

THURSDAY, OCTOBER 11, 2018

9:00 A.M.

CODE ENFORCEMENT BOARD HEARING

City Commission Chambers 301 S. Ridgewood Ave., Daytona Beach, FL 32115

Members: Weegie Kuendig, Chairman; Turner Hymes, Vice-Chairman; Cheryl House; Neil Harrington, Thomas A.D. Jones, Karen Robey and Valoree McLean

Members present:

- Ms. Mary Louise "Weegie" Kuendig
Ms. Turner Hymes
Ms. Cheryl House
Mr. Neil Harrington
Mr. Thomas A.D. Jones
Ms. Valoree McLean

Members absent:

- Ms. Karen Robey

Staff present:

- Mr. Anthony E. Jackson, Assistant City Attorney
Capt. Scott Lee, Daytona Beach Police Department
Officer Steve Jessmer
Mr. Steve Alderman Code Inspector
Mr. Tom Clig, Code Inspector
Ms. Barbara Collins, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Clifford Recanzone III, Code Inspector
Mr. John Stenson, Lead Code Inspector
Ms. Aimee Hampton, Senior Paralegal
Mr. Charles Smarr, Audio/Video
Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by: Mary Louise "Weegie" Kuendig Chairman

The Chairman called the meeting to order at 9:00 a.m.

Ms. Barnes called the roll and noted Ms. Robey was absent. Mr. Harrington made a motion to excuse Ms. Robey's absence. Mr. Jones seconded the motion and it was approved (6-0).

Ms. Kuendig welcomed new member Valoree McLean to the Board.

Ms. Kuendig asked if there was a motion to approve the September 13, 2018 Meeting Minutes. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

Ms. Kuendig asked if there were any Ex Parte Communication. There was no disclosure of ex-parte communication.

Ms. Kuendig asked if there were any announcements.

Ms. Barnes announced the following cases that were in compliance.

CASE NO 1 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 Rd.** Violation(s) – Surfacing - off street parking spaces, Exterior structure - roofs and drainage. First Notified – 5/29/2018

Compliance 10-2-18

CASE NO 2 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 St.** 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

Compliance 10-1-18

CASE NO 3 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 Dr.** Violation(s) – Trailer in the driveway. First Notified – 8/7/2018

Compliance 09-18-18

CASE NO 4 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

Compliance 9-26-18

CASE NO 6 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

Compliance 10-2-18

CASE NO 8 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

Compliance 9-27-18

CASE NO 10 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 Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/9/2018

COMPLIANCE 10-10-2018

CASE NO 20 CEB 09-18-117 - WC Grand LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.4.F.2; Art 6 Sec. 6.8.G, at **E of 430 Goodall Av (parcel #5309-60-00-0130).** Violation(s) – Remove and replace dead trees and repair the bent fencing to an upright position. First Notified – 5/11/2018

COMPLIANCE 10-10-2018

CASE NO 21 CEB 10-18-134 - Earl McCrary is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.G, at **1148 Ginsberg Dr.** Violation(s) – Repair or replace fencing to an upright position. First Notified – 5/15/2018

COMPLIANCE 10-10-2018

CASE NO 30 CEB 10-18-140 - Mary Jane & Elizabeth Jo Mathena is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 304.11), at **3011 Stanford Ave.**

Violation(s) – Exterior Property Areas - Sanitation, Exterior Structure - broken and dilapidated chimney. First Notified – 8/21/2018

COMPLIANCE 10-10-2018

CASE NO 31 CEB 10-18-121 - L J Freeman 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, at **1412 Edgewater Rd** Violation(s) – Maintenance Code - Parking on the grass and on an unapproved surface. First Notified – 8/24/2018

Compliance 10-10-2018

CASE NO 32 CEB 10-18-122 - Arnold & Yasmin King is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 303.2), at **313 Aleatha Dr.** Violation(s) – Maintenance Code - Pool Enclosures. First Notified – 7/30/2018

Compliance 10-5-2018

Ms. Barnes swore in members of staff who would be testifying.

Ms. Kuendig read the procedure of the meeting to the audience and called the first case.

