

MINUTES
CITY OF DAYTONA BEACH
CODE ENFORCEMENT BOARD

September 13, 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, September 13, 2018, in City Commission Chambers, 301 S. Ridgewood Ave., Daytona Beach, Florida.

Members present:

Ms. Mary Louise "Weegie" Kuendig
Mr. Neil Harrington
Ms. Turner Hymes
Mr. Thomas A.D. Jones
Mr. Charles Cino, Esquire, Board Attorney

Members absent:

Ms. Cheryl House

Staff present:

Mr. Anthony E. Jackson, Assistant City Attorney
Mr. Denzil Sykes, Neighborhood Services Manager
Officer S. Jessmer
Ms. Barbara Collins, Neighborhood Services Inspector
Mr. Tom Clig, Neighborhood Services Inspector
Mr. Mark A. Jones, Neighborhood Services Inspector
Mr. Jerome McCoy, Neighborhood Services Inspector
Mr. Clifford Recanzone, Neighborhood Services 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. Kuendig called the meeting to order at 9:00 AM.

2. **Roll Call**

Roll was taken and attendance was noted as listed above.

Board Action:

A motion was made by Ms. Kuendig, seconded by Ms. Hymes, to excuse Cheryl House from the September 13, 2018 meeting. The motion carried (4-0).

3. **Approval of August 9, 2018 and May 31, 2018 Workshop Minutes**

Board Action:

A motion was made by Mr. Harrington, seconded by Mr. Jones, to approve the minutes of the Regular Meeting of August 9, 2018 and the minutes of the workshop of May 31, 2018, as presented. The motion carried (4-0).

4. **Disclosure of Ex Parte Communications**

There were no disclosures presented.

5. **Announcements**

Ms. Barnes stated the following cases are in compliance:

Case No. CEB 06-18-58 –	Compliance 9/12/18
Case No. CEB 08-18-96 –	Compliance 9/12/18
Case No. CEB 09-18-110 –	Compliance 9/12/18
Case No. CEB 09-18-101 –	Compliance 9/11/18
Case No. CEB 09-18-111 –	Compliance 9/10/18

6. **Lien Reviews**

There were no lien reviews scheduled.

7. **Hearing of Cases**

CONTINUED CASES:

1. **CASE NO CEB 07-18-71 - Bernard W. Jr. and Alma Smith** are cited for failure to correct violations of The Land Development Code, Art. 9, Sec. 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 Avenue**
Violation(s) – **Broken 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: Impose Fine.

Bernard Smith was in attendance and was sworn in.

Mr. Jackson stated the inspector reports all violations still exist; and staff is requesting imposition of a fine of \$300 per day to a maximum of \$15,000.

Mr. Stenson stated the property appears to be occupied but he has had no contact with anyone when he has visited the property.

Mr. Smith stated the people who wanted to purchase the home have reduced their offer so the sale was not completed. Mr. Smith stated he has contacted a company which will loan him the money to make the repairs so Mr. Smith requested a delay in the imposition of a fine. Mr. Smith stated he has made no repairs so far since the home was for sale and he did not want to put any money into the property. Mr. Smith stated the home is not occupied. Mr. Smith stated the car that is parked in the yard belongs to the person who lives across the street and he has asked him to remove the car.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Hymes, to impose a fine of \$100 per day effective September 13, 2018, and accrual will continue until compliance is achieved or the fine reaches a maximum of \$15,000. The motion carried (4-0).

2. **CASE NO CEB 08-18-87 - Donald W. Barnard** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 302.7, 304.2, 304.6, 304.13), at **29 S. Grandview Avenue**

Violation(s) – **Outside storage trash and debris, broken windows, peeling and fading paint, damaged exterior walls and fencing.**

First Notified – 4/10/2018

ACTION TO BE TAKEN: Impose Fine.

Donald Barnard was in attendance and was sworn in.

Mr. Jackson stated the inspector reports many of the violations still exist, but some work has been done. Mr. Jackson stated staff is requesting imposition of a fine of \$200 per day to a maximum of \$15,000.

Mr. Fitzgerald stated a lot of the outside storage has been removed and the fence has been taken down. Mr. Fitzgerald stated stairs need to be constructed to the second floor landing, which will require a permit. Mr. Fitzgerald stated the respondent has not contacted him regarding this case.

