

**CODE
ENFORCEMENT
BOARD**

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

THURSDAY, JANUARY 10, 2019

Members present:

Ms. Cheryl House
Mrs. Mary Louise "Weegie" Kuendig
Mr. Neil Harrington
Ms. Valoree McLean
Ms. Karen Robey

Mr. Charles Cino, Esquire, Board Attorney

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
Ms. Barbara Collins, Code Inspector
Mr. Michael Fitzgerald, Code Inspector
Mr. Mark A. Jones, Code Inspector
Mr. Jerome McCoy, 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. Mrs. Hymes and Mr. Jones were not present. Ms. McLean made motion to excuse Mrs. Hymes and Mr. Jones absence. Mr. Harrington 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 motion to approve the December 13, 2018 Meeting

Minutes. Mr. Harrington motioned the same with Mrs. House seconding. Motion approved (5-0).

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

Mrs. Kuendig asked if there were any announcements.

Ms. Barnes announced Case #1 should be corrected for action to be taken as "continued from the October 2018 meeting for a progress report and the determination of a compliance date" and not returned for the imposition of a fine, which is indicated on the Agenda. She stated no compliance date has been set.

Ms. Barnes announced the following cases in compliance.

CASE # 5 - CEB 12-18-162 - Roy D. Helton is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 302.8); Art. 6 Sec. 6.6.1, at **1348 Woodbine St.** Violation(s) – Maintenance Code - outside storage, junk vehicle, overgrown. First Notified – 10/16/2018.

Compliance 1/9/2019

CASE # 11 - CEB 12-18-168 - Lynne Saro is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **1401 Mardrake Rd** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/18/2018.

Compliance 12/28/2018

CASE # 14 - 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.

Compliance 12/31/2018

CASE # 18 - CEB 01-19-15 - Marvin & Sylvia Day is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **1413 Florida St.** Violation(s) – Cease parking vehicles in the yards. First Notified – 7/30/2018.

Compliance 1/9/2019

CASE # 22 - CEB 01-19-19 - Prime Income Properties LLC - Aspen Terrace LLC is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.6.18.B, at **144 Cancun Lane.** Violation(s) – Demolition permit not finalized. First Notified – 3/1/2018

Compliance 1/9/2019

CASE # 32 - CEB 01-19-06 - Derrick G. & Jestene B. Anthony is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.3), at **1111 Edith Dr. Violation(s)** – Premises identification numbers. First Notified – 11/5/2018.

Compliance 1/9/2019

Ms. Barnes swore in Officers of the City who will be testifying.

The Chairman explained the procedures for the meeting and called the first Lien Review.

LR – 1 CEB 10-18-129 - 618 Braddock Ave - 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). 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. **Order Imposing Fine-Lien of \$150 per day effective November 8, 2018. Compliance November 15, 2018. \$1,050.00 plus \$24.00 recording costs = \$1,074.00 total amount due.**

Mr. Nasser Ghadimi came forward and was sworn in.

Anthony Jackson, Assistant City Attorney, stated the respondent was first notified in May 2018, was ordered to come into compliance on November 8 and ultimately came into compliance on November 18. He stated in the interim he had several circumstances where he was given extended time to comply and was sanctioned at \$150 per day until he came into compliance. The fine ran to a total of \$1,050 and so the total amount due is \$1,075 which includes the recording fee of \$25. He stated the staff is recommending a 50% reduction.

Mr. Ghadimi stated the reason that it took so long is that he attempted to contact the inspector but the phone number on the notice was incorrect.

Inspector, Michael Fitzgerald, confirmed that the phone number on the notice was incorrect.

Mr. Jackson clarified that, from the time that he went before the Board, he had no communication with the inspector.

Inspector Fitzgerald stated he had constant communication with the respondent and that he posted the property.

Mrs. Kuendig stated that she was concerned about the amount of paperwork it had taken and the length of time to come into compliance and the pictures of the condition of the property.

Board Action

The Chairman asked for motion to reduce the amount of the fine to \$537. Mr. Harrington motioned the same and Mrs. House seconded and it was approved (5-0).

The Chairman called Lien Review 2.

LR-2 CEB 10-17-135 - 506 5th Avenue - Peter Schiess (current owner is Celtics Capital LLC) 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). Violation(s) – Roof damage; exterior needs painting. First Notified – 7/18/2017. Compliance date – 12/17/2018. **Order Imposing Fine-Lien of \$250 per day effective November 9, 2017. \$15,000.00 plus \$24.00 recording costs = \$15,024.00 total amount due.**

CEB 10-17-136 - 506 5th Avenue - Peter Schiess (current owner is Celtics Capital LLC) is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.14); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297. Violation(s) – missing insect screens; failure to obtain required residential Rental License (RTL); failure to obtain Business Tax Receipt (BTR). First Notified – 7/27/2017. Compliance date – 12/17/2018. **Order Imposing Fine-Lien of \$250 per day effective November 9, 2017. \$15,000.00 plus \$250.00 for no Business Tax Receipt (BTR) plus \$24.00 recording costs = \$15,274.00 total amount due. TOTAL AMOUNT DUE FOR BOTH FINES = \$30,298.00.**

Mr. Melshire St. Ville, sole owner, came forward and was sworn in.

Mr. Jackson stated there are two cases for this lien review and the inspector is Jerome McCoy. He stated that the respondent had not appeared throughout the proceedings and that Inspector McCoy acknowledges that the owner did do work and he's asking that the liens be reduced to 50%.

Inspector McCoy stated the owner submitted an affidavit stating he would no longer rent the property, and the permit on the roof has been finalized, so both properties were put into compliance.

Mr. St. Ville stated he inherited the liens through the previous owner on the property which at the time had tenants. He stated he evicted those tenants, which took about three months, and he fixed the issues and now is here.

Mrs. Kuendig asked if the properties were vacant and Mr. St. Ville stated yes. Mrs. Kuendig stated that there were quite a few violations on the outside of the property that could have been done while the tenant was still there.