CASE NO CEB 5 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 Ave.** Violation(s) – Damaged/rotten wood, peeling/flaking paint, address numbers, damaged roof structure, roof, flashing & gutters. First Notified – 8/2/2018

Respondent was not present.

Mr. Jackson stated staff is recommending a fine be imposed in the amount of \$250 per day to the maximum of \$15,000.

Mark Jones, Code Inspector, stated that the case was opened in June, the property was posted on August 2nd, the compliance deadline was August 16th and that he has had no contact with anyone in regards to the property.

Board Action

Mrs. Kuendig asked for a motion to impose a fine of \$250 per day effective October 11, 2018 and continue each day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Mrs. Hymes motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE NO 7 CEB 08-18-90 - Robbie L & Robert N Dillman 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), at **716 Davis St.** Violation(s) – Dilapidated roof with rotting wood, peeling paint. First Notified – 2/20/2018

Respondent was not present.

Mr. Jackson stated the respondents have made substantial progress and are 95% done and staff is requesting to amend to the next cutoff.

Mike Fitzgerald, Code Inspector, stated the case had begun on February 20, 2018, Notice of Violation was issued February 20 and the owner was admitted to the hospital for a heart condition so the progress was slow but he was doing a good job of making the repairs and the property should be in compliance by next cutoff.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the respondent until October 31, 2018 to come into compliance or be returned to a subsequent meeting for the imposition of a fine of up to \$1000 per day until compliance is achieved. Mrs. House motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 9 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 not waterproof, deterioration of structural members, insufficient deck anchoring, structural decay and dilapidation, overhang extensions exposed. First Notified – 3/6/2018

Mr. Bernard Martin came forward and was sworn in.

Mr. Jackson stated the respondent was to apply for permits before October 3, 2018 and the case was continued for the determination of a compliance date. Mr. Jackson stated that no permits have been applied for and for that portion of the case, staff is asking for a finding of non-compliance and a \$200 per day fine to the maximum of \$10,000. Should the respondent apply for the permits, staff is requesting compliance by the next cutoff.

Mrs Kuendig asked if the City was pursuing demolition. Steve Alderman, Code Inspector, stated that he spoke with the Building Department and they have no plans to intervene and that Mr. Martin should obtain the proper permits. Inspector Alderman stated the case was opened on March 6, 2018, a wall had fallen and he was referred by Permits & Licensing staff to inspect. He stated a certified letter was sent on March 6, 2018 and he posted the stop work order on September 12 because work was being performed without a contractor. He has maintained communication throughout with Mr. Martin.

Mr. Martin stated that he has been in touch with people who are recommending a contractor and is requesting an extra 30 days. He stated he has hired painters to paint the wall, cleaned up the yard and that he is in and out of town and that his brother lives there full-time. Mr. Martin stated he has had a contractor who said the wall was stable but it was not up to Daytona Beach code.

Mr. Harrington stated he will not be able to apply for the permits until he gets a General Contractor.

Mr. Martin stated that the General Contractor had submitted plans and was told by Ron that they did not show enough of the stairs.

Board Action

Mrs. Kuendig asked for a motion to impose a fine of \$200 per day for failure to apply for permits effective October 11, 2018 until compliance is achieved or until the fine reaches a maximum of \$10,000. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (6-0).

Mrs. Kuendig asked for a motion to continue the determination of a compliance date until the next meeting on November 8, 2018. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE NO 11 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 Ave 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.

Mr. Pede Miller came forward and was sworn in.

Mr. Jackson stated staff reports the property remains in non-compliance, the respondent does not have a rental license, and the largest remaining issue is that he needs screens. He stated the case has been going on since January 18 and the inspector recommends a fine of \$100 per day to a maximum of \$15,000.

Inspector Alderman stated he opened the case in January of this year and the owner was going through an eviction and there was a time period that the respondent was not able to gain access. He then re-rented the property.

Mrs. Kuendig asked if the respondent rented the property without a rental inspection and Inspector Alderman stated yes. He stated that all of his violations affect the rental inspection and at the end of October. He stated the respondent had just paid fees for previous years and will owe fees for the new year soon. He stated that screens were the issue and there was a problem with the wiring on the hot water heater. He stated that he checked with Ace Hardware and screens were available within 3 to 5 days. He stated there was one smoke alarm that needed to be moved to a new location and that had been done.

