

THURSDAY, NOVEMBER 8, 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
- Mr. Neil Harrington
- Ms. Valoree McLean
- Ms. Karen Robey

Members absent:

- Mr. Thomas A.D. Jones
- Ms. Cheryl House

Staff present:

- Mr. Anthony E. Jackson, Assistant City Attorney
- Captain Scott Lee, Daytona Beach Police Department
- Officer Steve Jessmer, Daytona Beach Police Department
- 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.

Mrs. Kuendig welcomed new member Karen Robey to the Board.

Ms. Barnes called the roll and noted Mr. Jones and Mrs. House were absent. Mrs. Hymes made a motion to excuse Mr. Jones absence. Mrs. McLean seconded the motion and it was approved (5-0).

Mrs. Kuendig asked if the previous Minutes had been read and asked for any corrections. Chairman asked for a motion to approve the October 11, 2018 Meeting Minutes. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

Mrs. Kuendig asked if there were any Ex Parte Communication. There was no disclosure of ex-parte communication. Mr. Cino gave examples of communications that should be disclosed during the meeting and solutions when confronted with a situation that could lead to Ex Parte Communication.

Mrs. Kuendig asked if there were any announcements.

Ms. Barnes announced the following cases in compliance.

**CASE NO 7 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.

***Compliance 11-6-2018***

**CASE NO 19 CEB 11-18-144 - Vernon W. Bennett, Jr.** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **345 Hartford Ave.** Violation(s) – Two vans parked on the grass. First Notified – 8/16/2018.

***Compliance 10-29-2018***

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

Mrs. Kuendig announced the procedure of the meeting and called the first case.

***Continued Cases***

**CASE NO 1 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.

Respondent was not present.

Inspector Collins stated she spoke to the Respondent and it was going to take a lot of work to get the house done. She stated he is going through a home equity loan and getting the bids to get that done. She stated she would like to amend to the next cutoff and then he will know how long it's going to take to get the home equity loan and how long it will take him to make the repairs. She stated he lives on the property and the violations came through a complaint from neighbors.

**Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent until December 5, 2018 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1000 per day until compliance is achieved. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CASE NO 2 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. Anthony Jackson, Assistant City Attorney, stated the case is before you for imposition of a fine, the inspector is Danny Garcia, and he reports there has been no contact with Respondent and there have been no changes so he is requesting a \$200 per day fine to the maximum of \$10,000.

Inspector Garcia stated the Respondent lives there and that these are all complaints that were generated by the neighbors.

Mr. Cino, Code Board Attorney, asked if the roof damage was causing any life safety issues and Inspector Garcia stated that you could stand on the road and look straight up to the second floor and see through the hole in the roof. He stated he had contacted John Cecil regarding demolition but it was not ready for demo yet.

### **Board Action**

Mrs. Kuendig asked for a motion to impose a fine of \$200 per day effective November 8, 2018 and continue each day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE NO 3 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.

Mr. Anthony Morrone with First Place Realty and Property Management came forward and was sworn in. He stated the owners had retained him to get the bids for the roof. Mr. Jackson clarified that the Respondent who appeared at last month's hearing was the property manager and that she is working for Mr. Morrone.

Mr. Jackson stated this case is before you for the imposition of a fine and the inspector is Tom Clig. Inspector Clig reports that nothing has happened and staff is requesting a fine of \$100 per day to a maximum of \$15,000.

Inspector Clig stated the tarp has been removed from the roof and there is no permit for the roof which has been finished.

Mr. Morrone stated the roof has not been completed because they did not have a permit and that the work was done by a previous tenant. He stated he now has two proposals to complete the roof.

Mr. Harrington asked when Mr. Marrone had applied for the permit.

Mr. Marrone stated that the permit has not been applied for yet since they had not received the bids until now. He stated he was sure, with the bids that he has, that the permit will be pulled during November.

Mr. Harrington asked to see the bids and Mr. Morrone complied.

Mrs. Kuendig asked when he received the bids and Mr. Marrone Respondent October 26.

Mr. Jackson reminded the board that even when he receives the permit that it won't be complete until the work is finalized. He reiterated that staff feels they have had plenty of time to get this done and are asking for a fine.

Mr. Morrone stated the owners will hire someone right away and he is unsure exactly how long it will take to do the whole roof.