Mr. St. Ville stated that he was told that it would be better to correct violations once the tenant had left and complete the job. He stated they were trouble tenants and he did not want them doing any additional damage to the property.

Ms. McLean asked the respondent how much he paid for the property and why there were two deeds on the property.

Mr. St. Ville stated the previous investors purchased the property for \$35,000 and sold it to him for \$55,000. He stated that an investor will purchase property and sell the same property in the same day.

Ms. McLean asked the respondent if he was aware there were liens on the property and he stated yes.

Ms. McLean asked the respondent if this doesn't work out if he has a claim against the previous owner and Mr. St. Ville stated no.

Ms. McLean asked the respondent what he intended to do with the property.

Mr. St. Ville stated the neighbor had reached out to him several times to purchase the property but he wanted to take care of the liens first.

The Chairman asked for motion to reduce the amount of the fine to \$15,149, subject to being paid in 30 days.

Mr. Harrington motioned the same with no second.

Ms. Robey motioned to reduce the amount of the fine to \$20,000 and there was no second.

Ms. McLean stated she looked up the property on Trulia and Realty.com to see its value and that in her opinion the respondent had made a good deal.

Mr. Harrington stated that it was his opinion that what was paid for the property was not related to the code enforcement lien.

Ms. McLean stated she was concerned that he purchased the property with the liens in place.

Mr. Harrington motioned to reduce the amount of the fine to \$15,145 with Mrs. House seconding. Roll was called and motion was not approved (3-2) with Mrs. Robey and Ms. McLean voting no.

Board Action

Ms. House motioned to reduce the amount of the fines to \$17,000 subject to being paid in 30 days with Mr. Harrington seconding. Roll was called and motion was approved (4-1) with Ms. Robey voting no.

Mrs. Kuendig called Lien Review #3.

LR-3 CEB 11-17-158 - 126 S. Oleander Avenue - AF126southoleander Residential Trust dated 1/26/16 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 302.3, 302.7, 304.1, 304.2, 304.6, 304.8, 304.13, 304.13.2, 304.14, 604.3); Art. 6 Sec. 6.19.A.3. Violation(s) – Sidewalks; driveways; accessory structures; general maintenance; protective treatment; exterior walls; decorative features; window, skylight, door frames; unopenable windows; insect screens; electrical sytem hazards and site appearance standards, failure to obtain Business Tax Receipt (BTR). First Notified – 8/18/2017. Compliance date: 12/19/2018. **Order Imposing Fine-Lien of \$250 per day effective April 12, 2018. \$20,000.00 maximum plus \$250.00 for no Business Tax Receipt (BTR) plus \$24.00 recording costs = \$20,274.00 total amount due.**

Mike Loughry, owner of Stonegate Properties, and Mike Bretzel, real estate agent, came forward and were sworn in.

Mr. Jackson stated the case was before you for lien review and the inspector is Mark Jones. He stated Inspector Jones reports that the respondent was notified in October 2017 and did not come into compliance until December 2018. He stated a fine was imposed in the amount of \$250 per day to a maximum of \$20,000 and has reached its maximum, plus a \$24 recording fee, so the total amount due is \$20,274. He stated the inspector reports that it took a very long time for this property to come into compliance for violations including failed inspection, work without permits, rotting wood, painting and other violations and that the inspector is recommending no reduction.

Inspector Jones stated the property was found in non-compliance in November, 2017 and came into compliance on January 3, 2019. He stated the new owners bought it and at the meeting on January 11, Stonegate Properties was added to the violation. He stated they were given until February 1 and most of the violations had been corrected. He stated they were then given until April to come into compliance which is when the fine was issued. He stated they obtained a permit on July 5, 2018 for the siding and came into compliance on December 19, 2018.

Mr. Bretzel stated he is the real estate agent that sold the property and his wife owns the management company who dealt with the contractors and the workers to get everything

into compliance. He gave the Board a spreadsheet containing amounts of money the owner has spent on the property totaling over \$70,000. He stated at the same time they received the violations, they had a worker who was doing some work on the property replace the siding and he was told he needed to get a contractor. He stated they then got a contractor who pulled the permits and repaired it directly. He recommended the Board reduce the lien to administrative costs as this is an out-of-state investor that has bought three properties and spent hundreds of thousands of dollars in Daytona Beach. He stated there were no liens on the property at the time and that the owner started fixing it right away.

Ms. House asked the inspector why he feels there should be no reduction.

Inspector Jones stated they were told the work had to be done in November and the permit was not pulled until July. He stated they called for an inspection and the work had not been done. He stated the respondent's handyman had used some siding like material but it had not been installed correctly to the building code.

Mrs. Kuendig asked if the inspector was in constant contact with the respondent and if they were responsive.

Inspector Jones stated yes he had numerous visits and communications with them.

Mrs. Kuendig asked if the respondent was present at previous hearings.

Inspector Jones stated there was no one present at the meeting where the fine was imposed.

Mr. Bretzel stated there was no notification on the second meeting and he didn't know that he had to be here.

Ms. House asked if the property is currently rented and Mr. Bretzel stated yes.

Ms. McLean asked if they had applied for grant money from the City.

Mr. Bretzel stated yes but there was no money available.

Mrs. House stated that the property had a track record for ongoing work and she believed the fine should be reduced.

Mr. Harrington asked the respondent if he had the Business Tax Receipt (BTR) now and he responded no because they were waiting for the review to happen. He stated the property has 5+ units and is licensed by the state.

Ms. Barnes stated a Certified Mail was sent on January 21 to Stonegate Properties and produced the green card signed by Mr. Bretzel. She stated the property was posted by the Code Enforcement Officer on March 2, 2018.

Mr. Jackson stated the fine was imposed in April and notification was sent in March 2018.