Mrs. Kuendig asked about the illegal wiring under the counter and Inspector Alderman stated that it had been removed but it was not verified.

Mr. Miller stated he immediately paid the arrearage as soon as he heard it was outstanding and plans to pay 2019 forthwith. He stated he replaced the pipe, resulting in the small leak in the kitchen drain, but that it no longer leaks. He stated that he removed the wire underneath the kitchen sink and he has also repaired the wire on the hot water heater. He stated he purchased a new smoke detector and installed it between the bedrooms as directed. He stated that a former tenant disposed of all of the screens and frames and that he has been working with the Ace Hardware in Ormond to get the proper sized frames but their frame guy only works part time. He stated they were supposed to be ready Monday but were delayed until the date of this Hearing. Mr. Miller produced a copy of the order for the frames and stated when they are done he will install them immediately.

Mrs. House stated that at previous hearing he was told that after eviction he needed to have an inspection before he could install a new tenant and wanted to know how long he had the house rented out. Mr. Miller stated that the tenant decided to move and was not evicted because he told them he would withhold money from his security deposit to cover any damage. He stated the tenant then did further damage to the house.

Mrs. House asked, if prior to installing the new tenant, did he obtain a rental license? Mr. Miller stated that the problem with the rental license was that he was told before he could get it, he needed to have an inspection and those inspections never took place. Mrs. House asked again how many years the house had been rented out and Mr. Miller responded he had it rented out for quite a few years. Mrs. House asked if in all those years he had not had a rental license and he responded he had it rented for many years before he knew he needed a rental license.

Mr. Harrington asked when he found out he needed a rental license and Mr. Miller said a few months ago when he was told by Inspector Alderman. Mr. Harrington asked how many tenants he had had before Inspector Alderman told him he needed a Rental License. Mr. Miller responded the one that left and this one.

Mrs. House asked if Mr. Miller had other rentals and Mr. Miller stated that he did not.

Board Action

Mrs. Kuendig asked for a motion to impose a fine of \$100 per day against the respondent effective October 11, 2018 and continue each day thereafter until compliance is achieved or the fine has reached a maximum amount of \$15,000. Mrs. Hymes motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE NO 12 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

Mr. James Lambert came forward and was sworn in.

Mr. Jackson stated the property remains in non-compliance on the issue of getting the permit finalized. He stated effort was made to get it finalized and the inspection failed. He stated Inspector Clig is recommending amending to the next cutoff to get the permit finalized.

Tom Clig, Code Inspector, stated the case started as a citizen complaint. He stated the respondent obtained a permit and started the work in December, 2017. He stated the issue with failing the inspection were three items, one of which was the stairs, which the Contractor has addressed, and we are waiting re-inspection and the property should be in compliance by the next cutoff.

Mr. Lambert stated that the architect had to submit new drawings and he has called back for re-inspection but a time has not been set yet.

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the respondent until October 31, 2018 to come into compliance or be returned to a subsequent meeting for the imposition of a fine of up to \$1000 per day until compliance is achieved. Mrs. Hymes motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE NO 13 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 Cir** Violation(s) – No permit for carport. First Notified – 6/5/2018

Mr. Dennis Trovinger came forward and was sworn in.

Mr. Jackson stated that the matter was before the Board for a progress report and the determination of a compliance date. He stated the matter was compliant driven regarding a carport situation. He stated the respondents applied for a permit which was denied because of a 30 foot side setback. He stated he was advised by Inspector Clig that the homeowners were going to request a variance.

Inspector Clig stated the case started June 5, 2018 and that respondents were going to try and get a variance on the 30 foot setback.

Mr. Trovinger stated his contractor, Greg Murtow, had been playing phone tag with Hannah Ward to request a meeting to obtain a variance. He stated Ms. Ward had told them they would need a new survey and a *Stormwater Management Plan*. He stated he had been contacting surveyors and the ones that could do it could not get to it for 4-6 weeks. He presented a proposal for Meyers Land Survey.

There was discussion among the Board as to how long it would take to get the survey and go before the Board of adjustments and Mr. Jackson stated that the City would be willing to wait for that process as long as it was moving forward.