There was discussion among the Board as to how long it would take to get a permit.

### **Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent until December 5, 2018 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE NO 4 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.

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

Mr. Jackson stated the case was before you for the imposition of a fine and the inspector is Tom Clig. Inspector Clig reports this case was initiated back in May and Respondent was denied the use they were seeking back in July. He stated they had failed fire inspections as late as October 15 and the Inspector is requesting the \$250 one-time administrative fine be imposed for not having a Business Tax License (BTR).

Mr. Clig stated the property failed the fire inspection due to a sprinkler system.

Mr. Brennan stated they had corrected the violations from the fire inspection and were expecting an inspector to come today for the green tag. He stated that they had signed a contract and the company was supposed to come today to address the sprinkler system.

Mr. Harrington asked how long they had owned this property.

Mr. Mirza stated about 2 years. He stated he purchased the property as a bank owned property and that the bank had done nothing to the property and it was in very bad shape. He stated they have done quite a bit to improve the property already.

Mr. Harrington ask if they had rented the property.

Mr. Mirza stated they had gone to redevelopment to see what they could do with it but it had never been rented.

Mrs. Kuendig asked Mr. Jackson what needed to be done to obtain the Business Tax Receipt.

Mr. Jackson stated they needed to get a definition of use. He stated that right now their use was for a church and it was not approved for that back in July. He stated that at this time the property has no use until they determine what they would like to use it for.

Mrs. Kuendig asked the reason why the use was denied.

Mr. Mirza stated they believed it was failure of the fire inspection.

Mrs. Kuendig further asked how the fire inspection was related to the Business Tax Receipt.

Mr. Jackson stated the fire inspection itself was not related. He stated what was related was the need for them to have a Business Tax License and that requires a designated use.

### **Board Action**

Mrs. Kuendig asked for a motion to impose a one-time administrative fee of \$250 for failure to obtain a Business Tax License (BTR). Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE NO 5 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 Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/26/2018.

Mr. Paul W Zivitski came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine, the inspector is Mark Jones, and Inspector Jones reports that the property remains in non-compliance. He stated this case was initiated in March of this year and the tenant has done some work but has not been able to get it completed and staff is asking for \$100 per day to a maximum of \$15,000.

Inspector Jones stated his last inspection was on May 24, 2018. He stated his first inspection was on October 17, 2017 and that rental inspections had been going on for over a year

Mr. Harrington asked if the property was rented.

Inspector Jones stated that one of the three units was rented on his last inspection. He stated, in speaking with the owner, he was told none of them are rented at this time.

Mrs. Kuendig asked Mr. Zivitski if he lived there and he stated that he did.

Mrs. Kuendig asked if he knew what needed to be done to come into compliance and Mr. Zivitski stated that he did.

Mr. Zivitski stated during the first inspection that he was doing a total renovation to upgrade and modernize the property. He stated one of the apartments was finished and another of the apartments needed flooring and that was the last thing to go down. He stated that he was on a fixed income, not receiving money from rent, had property taxes to pay next month, and was trying to get it done as quickly as he could. He stated he had medical issues for about the last 6 months and provided a lists of items that were stolen from burglaries last year which included his tools.

Mrs. Kuendig asked Inspector Jones when the last time he had heard from the Respondent was and Mr. Jones stated a couple weeks ago he received a call.

Mr. Harrington asked why he needs a rental license if he has no tenants and Mr. Zivitski stated that he has not challenged that and he did not want to get a new license and that he would hope to have it done in the next couple months.

Mrs. Kuendig stated that this has been going on a very long time and that the last time Respondent appeared before the Board they had given him two months.

Mr. Zivitski stated he had asked for 3 months and that he had completed one unit, almost has a second unit done and is requesting another 60 days.

Mrs. Kuendig asked Inspector Jones if the outside of the property was being kept up and Inspector Jones stated that it was.

### **Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent 60 days 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. Mr. Harrington motioned the same with Ms. Robey seconding. Motion approved (4-1) with Mrs. Hymes voting against the motion.

**CASE NO 6 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 in.

Mr. Jackson stated that the case was before you for the imposition of a fine and the Inspector is Mark Jones. Inspector Jones reports that this Respondent had a failed inspection and that they are waiting on windows and would like to amend to the next cutoff.