Mr. Bretzel stated after the April meeting he got in touch with the Board Secretary and she told him that the property needed to come into compliance and then he would be able to come back for a lien review.

Mr. Jackson's stated he had the amended order that was mailed to them in March and Affidavit of Service that states on March 2, 2018 that the property was posted with notice of hearing for April.

Aimee Hampton, Senior Paralegal for the City, came forward and was sworn in. Mrs. Hampton stated she had an e-mail that was sent to Mike Bretzel on February 7, 2018 at 9:30 AM, and copied the Inspector, which included a copy of the entire case file. She stated she also told him that he needed authorization from the new owners to appear and to speak on their behalf. She stated she received an e-mail, on April 24, 2018, from Mr. Michael Loughery that he was one of the owners of Stonegate properties that owns 126 S. Oleander and that email served as authorization for Mr. Bretzel to speak on his behalf and appear before the Board.

Mrs. Kuendig asked if the BTR was in place.

Mr. Bretzel stated a state license had been obtained but the property did not have a City Business Tax Receipt (BTR) and he will go downstairs after the meeting and obtain it.

Mr. Jackson stated he did not want the Board to feel that they had not been given adequate notice and that the Amended Order of Non-compliance says they must bring the property into compliance and have it inspected by a code enforcement officer and obtain an affidavit of compliance by February 28. The meeting will be held on Thursday, March 8 and there was a green card which we have evidence of that was signed for in February so they did get the notice.

Mr. Cino stated once you're noticed, you're noticed.

Mr. Jackson stated that it was confirmed that they do have their Business Tax Receipt (BTR).

Board Action

Mrs. Kuendig asked for motion to reduce the lien amount to \$10,012 subject to being paid in 90 days or the fine will revert back to the original amount. Mr. Harrington motioned the same with Ms. House seconding. Motion was approved (5-0).

Mrs. Kuendig called the first continued case.

CASE # 1 - 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.

Dennis Trovinger, owner, and Greg Marcott, General Contractor, came forward and were sworn in.

Mr. Jackson stated the case is before you for the determination of a compliance date and a progress report. He stated the inspector is Tom Clig, who is out for a period of time, but the case is just a follow-up to see how long it will take to get things resolved.

Mr. Trovinger stated they had obtained a foundation survey and are ready to file it. He stated they have a meeting on February 21 with the City for a variance.

Mr. Harrington asked if the people next door were still contesting it.

Mr. Marcott stated he did not know of anyone that was contesting it.

Mrs. Kuendig stated she believed that it originally came from a neighbor complaint and asked if a progress report needed to be scheduled for the March meeting.

Mr. Jackson asked the respondent how much time they would need.

Mr. Marcott stated the structure is completed and it would only be a modification.

Board Action

Mrs. Kuendig asked for motion to continue the case until the March 14, 2019 meeting for a progress report and the determination of a compliance date. Ms. Robey motioned the same and Mr. Harrington seconded and motion was approved (5-0).

CASE # 2 - 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.

Mrs. Kuendig stated that the Board has a letter from Mr. Zivitski explaining his hardship and the reason he cannot attend the hearing.

Mr. Jackson stated the Inspector has spoken with the respondent, and considering the circumstance and acknowledging the efforts that were taken care of in advance, staff is willing to amend to the April cutoff for him to come into compliance.

Inspector Mark Jones stated the property had failed the rental inspection, that the respondent recently had back surgery and is in the Northeast, the property is vacant and he is not renting it until he gets back and it can pass a rental inspection.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. Robey seconding and motion was approved (5-0).

CASE # 3 - 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 Receipt (BTR). First Notified – 4/17/2018.

Maria Centroni came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Cliff Recanzone. Inspector Recanzone reports that the property remains in non-compliance and still does not have a Business Tax Receipt (BTR) and the City is recommending a one-time administrative fee be imposed in the amount of \$250 for failure to obtain a Business Tax Receipt (BTR). He stated if the respondent is asking for more time, the City would rather see property come into compliance than to impose the fine.

Inspector Recanzone stated she has done everything she can to bring the property up to code. He stated Redevelopment was moving forward but that he did not have access the actual project plan so all he knows is there is no Business Tax Receipt (BTR) on the property but it has been applied for.

Ms. Centroni stated landscape work was holding them up due to rain and holidays. She stated by next week they should have it done.

Board Action

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

CASE # 4 - 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.

Mrs. Kuendig stated this is the third time that the respondent has not shown up.

Mr. Jackson stated the case is before you for the imposition of a fine and inspector Recanzone reports that the property remains in non-compliance and is asking for a fine

In the amount of \$200 per day, plus a one-time \$250 administrative fee for failure to obtain a Business Tax Receipt (BTR), to a maximum of \$15,000.

Inspector Recanzone stated he been working with the Property Manager since March of last year and it failed the rental inspection with multiple things that they could have fixed. He stated he has had contact with only the Property Manager and not the owner.

Mr. Harrington asked if the Property Manager was a licensed real estate broker and inspector Recanzone stated yes.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$200 per day plus a one-time administrative fee in the amount of \$250 for failure to obtain a Business Tax Receipt (BTR), effective 1/10/2019, and continue until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 6 - CEB 12-18-161 - Evgueni Petrusевич is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **350 N Charles St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/29/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Jerome McCoy and he reports he has had no contact with the respondent and is asking for a fine of \$100 per day to maximum of \$15,000. He stated the property remains in non-compliance.

Mrs. House asked if the property was rented and Inspector McCoy stated that it was.

Inspector McCoy stated he noticed the owner and the cards came back so he had to post the property.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$100 per day, effective January 10, 2019, and continue each day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

CASE # 7 - CEB 12-18-163 - Maschwitz AMG LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **900 S Peninsula Dr #300** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/22/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine. He stated the next four cases are condos at this address and when they were considered initially the City believe they were being managed by one Property Manager but the inspector has since learned #7 and #8 (subsequently corrected to #8 and 10) are not the same Property Manager. He stated Inspector McCoy is requesting to amend to the next cut-off to give the owners time to come into compliance.