Mr. Harrington asked if this was an encroachment on the property of the people next door or just an encroachment on setbacks. Mr. Jackson stated Officer Clig advised him it was an encroachment and the Stormwater Management plan was requested. Mr. Harrington stated that the violation was for a permit, and asked if that would give them plenty of time to get the permit. Mr. Jackson stated the Board of Adjustments would define the circumstance needed to obtain the permit.

Board Action

Mrs. Kuendig asked for motion to continue the case for a progress report at the January 10, 2019 meeting. Mrs. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE NO 14 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

Respondent was not present.

Mr. Jackson stated nothing has changed and Inspector Clig is asking for a fine of \$200 per day to a maximum of \$15,000.

Inspector Clig stated the case was started July 17, 2018 from the Water Utilities Department as theft of the water services. The services have since been turned off and people are still living in the house with no utilities. Mr. Clig stated he spoke with the owner, who lives in Seattle Washington, and he said it was too expensive for them to evict them and/or do the repairs.

Mrs. Kuendig asked what the legal proceeding would be to evict squatters. Mr. Jackson responded that the respondent told Mr. Clig that the people in the house were there doing work and did not leave and that they would not need to be legally evicted.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$200 per day against the respondent effective October 11, 2018 and continue each day thereafter until compliance is achieved or the fine has reached a maximum amount of \$15,000. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 15 CEB 10-18-128 - Sharon & Shoshana Ofer is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.3.4.s, Art. 9 Sec. 9.9.1.A, at **1300 4th St.** Violation(s) – No permit for roof. First Notified – 8/7/2018

Angel Arsley, tenant at the property since May 20, 2018 and the Property Manager, Janice Kinsler came forward and were sworn in.

Mr. Jackson stated that the property was in non-compliance and staff was recommending the next cut-off date for compliance. He stated Inspector Clig had contact with the respondents and there was a re-roofing that had begun without permits.

Mr. Clig stated that this was a complaint driven case of August 14, 2018. He stated the work was done and there was a bundle of shingles left on the roof. Inspector Clig stated he spoke to Mrs. Ofer and she stated that one of the tenants had done the work on the roof without a permit. He stated that he had met the Property Manager at today's hearing and she will get the necessary permit.

Mr. Arsley stated that he spoke to the previous tenant regarding the work performed and they had moved out August 31st, 2017 due to the issues with the roof. He also stated there were other violations at the house that had not been addressed and he was requesting that Code Enforcement come to the house.

Ms. Kinsler stated that she would be obtaining a permit and said she had not been working with the Company for very long so anything prior to May 20, 2018 she doesn't know anything about. She stated the owners had hired her and First Place Realty and Property Management to look after the property at that time.

Mr. Harrington asked if the property owners had a Business License or Rental License. Ms. Kinsler said she believed so.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mrs. House motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 16 CEB 10-18-133 - Sayeed & Nasim Mirza is cited for failure to correct violations of The City Code Ch. 90 Sec. 90-297, at **101 Indigo Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR). First Notified – 5/10/2018

James Brennan, General Manager of the property and Kais Mirza, son of the property owner, came forward and were sworn in.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cut-off date for compliance.

Inspector Clig stated the case came from the Licensing and Inspection department and that he was denied his Business Tax License on July 11, 2018. He stated the intention of the respondents was to open a church but there were conflicting business applications.

Mr. Mirza stated he had been working with Dennis Mrozak, Redevelopment Director, and Jim Morris, Deputy City Manager for quite some time and has obtained a site plan and paid for the Business Tax License. He stated the next step is an inspection.

Mrs. Kuendig reviewed the form submitted as a Business Tax License and determined it was a receipt for the Fire Inspection.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of a one-time fine of \$250. Mrs. Hymes motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE NO 17 CEB 10-18-125 - Cheryl L Taft 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 **244 Lexington Dr.** Violation(s) – Roof damage. First Notified – 6/8/2018

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cut-off date for compliance.

