

**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

MARCH 14, 2019

Members present:

- Mrs. Mary Louise "Weegie" Kuendig, Chairman
- Ms. Cheryl House
- Mr. Neil Harrington
- Ms. Valoree McLean
- Ms. Karen Robey
- Mr. Tad Jones

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

- Mr. Anthony E. Jackson, Assistant City Attorney
- Captain Scott Lee, Daytona Beach Police Department
- Officer James S. Thomas, Daytona Beach Police Department
- Mr. Steve Alderman Code Inspector
- Mr. Tom Clig, Code Inspector
- Mr. Mike Fitzgerald, Code Inspector
- Mr. Danny Garcia, 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
- Mr. Denzil Sykes, Neighborhood Services Manager
- Mr. Charles Smarr, Audio/Video
- Ms. Vivian June Barnes, Board Secretary

Approval of Minutes by: Turner Hymes VICE Chairman

The Chairman called the meeting to order at 9:05 a.m.

Ms. Barnes called the roll and Mrs. Hymes was absent. Motion was made to excuse Mrs. Hymes by Ms. Robey with Mr. Jones seconding. Motion approved (6-0)

Mrs. Kuendig asked if the previous minutes had been read and asked for any corrections. Mrs. House stated on page 15 "a permit for" needed to be added to her quote. The Chairman asked for motion to approve the February 14, 2019 Meeting Minutes with the correction.

Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

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 the following cases.

CASE # 3 - CEB 12-18-166 - Keep It Up LLC is cited for failure to correct violations of 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.

Compliance 2/26/2019

CASE # 4 - CEB 12-18-163 - Maschwitz AMG LLC is cited for failure to correct violations of 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.

Compliance 2/26/2019

CASE # 5 - CEB 02-19-27 - Trace Lynn Ornelaz is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **509 Mobile Ave**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/17/2018.

Compliance 2/27/2019

CASE # 8 - CEB 09-18-106 - Silvana Skoko & Donald R. Stiff is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 3 Sec. 3.4.S.2; Art. 3 Sec. 3.4.S.3; Art. 9 Sec. 9.9.2.A (Ref. FBC Supp IPMC 302.1), at **306 5th Ave**. Violation(s) – No permit for fence and wooden deck. First Notified – 7/13/2018

Compliance 3/4/2019

CASE # 9 - CEB 09-18-104 - Soeren & Irene Moerk is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.7, 304.8), at **1224 Thompson Pl**. Violation(s) – Dilapidated roof and rotting wood. First Notified – 6/1/2018

Compliance 3/13/2019

CASE # 11 - CEB 02-19-21 - Argene K. and Legera M. Danielides is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.8, 304.2), at **300 Emory Dr**. Violation(s) – Exterior siding falling, protective treatment. First Notified – 8/20/2018

Compliance 2-26-2019

CASE # 19 - CEB 03-19-36 - Horace Mitchell, Jr & Hattie Mitchell is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.2.H.7.A, at **1656 Stocking St.** Violation(s) – Boat in the front yard, no permit for the extended carport. First Notified – 10/27/2018.

Compliance 3/1/2019

CASE # 21 - CEB 03-19-33 - Dominique & Amanda Howell is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8); Art. 6 Sec. 6.2.H.7.A, at **1131 Martha Dr.** Violation(s) – Parking on the grass. First Notified – 10/22/2018.

Compliance 1/25/2019

CASE # 29 - CEB 03-19-50 - Virgil Rosenfeld & Ellen Rosenfeld Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 603.1), at **228 Bay St.** Violation(s) – Non-working stove. First Notified – 10/24/2018.

Compliance 2/27/2019

CASE # 31 - CEB 03-19-67 - Gibson Family Investments 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); Art. 6 Sec. 6.19.A.3, at **ETAL - 1117 S Ridgewood Ave (Parcel # 5340-01-00-0010).** Violation(s) – Outside storage and peeling paint. First Notified – 11/17/2018.

Compliance 3/4/2019

CASE # 32 - CEB 03-19-38 - James J. Casey is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **242 N. Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/19/2018.

Compliance 3/7/2019

CASE # 44 - CEB 03-19-55 - Donna J. Smith & Stewart J. Ridgeley is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 302.8); Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.a, at **215 Congress Ave.** Violation(s) – Peeling paint and vehicle on grass. First Notified – 11/14/2018

Compliance 2/28/2019

CASE # 47 - CEB 03-19-56 - Richard T. Hayden is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2); Art. 6 Sec. 6.19.A.4, at **115 Congress Ave.** Violation(s) – Rotted fascia and protective treatment. First Notified – 11/14/2018.