Mr. Barnard stated he has repaired the windows, the garbage and yard debris have been removed, and the fence was removed. Mr. Barnard stated he was not aware that stairs need to be installed to the second floor landing. Mr. Barnard stated the home is vacant. Mr. Barnard stated he has contacted Mr. Fitzgerald three times to tell him what he is doing on the property.

Ms. Kuendig stated the issue of the stairs is not listed in the violations. Ms. Kuendig stated the peeling and fading paint needs to be repaired. Ms. Kuendig asked if the damaged wall has been repaired.

Mr. Fitzgerald stated the rear wall has been repaired but not painted. Mr. Fitzgerald stated he feels the property can be brought into compliance in thirty days. Mr. Fitzgerald stated the side wall needs to be repaired and permits must be obtained to do those repairs. Mr. Fitzgerald stated a permit would be required to replace the fence.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to amend the previous order of non-compliance to allow the respondent until October 31, 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 for every day thereafter or until compliance is achieved. The motion carried (3-1 with Ms. Kuendig voting no).

3. **CASE NO CEB 08-18-88 - Anders Migdalek LLC** 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 **345 S Atlantic Ave**
Violation(s) – **Blue tarp covering the entire roof.**
First Notified – 6/1/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports he has been in touch with the respondent and staff is recommending that the respondent be given until October 3, 2018 to come into compliance.

Mr. Fitzgerald stated the respondent lives in Madiera Beach and he does not know if the house is occupied. Mr. Fitzgerald stated the respondent obtained a permit to repair the roof but the work is not completed.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to amend the previous Order of Non-Compliance and allow the respondent until October 3, 2018 to come into compliance or be returned

to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (4-0).

4. **CASE NO CEB 08-18-90 - Robbie L & Robert N Dillman** are cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.7), at **716 Davis Street**
Violation(s) – **Dilapidated roof with rotting wood, peeling paint.**
First Notified – 2/20/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports he has spoken with the respondent who is making the repairs but the work is not completed. Mr. Jackson stated the inspector is requesting that the respondent be given until October 3, 2018 to complete the repairs.

Mr. Fitzgerald stated the painting is almost completed but permits will need to be issued to make the roof repairs.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to amend the previous Order of Non-Compliance and allow the respondent until October 3, 2018 to come into compliance or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (4-0).

5. **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: Impose Fine.

James O. Lambert was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the respondent is working on making the repairs and staff is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mr. Clig stated the respondent is doing additional work than was originally required and the work should be completed within a week or two.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to amend the previous Order of Non-Compliance and allow the respondent until October 3, 2018 to come into compliance or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (4-0).

6. **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 Street**
Violation(s) – **Off-street parking, junk vehicles, roofs & drainage, accumulation of garbage.**
First Notified – 4/5/2018

ACTION TO BE TAKEN: Impose Fine. (Continued from July 2018)

Compliance: 9/12/18

7. **CASE NO CEB 08-18-74 - Pelicano Crusher Corp.** is cited for failure to correct violations of the City Code Ch. 90 Sec. 90-297, at **1169 Indian Lake Road**
Violation(s) – **Failure to Obtain Business Tax License (BTR).**
First Notified – 4/17/2018

ACTION TO BE TAKEN: Impose Fine.

Maria Centro was in attendance and was sworn in and stated she works for Pelicano Crusher Corp. and has permission to speak on their behalf.

Mr. Jackson stated the inspector reports the issues regarding permitting have not been resolved by Planning so the property is not in compliance. Mr. Jackson stated staff is requesting that the respondent be given until the next cut-off date to come into compliance.

Mr. Recanzone stated the respondent cannot apply for the license until the Planning project is completed. Mr. Recanzone stated work stopped at the site once they were cited so no business is being conducted there.

Ms. Centro stated there was a TRT meeting with City staff on September 4, 2018 and a well permit is needed.

Mr. Recanzone stated it will probably take until December to come into compliance.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Ms. Hymes, to amend the previous Order of Non-Compliance and ordered that a progress report be provided at the November 8, 2018 Code Enforcement Board meeting and allow the respondent until December 5, 2018 to come into compliance or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (4-0).

8. **CASE NO CEB 08-18-77 - DB 101 Corporation** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7); Art. 6 Sec. 6.6.12 (1) (7), at **101 S. Ocean Avenue (Parcel #5304-01-03-0010)**
Violation(s) – **Exterior Property Areas - damaged sea wall.**
First Notified – 2/21/2018

ACTION TO BE TAKEN: Progress Report to determine compliance date. (10 days to secure property to city standards.)

