

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

July 12, 2018

The meeting of the CODE ENFORCEMENT BOARD was called to order by Chair Mary Louise "Weegie" Kuendig at 9:00 a.m. on Thursday, July 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
Ms. Turner Hymes
Mr. Vernon Weatherholtz
Mr. Charles Cino, Esquire, Board Attorney

Members absent:

Mr. Thomas A.D. Jones

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Ms. Aimee Hampton, Senior Paralegal
Mr. Denzil Sykes, Neighborhood Services Manager
Officer Steven Jessmer
Mr. Tom Clig, Code Neighborhood Services Inspector
Mr. Mark A. Jones, Neighborhood Services Inspector
Mr. Michael Fitzgerald, Neighborhood Services Inspector
Ms. Barbara Collins, Neighborhood Services Inspector
Mr. Daniel Garcia, Neighborhood Services Inspector
Ms. Glejuanda Davis, Neighborhood Services Inspector

Ms. June Barnes, Board Secretary

Approval of the Minutes by:

Mary Louise "Weegie" Kuendig 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.

A motion was made by Ms. Hymes, seconded by Mr. Weatherholtz, to excuse Mr. Jones from the July 12, 2018 Code Enforcement Board meeting. The motion carried (5-0).

3. **Approval of June 14, 2018 Minutes**

A motion was made by Ms. Hymes, seconded by Mr. Harrington, to approve the minutes of the June 14, 2018 meeting as presented. The motion carried.

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. 04-18-34 -	Compliance 6/26/18
Case No. 05-18-45 -	Compliance 7/9/18
Case No. 06-18-57 -	Compliance 6/26/18
Case No. 06-18-60 -	Compliance 6/26/18
Case No. 07-18-67 -	Compliance 7/6/18

Ms. Barnes stated Case No. 06-18-61 is listed on the agenda as being in compliance but it is not and will be heard.

6. **Lien Reviews**

LR-1

CASE NO CEB 01-18-08 – 1222 Essex Road - Kalil Land, LLC was 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. 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. **Order Imposing Fine-Lien of Two Hundred (\$200) per day effective 4/12/2018. Compliance – 5/3/2018 = \$4,200.00, plus \$24 recording costs = \$4,224.00**

The respondent, Aaron Blake, was in attendance and was sworn in.

Anthony Jackson, Assistant City Attorney, stated a fine was imposed of \$200 per day effective April 12, 2018 and compliance was achieved on May 3, 2018. Mr. Jackson stated staff is recommending the lien be reduced to \$2,112.00.

Mr. Blake stated the tenant offered to buy the property; and Mr. Blake contacted an attorney to initiate the paperwork for the sale as well as eviction of the tenant. Mr. Blake stated the tenant's financing was not approved so he continued with the eviction process. Mr. Blake stated the tenant vacated the property on May 1; the locks were changed on May 2; and Mark Jones, Code Enforcement Officer, inspected the property. Mr. Blake stated work proceeded on the remodel.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to reduce the amount of the lien to \$2,112.00, subject to being paid within thirty days or the fine will revert to the original amount. The motion carried (5-0).

7. Hearing of Cases

CONTINUED CASES:

1. **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 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*: Impose Fine.

James McKune, 354 Lake Victoria, Melbourne, Florida was sworn in representing the respondent.

Mr. Jackson stated the inspector reports the property failed the inspection for a Rental License and is scheduled to be inspected again on July 16, 2018. Mr. Jackson stated staff is requesting that this case continue to the next cut-off date.

Mr. McKune stated he applied for and paid for the license and some things have been addressed and he has asked for the second inspection. Mr. McKune stated he was unaware of the requirement for the Rental License when he purchased the home.

Barbara Collins, Code Enforcement Officer, stated there have been improvements to the property and a lot of trash has been removed. Ms. Collins stated Mr. McKune is making a great effort.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Weatherholtz, to amend the order of Non-Compliance to August 9, 2018 in order to allow the respondent to come into compliance. The motion failed (2-3 with Ms. Kuendig, Ms. House, and Mr. Harrington voting no).

A motion was made by Ms. House, seconded by Mr. Harrington, to impose a fine of \$50 per day effective July 12, 2018 and shall continue to accrue each day until compliance is achieved or reaches a maximum of \$15,000. The motion carried (4-1 with Ms. Hymes voting no).

2. **CASE NO CEB 06-18-59 - Gregory Karpinski** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, Ch. 90 Sec. 90-297, at **311 Cedar St Violation(s)** – Failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified – 3/30/2018 *ACTION TO BE TAKEN: Impose Fine.*

The respondent was not in attendance.

Mr. Jackson stated the inspector reports he has had no contact from the owner and the license expired on September 30, 2017. Mr. Jackson stated staff is requesting imposition of a fine of \$100 per day up to a maximum of \$15,000.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Harrington, to impose a fine of \$100 per day effective July 12, 2018 and shall continue to accrue until compliance is achieved or the fine reaches a maximum of \$15,000, plus a \$250 administrative fee for the Business Tax Receipt. The motion carried (5-0).

