Permits for porch and outside enclosure.**
First Notified – 5/25/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

DISPOSITION: This case was pulled from the agenda.

13. **CASE NO CEB 05-18-48 - Sussman's Inc** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.9; 304.13), at **303 Seabreeze Blvd.**
Violation(s) – **Failure to maintain overhang extensions & windows.**
First Notified – 12/19/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance 5/18/2018

14. **CASE NO CEB 05-18-53 - James O Lambert, Trustee of The James O. Revocable Trust** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.1.A at **215 Oakridge Blvd**
Violation(s) – **No permit for upstairs deck**
First Notified – 12/21/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

James Lambert was in attendance and was sworn in.

Mr. Jackson stated the respondent is in non-compliance and asked that the respondent be given until the next cut-off date to achieve compliance.

Mr. Clig stated he was contacted by the contractor who said he has applied for a permit but no permit has been issued.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and amend the order of non-compliance to allow the respondent until June 6, 2018, to come into compliance or be returned to the Code Enforcement Board for imposition of a fine. The motion carried.

15. **CASE NO CEB 05-18-49 - Sally A Horton** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.S.H.7.A (Ref. FBC Supp IPMC 302.1; 302.8), at **608 Cassin Ave.**

Violation(s) – **Parking of cars in the front yard, unlicensed/untagged vehicles, and sanitation of the exterior property.**

First Notified – 2/6/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Sally Horton was in attendance and was sworn in.

Mr. Jackson stated the inspector reports that the property is in non-compliance and asked that the respondent be given until the next cut-off date to come into compliance.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Weatherholtz, to allow the respondent until June 6, 2018 to come into compliance. The motion carried.

16. **CASE NO CEB 05-18-50 - TRSTE LLC as Trustee for the 867/869 Winchester Street Land Trust dated December 19, 2017** 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 **869-867 Winchester St.**

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

First Notified – 2/12/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the inspector has not received a response from the respondent and asked that the respondent be given until the next cut-off date to achieve compliance.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz to find the respondent in non-compliance and be given until the next cut-off date of June 6, 2018 to come into compliance. The motion carried.

17. **CASE NO CEB 05-18-51 - Wilson Brothers Lawn & Tree Service LLC** at S of 518 Arthur Ave. (Parcel #5238-18-03-0230) is in compliance 5/8/2018.

8. **Miscellaneous Business**

Mr. Weatherholtz stated he would like to have a question/answer session with the City's Attorney, the Board Attorney and the Building Official. Mr. Harrington stated he would like the Board to submit questions in advance so there could be preparation for discussion items. Ms. House stated she would like to discuss fines and how they are determined. The Board agreed. Ms. House stated she would like the Special Magistrate also invited to the workshop.

9. **Adjournment**