Compliance 3/9/2019

Ms. Barnes announced the following case has been withdrawn.

CASE # 36 - CEB 03-19-41 - Theodore Nikolla is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **2711 N. Halifax Ave., #484**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/7/2018

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

CASE # 33 - CEB 03-19-42 - Jonathan I Rotstein is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **511 N. Oleander Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/28/2018.

Mr. Jonathan Rotstein, owner, came forward.

Mr. Jackson stated the property has failed numerous inspections and the inspector is asking for compliance by the next cutoff.

Mr. Rothstein stated the Notice he received was for failure to obtain a Rental License it was paid for in September and he has a receipt. He stated the second time they said the property failed they sent him a bill for another hundred dollar re-inspection which he paid.

Mr. Jackson stated when the rental inspection is held and then passed, it puts the property into compliance and the City grants the license.

Mr. Rothstein stated the inspection form needed to be attached to the notice.

Mr. Cino asked that a copy of the checklist be given to the respondent.

Mr. Jones stated on the inspection on February 20, no one from his firm showed up, and the attendant allow them access and he left a copy of the checklist with the tenant but will give him a copy.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for consideration of a fine of up to \$1,000 per day. Mrs. House motioned the same with Ms. McLean seconding. Motion approved (6-0).

LR-1 - CEB 06-06-157 - 213 S. Keech St. - Julia M. Carter Estate is cited for failure to correct violations of The Land Development Code, Article 18, Section 7.4 and Section 303.7 IMPC. Violation(s) – Failure to maintain building appearance; Failure to maintain roof in sound, tight condition, and not have defects that admit dampness. First Notified – 2/8/2006. **Order Imposing Fine-Lien of \$100 per day effective February 27, 2007. Compliance 10/3/2017. \$10,000.00 plus \$24.00 recording costs - \$10,024.00 total amount due.**

Ms. Chenae Carter came forward and was sworn in. She stated she inherited the property in 2017.

Mr. Jackson stated the respondent has had difficulty bringing the property in the compliance because she didn't have the title to the property but has since been brought into compliance. He stated the City's recommendation is the lien be reduced to \$1000 payable within 30 days.

Discussion was held regarding the boarded windows.

Inspector Jerome McCoy stated the original violation was for the roof and the paint. He stated the property was brought into compliance in 2017 and remained boarded because of the element in the neighborhood.

Ms. Carter stated the police asked them to keep the boards on the windows and file a trespass order with the police department.

Ms. Kuendig asked if the roof was fixed.

Ms. Carter stated it was the roof to a carport and it was taken down. She stated the property had belonged to her grandmother and her father had various health issues, and was a disabled veteran, and they didn't have much contact with him so she did not know the condition of the home.

Ms. Kuendig asked what they were going to do with the house.

Ms. Carter stated they were working with a mortgage company to do renovations on the house and they had looked into selling it but with the debt, they are trying to figure out what they can do. She stated there was an additional lien against the home as well.

Mr. Harrington stated he was inclined to make a motion to accept the City's recommendation to reduce the fine to \$1000.

Ms. McLean stated she would second that.

Ms. Kuendig stated she was not comfortable with that and wanted more discussion. She stated she is concerned about cases brought forth for a lien review when the house has issues like boarding up.

Mr. Jackson stated the City had tried over the last few years to reduce the vagrancy and squatting and they normally do not allow lien reviews but, under these kinds of circumstances, they believe the boarded windows to be an improvement that is in the best interest of the City.

Ms. Carter stated they had to remove people from the property.

Ms. Kuendig stated that the lien was maxed out and for her there was no incentive to approve the lien reduction until they fix up what needs to be done.

Mr. Jackson stated the encumbrance will affect her in the ability to put together the funds to bring the property into compliance.

There was additional discussion regarding the boarded windows.

Ms. House asked the respondent if she was going to move into it.

Ms. Carter stated that she couldn't really sell it until she got title insurance and there were other steps that she needed to take.

Board Action

Mrs. Kuendig asked for a motion to reduce the amount of the fine to \$1000 payable within 30 days. Mr. Harrington motioned the same with Ms. McLean seconding. Motion approved (6-0).

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.

Mr. Dennis Trovinger came forward and was sworn in.