Inspector Jones stated that all that is left is one bathroom window. He stated they had already applied for the permit and are waiting for the window to come in.

### **Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent until December 5, 2018 to come into compliance or be returned to a subsequent meeting for consideration of a fine of up to \$1000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE NO 8 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 Ave.** Violation(s) – Outside storage, trash and debris, broken windows, peeling and fading paint, damaged exterior walls and fencing. First Notified – 4/10/2018.

Mr. Donald Barnard came forward and was sworn in.

Mr. Jackson stated that the case is before the Board for an imposition of a fine and the Inspector is Mike Fitzgerald. Inspector Fitzgerald reports that he has been in constant contact with the Respondent and that he has made great progress. He stated that the Respondent is waiting for stairs, and although he wasn't cited for stairs, the fence has not been completed because they need the space to install the stairs and is asking that we amend to the next cutoff.

Mr. Fitzgerald stated everything except the fence has been done but cannot be completed because he needs access to install the stairs.

Mrs. Kuendig asked when he expects the stairs to be installed. Mr. Barnard stated as soon as the plans from the engineer are given to permitting and he obtains the permit, they will be installed. He also stated that the stairs were not part of the original violations as he thought there was inside access to the outside but found out that there must be stairs for any rear exit.

#### **Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent until January 2, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE NO CEB 9 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. 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 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, too 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 this was before the Board for an imposition of a fine and the Inspector is Mike Fitzgerald. Inspector Fitzgerald reports that this property has 5 rental units and there is a lot of stuff that needs to be done. He stated the Inspector has had constant contact with the Respondent and that he is going over and above what needs to be done. He stated at the last meeting the Respondent was ordered to have the windows open and shut within 10 days and this is been taken care of as ordered. He stated Inspector Fitzgerald is asking to amend to the next cutoff.

Inspector Fitzgerald stated that the windows are working and that the Respondent wants to put new windows into the front of the building and will be pulling those permits. He stated after the windows are installed, he can frame it and paint it and it will all be done. He stated he was having difficulty getting a contractor because of the asbestos issues but has found one now.

Mr. Harrington asked about the electrical issues and Inspector Fitzgerald stated that those issues were on the outside of the building and that the contractor would address that.

Ms. Robey asked how long he had owned the building and Mr. Ghadimi stated 30 years.

Mrs. Kuendig reviewed the violations and stated she would have liked to see a little more done than has been done.

Inspector Fitzgerald stated the tenant where the roof leaks is not there and he was the one who reported the violations.

### **Board Action**

Mrs. Kuendig asked for a motion to impose a fine of \$150 per day effective November 8, 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 Ms. McLean seconding. Motion approved (5-0). Mrs. Kuendig stated she did not believe enough of an effort had been made because of the current condition of the property with tenants in it.

**CASE NO 10 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 needs to be waterproof, deterioration of structural members, insufficient deck anchoring, structural decay and dilapidation and overhang extensions exposed. First Notified – 3/6/2018.

Mr. Barnard Martin came forward and was sworn in.

Mr. Jackson stated that the case was before the Board for the determination of a compliance date and there is a running fine of \$200 per day for failure to apply for the necessary permits. He stated Inspector Steve Alderman had received an update today.

Inspector Alderman stated that he has been in constant contact with the Respondent and that he has had contact with some contractors and that the permit is now under review in the building department. He stated that everything is secured and safe.

Mr. Jackson asked for clarification of the date that Respondent applied for the contract.

Inspector Alderman stated that the permit was applied for on November 7, 2018 and under review. He stated that he has not talked to the contractor but believes the Respondent should be in compliance within the next 30 days.

Mr. Martin stated that the contractor told him that he had to do architectural drawings and that it could take 2 to 3 weeks to get a permit before he can start the work.

Mr. Harrington stated that he believes 60 days was more realistic as we are going into the holidays and that he has permitting to do.

Mr. Martin stated that it was difficult to get a contractor and that they did not always show up.

### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by January 2, 2019 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. Robey seconding. Motion approved (5-0).

**CASE NO 11 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.

Respondent was not present.

Inspector Alderman stated he had contact with Holly Hoffman on August 7, 2018 only and that she was planning on getting a contractor and that nothing has been done and there was no permit applied for. He stated there was an application for permit in July of 2016 for the same thing and the permit was denied.