Darren Elkind, 505 Deltona Blvd., Deltona, Florida, spoke representing the applicant. Mr. Elkind stated someone is presently working at the site to install plywood over the open area to secure the site and No Trespassing signs will be installed. Mr. Elkind stated in the next thirty days the zoning will be completed; and once permits have been issued by the City and the State of Florida, the wall will be reconstructed.

Mr. Jackson stated the wall has been closed and staff is requesting another progress report be provided at the next meeting on this case.

Mr. Recanzone stated the safety issues are in compliance.

Ms. Kuendig asked if the lot is currently being used for parking.

Mr. Recanzone stated the lot is fenced in and is not being used for parking.

Mr. Harrington asked why the wall cannot be torn down.

Mr. Elkind stated if the wall is removed, the developer may lose some rights for replacement; and even though the wall is in poor condition, it does provide support for the adjacent roadway. Mr. Elkind stated there is no project proposed for the property, other than for a parking lot use; however, the property owner will be going through a Planned Development process as requested by the City in order to limit certain permitted uses.

Mr. Elkind requested the Board to schedule this case for a progress report in 60 days.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to schedule this item for a progress report at the November 8, 2018 Code Enforcement Board Meeting. The motion carried (4-0).

9. **CASE NO CEB 08-18-79 - Mohammed Jameel Shaikh** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8, 304.3, 304.8, 304.13, 304.14, 308.1), at **525 Bellevue Avenue**
Violation(s) – **Motor Vehicles, premises identification, window, skylight, door frames, insect screens, rubbish and garbage.**
First Notified – 5/16/2018

Mohammed Jameel Shaikh was in attendance and was sworn in.

Mr. Jackson stated the inspector reports that the property remains in non-compliance and asks that a fine of \$100 per day be imposed up to a maximum of \$10,000.

Mr. Recanzone stated there is still outside storage in the front yard. Mr. Recanzone stated works needs to be done to the structure and the vehicle has been removed from the yard to the driveway.

Mr. Shaikh stated some of the work has been done and he is doing all of the work by himself. Mr. Shaikh stated he needs more time to complete the work. Mr. Shaikh stated the vehicle is not disabled. Mr. Shaikh stated he is asking for 60 days to complete the work.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to impose a fine of \$100 per day effective September 13, 2018 and continuing until the fine reaches \$10,000. The motion carried (4-0).

10. **CASE NO CEB 08-18-83 - Mr. Paul Taylor/ Mr. Milton Jones (P.O.A)** 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 **829 Vernon Street**
Violation(s) – **Exterior Structure - roofs and drainage.**
First Notified – 5/16/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the property is in non-compliance. Mr. Jackson stated a permit was issued on August 31, 2018

but no work has been started. Mr. Jackson stated staff is requesting imposition of a fine of \$100 per day to a maximum of \$10,000.

DISPOSITION: A motion was made by Mr. Harrington, seconded by Mr. Jones, to impose a fine of \$100 per day effective September 13, 2018 and continuing until compliance is achieved or the fine reaches the maximum amount of \$10,000. The motion carried (4-0).

11. **CASE NO CEB 08-18-85 - IMAS Financial LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 6 Sec., 6.2.H.7.A; Art. 9 Sec 9.6.2.A (Ref. FBC Supp IPMC 304.7), at **1234 Suwanee Road**
Violation(s) – **Surfacing - off street parking spaces, Exterior structure roofs and drainage.**
First Notified – 5/29/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the permit was issued and the respondent is working on the property. Mr. Jackson stated staff is requesting that the respondent be given until October 3, 2018 to complete the repairs.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to amend the previous Order of Non-Compliance and allow the respondent until October 3, 2018 to come into compliance or be returned to a subsequent Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (3-1 with Mr. Harrington voting no).

12. **CASE NO CEB 08-18-86 - Homere & Janise Hyppolite** at **Bellevue Avenue (Parcel #5339-66-02-0030)** - Compliance: 9/12/18

13. **CASE NO CEB 08-18-91 - Michael D Malik** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. Supp IPMC 304.6, 304.7, 304.13.1), at **1208 Sunland Road**
Violation(s) – **Exterior walls, roofs and drainage, glazing (broken window).**
First Notified – 7/2/2018

ACTION TO BE TAKEN: Impose Fine.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is not in compliance and is requesting imposition of a fine of \$100 per day to a maximum of \$10,000.

Mr. Recanzone stated he has had no contact from the respondent and stated the respondent does occupy the home.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to impose a fine of \$100 per day effective September 13, 2018 and the fine shall continue until compliance is achieved or the fine reaches a maximum of \$10,000. The motion carried (4-0).