Daniel Garcia, Code Inspector, stated the property was complaint generated and he issued a Notice of Violation on June 1, 2018 for the damage of the roof and the west side of the exterior wall. He stated he had spoken to the owner several times but she has not done anything to correct the violation and is not present as she is out of state. He stated you can clearly see from the front what the issues are with the roof and that he contacted the City's demolition person, John Cecil, to look at the property.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (6-0).

CASE NO 18 CEB 10-18-126 - The Brian E Hopkins Revocable Trust dated November 28, 2012 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 **900 S Ridgewood Ave.** Violation(s) – Damaged roof. First Notified – 7/27/2018

Mr. Brian Hopkins came forward and was sworn in.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cut-off date for compliance. He stated, Inspector Garcia reports contact with the respondent and they had done the work without permits but it was done correctly and he is now taking care of the situation to acquire the necessary permits.

Inspector Garcia stated the violation was complaint generated regarding the overhang around the building falling apart. He stated he issued a Notice of Violation on August 23, 2018. He stated he was contacted by the owner who was going out of town but would pull the permit and make the necessary repairs to come into compliance.

Mr. Hopkins stated it is his business office and has applied for the permit but they needed an additional drawing which will be submitted today.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 19 CEB 10-18-139 - Haran Boys Corp. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec 9.2.A (Ref. FBC Supp IPMC 302.7, 304.2, 304.7), at **815 Main St.** Violation(s) – Damaged exterior wall and drain gutter. First Notified – 8/18/2018

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cut-off date for compliance. He stated the respondent is moving forward and getting everything done.

Inspector Garcia stated the property is a commercial property on Main Street and the exterior wall was damaged. He stated there was a new tenant that had filed the complaint. He stated the work is complete but needs to be painted. He also stated the gutter would be re-routed.

Board Action

Mrs. Kuendig asked for a motion 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 meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 22 CEB 10-18-138 - Rodney J. Dunkley is cited for failure to correct violations of The Land Development Code, Art. 9 Sec 9.2.A (Ref. FBC Supp IPMC 302.4, 304.7), at **587 Brentwood Dr.** Violation(s) – All exterior surfaces shall be repaired, primed and painted, repair roof and the roof members. First Notified – 7/5/2018

Mr. Rodney Dunkley came forward and was sworn in.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cutoff date for compliance. He stated the Code Inspector Barbara Collins had had no contact with the respondents.

Inspector Collins stated she sent the Notice of Violation on July 5, 2018 and it came back undeliverable. She stated the violation came from a Citizen complaint and that he needed to repair the roof, the paint and the wooden walls.

Mr. Harrington asked if the building was occupied and she stated she heard an air conditioner running but she did not know if it was occupied.

Mr. Dunkley stated he had hired a contractor almost 2 years ago to fix it and, with the hurricanes, the contractor said he was busy down in South Florida. He stated he is getting bids from two contractors now and is asking for more time.

Mr. Harrington asked why he had not contacted the code enforcement officer and Mr. Dunkley stated that he worked during the day and he was afraid his call would annoy the Inspector.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Mrs. House seconding. Motion approved (6-0).

Mr. Jackson stated that if he worked toward resolution, such as getting a permit, that that would be enough for the City to make that recommendation to give him more time.

CASE NO 23 CEB 10-18-123 - Anne Jennifer Field 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 **211 Mullally St.** Violation(s) – Structure in need of protective treatment. First Notified – 4/16/2018

Mr. William R. Field came forward and was sworn in. He stated he was Mrs. Field's husband.

Mr. Jackson stated the property was in non-compliance and staff was recommending the next cutoff date for compliance.

Inspector Alderman stated he opened the case on April 11, 2018 during the San Juan operation that the code enforcement division did and he had no further contact until July 24, 2018. He stated it was due to an issue that he had that took him out of the workforce for a little while. He stated that Mr. Field had been working on the violations and would probably have it done by the next cutoff.

Ms. Kuendig asked what protective treatment means and inspector Alderman replied paint job.

Mr. Fields stated this was 100% his fault, that in November he had broken his ankle and had surgery so he had not been able to get up on a ladder. September 20 he got cleared to get on a ladder with restrictions. He stated they had already primed the right and left hand side and he would have paint around the door very quickly now.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (6-0).