Mr. Harrington asked if they needed to go back and put the beams back in?

Inspector Alderman stated that she was going to have a problem if she didn't get them installed correctly. He stated he is asking for a fine of \$200 per day to a maximum of \$10,000.

### **Board Action**

Mrs. Kuendig asked for a motion to impose a fine of \$200 per day effective November 8, 2018 until compliance is achieved or until the fine reaches a maximum of \$10,000. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE NO 12 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 Ave. (Parcel #5304-01-03-0010)**. Violation(s) – Exterior Property Areas - damaged sea wall. First Notified – 2/21/2018.

Mr. Darren Elkind, Esq., attorney for the Corporation and Mr. James Morris, Deputy City Manager came forward.

Mr. Jackson stated the case was continued for a progress report and the determination of a compliance date. Staff reports they are still working with the Respondent as far as the development plan and we are asking to continue with a progress report in January and then set a compliance date at that time.

Inspector Cliff Recanzone stated the property is secured and the case remains open because the wall is damaged and it needs to go through the City's Planning Department to be repaired.

Mr. Morris came forward and stated that the wall has been damaged and that he personally went and checked to make sure it had been secured. He stated City staff is working with him on a plan development which they need to file and that it will be a restaurant use, hotel use or a parking lot use. He stated he has discussed the agreement with Mr. Elkind and that he represents another property as well on Ocean Avenue. He stated this property is an essential element of Ocean Avenue that needs to be developed. He stated that repairing the seawall would be required to make the property sound and that the seawall was built long ago and that standards have changed to make them more substantial. He stated that there are restrictions against working during certain seasons and that EPA permits can take approximately a year to get. He stated there is no requirement to have a seawall but the integrity of the property would be destroyed without one. He stated to have a development agreement that puts in place the potential of redeveloping the property, putting the property wall in and having the property have true utility, versus being a vacant lot, is the overall objective.

Mrs. Kuendig stated that the PD discussion was not related to the code violations. She stated one of her problems is the appearance.

Mr. Morris stated there have been trespass warrants issued for the property and the appearance would be improved if the plywood was painted.

Mr. Elkind, Attorney for the property owner, stated that he would see personally that the boards were painted white by the December meeting.

Mr. Jackson asked for clarification that he could send pictures of the completed job to the next meeting and return to the January meeting for further action.

### **Board Action**

Mrs. Kuendig asked for a motion to continue the case for a progress report at the December 13, 2018 meeting. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CASE NO 13 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 Rd.** Violation(s) – Failure to Obtain Business Tax License (BTR). First Notified – 4/17/2018.

Respondent was not present.

Mr. Jackson stated the case is here for a progress report and the inspector is Cliff Recanzone and that he has an update.

Inspector Recanzone stated that the project had been approved and should be in compliance by the previously set compliance date of December 5, 2018.

### **Board Action**

The Board took no action as Respondent is scheduled to return to the December 13<sup>th</sup> 2018 meeting for the imposition of a fine if the December 5, 2018 compliance date is not met.

**CASE NO 14 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 case is before the Board for the imposition of a fine and the inspector is Cliff Recanzone. Inspector Recanzone reports that the property is still in non-compliance and that they need a roofing contractor and staff is requesting, as it's been since August, the imposition of a fine of \$100 per day to a maximum of \$10,000.

Inspector Recanzone stated he has had no contact with the Respondent since the last meeting.

### **Board Action**

Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective November 8, 2018, until compliance is achieved or until the fine reaches a maximum of \$10,000. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE NO 15 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 Pl.** 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 case is before the Board for the imposition of a fine and the inspector is Cliff Recanzone. Inspector Recanzone reports that the owner still needs a Rental License. He stated there was an inspection and it was failed for minor matters that can easily be resolved and staff is asking to amend to the next cutoff for them to come into compliance.

Inspector Recanzone stated they need to pass a rental inspection and the owners have not called for that inspection. He stated they failed the first inspection 3 weeks ago.

Mrs. Kuendig asked if there was anyone living in the building and Inspector Recanzone responded there were two tenants.

Mr. Harrington asked why they do not have a Business Tax Receipt since they have tenants.