Mr. Jackson stated the inspector is Tom Clig and he reports the issue is they were anticipating the respondents to go before the Board of Adjustments but they did not and met with the City yesterday. He was unsure of the results of the meeting.

Mr. Trovinger stated they met with Ms. Ward and Ms. Taylor and they asked for an updated survey which the contractor provided to them along with an updated proposed plan. He stated the next cut off date for the Board of Adjustments was March 27th. He stated he asked them if he could start making the changes they discussed and they told him not to do anything until after the meeting. He stated he had spoken to the neighbors and no one had complained.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent to appear at the May 9, 2019 meeting for a progress report and the determination of a compliance date. Mr. Harrington motioned the same with Mr. Jones seconding. Motion was approved (6-0).

CASE # 2 - CEB 12-18-159 - Audrey Houston is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 604.3, 704.2); Art. 6 Sec. 6.19.A.4 (Ref. FBC Supp IPMC 304.14); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90.297), at **727 School St.** Violation(s) – Electrical system hazards, insect screens, no smoke detectors, structural appearance standards - roof, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 10/26/2017.

Ms. Audrey Houston, owner, Ms. Debbie Filer, daughter of one of the heirs, and Ms. Quenneda Jones, daughter of Ms. Houston, came forward and were sworn in.

Mr. Jackson stated the inspector is Jerome McCoy and reminded the board that this was an heir situation and has some aspects of dispute. He stated they applied for permits which probably won't get approved because it wasn't pulled by a contractor. He stated they are scheduled for compliance for April 3 and nothing is completed yet.

Mr. McCoy stated they have replaced some screens on the windows and painted the property. He stated the permit was applied for on the 11th but would be denied due to the fact that a licensed contractor has to pull a permit for the roof.

Mrs. House asked how many of the 4 units are occupied and Ms. Houston stated 2.

Ms. McLean asked if they had a roofing contractor lined up and Ms. Houston stated yes.

Ms. McLean asked if they were licensed and Ms. Houston stated yes.

Mrs. House asked about the holes in the ceiling.

Mr. McCoy stated that it was the apartment with the tenant complaint and they got the tenant out but they needed permits for the roof and the interior, drywall and water damage, electrical and fire.

Ms. Houston stated she thought it was just half of the property and only the apartment that needed to be done.

Mr. McCoy stated that the original tenant complaint came from that unit and that was the only one he was able to get inside and inspect.

Ms. Kuendig asked if in order to get a Rental License the whole place needed to be inspected and Mr. McCoy stated yes.

Ms. Houston stated she would not be renting the property. She stated there were two units, occupied by her and her nephew, and that her nephew does not pay rent.

Mr. McCoy stated there were two buildings on the parcel and the other building did not have any issues.

Ms. Kuendig asked Mr. McCoy to tell Ms. Houston and what needed to be done to come into compliance.

Ms. Houston asked how long they had.

Ms. Kuendig stated the compliance date is set for April 3.

Ms. Jones asked if that was the final day, and stated her mother is trying to do it on her own. She stated they were told one thing and now they understand that the permits have to be pulled for other things and she does not go think April 3 is realistic.

Ms. Robey asked if they had contacted a contractor yet and Ms. Houston stated no.

Ms. Filer stated although Ms. Houston is an owner that they are were other names on the property including her mother and she was told to get a mediator so that they can get everything done and it is not solely Ms. Houston working on her own.

Mr. Harrington and asked the respondents to provide the secretary with a list of the owners.

Ms. Barnes read the names of the owners from the Volusia Property Tax report and notes were made of the correct name in the Case File.

Mr. Harrington asked the Board if they could sets specifics on what they expect at the next progress report.

Ms. Kuendig stated we can't expect them to have anything done until they have a contractor.

Mr. Harrington stated that what he would like to expect at the next progress report was for them to have the contractors contracts in hand.

Mrs. House read the violations.

Ms. Filer asked if when they came back on April 3 they needed to have a contractor in place and the Board agreed.

Mr. Harrington stated that would also pertain to any paperwork from the City regarding permits.

Mr. Jackson stated that have been keeping in contact with the inspector.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until the May 9, 2019 meeting for compliance and at which time the respondent shall provide a progress report and have permits and contracts in hand. Ms. Robey motioned the same with Mr. Harrington seconding. Motion was approved (6-0).

CASE # 6 - 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. Accessory 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.

Ms. Evelina Brockington came forward and was sworn in.

Mr. Jackson stated the inspector is John Stenson and he reports the respondent has made substantial progress and are asking to amend until the next cut off.