NEW CASES:

14. **CASE NO CEB 09-18-93 - Marquis S. Williams** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6, Sec. 6.2.H.7.A, at **1016 Cadillac Drive**
Violation(s) – **REPEAT VIOLATION - Parking semi in a residential area.**
First Notified – 12/14/2017

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated this is a repeat violation. Mr. Jackson stated the inspector has given notification to the respondent a total of 22 times for parking a semi in a residential area. Mr. Jackson stated the inspector is asking that a fine be imposed for seven violations at the rate of \$250 per day and a fine be imposed 15 times at the rate of \$500 per day, for a total of \$9,250.

Mr. Recanzone stated there are two trucks parked on the property and provided photographs of the dates when the violations occurred. Mr. Recanzone stated there was a previous case for this violation in December, 2017, and January, 2018, and compliance was achieved on January 22, 2018. Mr. Recanzone stated complaints have been received from the neighbors and law enforcement.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to impose a fine of \$9,250. The motion carried (4-0).

15. **CASE NO CEB 09-18-96 - OPC Investments LLC** is cited for failure to correct violations of The Land Development Code, Art. 9, Sec. 9.2.A (Ref.

FBC Supp IPMC 704.2, 304.7, 304.14, 304.15, 505.1); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **834 School Street**
Violation(s) – **Smoke alarms, roofs and drainage, insect screens, doors, water system, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL).**
First Notified – 6/12/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports that the property is in non-compliance and is asking that the respondent be given until October 3, 2018 to come into compliance. Mr. Jackson stated an inspection was done on the property on September 7, 2018 and did not pass so the inspector is requesting that additional time be given for the property to 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 October 3, 2018 or be returned to the October 11, 2018 Code Enforcement Board meeting for consideration of a fine of up to \$1,000 per day for every day thereafter. The motion carried (4-0).

16. **CASE NO CEB 09-18-107 - Stephen A Mandarano, Jr.** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A - Location of Off-Street Parking Spaces - Residential Uses., at **136 Heathrow Drive**
Violation(s) – **Trailer in the driveway.**
First Notified – 8/7/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector has talked with the respondent and the respondent indicates the property will be in compliance by the end of the week. Mr. Jackson stated staff is requesting that the respondent be given until October 3, 2018 to come into compliance.

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 October 3, 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 (4-0).

17. **CASE NO CEB 09-18-110 - TPAF V Forestlake, LLC** at **132 Forest Lake Blvd.** - Compliance: 9/12/18

18. **CASE NO CEB 09-18-95 - Paul W & Beatrice I Zivitski** is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **840 N. Halifax Avenue**
Violation(s) – **Failure to obtain Rental License (RTL).**
First Notified – 3/26/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Paul Zivitski was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and the property has had numerous failed inspections. Mr. Jackson stated staff is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mark Jones stated there are 4 units on the property and the owner lives in one of the units.

Mr. Zivitski stated he is refurbishing the inside of the apartments and the apartments are currently vacant.

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 October 31, 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 (4-0).

19. **CASE NO CEB 09-18-101 - Mary E. Davis** at **411 Pleasant Street** - Compliance: 9/11/18

20. **CASE NO CEB 09-18-102 - Janine M. Brown** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.3, 304.4, 304.7), at **616 Magnolia Avenue**
Violation(s) – **Damaged/rotten wood, peeling/flaking paint, address numbers, damaged roof structure, roof, flashing & gutters.**
First Notified – 8/2/2018

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 has had no contact with the respondent. Mr. Jackson stated the inspector feels the property may be abandoned.

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 October 3, 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. The motion carried (4-0).

21. **CASE NO CEB 09-18-104 - Soeren & Irene Moerk** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.7, 304.8), at **1224 Thompson Place** Violation(s) – **Dilapidated roof and rotting wood.**
First Notified – 6/1/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mickey Peterson was in attendance and spoke on behalf of his parents, Soeren and Irene Moerk, and was sworn in.

Mr. Jackson stated the inspector reports the respondent is in non-compliance and feels the respondent could be in compliance by December 5, 2018.

Mr. Peterson stated the property was purchased by his parents in March, 2018 and his parents were told by the city that there were no violations. Mr. Peterson stated he has engineered plans to add a lanai to the home.

Mr. Jackson stated a Code case was initiated but had not been presented to the Code Enforcement Board because the previous owner sold the property.