Inspector Recanzone responded they had paid the fee but were waiting on the Rental Inspection to issue the license. He stated the fees must be paid before the inspection is scheduled.

### **Board Action**

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the Respondent until December 5, 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. Harrington seconding. Motion approved (5-0).

Mr. Harrington left the meeting at 10:29 a.m.

### **NEW CASES:**

**CASE NO 16 CEB 11-18-141 - Fabian Lorenz** is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **113 N Hollywood Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/13/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for determination of compliance or non-compliance and the inspector is Cliff Recanzone. Inspector Recanzone reports they are being managed by a management company and is asking for the next cutoff to come into compliance.

Inspector Recanzone stated the property has one tenant and they have done everything he asked and he is waiting for the rental license paperwork to be complete.

### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by December 5, 2018 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion approved (4-0).

**CASE NO 17 CEB 11-18-150 - Paxon LLC** is cited for failure to correct violations of The Land Development Code, Art 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.4, 302.7, 304.3, 304.6, 304.7, 304.11 and 304.13.1), at **121 Lockhart St.** Violation(s) – Exterior structure, glazing, chimneys and towers, roofs and drainage, exterior walls, premises identification, accessory structures, weeds, vacant structures and land. First Notified – 8/31/2018.

Mr. Lee Johnson came forward and was sworn in. Mr. Johnson stated that he is part owner in the Company. He also stated that he has sold the property which closed on October 29, 2018 and asked to be removed from the case.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the Inspector is Cliff Recanzone. He stated Inspector Recanzone reports the property remains in non-compliance and has had contact with Mr. Johnson and with the new owners and he is asking the property be brought into compliance by the next cutoff.

Inspector Recanzone stated the Respondent needs to remove the shed in the back yard and cut the grass. He stated it is a single family home and not a rental.

Mr. Johnson stated he is no longer an owner in the property and the new owner is present. He stated they closed on the property on October 29, 2018.

Mrs. Kuendig stated that the new owner needed to be added to the case.

Mr. Jackson stated that their preference was to withdraw the case and recite the new owners.

Mr. Johnson stated that he traveled from Lake County and this was their first investment in Daytona Beach. He stated they purchased the building last August.

Mr. Jackson stated that the Inspector would like to continue with the case and not withdraw it.

Mr. Johnson stated that he knew the property had a lien on it and attended the July meeting and saw the reduction of a lien being granted. He stated he spoke to Inspector Recanzone and told him that their intention was to clean up the property and not to rehab it. He stated he attempted to speak to City staff to determine what violations need to be fixed and to receive a reduction on the outstanding lien but had not been successful.

Mr. Harrington rejoined the meeting at 10:31 a.m.

Mrs. Kuendig stated the only concern the Board has are the code violations which have not been brought into compliance.

Mr. Cino stated that the Board could not address the issue of compliance until the new owners have been given notice of the violations.

Mr. Jackson explained that the property must be brought into compliance per Florida Statute 162 or the case would return for consideration of the imposition of a fine.

### **Board Action**

Mrs. Kuendig asked for a motion to amend the case to add the new owner as a respondent. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CASE NO 18 CEB 11-18-153 - Ollie Mae Kenman** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 6 Sec. 6.8.G; Art 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.8 and 304.7), at **441 Pine St.** Violation(s) – Cease parking vehicles in front yard and remove all unlicensed, inoperative vehicles from the property. First Notified – 6/19/2018.

Ms. Edith Jones came forward and was sworn in. She stated she was the respondent's daughter.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Barbara Collins. Inspector Collins reports that the property remains in non-compliance for an unlicensed vehicle that is parked in the yard and are asking to amend to the next cutoff for the property to come into compliance.

Inspector Collins stated she has spoken to the Respondent and she will have the vehicle moved before 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 December 5, 2018 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE NO 20 CEB 11-18-145 - Jason Balkit** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.7), at **1031 Bel Aire Dr.** Violation(s) – Unsecured pool, front fence damage. First Notified – 8/20/2018.

Mr. Jason Balkit came forward and was sworn in.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Steve Alderman. Inspector Alderman reports that the property is in non-compliance and there is an unsecured pool due to fence damage. Inspector Alderman requested that a temporary barrier be placed around the pool until he is able to get a permit and Respondent put the fence around the pool. He requested that the Board include maintenance of the temporary barrier in their order.