Mr. Stenson stated the respondent has removed about 75% of the outside storage and they have begun to make improvement on the structure but will need permits.

Discussion was held regarding the current violations.

Mr. Stenson stated the fence has been fixed and the junk vehicles are gone, lattice work has been removed, the boards were removed, she still needs to work on the doors, infestation is gone and dogs removed, the water is on and the damage to roof is still there, which is what they need a permit for.

Mr. Harrington asked she was in negotiation with the roofing contractor.

Ms. Brockington stated there was nothing wrong with the roof.

Ms. Kuendig asked about the painting.

Ms. Brockington stated that she was working on the painting.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until May 1, 2019 to come into compliance or be returned to a subsequent meeting 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 was approved (6-0).

CASE # 7 - 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 inspector is John Stenson and he reports they have been working on compliance. He stated the permits were issued on January 25. He stated there been several complaints from the neighbors regarding this issue and based on the progress, Mr. Stenson believes the respondent can be in compliance by the next cutoff.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until April 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Ms. McLean seconding. Motion was approved (6-0).

CASE # 10 - CEB 02-19-28 - Allen & Deborah Bukowski is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.2; Art. 6 Sec. 6.2.H.7.a, at **420 Golf Blvd.** Violation(s) – Shed not permitted on City easement, parking on unimproved surface on City easement. First Notified – 9/10/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Steve Alderman and he reports the property remains in non-compliance and is asking for a fine of \$100 per day to a maximum of \$10,000.

Steve Alderman, Code Inspector, stated that he expected the respondent to be there but they were not. He stated the case began as a CRM complaint regarding a commercial vehicle and storage shed placed on an easement of the City. He stated there has been no change in the parking location or the shed since he's open the case.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$100 per day, effective March 14, 2019, and continue until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 12 - CEB 02-19-29 - Mark Spritzler as Trustee of the Perfect World Programming Trust u/a/d September 8, 2017 is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **117 S Grandview Ave.** Violation(s) – No permit/posted Stop Work Order (SWO). First Notified – 10/11/2018.

Mr. David Headley came forward and was sworn in.

Mr. Jackson stated that the case is before you for a progress report and the compliance date is already set for April 3. He stated the inspector is Steve Alderman and he reports that the permits have been pulled and is asking to amend to the next cutoff.

Board Action

No action was taken as the compliance date is set for April 3, 2019.

Mrs. House left the Chamber at 10:11 a.m.

CASE # 13 - CEB 02-19-20 - Walter McCarthy is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.7, 308.1), at **2210 N Oleander Ave.** Violation(s) – Damaged accessory structure/fence, rubbish and trash. First Notified – 8/9/2018.

Respondent was not present.

Mrs. House returned to the Chamber at 10:13 a.m.

Mr. Jackson stated inspector is Steve Alderman and he reports the case was complaint generated and the property remains in non-compliance, he has still not obtained permits and is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Mr. Alderman stated the fence was taken down by a hurricane and they need a permit to put it back up. He stated the pile of wood in the picture has now been put up as a fence and that he had posted the property with a stop work order.

Mr. Cino asked the inspector if he had been in contact with them.

Mr. Alderman stated he had left his business card in the door but has had no contact with him.

Mr. Harrington asked if he could remedy the situation by taking down the fence and Mr. Alderman stated yes.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$100 per day, effective March 14, 2019, and continue until compliance is achieved or reaches a maximum amount of \$10,000. Ms. McLean motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 14 - CEB 02-19-32 - Assad O. & Selma Z. Knio is cited for failure to correct violations of The Land Development Code, Art 6 Sec. 6.2.H.4; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.7), at **1301 Woodbine St.** Violation(s) – Damaged roof, parking on the front and side yard, damaged fence. First Notified – 10/16/2018.

Respondent was not present.

Mr. Jackson stated that the property had been sold and the City is asking to dismiss the case. He stated the new owners were made aware and the property is in compliance except for a fence.

Board Action

Mrs. Kuendig asked for motion to dismiss the case. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 15 - CEB 02-19-24 - Katie Deweese is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.A; Art. 6 Sec. 6.2.H.7.A, at **833 Valencia Ave.** Violation(s) – Parking on an unapproved surface on the front lawn. First Notified – 9/20/2018.

Respondent was not present.

Mr. Jackson stated there continues to be no contact with the property owner, the property remains in non-compliance and they continue to park on an unapproved surface and Inspector Recanzone is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

There was discussion regarding the trailer parking on the grass and where on the property parking is allowed.