Mr. Harrington asked Mr. Jackson if he believes that the previous respondent misled them and he believes there should be some recourse.

Mrs. Kuendig asked if all the respondents had been noticed individually.

Mr. Jackson stated they would have been noticed according to the appropriate property appraiser site. He stated the case is at an imposition of a fine and based on the inspector's discussions with the Property Manager that they were scheduling rental license reviews on all of these properties and that we would amend to allow them that opportunity. He stated they had not decided on a specific number but would probably ask \$150 per day.

Inspector McCoy stated the properties had to have a rental inspection done, excluding the ones that Mr. Jackson mentioned, and he was able to get inside and do the inspections however those inspections failed. He stated a re-inspection will need to be scheduled before he can move forward and recommend a fine.

Mrs. Kuendig suggested that they consider each property separately.

Inspector McCoy stated the property has some extensive violations inside and stated they are giving them the required 30 days to correct violations. He stated one of the issues on the property was a window where they were unsure if they needed a permit.

Mr. Jackson asked Inspector McCoy when the inspection was done on #300.

Inspector McCoy stated the property had failed inspection on December 26, 2018 and the re-inspection is scheduled for February 8, 2019.

Mr. Harrington asked if the unit was occupied and inspector McCoy stated that it was.

Mr. Harrington asked if there was a Property Manager for the whole complex but there was no response from the inspector.

Mr. Jackson explained the procedure for the rental license inspections.

Inspector McCoy stated they had applied for a Business Tax Receipt (BTR).

Mr. Jackson stated the actual issuance would not occur until they get the violations corrected.

Mr. Harrington expressed concern with the situation and Ms. House agreed.

Mrs. House stated that she was also concerned as to the condition of these properties and whether they were safe. She stated under the circumstances the owners should be fined the maximum amount and brought into compliance.

Ms. Robey stated the Board learned last month in these cases that the renters were changing their locks to keep people out.

Mr. Jackson again stated that the City was asking to amend to the next cutoff.

Mrs. Kuendig stated that it would make a difference to her if she knew whether the violations were minor or major. She stated she also did not want to be in a position where a Property Manager comes to the hearing and the owner is absolved of his responsibility.

Mrs. House stated since the property had applied for the Business Tax Receipt (BTR) that she was inclined to give them the additional time.

Mrs. Kuendig asked what the violations on the building were.

Inspector McCoy stated there were window issues, screens, needed pest-control, active leaks in the bathroom causing moisture problems, smoke detectors and AC vent covers that were not on properly.

Mrs. Kuendig asked if these violations were the result of a tenant complaint or a neighbor complaint and Mr. McCoy deferred to Inspector Recanzone as he originally handled the case.

Ms. House asked if the smoke detectors needed batteries and inspector McCoy stated they needed to install smoke detectors.

Inspector Recanzone stated there were 30 cases on this property starting from failure to obtain rental licenses and not getting the inspections completed.

Ms. Robey asked if there is any way to do the inspection before the February cutoff date and inspector McCoy stated during the inspection that he performed they had determined how much time they needed to complete the work and then the re-inspection was scheduled.

Captain Scott Lee, Daytona Beach Police District Captain, was sworn in and stated there are problems with the property and that's why they are active cases on it. He stated his concern is that we not do anything to mess up the due process which will give us problems in the future for holding the owners accountable.

Mr. Harrington asked if they were under any federal regulations for rehab and Capt. Lee did not know.

Capt. Lee stated there was a larger case for the entire outside of the building and the issue with these properties is that the condos are all individually owned.

Ms. House asked about the safety of the people that live in the building and if any units are fire hazards as they have no way of alerting the other people that lived there if there are no smoke detectors.

Capt. Lee stated those are fair things to consider.

Mr. Cino, Code Enforcement Board Attorney, cautioned that the matter before the Board is no Business Tax Receipt (BTR) and no rental license (RTL).

Mr. Jackson stated that seeing there were so many concerns with the property the time to come into compliance may need to extend further to make sure we have all the due process areas covered because of how substantial this may be in terms of remedying the property as a whole. He stated if it is found that there any serious life safety issues he is sure that those will be addressed by the Chief Building Official. He stated that he has confidence that the officers are doing everything they can do to allow the owners to obtain their Business Tax Receipt (BTR).

Mrs. Kuendig stated she has concerns when she sees failure to obtain rental license and feels they need to know what the specific violations are because they could in fact be life safety issues.

Mr. Jackson stated that failure to obtain business license is a specific code that has been violated in this case. He asked if the Board might set this case for a February progress report and apply the compliance date of March and then will have enough information to know how to proceed.

Mr. Harrington stated that he would like to see a workshop that defines what is a Property Manager does, and what are their qualifications. He stated he would like to see them bring evidence that they've been assigned to be the Property Manager.

Ms. House stated that she feels that due process is important but that safety trumps it.

Mr. Cino asked if the City gave the owners the date of February 8.

Inspector McCoy stated they agreed upon that date.

Mrs. Kuendig asked if they called for rental inspection knowing that they were not going to pass and are just looking for more time.

Inspector McCoy stated after the last hearing the inspection was set up and they conducted the inspection and went over the violations and arranged a date to come into compliance.

Board Action

Mrs. Kuendig asked for a motion to continue the case until the February 14, 2019 meeting at which time the Board can reconsider imposing a fine. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 8 - CEB 12-18-164 - Jackie Group LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **900 S Peninsula Dr #101**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain rental license (RTL). First Notified – 9/21/2018.

Respondent was not present.

Inspector McCoy stated that they wanted to amend to the next cutoff and that respondent has not applied for an inspection and the property is occupied.

Mr. Jackson asked the Board Secretary if the City is satisfied that the owner of this property had been noticed properly and Ms. Barnes responded yes.

Inspector McCoy recommended \$100 per day to a maximum of \$15,000.