Inspector Alderman stated that a fence was removed on the adjoining property by a neighbor which left his property and pool exposed and he had installed an OSHA approved barrier which is temporary.

Mr. Balkit stated he lives there and has contacted several fence companies for quotes and is requesting 90 days 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 January 2, 2019 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. It is further ordered that Respondent maintain the temporary barrier until compliance is achieved and that Inspector Alderman provide a progress report at the December 13, 2018 meeting. Mr. Cino clarified that if the barrier is removed before the compliance date, there should be no delay in bringing the property back to the Board. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE NO 21 CEB 11-18-147 - Track Three LLC** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec 3.4.S.1 (Ref. FBC Supp IPMC 304.9), at **530 Seabreeze Blvd. #200.** Violation(s) – Deteriorated commercial awning (needs replaced with permit). First Notified – 7/30/2018.

Mr. Rafie Abuseif came forward and was sworn in.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Steve Alderman. Inspector Alderman reports that the property remains in non-compliance and he believes the property can be in compliance by next cutoff.

Mr. Abuseif stated he has found someone to do the work and they will be starting immediately.

#### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by December 5, 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 (5-0).

**CASE NO 22 CEB 11-18-148 - Nimrod Trimble Greene, Jr & Isabella Greene** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.2 & 304.2), at **215 Morningside Ave.** Violation(s) – Structural maintenance & protective treatment. First Notified – 8/23/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Steve Alderman. Inspector Alderman reports that the property is in non-compliance and he is requesting until the next cutoff to bring this property into compliance.

Inspector Alderman stated the property was pressure washed and there are minimal repairs that need to be done before they start painting.

### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by December 5, 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 (5-0).

**CASE NO 23 CEB 11-18-149 - Jerry W. Albro** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.2, 302.1, 302.3, 304.2, 304.13, 308.1), at **209 Woodland Ave.** Violation(s) – Maintenance responsibility, property sanitation, driveway maintenance, protective treatment, boarded windows and doors, rubbish and garbage accumulation. First Notified – 7/25/2018.

Respondent was not present.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Steve Alderman. Inspector Alderman reports that the property is in non-compliance and asks for the next cutoff for the property to be brought into compliance.

Inspector Alderman stated he has inspected the property six times in addition to the inspection of November 7 and there is someone living there.

### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by December 5, 2018 or be returned to a subsequent meeting for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE NO 24 CEB 11-18-152 - Joseph & Nancy Solyom** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.2, 302.7, 302.8, 304.7, and 308.1), at **437 Manhattan Ave.** Violation(s) – Property maintenance - fence repair, outside storage, junk vehicle, tarp on back of building and vehicles on the grass. First Notified – 8/21/2018.

Mr. Joseph Solyom came forward and was sworn in.

Mr. Jackson stated the case is before the Board for the determination of compliance or non-compliance and the inspector is Steve Alderman. Inspector Alderman reports that he went by the property this morning and they have started some work as far as maintenance of the yard. He stated staff is asking to the next cutoff to come into compliance.

Inspector Alderman stated he has recently been in contact with Mr. Solyom and the property maintenance is better but the vehicles, and debris on the east side of the property needs to be done to bring them into compliance.

Mr. Harrington asked how many cars are parked in the grass and Mr. Solyom stated four.

Mr. Solyom stated he lives there and there are three people living in the house. He stated he is working on getting the cars out of the yard and that they all run. He stated they are all insured and registered. He stated he had removed the tarp from the roof and was planning to repair the roof.

Mr. Harrington asked Inspector Alderman if the violations were complaint driven and he answered yes.

### **Board Action**

Mrs. Kuendig asked for a motion to find the Respondent in non-compliance and order the Respondent to come into compliance by December 5, 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 (5-0).

### **8. Miscellaneous Business**

Mrs. Hymes made a motion to excuse Mrs. House's absence. Mr. Harrington seconded the motion and it was approved (5-0).

Ms. Robey asked if there was anything that can be done for the respondents that do not show. Mr. Cino explained the procedure for noticing the property.

Captain Scott Lee, Daytona Beach Police Department, came forward and introduced himself to the Board. He stated he was in charge of Code Enforcement and was available for any concerns or questions.

### **9. Adjournment**

The meeting was adjourned.