3. **CASE NO CEB 06-18-56 - Thomas Patrick Caffrey** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **316 Cottrill Ave Violation(s)** – Failure to obtain Rental License (RTL). First Notified – 4/5/2018

Thomas Caffrey was in attendance and was sworn in.

Mr. Jackson stated a re-inspection of the property is scheduled for July 16, 2018, and staff is requesting that the Order of Non-Compliance be amended to the next cut-off date.

Mr. Jones stated an inspection was done on July 9, 2018, but the property did not pass the inspection and a re-inspection will be scheduled.

Mr. Caffrey stated he has had a business license and he was unaware of the requirement to have a rental license. Mr. Caffrey stated he has made the repairs to the items that were identified during the July 9, 2018

inspection. Mr. Caffrey stated the property has been inspected every two years for the business license.

ACTION TO BE TAKEN: Impose Fine.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to amend the Order of Non-Compliance to allow the respondent until August 9, 2018 to come into compliance or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine. The motion carried (5-0).

4. **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:* (Progress Report - 7/12/18; Compliance date 8/1/2018).

Michael Kramer was in attendance and was sworn in.

Mr. Jackson stated the case is before the Board for a progress report.

Mr. Kramer stated a Notice of Violation was provided to him dated May 22, 2017. Mr. Kramer stated he did apply for a permit after that date and that permit expired. Mr. Kramer stated he feels the property is now in compliance since he has obtained a permit and he has requested a re-inspection.

Mr. Jackson stated he has talked with the inspector and staff feels a September date for compliance would be appropriate. Mr. Jackson stated a permit has been obtained but has not been finalized.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to amend the Order of Non-compliance and continue Case CEB 05-18-46 to September 5, 2018. The motion carried.

5. **CASE NO CEB 04-18-34 - Schulte Ave Rentals LLC - Compliance – 6/26/2018**
6. **CASE NO CEB 05-18-45 - Cathy L & Kyle D Shone - Compliance – 7/9/18**
7. **CASE NO CEB 06-18-57 - Nikki Cuda - Compliance – 6/26/2018**
8. **CASE NO CEB 06-18-58 - William Runner Jr** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2.H.4.A; Art.6 Sec. 6.2.H.7.A (Ref. FBC Supp IPMC 302.8, 304.7, 308.1), at **1337**

Killian St Violation(s) – Off-street parking, junk vehicles, roofs & drainage, accumulation of garbage. First Notified – 4/5/2018 *ACTION TO BE TAKEN*: Impose Fine.

William Runner was in attendance and was sworn in.

Mr. Jackson stated staff reports progress has been made on the violations and requests that the respondent be given until the next cut-off date to come into compliance.

Michael Fitzgerald, Code Enforcement Officer, stated some of the outside area has been cleaned and the cars have been moved from the grass. Mr. Fitzgerald stated there is still a tarp on the roof.

Mr. Runner stated the Methodist Recovery Group will repair the roof and it should be done in July.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. House, to amend the Order of Non-Compliance and allow respondent until September 5, 2018, to come into compliance or be returned to a subsequent Code Enforcement Board meeting for imposition of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (5-0).

9. **CASE NO CEB 06-18-60 - Grady L Meeks Jr - Compliance – 6/26/2018**

10. **CASE NO CEB 06-18-61 - Charles Darby** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 108.2, 302.4, 302.5, 304.7), at **125 N Hollywood Ave Violation(s)** – Closing of vacant structures, weeds, rodent harborage, roofs & drainage. First Notified – 10/2/2017

Charles Eitel, 287 Euclid Avenue, was in attendance and was sworn in. Mr. Eitel stated he is the new owner of the property.

Mr. Jackson stated the property has been conveyed to Mr. Eitel. Mr. Jackson asked that the case be amended to show Mr. Eitel as a respondent and amend the Order of Non-Compliance to the next cut-off date.

Mr. Eitel stated he has cleared the property and repairs have been made to the roof.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Harrington, to amend the Order of Non-Compliance to add Charles Eitel as the new owner and allow the respondent until August 1, 2018 to come

into compliance or be returned to a subsequent meeting of the Code Enforcement Board for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (5-0).

11. **CASE NO CEB 06-18-65 - Mae Belle Hancock** 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 **834 Vernon St Violation(s)** – Exterior Structure - roofs & drainage. First Notified – 3/31/2018 *ACTION TO BE TAKEN*: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector received notification from a local church that the church will help with the roof replacement and asked that they be given 90 days to make the repairs.

Mike Fitzgerald, Code Enforcement Officer, stated a building permit has been issued for the roof.

DISPOSITION: A motion was made by Ms. House, seconded by Mr. Weatherholtz, to amend the Order of Non-Compliance and allow the respondent until October 3, 2018 to come into compliance or be returned to a subsequent meeting of the Code Enforcement Board for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (5-0).

12. **CASE NO CEB 05-18-53 - James O Lambert, Trustee of The James O. Lambert Revocable Trust** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.1.A (Ref. FBC Supp IPMC 304.10), at **215 Oakridge Blvd Violation(s)** – No permit for upstairs deck. First Notified – 12/21/2017 *ACTION TO BE TAKEN*: (Progress Report; Compliance date 8/1/2018).