Board Action

Mrs. Kuendig asked for a motion to impose a fine of \$250 per day, plus a one-time administrative fee in the amount of \$250, effective January 10, 2019 and continue each day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Mr. Harrington motioned the same with Mrs. House seconding. Motion approved (5-0).

CASE # 9 - CEB 12-18-166 - Keep It Up LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **900 S Peninsula Dr #202**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain rental license (RTL). First Notified – 9/22/2018.

Respondent was not present.

Mr. Cino stated this case was the same as Case #7.

Board Action

Mrs. Kuendig asked for a motion to continue the case until the February 14, 2019 meeting at which time the Board can reconsider imposing a fine. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

CASE # 10 - CEB 12-18-167 - Maca & Zito Investment LLC is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **900 S Peninsula Dr #204**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain rental license (RTL). First Notified – 9/22/2018.

Respondent was not present.

Mr. Cino stated this case was the same as case #8.

Inspector McCoy stated that he has had no contact with the property owner.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$250 per day, plus a one-time administrative fee in the amount of \$250, effective January 10, 2019 and continue each day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

The Chairman called a 5 minute break at 11:00 AM.

During the break the Board Secretary noted the respondents that were in attendance and their case numbers and Mrs. Kuendig called those cases next.

CASE # 13 - 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 and 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.

Bernard Martin came forward and was sworn in.

Mr. Jackson stated the case is before you for imposition of a fine and the inspector is Steve Alderman. Inspector Alderman reports that this property remains in non-compliance and the respondent was notified in March 2018 so the inspector is requesting a fine in the amount of \$100 per day to a maximum of \$10,000. He stated it is owner-occupied.

Inspector Alderman stated he opened the case March 7, 2018 and as of today Mr. Martin has applied for permit, it has been under review, and he provided two sets of plans signed and sealed by a Florida certified architect or engineer on November 2, 2018.

Mrs. Kuendig asked if anything had been done and Inspector Alderman stated not since last hearing.

Mr. Martin stated he has a general contractor that was supposed to be taken care of the permit.

Mrs. Kuendig asked who the General Contractor was and Mr. Martin stated Bardman out of Ormond Beach. He stated he was considering selling the house.

Mrs. House asked Mr. Martin if his only option was to sell because he couldn't financially afford to fix the house.

Mr. Martin stated possibly.

Ms. House asked the respondent if anything had been done since March and he stated nothing had been done. He stated they had a Property Manager and he recommended a gentleman and there had been work done but not with a permit. He stated now he is unable to locate the man.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$100 per day effective January 10, 2019 and continue each day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. Robey motioned the same. Mrs. Kuendig passed the gavel to Mrs. House. Mrs. Kuendig seconded the motion. Motion approved (5-0).

CASE # 12 - 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.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mike Fitzgerald. He stated the respondent is waiting for a permit for stairs which had to be completed before they could complete the rest of the job. He stated the permit was issued on January 4, 2019 and so he is asking to amend to the next cutoff and believes the respondent is working in good faith.

Inspector Fitzgerald stated the stairs were the last thing to be done before the fence can be finished.

Mrs. Kuendig asked the inspector if he been in contact with the owner and Inspector Fitzgerald stated yes.

Mr. Fitzgerald stated he would've been in compliance on the stairs except that he had to have engineering drawings which took a while.

BOARD ACTION

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the respondent until February 6, 2019 to come into compliance or be returned to the Board for consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. Robey seconding. Motion approved (5-0).

CASE # 15 - 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 permit). First Notified – 7/30/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Steve Alderman. He stated Inspector Alderman reports that the permits have been issued and he is waiting for the permit to be final so they are asking to amend to the next cutoff.

Mrs. Kuendig asked when the permit was issued and Inspector Alderman stated the permit was applied for and approved and the contractor will be on it next week so they'll be done by the end of the month.

Inspector Alderman stated that he called Nichole at N & N construction and the respondent was on the schedule for next week.

BOARD ACTION

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to give the respondent until February 6, 2019 to come into compliance or be returned to the Board for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. House motioned the same with Ms. Robey seconding. Motion approved (5-0).

CASE # 16 - 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 you for the imposition of a fine and the inspector is Steve Alderman who reports necessary permits have been issued and the inspector is requesting to amend to the next cutoff in order to bring the property into compliance.

Mrs. Kuendig asked the inspector if he had been in contact with Mr. Albro and he stated he was expecting the respondent to show up and expand on the process but yes he has been in contact.

Inspector Alderman stated that the permits, and engineering drawings, were delivered to Permits & Licensing. He stated one of the windows had been removed and the other door and window did not exist so the plywood has to stay in place. He stated the porch engineering that Mr. Zimmerman put in process is in compliance.

BOARD ACTION

Mrs. Kuendig asked for motion to amend the previous order of non-compliance to allow one the respondent until February 6, 2019 to come into compliance or be returned to the Board for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mrs. House motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 17 - CEB 11-18-143 - Reginald Copeland is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; City Code Ch. 26 Sec. 26-294; Ch. 90 Sec. 90-297, at **724 Mercedes Ave.** Violation(s) – Repairing roof without permits, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/22/2018

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Barbara Collins. He stated Inspector Collins reports the property remains in non-compliance and no permits have been applied for and there has been no good faith effort to bring the property in compliance. He stated the respondent has previously met with staff and has not taken the steps necessary to bring the property into compliance. He stated the respondent has other properties that have been previously been addressed and since fined and staff is requesting a fine be imposed in the amount of \$300 per day to a maximum amount of \$15,000.

Inspector Collins stated she posted the property both times because her correspondence goes to an address where he does not live. She stated he still in non-compliance and no one has pulled a permit.

Mrs. Kuendig asked if anyone was living in the property and the inspector responded she did not think so.

Inspector Collins stated there were renters when he was notified of the violations but they are not living there now.