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 December 5, 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. The motion carried (4-0).

22. **CASE NO CEB 09-18-105 - Harold T. Taylor, Jr.** 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 **326 Ribault Ave** Violation(s) – **Protective treatment – paint.**
First Notified – 3/8/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Harold Taylor was in attendance and was sworn in. Mr. Richard Jass, 524 S. Beach Street, Daytona Beach, Florida was also sworn in and Mr. Taylor stated Mr. Jass is his attorney.

Mr. Jackson stated the inspector reports the property is non-compliance and feels the property can be brought into compliance by October 3, 2018.

Mr. Jass stated he had photographs of the house taken yesterday which indicate the house has been re-done.

DISPOSITION: A motion was made by Ms. Hymes, seconded Mr. Harrington, to find the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 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 (4-0).

23. **CASE NO CEB 09-18-106 - Silvana Skoko & Donald R. Stiff** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 302.1), at **306 5th Avenue**
Violation(s) – No permit for fence and wooden deck.
First Notified – 7/13/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Donald Stiff was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and feels the respondent should have the work completed by December 5, 2018. Mr. Jackson stated a zoning review dated September 6, 2018 indicates the permit can be issued.

Mr. Stiff stated he has filed for a permit but it has not been issued. Mr. Stiff expressed concern that he was initially told by the Permit Office that he did not need a permit.

Mr. Fitzgerald stated he visited the site and issued a stop work order; and at that time, Mr. Stiff told him he was told by Permitting that he did not need a permit. Mr. Fitzgerald stated he contacted the Permit Office and was told a permit is required. Mr. Fitzgerald stated the permit was applied for on August 29, 2018 and corrections were required as a result of the permit review process. Mr. Fitzgerald stated Mr. Stiff has indicated he has the information to provide to the Permit Office so the permit can be issued.

Mr. Harrington asked Mr. Stiff to document the names and dates he speaks with staff for clarification in the future.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to find the respondent in non-compliance and ordered the respondent to come into compliance by December 5, 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 (4-0).

24. **CASE NO CEB 09-18-92 - Bernard M. Martin** is cited for failure to correct violations of The Land Development Code, Art. 9, Sec. 9.2.A (Ref. FBC Supp IPMC 304.10, 304.6, 304.4,108.1.5, 108.1, 304.9), at **135 University Blvd.**

Violation(s) – **Unsafe deck, porch balcony, exterior wall waterproof, deterioration of structural members, insufficient deck anchoring, structural decay and dilapidation, overhang extensions exposed.**

First Notified – 3/6/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Bernard Martin was in attendance and was sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and is asking that the respondent be given until October 3, 2018 to come into compliance. Mr. Jackson stated demolition may be a remedy for this situation.

Mr. Martin stated he and his brother live in the property and a storm knocked the wall down. Mr. Martin stated he does not know if he has to replace the wall since the house is in tact. Mr. Martin stated he has owned the house since 1972 or 1973 and the wall was added later. Mr. Martin stated some of the violations have been corrected. Mr. Martin stated he received a stop work order yesterday. Mr. Martin stated he did apply for permits and was told architectural drawings will be required.

Mr. Alderman stated he first visited the property on February 22, 2018 and spoke with Mr. Martin who told him he was waiting on a determination by FEMA regarding the damages. Mr. Alderman stated he visited the site again on March 6, 2018 and nothing had been done and felt it was a hazardous situation since the property was not secured. Mr. Alderman stated he issued a notice of violation. Mr. Alderman stated a structural wall has fallen and the overhang is rotting. Mr. Alderman stated any work that has been done has not been done by a licensed contractor or with a building permit being issued. Mr. Alderman stated half of the supporting structures for the porch are gone.

Mr. Jackson stated the inspector intends to talk with the Building Official to determine if the structure is safe and can remain. Mr. Jackson stated he would like to continue the compliance date to determine if permits can be issued to do work at the site.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to find the respondent in non-compliance and ordered the respondent to apply for permits by October 3, 2018 and the date for compliance will be continued. The motion carried (4-0).

25. **CASE NO CEB 09-18-98 - Cathy Moutsopoulos** is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **940 N. Halifax Avenue**

Violation(s) – **Failure to obtain Rental License (RTL).**

First Notified – 3/9/2018

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 asks that the respondent be given until October 3, 2018 to come into compliance.