CASE NO 24 CEB 10-18-136 - Holly Hoffman is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **415 N Halifax Ave #114**. Violation(s) – No permit for enclosure added to the rear of a lower apartment. First Notified – 7/24/2018

Mr. Jackson stated the property was in non-compliance and Inspector Alderman was recommending the next cutoff date for compliance. He stated the inspector had very little contact with respondent since August.

Inspector Alderman stated the condo owner had affected the common area of the condo by changing a support beam.

Ms. Kuendig asked if Holly Hoffman was the owner of the condo unit and Inspector Alderman replied yes.

Inspector Alderman stated that he open the case on July 27th and posted it on September 27, 2018. He stated he had brief contact and the entire covering needs to be removed. He also stated the beam supporting the roof is now cut.

Mr. Harrington asked Inspector Alderman to point out on the picture what beam was cut and Inspector Alderman complied. Inspector Alderman stated her condo was the one that was enclosed.

Mr. Cino asked if the beam was a danger to anyone at present and Inspector Alderman stated no.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Jones motioned the same with Mr. Harrington seconding. Motion approved (6-0).

CASE NO 25 CEB 10-18-120 - BMS Holdings LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **846 Madison Ave** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/16/2018

Melanie Peckham came forward and was sworn. She stated she was acting as agent and worked for the company.

Mr. Jackson stated the property was in non-compliance and had an inspection which failed on May 31, 2018. He stated Inspector Jones was recommending the next cutoff date for compliance. He stated the inspector advised him that they were working on compliance however they did rent the property after the notification.

Inspector Jones stated there were concerns because there were quite a few electrical items where they had just run cable in an enclosed carport. He did receive a call from the owner, Mr. Spivey, of BMS Holdings stating that due to financial reasons they went ahead and started renting the property the next day after the inspection, and it had been rented for the last four months. Mr. Spivey stated they were trying to accumulate money to do the work and he said also it needed a new roof. Inspector Jones stated he had an inspection scheduled for next week.

Ms. Kuendig asked if this company had been the owner for a substantial amount of time or is this a new owner? Ms. Peckham stated that it was the same owner they had just changed companies.

Ms. Peckham read a prepared statement requesting a 60 day extension for the rental inspection.

Board Action

Mr. Harrington motioned to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Jones seconded. Motion approved (6-0).

CASE NO 26 CEB 10-18-124 - Loland LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **1308 Ginsberg Dr** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/16/2018

The respondent was not present.

Mr. Jackson stated the property was in non-compliance and Inspector Jones was recommending the next cutoff date for compliance.

Inspector Jones stated the respondents did not have a current rental license. The owner came in and paid fees for this year but also owed back fees and interest for his BT licenses. He stated that he talked to Mr. Lazlo at the end of August and he said he wasn't going to pay those back fines and requested that he be heard by the board.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE NO 27 CEB 10-18-129 - Adela Zevar Ghadimi, Cyrus Nasser Ghadimi & Kavian Johnathan Ghadimi 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, 304.7, 304.8, 304.9, 304.10, 304.13, 304.13.1, 304.13.2, 304.14, 305.3), at **618 Braddock Ave** Violation(s) – Maintenance Code: Roof leaks causing electrical issues. Damaged fences & peeling paint. Missing, rotting and rusting materials. Damaged roofing and flashing failure, deteriorated or decayed holes and breaks, loose, missing, and rotting materials, sill, sash, molding, lintel, frame or trim. Wood rot or missing pieces. Decorative features have breaks and loose or rotting materials. Overhang extension has breaks, cracks, loose or missing, and rotting materials. Stairways, decks, porches, and balconies have rotting wood, lose or missing pieces, signs of water damage and sagging. Windows damaged, deteriorated or decayed, non-operational, broken glass, screen missing with tear or hole or not tight fitting. All interior surfaces - cracked or loose plaster, decayed and damaged. First Notified – 5/18/2018

Mr. Nasser Ghadimi came forward and was sworn in.

Mr. Jackson stated the property was in non-compliance and that this is a compliant driven violation. He stated that Inspector Fitzgerald is recommending the next cutoff date for compliance.

Mrs. Kuendig asked if this was a rental property and Inspector Fitzgerald stated that it is.