Neighborhood Services Manager, Denzil Sykes, stated this property has been an issue for about three years. He stated there have been various issues, various tenants and incidents. He stated he met with Mr. Reginald Copeland on numerous occasions and also met with the attorney and supervisor on numerous occasions and have given them many opportunities to come into compliance. He stated nothing has happened and the pictures are from this week and that's why they are asking for \$300 per day.

BOARD ACTION

Mrs. Kuendig asked for a motion to impose a fine of \$300 per day effective January 10, 2019 and continue each day until compliance is achieved or reaches a maximum amount of \$15,000. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

NEW CASES:

CASE # 19 - CEB 01-19-16 - Stefan Liebe is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.10.G, at **815 Mason Ave.** Violation(s) – Replace signage on the pole sign or remove pole sign. First Notified – 3/29/2018.

Louis Perchon, Property Manager, came forward and was sworn in. He stated the owner of the property lives in Germany.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Barbara Collins. He stated Inspector Collins reports she's been in contact with the tenants and informed them of what needs to be done and she believes they can have it done by the next cutoff.

Inspector Collins stated they are new tenants and are going to put white on the sign and cover it up until a design on the signage for right now. She stated that she believes they might purchase the building.

Mr. Perchon stated that the previous tenant disappeared overnight and the new tenant may purchase the building.

Mrs. Kuendig asked if they would need permits and Inspector Collins said they would when they customized the sign.

Mr. Perchon stated that the sign was damaged during the last hurricane.

Inspector Collins stated they were also violated for concrete in the back that was damaged and that was fixed right away.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 25 - CEB 01-19-14 - Queenie M Crawford is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 302.7, 302.8, 304.3, 304.7, 304.11); Art 6. Sec 6.6.4, at **678 Madison Ave.** Violation(s) – Abandoned building - high grass and weeds, junk vehicle, broken windows, damaged roof & around chimney, dilapidated auxiliary structure, garage and wood fencing. First Notified – 9/20/2018.

Shakeisha Berry, granddaughter of the respondent, came forward and was sworn in. She stated she was also on the deed.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Mike Fitzgerald. He stated Inspector Fitzgerald reports that the property is now in compliance and is requesting a finding of non-compliance compliance.

Board Action

Mrs. Kuendig asked for a motion to find the respondent previously in non-compliance and now in compliance and may be returned to the Board for the consideration of the imposition of a fine of up to \$5,000 per occurrence for future violations. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 23 - CEB 01-19-04 - Prem K. Bhandari is cited for failure to correct violations of The City Code Ch. 26 Sec. 26-294, at **431 Warner Pl.** Violation(s) – Failure to obtain rental license (RTL). First Notified – 3/21/2018.

Prem Bhandari came forward and was sworn in.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Jerome McCoy. Inspector McCoy reports that this property needed a rental license and he went out and inspected the properties and they had some issues that needed to be remedied but did not reschedule the inspection and that's why it is before the Board. He stated the inspector is asking for a finding of non-compliance and to amend to the next cutoff in order to bring the property into compliance.

Mrs. Kuendig asked when the property was inspected.

Inspector McCoy stated they were first noticed March 21 and the inspection occurred about a month after that. He stated it failed and had multiple rental violations and was tenant occupied.

Mr. Bhandari stated there were some minor violations on the property. He stated he had a handyman working on the property and he had to evict the tenants who stopped paying rent and were colluding with a handyman. He stated work was begun on December 27th and on the 28th the screens were put on. The rest of the work will be finished today. He stated that a few days ago his property at 433 was vandalized with three broken glasses and there's a police report on that so he will press charges.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Ms. Robey seconding. Motion approved (5-0).

CASE # 28 - CEB 01-19-03 - Mary Ann & Charles Free 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 **428 Nautilus Ave.** Violation(s) – Exterior maintenance/protective treatment, roof tiles falling off. First Notified – 9/13/2018.

Linda Capatos and Mary Ann Free, sisters, came forward and were sworn in.

Mr. Jackson stated the case is before you 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 requests next cutoff for it to come into compliance.

Inspector Alderman stated the case was opened September 3, 2018 and he has been in contact with Marianne who came down from New York and is dealing with protective treatment and some of the roof tiles that are falling off the edges. He stated there were many issues she'd already dealt with and lined up people to take care of them. He believes they can be in compliance by next cutoff.

Ms. Capatos stated they will start tomorrow power washing the house, it has already been caulked and it needs to be painted.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 30 - CEB 01-19-11 - Rene & Teresa Blanco is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.1, 304.13.1, 302.4, 304.10, 304.7, 304.9, 302.3, 302.7, 304.2), at **271 Seaview Ave.** Violation(s) – Not clean, safe or sanitary. Exterior structure - wall buckling, exterior wall cracking, door frame trim, open overhangs, sidewalks and stairs loose, pool unsanitary and concrete deck has a large hole. First Notified – 8/3/2018.

Nichole Sanchez, daughter-in-law; Teresa Blanco, respondent and Mario Sanchez, son came forward and were sworn in.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Steve Alderman. He stated Inspector Alderman reports the pool issues have been taken care of and the inspector is asking for a finding of non-compliance and next cutoff for the property to come into compliance.

Inspector Alderman stated he originally found the property as a hazardous pool site. He stated it was unsecured and almost empty and stagnant so he posted it immediately and received a response from the property owners who then secured the pool within a week. He stated there were a number of other issues that were happening such as buckling walls, cracking wall, door trims, and overhangs and he went out there and saw the owner son working and realized he needed a permit to work on the wall and he went straight to City Hall and applied for the permit. He stated they are taking care of the property as far as the grass and lawn and they have repaired the window that was broken. He stated yesterday they were working on the steps which are stone but they were loose and a hazard.

Mr. Sanchez stated they are working hard to bring the property in compliance and he thinks within the next 30 days to be completed. He stated his mother and father lived there and his dad has had a heart attack so while the work is being done they are staying with him to avoid the stress. He stated the loose steps have been corrected and cemented in place.