Mr. Alderman stated the property is in transition and the tenant is in the process of vacating the property. Mr. Alderman stated the respondent filed for the Business Tax Receipt and Rental License on September 10, 2018.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to find the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 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. The motion carried (4-0).

26. **CASE NO CEB 09-18-114 - Pede Miller** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 704.2, 304.7, 304.14, 504.1, 604.3, 604.3.1); City Code Ch. 26 Sec. 26-294, at **441 Nautilus Avenue**

Violation(s) – **Smoke detectors, roof and flashing, water heater wiring, illegal wiring under kitchen cabinet, missing screens, kitchen drain leaks, Failure to obtain Rental License (RTL).**

First Notified – 1/31/2018

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 asks that the respondent be given until October 3, 2018 to come into compliance.

Mr. Alderman stated the property is occupied and the respondent has paid the delinquent fees for not previously obtaining a rental license.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to find the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 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. The motion carried (4-0).

27. **CASE NO CEB 09-18-109 - Dennis L and Lucinda A Trovinger** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S (Ref. FBC Supp IPMC 105.1), at **1212 Sunset Circle**
Violation(s) – **No permit for carport.**
First Notified – 6/5/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Dennis Trovinger was in attendance and was sworn in. Greg Marcott stated he is the contractor and was also sworn in.

Mr. Jackson stated the inspector reports the property is in non-compliance and feels the respondent can be in compliance by October 3, 2018.

Mr. Clig stated a permit was applied for on June 22, 2018 but was denied because the carport is too large and does not meet the 30 foot setback. Mr. Clig stated the carport was constructed without a permit. Mr. Clig stated the driveway was also expanded without a permit but the issue before the Board today is the carport.

Mr. Trovinger stated the reason for the large carport is because his son has a handicapped accessible van and needs the larger carport.

Mr. Marcott stated he is a licensed contractor but did the work without a permit. Mr. Marcott stated he did apply for a permit after the fact and it was denied. Mr. Marcott stated he talked with Hannah Ward who advised him what was constructed did not meet the setbacks. Mr. Marcott stated he was told by Ms. Ward that he would have to address the Code case before he can file for a variance.

Mr. Jackson stated the issue needs to be resolved through Zoning and Ms. Ward is the representative for the Board of Adjustment. Mr. Jackson stated he believes a variance can be applied for and the Board of Adjustment will make a ruling; however, right now, the property is in non-compliance.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to find the respondent in non-compliance and ordered a progress report be made at the October 11, 2018 Code Enforcement Board meeting and determine a compliance date at that time. The motion carried (4-0).

28. **CASE NO CEB 09-18-111 - Patricia Maria Hoffman** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S (Ref. FBC Supp IPMC 105.1), at **314 Nautilus Avenue**
Violation(s) – **No permit for shed.**
First Notified – 6/21/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Compliance: 9/10/18

29. **CASE NO CEB 09-18-113 - Rental Properties LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.7, 505.1), at **1441 Illinois St**
Violation(s) – **Failure to maintain roof, maintain water.**
First Notified – 7/17/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

Mr. Jackson stated the inspector reports the property is in non-compliance and staff is requesting that the respondent be given until October 3, 2018 to come into compliance.

Mr. Clig stated squatters are living in the property with no water or electric service. Mr. Clig stated the property owner lives in the State of Washington.

Mr. Jackson stated the squatter issue is not a Code violation; it is a police issue.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Jones, to find the respondent in non-compliance and ordered the respondent to come into compliance by October 3, 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. The motion carried (4-0).

30. **CASE NO CEB 09-18-108 - Christine Ziglar** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8), at **821 Pinewood Street**
Violation(s) – **Junk vehicle.**
First Notified – 6/29/2018

ACTION TO BE TAKEN: Compliance or Non-Compliance.

The respondent was not in attendance.

Mr. Jackson stated the inspector reports the property is now in compliance but is asking that a finding of non-compliance be issued with the understanding that future violations will be fined.

DISPOSITION: A motion was made by Ms. Hymes, seconded by Mr. Harrington, to find the respondent previously in non-compliance but currently in compliance and any future violations will be returned to a subsequent meeting of the Code Enforcement Board for consideration of a fine of up to \$5,000 per occurrence. The motion carried (4-0).

8. **Miscellaneous Business**

Mr. Cino stated there will be two new Board members at the October meeting and asked that the new Board members be given an opportunity to ask any questions they may have about the process at the beginning of the meeting.

Ms. Kuendig asked about Code Stat meetings, which would be similar to Compstat meetings.

9. **Adjournment**