James Lambert was in attendance and was sworn in.

Mr. Jackson stated the work is about completed.

Mr. Clig stated a permit has been applied for and the work is about complete.

Mr. Lambert stated a survey has been completed and has been forwarded to the Engineering Department and he is awaiting issuance of the permit.

NEW CASES:

13. **CASE NO CEB 07-18-67 - Henry John Steplin Jr. - Compliance**
7/6/2018

14. **CASE NO CEB 07-18-68 - Destiny Glover** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **Orange Ave - parcel # 5239-06-29-0240 Violation(s)** – Outside storage. First Notified – 3/23/2018 *ACTION TO BE TAKEN:* Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector feels the property can be brought into compliance by the next cut-off date, which is August 1, 2018.

Juan Davis, Code Inspector, stated the items that were on the property have been moved behind the fence and staff has asked that additional fencing be placed on the property for screening. Ms. Davis stated the lot is used as a hang-out area for the adjacent rooming house.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Ms. Hymes, to find the respondent in non-compliance and order the respondent to come into compliance by August 1, 2018 or be returned to a subsequent meeting of the Code Enforcement Board for consideration of a fine of up to \$1,000 per day until compliance is achieved. The motion carried (5-0).

15. **CASE NO CEB 07-18-69 - Lumina Group Enterprises LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G, at **900 Orange Ave Violation(s)** – Broken change of copy on front pole sign. First Notified – 4/20/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports a permit has been applied for and staff is asking that the respondent be given until the next cut-off date to come into compliance.

Ms. Davis, Code Inspector, stated the respondent has retained a contractor who is obtaining a permit to repair the existing sign.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Ms. House, to find the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 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 (5-0).

16. **CASE NO CEB 07-18-70 - Evelyn Eleanior Hannans** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 302.1, 302.7), at **614 Orange Ave Violation(s)** – Outside storage, parking on the grass, off street parking of trailers, broken fence. First Notified – 2/19/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson the property is in non-compliance and asks that the respondent be given until August 1, 2018 to come into compliance. Mr. Jackson stated the property owner is deceased and the property is in probate. Mr. Jackson stated if a fine is imposed, it would be attached to the property.

Ms. Davis, Code Inspector, stated a family member lives at the property, not the property owner, and the tenant has not been consistent in removing the debris from the yard.

DISPOSITION: A motion was made by Mr. Weatherholtz, seconded by Ms. House, to find the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 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 (5-0).

17. **CASE NO CEB 07-18-71 - Bernard W Jr and Alma Smith** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 302.1, 302.3, 304.6, 304.13); City Code Ch. 26 Sec. 26-294, at **730 Flanders Ave Violation(s)** – Boarded windows, damaged driveway, peeling paint and unmaintained/ unsanitary exterior walls, failure to obtain rental license (RTL). First Notified – 2/8/2018 *ACTION TO BE TAKEN:* Compliance or Non-Compliance.

Bernard W. Smith was in attendance and was sworn in.

Mr. Jackson stated the inspector reports all of the violations remain and staff is asking that the respondent be given until the next cut-off date to come into compliance.

Mr. Smith stated the property is vacant and he is trying to sell it. Mr. Smith stated he is not collecting rent. Mr. Smith stated he will not make the repairs since the property is being sold.

Mr. Jackson stated sale of the property is irrelevant and the property needs to be brought into compliance.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 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 (5-0).

18. **CASE NO CEB 07-18-72 - Carlton Curtis Hooks, James Robert Hooks and William Gary Hooks** is cited for failure to correct violations of The Land Development Code, Art. 5 Sec. 5.3.19.b.ii, at **Orange Ave - parcel # 5339-79-00-0460 Violation(s)** – Illegal parking on a vacant lot without a principal structure. First Notified – 4/20/2018 *ACTION TO BE TAKEN: Compliance or Non-Compliance.*

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and asked that the respondent be given until August 1, 2018 to come into compliance.

Ms. Davis stated the property is a vacant lot and adjacent property owners are using the lot for parking. Ms. Davis stated the property owner of the vacant lot is aware that people are using his vacant land and the property has been posted for no trespassing.

Mr. Jackson stated the property owner could contact a towing company to have the vehicles removed.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Weatherholtz, to find the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 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 (5-0).

19. **CASE NO CEB 07-18-73 - Paul Meeks** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 302.4, 304.7), at **239 Graham St Violation(s)** – Damaged roof and overgrown front yard. First Notified – 3/2/2018 *ACTION TO BE TAKEN: Compliance or Non-Compliance.*

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is in non-compliance and asked that the respondent be given until August 1, 2018 to come into compliance.

Ms. Davis stated the Notice of Violation was returned to the city.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Hymes, to find the respondent in non-compliance and ordered the respondent to come into compliance by August 1, 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 (5-0).

8. Miscellaneous Business

Mr. Jackson stated when a violation is determined, often the Code Enforcement Officer will work with a property owner in order to gain compliance; and many times an attempt is made to resolve an issue without making it a case for the Board. Mr. Jackson stated that is why there may be a delay in cases being brought to the Code Enforcement Board.

9. Adjournment