Mr. Sanchez asked if the property was deemed uninhabitable.

Inspector Alderman stated the only reason it was put under that category was that the pool was stagnant but that's been remedied.

Board Action

Mrs. Kuendig asked for a motion to find respondent in non-compliance and order the respondent to come into compliance by March 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

CASE # 33 - CEB 01-19-08 - Evelina Brockington is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.3, 302.1,

302.4, 302.5, 302.7, 302.8, 304.1.1.7, 304.2, 304.3, 304.6, 304.7, 304.8, 304.13, 304.15, 308.1, 309.1, and 504.3), at **626 South St.** Violation(s) – Property owner responsibility. Vacant structure and land. Sanitation. Weeds, Rodent harborage. Assessory structure (fencing). Junk vehicles. Unsafe condition (exterior walls). Peeling paint. Address numbers. Exterior walls. Damaged roof. Decorative features (lattice). Broken windows. Damaged exterior doors. Rubbish/garbage. Infestation. Plumbing system hazard (lack of service). First Notified – 10/23/2018.

Evelina Brockington came forward and was sworn in.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is John Stenson. Inspector Stenson reports that this property remains in non-compliance and has a number of things and has been a continual problem however, he believes it can be brought into compliance by next cutoff but part of that may be the possibility of a demolition.

Inspector Stenson stated there was no one living there.

Ms. Brockington stated she lost her mother in November and that she would bring the property into compliance, she just need a little more time.

Mr. Stenson stated the property had been in that condition for a long time and was brought to his attention by Animal Control which were called out there for numerous dogs that were malnourished and some were deceased. He has been in contact with the property owner and she spoke about a program with the City that would help her but that hasn't come to fruition so the property has stayed as an eyesore and made no progress.

Ms. Brockington stated that it was her home and she went to take care of her mother and there were dogs running in her yard and they had found one that was deceased but she's not aware of any dogs. She stated she received her disability a couple years ago and she's going to rebuild it.

Mrs. Kuendig asked if the property was in a City redevelopment area and inspector Stenson stated no.

Ms. Brockington stated she had been gone for 15 months.

Ms. House asked that since she was on assistance did she had the money to fix the house.

Ms. Brockington said she could do it she just needed some time.

Mrs. Kuendig stated she was concerned about who was going to do the work.

Ms. House asked the respondent how long she thought she would need and Ms. Brockington responded at least 60 days.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered a progress report at the February 14, 2019, with compliance by March 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Ms. Robey seconding. Motion approved (5-0).

CASE # 34 - CEB 01-19-09 - Kenneth Jacobs is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 6 Sec. 6.2.H.7.a.i; Art. 9 Sec. 9.2.A (Ref. FBC Supp 302.7, 304.7 and 302.8), at **615 Clark St.** Violation(s) – Outside storage, parking in the yard, damaged fencing, damaged roof and junk vehicles. First Notified – 11/5/2018.

Kenneth Jacobs came forward and was sworn in.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance inspector is John Stenson. Inspector Stenson reports that the property remains in non-compliance and asked for the next cutoff in order to bring property into compliance.

Mr. Harrington asked Inspector Stenson what determines how quickly it gets on the agenda.

Inspector Stenson stated the compliance time usually dictates how long it takes for the cases to get on the agenda. He stated the violations on this particular property are not that egregious to require a longer amount of time.

Mr. Jacob stated he was not in denial and that he needed to do some repairs. He stated his roof had been damaged during the last storm and he is financially unable but that he will have a maturity of his annuity come to fruition the third week of February and he would appreciate additional time. He stated the original notice that he received stated two vehicles and one vehicle has been moved. He stated one vehicle does not belong to him and he's not been able to get keys to move it.

Mrs. Kuendig stated that the outside storage could be removed within the next 30 days but they needed to do the repairs on the roof and fence.

Mr. Jacob asked what fence and Lead Inspector Stenson stated the fence on the left side of his property needs to be shored back up.

Mr. Jacob stated that the last notice that he received had roof written over to the side. He stated he did not live there and it was vacant.

Mr. Harrington stated he would probably need a permit for the roof.

Mr. Jackson stated Neighborhood Services Manager, Denzil Sykes, recommends requirement of the items other than the roof to be completed by next cutoff and allow the respondent until April to complete the remaining items.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 regarding the violations of outside storage, parking in the yard, junk vehicles and fencing. It is further ordered the respondent must come into compliance by April 3, 2019 for the damaged roof or be returned to the Board 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 # 29 - CEB 01-19-10 - Rashida Hakeem 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); Art. 5 Sec. 5.4.C.12, at **326 Flushing Ave. Violation(s)** – Temporary Mobile Storage Unit, gutters and downspouts. First Notified – 9/24/2018.

Rashida Hakeem came forward and was sworn in.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector Steve Alderman. Inspector Alderman reports that the property remains in non-compliance and he's asking for the next cutoff in order to bring the property into compliance.

Inspector Alderman stated he responded to a CRM complaint of a pod parked by the road. He stated his first inspection was September 24, 2018. He stated he added gutters to the violation because the gutters in the front were hanging off and needed to be replaced. He stated he called the pod company and apparently there were late fees on it and Inspector Collins has been mowing as well. He stated the property was not occupied.

Ms. Hakeem stated she has been working with the pod company to get the pod taken away. She stated the gutters have been repaired. She stated she inherited the property and it is not a rental property and she's looking to sell it.

Inspector Collins stated that the City has mowed the yard several times. She stated when she sends notice she does not get a response. She stated the City then sends a bill.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 20 - CEB 01-19-17 - Daniel M & Haesun McCune 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 **801 Mason Ave.** Violation(s) – Clean exterior surfaces of dirt, mold and grime. First Notified – 2/15/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Barbara Collins. Inspector Collins reports that the property remains in non-compliance is asking for next cutoff for it to be brought into compliance.