Mrs. House asked when they notified the respondent was it just posted on the house or a letter sent to the owner.

Mr. Recanzone stated he posted the property, a letter was sent and he placed a notice at City Hall.

Board Action

Mrs. Kuendig asked for motion to impose a fine of \$100 per day against the respondent, effective March 14, 2019, and continue until compliance is achieved or the fine reaches a

maximum amount of \$10,000. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 16 - CEB 02-19-31 - Patricia H. Heard is cited for failure to correct violations of The Land Development Code, Art 3. Sec. 3.4.S.1, at **822 Vernon St.** Violation(s) – Installed fence without a permit. First Notified – 9/21/2018.

Ms. Patricia H. Heard came forward and was sworn in.

Mr. Jackson stated the inspector is Cliff Recanzone and he reports that the respondent is working with challenging neighbors, there is dispute concerning property lines and the neighbor is not being very cooperative, so we are asking to amend to the next cutoff.

Mr. Recanzone stated the neighbor is pulling a survey to determine where her property line is.

Ms. Heard stated she has been living there since 1962 and she has surveys and doesn't mind complying with whatever she needs to do. She did not know to replace the fence that you needed a permit and that a permit was pulled in October.

Captain Scott Lee, Daytona Police Department, stated that Ms. Heard has done all that she can. He stated they have stepped in to mediate the disagreement and will be using Ms. Heard's survey once they have confirmed the survey is accurate. He stated the neighbor has agreed to let Ms. Heard finish her putting up fence. He stated he believes there will be an answer by the next cut off.

Ms. Heard stated she plans to put a three or 4 foot fence down the property line to the road so her grandchildren will not have to deal with the issue and go through what she's going through.

Mr. Stenson stated they have investigated the other properties in the area using the rule of six and will be citing those properties on her block that are also in violation of the Land Development Code.

Board Action

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow respondent until April 3, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day until compliance is achieved. Ms. Robey motioned the same with Mr. Harrington seconding. Motion was approved (6-0).

Mr. Harrington left the Chamber at 10:27 a.m.

Mrs. Kuendig called the next case, which was a new case.

CASE # 17 - CEB 03-19-64 - Barry & Linda Jane Chantler is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **2716 S Atlantic Ave.** Violation(s) – Parking on the street side yard. First Notified – 12/4/2018.

Mr. Barry Chantler came forward and was sworn in.

Mr. Harrington returned to the Chamber at 10:30 a.m.

Mrs Kuendig asked if the respondent lived there and he stated it is a holiday home and he travels back and forth.

Mr. Jackson stated the inspector is Cliff Recanzone and he reports the property is still in non-compliance and the respondent is parking on the street side yard which is not permitted so the inspector is recommending that the property owner come into compliance as soon as possible and definitely by the next cutoff.

Mr. Chantler stated when he bought the property there were other cars that were parked thereand he thought that was his backyard since his front door is on A1A.

Ms. Kuendig asked if it was a corner lot.

Mr. Chantler stated that it was not and he had been told that it is actually a street side yard. He stated he had researched and according to Muni code he has a back yard and not a street side yard.

Ms. Kuendig asked the respondent what he thinks the solution is and he stated that he believes he's in compliance.

There was extensive discussion on whether Mr. Chantler has a front and back yard or if both the front and back of his house is a side yard.

Mr. Jackson stated that the respondent has two front yards. Where his mailbox and address numbers are is considered streetside.

Mr. Chantler stated the mailbox was moved at the request of the Postal Service from A1A. He stated all of the owners of the houses on the street agreed to move the mailboxes for safety reasons except one. He stated there were 68 properties that agreed to move the mailbox. He stated he put the address numbers on the property when he was asked by the Postal Service to move the mailbox and they are the same numbers as the adjacent property on Ridge Road. He stated he would move the mailbox or take the numbers off if required.

Ms. Kuendig asked if there is a place on the property that the boat could be moved.

Mr. Recanzone stated, if the location of the boat is considered a front yard, there would be no place for him to put the boat that was not on an unapproved surface.

Mr. Cino asked if he could put it behind the setback.

Mr. Recanzone stated he doesn't have much side yard on both sides of the property and he doesn't have much side property storage space left.

Ms. McLean asked if there were additional houses on the street that also had boats parked and this is complaint generated by neighbor.

Mrs. House stated she did not believe a property can have two front yards.