Inspector Fitzgerald stated that it is a five unit property and they have their BT, which is a license for commercial building. He stated that an inspection for rental property is not done by the City on Commercial properties with more than 5 units.

Mr. Harrington asked, if the property was inspected on May 18, 2018, what is the difference in the property between then and now and Inspector Fitzgerald stated not much. Inspector Fitzgerald stated that he had met the owner on the property within the last week and they discussed that the building needs a real overhaul. He stated that it needs new windows, new siding, and the owner is willing to do it. He stated that he had been calling contractors all week. He stated if he just painted and did stuff like that he could be in compliance by the next cutoff.

Mr. Ghadimi stated they own 3 properties in Daytona and have owned this property between 25 and 30 years. He stated it is rented. He also stated that he didn't know how long it would take to get into compliance since most contractors had headed to the panhandle to help out there.

Mr. Harrington asked Mr. Fitzgerald if the windows are not operational how does that meet fire code? Mr. Fitzgerald stated that it did not and was a violation of fire code. Mr. Harrington stated that from past experiences that should be taken care of immediately.

Mrs. House stated that she recalled him from a previous meeting and asked if the people that are living there are his relatives and Mr. Ghadimi stated they were not.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by October 31, 2018 and that the windows must become operational within the next 10 days or

be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

Mr. Jackson asked for clarification that if the owner wants to do more he would ask that the Board consider additional time. Ms. Kuendig stated if there was considerable progress, then the Board would consider additional time, but that the windows have to be fixed.

CASE NO 34 CEB 10-18-132 - Denzil A & Pamela E. Mills 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 **920 Emma St** Violation(s) – Exterior Structure - Roofs & Drainage. First Notified – 8/17/2018

Mr. Denzil Mills came forward and was sworn in.

Mr. Jackson stated the property was in non-compliance and this is a compliant driven violation. He stated that Inspector Recanzone is recommending the next cutoff date for compliance.

Inspector Recanzone stated there were two violations for parking in the grass and damaged roof. He stated the tarp had been removed from the roof and the car was off of the grass at present.

Mr. Mills stated that his roof was damaged and he had leaks but only over the garage area - there was no leakage in the living areas. He stated they had received bids, from anywhere between 10,000 and \$14,000, and he is having financial difficulties due to an illness and is seeking help from a company named VIND. He stated according to them it would take a little time to get the work done since they are voluntary organization.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered a progress report by November 8, 2018 for the determination of a compliance date. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

Mrs. Kuendig adjourned the meeting for a 5 minute break and resumed the Hearing at 11:01 AM.

Mr. Tad Jones left the meeting at 11:01 AM.

CASE NO 28 CEB 10-18-130 - Joseph Stephen Holloway 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.4.C, Art. 6 Sec. 6.2.H.7.A (Ref. FBC Supp IPMC 302.1, 302.8, 304.1, 304.9, 304.15), City Code Ch. 90 Sec. 90-297, City Code Ch. 26 Sec. 26-294, at **139 Park Ave** Violation(s) – Parking on the grass, outdoor storage, junk, trash and debris, inoperable vehicle, no tag, trailer unlicensed - expired, rotted wood, eaves and fascia, failure to obtain Business Tax License (BTR), failure to obtain Rental License (RTL). First Notified – 7/3/2018

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and that Inspector Fitzgerald is recommending the next cutoff date for compliance.

Inspector Fitzgerald stated he has had contact with the owner and the photos will show significant improvement. He stated the respondent should be in compliance by the next cutoff.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 29 CEB 10-18-131 - Walter J. Jr and Sue Mackiewicz is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.2, 304.6), at **124 Boynton Blvd.** Violation(s) – Maintenance Code - Damaged exterior siding. First Notified – 7/3/2018

Inspector Fitzgerald stated that the respondent was in a walker and since the elevators were not operating was not able to come to the second floor for the hearing. He stated that it is Mr. Holloway's home and that he had called numerous contractors and they won't do that little work so he advised him to go to Home Depot and do the whole triangle with a different color since he will not be able to match it. The Inspector asked the respondent be given until the next cutoff to come into compliance.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Ms. McLean seconding. Motion approved (6-0).