Inspector Collins stated she received a call yesterday and the owner will be painting it.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Mrs. House motioned the same with Ms. Robey seconding. Motion approved (5-0).

CASE # 21 - CEB 01-19-18 - Lillie Bell 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), at **726 Edwards St.** Violation(s) – Paint exterior surfaces so there is no peeling paint. First Notified – 2/13/2018.

Respondent was not present.

Inspector Collins stated they are pressure washing and it should be painted today or tomorrow so she is asking for non-compliance 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 February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

CASE # 24 - CEB 01-19-13 - Raul R. Gonzalez-Cruz & Liliam Gonzalez 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 **120 Palm Dr.** Violation(s) – Maintenance Code - peeling paint, unprotected exterior surfaces. First Notified – 9/17/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Mike Fitzgerald. Inspector Fitzgerald reports respondents are working on it and he believes they can have it 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 February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 26 - CEB 01-19-01 - Land Trust Service Corp Trust No 416 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 301.2, 302.3, 302.7, 304.2, 304.3); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **416 N Oleander Ave.** Violation(s) – Site appearances, sidewalk/driveways, property ID, exterior walls, protective treatment, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/20/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is Steve Alderman. He stated Inspector Alderman reports that the property is still in non-compliance and is requesting to amend to the next cutoff in order to bring the property into compliance.

Inspector Alderman stated the last two cases are owned by the same property owner and he found the address 416 on September 20, 2018 for the violations of site appearances which includes rotted wood. He stated the house needs to be pressure washed and painted and has black mold. He stated the sidewalks and driveways are in bad shape and the property needs some minor electrical work. He stated the main issue is a driveway which is disintegrated.

Ms. Kuendig asked if the property was occupied and Inspector Alderman stated there are no current licenses however he went by yesterday there was a van parked there. He stated the respondent is in arrears \$144 on the rental license.

Mr. Harrington asked if this was going to involve the Redevelopment Board and Inspector Alderman stated no.

Ms. Robey asked if the owner was local and Inspector Alderman stated she lives in Delray.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

CASE # 27 - CEB 01-19-02 - Land Trust Service Corp Trust No 416 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 304.6, 302.3, 304.9, 504.2, 605.2); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **418 N Oleander Ave.** Violation(s) – Site appearance standards, off-street parking, sidewalks and driveways, exterior walls, overhang extensions, plumbing systems, electrical hazards, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/17/2018.

Respondent was not present.

Inspector Alderman stated he responded to a CRM complaint of no water and when he initially went there it was off. He stated the site appearance has a lot of rotted wood, siding and two porches that need to be repaired.

Ms. Robey asked why the respondent wasn't present and Inspector Alderman stated she was too busy.

Mrs. Kuendig asked if anyone was living there and Inspector Alderman stated it was vacant but it went to a volatile eviction process and in that process some windows and doors were damaged.

Inspector Alderman stated he has been in contact with the owner, Nancy Braun, and she is requesting two months. He stated there has never been a rental or a Business Tax Receipt (BTR) on the structure. He stated the property owner was responsible for the water and that it is split between both properties but it had been turned on and off. He stated he is asking for non-compliance next cutoff.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board 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 (5-0).

CASE # 31 - CEB 01-19-05 - Steven L. & Judy L. Suter is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC

304.13, 304.7, 304.2 and 304.4), at **626 Clark St.** Violation(s) – Broken windows, damaged roof, peeling paint, structural members (carport). First Notified – 11/1/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the determination of compliance or non-compliance and the inspector is John Stenson. Inspector Stenson reports that this was complaint generated and the property remains in non-compliance but he believes it can be brought into compliance by next cutoff.

Mrs. Kuendig asked the inspector if he had had contact with the property owners.

Inspector Stenson stated he has and they live out of town but are coming down next week to correct the violations so he should be done by the next cutoff.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by February 6, 2019 or be returned to the Board for the consideration of the imposition of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (5-0).

Miscellaneous Business

Respondent's request for re-hearing of Lien Review Reduction Order from \$15,024.00 to \$10,024.00 entered on December 13, 2018.

CEB 01-18-17 - 1116 Madison Avenue - JL & W Property of Daytona, LLC was cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 304.3 and 504.3); City Code Ch. 26 Sec. 294 and City Code Ch. 90 Sec. 90-297. Violation(s) – Outside storage; address numbers; plumbing system hazard; no residential rental license (RTL); no Business Tax Receipt (BTR). First Notified – 10/31/2017. **Order Imposing Fine-Lien of \$250.00 per day effective June 14, 2018. Compliance – 10/26/2018. \$15,000.00, plus \$24 recording costs = \$15,024.00 total amount due.**

Mrs. Kuendig stated there was a letter that was submitted and asked for comment from the City.

Mr. Cino stated at this point the Board needed a motion to reconsider.

Mr. Jim Allender came forward and was sworn in.

Mr. Harrington motioned to reconsider the lien review. Motion failed for lack of second and request for re-hearing was not granted.

Mr. Cino stated that Ms. House had expressed an interest in having a substitute as she will be out of town for an extended period of time but that was not permissible.

Mr. Harrington stated that it was not included in the ordinance.

Ms. House inquired as to how that can be changed and Mr. Cino stated that is a Commission issue.

Mrs. Kuendig asked how many unexcused absences they can have.

Mr. Cino asked if the Board wanted the Commission to look at the issue of extended absences and Mrs. House stated yes.

Mr. Jackson read the rule which says that "if a committee member is out for two of three consecutive sessions, without cause and without prior approval of the chair, he shall forfeit his appointment".

Mr. Cino clarified that the Board could excuse a person for as long as necessary. He stated it would require the staff to bring the matter to the Commission.

Mr. Jackson reminded the Board that elections for Board Chairman and Vice-Chairman need to be made at the February meeting.

Meeting was adjourned at 12:36 PM.