CASE NO 32 CEB 10-18-127 - Marquis S Williams 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 **1016 Cadillac Dr** Violation(s) – REPEAT VIOLATION - Parking - Semi parked on the front lawn after Non-Compliance/Compliance. First Notified – 12/14/2017.

Respondent was not present.

Mr. Jackson stated the case was before the board as a repeat violation and it was before the Board for a repeat violation last month which resulted in an order of fine of \$9,250 which was sent to respondent. He stated since that time Inspector Recanzone reports that for at least 9 days the semi has remained there and the City is asking for a fine to be imposed for each of those occurrences at \$1000 per occurrence for a total amount of \$9,000 with the hopes that the respondent will become responsive and move the vehicle.

Mrs. Hymes stated she can remember a \$5,000 fine previously imposed and Mr. Jackson stated that the City could consider moving forward with foreclosure proceedings.

Mr. Cino asked if the car could be towed and Inspector Recanzone stated that if it was in the front yard it would be accessible to law enforcement and they could tow it, but the semi is behind the fence and there is a car in front of it which is an additional violation.

Officer Jessmer stated he had tagged the flat-nosed vehicle and a silver car for towing and when he returned they had been moved.

Board Action

Mrs. Kuendig asked for a motion to impose a fine of \$1,000 per occurrence for 9 occurrences totaling \$9,000 for a repeat violation. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (6-0).

CASE NO 35 CEB 10-18-135 - Stephen B. and Suzanne S. Kaplan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 304.7), at **728 Greenway Pl.** Violation(s) – Exterior Property Areas - Weeds, Exterior Structure - Roofs and Drainage. First Notified – 8/31/2018

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and that Inspector Recanzone is recommending the next *cutoff date for compliance*. He stated the inspector has had no contact with the respondent and the property appears to be vacant.

Inspector Recanzone stated he posted the property for hearing and received a call from the owner this week who said he is working on getting a contractor. He stated today there was a contractor on the roof giving an estimate.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (6-0).

CASE NO 36 CEB 10-18-137 - 769 Greenway Realty LLC is cited for failure to correct violations of The Land Development Code, Art. 9 Sec 9.2.A (Ref. FBC Supp IPMC 302.4, 304.7, 304.14) City Code Ch. 26 Sec. 26-294, Ch. 90 Sec. 90-297, at **769 Greenway PI** Violation(s) – Exterior Property Areas - weeds, Exterior Structure - roofs and drainage, insect screens required, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/20/2018

Respondent was not present.

Mr. Jackson stated the property was in non-compliance and that Inspector Recanzone is recommending the next cutoff date for compliance. He stated Inspector Recanzone reports that some work has been done.

Inspector Recanzone stated that all exterior property violations have been corrected and that all he is waiting for is the Rental License (RTL) and Business Tax License (BTR) on the property. He stated it is a rental property and needs an inspection.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by October 31, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (6-0).

8. Miscellaneous Business

Mrs. House asked for clarification, from the class that they had previously, regarding multiple units and if they are licensed by the state. Mr. Jackson stated they are regulated by the Department of Business and Professional Regulations (DBPR). Mr. Jackson also clarified that multiple units still need a Business Tax License, they are just not subject to our Rental Inspection process. Mrs. House asked if we could refer those violators to the State? Mr. Jackson stated we do that now and he didn't know if the State had approved them or it was not inspected. Mrs. Kuendig stated that we still have jurisdiction for code violations. Mr. Jackson stated that we did.

Mr. Jackson mentioned that Code was now back at the Police Department and Captain Scott Lee was over it as his primary assignment. He also stated that a new CodeStat Program was initiated. Mr. Jackson recommended that the Board Members not attend as there could be a conflict if one of the cases discussed should come before them. Ms. Kuendig stated that the statistics that they cover at CodeStat are available online with eTRAKit. Mr. Jackson suggested they could take about 10 minutes at a future meeting to show the Board Members the eTRAKit system and how it works.

Officer Jessmer mentioned the First Code Walk to take place in the Cedar Highlands Neighborhood on Wednesday, October 17th.

Mr. Jackson clarified that the Inspectors would walk with the citizens to show them what were and were not actual violations as a group.

9. Adjournment