Ms. Robey stated the issue is that it's parked on an unimproved space. She asked if it were concreted over, could he parked there.

Mr. Jackson stated the conclusion of City staff was that parking was not allowed on any street side yard outside of the driveway.

Ms. McLean stated she believes whatever they decide today needed to apply to the whole street.

Mr. Jackson stated Code Enforcement would be visiting every house on the street that has the same issue.

Mr. Harrington asked the boat would fit in the garage.

Mr. Chantler stated when he leaves he puts the boat in the garage.

Mr. Harrington asked him if he could just put it in there now.

Mr. Chantler stated there were other vehicles in the garage.

Mr. Harrington stated someone was gonna have to compromise on that space.

Mr. Chandler stated that at the moment he wanted to clear up the reason he was called in for and that he was never under the impression that were ever two front yard properties.

Ms. McLean asked if this was a zoning issue.

Ms Jane Luzader, neighbor, came forward and was sworn in. She stated she lives across the street from the property and has lived in the property since 1978. She stated everyone had maintained their streetside yards up until now. She stated this is the first time she's ever had a problem with boats in the yard, extra cars in the yard, and that he would have room on the side yard except he has a huge storage trailer there which used to be out in the front where the boat is now until she finally got it moved to the side yard. She stated this was devaluating her property values. She stated there was one other boat that appeared at the corner that needs to be dealt with but that nobody else has a boat and there are no boats parked in any other yards on the street.

Additional discussion was held on whether Mr. Chantler has a front yard, back yard or street side yard.

Mr. Cino asked there was someone from planning and zoning that could speak to the issue but no one could be located.

Mr. Jackson stated that whether it was a front yard or back yard, it was a street side yard and there is no street side parking.

Mr. Cino stated they needed someone to tell them that this was street side and would like someone from planning and zoning to tell them what the definition of street side is so they would know which way to go.

Mr. Jackson stated that we can ask this and if it was a simple definition that is fine but if not they needed to table it until the next meeting. He stated they did not mind waiting to see if there were someone available from planning. He stated that should this happen again they should have some basis on what the definition is. The case was scheduled for recall.

CASE # 18 - CEB 03-19-63 - Edythe P. Fernando 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, 304.2, 304.3, 304.7, 505.1), at **530 Shady Pl.** Violation(s) – Vacant structure, weeds, protective treatment, premises identification, roof and drainage and water system. First Notified – 1/11/2019.

Respondent was not present.

Mr. Jackson stated the inspector is Cliff Recanzone and was not surprised that no one was present. He stated the inspector reports that he has had no contact with the respondent, it is vacant property, and is asking for a finding of non-compliance and allow them to the next cutoff to come into compliance. He stated they had done all of the notifications that are requested by statute.

Board Action

Mrs. Kuendig asked for a motion to find respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for consideration of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE # 20 - CEB 03-19-65 - Larry S. Johnson, Lisa B. Johnson & Lisabeth Sarah Johnson is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **124 Bittern Ct.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/1/2019.

Ms. Mary Lynn Hastings, broker for Mary Lynn Realty and Property Manager, came forward and was sworn in.

Mr. Jackson stated the inspector is Jerome McCoy and he reports that the property remains in non-compliance, they have been working on obtaining compliance, they had a rental inspection on March 1, and still have some things they need to take care of. He stated they have not scheduled for reinspection yet and is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. McCoy stated there was damage on the inside walls from water causing a stain but there is not an active leak. He spoke to the owner and the roof had been looked at but he has not been provided any documentation that it has been corrected. He stated there was also an issue with the A/C unit and heating that needs to be addressed. He stated the other issues were minor such as a fence and some rotted wood on the exterior and in the front of the house there some rotted wood and some of the siding needed to be replaced.

Ms. Kuendig asked if they needed permits.

Mr. McCoy stated if there was something going on with the roof.

Mr. Harrington asked if this was a rental.

Mr. McCoy stated the violations came from a tenant complaint so there were people renting the property but it is now vacant.

Ms. Kuendig asked if they plan to re-rent the property.

Ms. Hastings stated not until the property is in compliance. She stated in her opinion, the roof needs to be replaced and she's getting estimates for the property owners. She stated it was not a heavy duty heating element in the heater but would only bring the house up to 73° and the tenants wanted it at 78°. She stated the law states that she has to provide heat and the unit has heat. She stated she never had a complaint before and when she got the A/C guy out there he told her it was a small compressor and was working as hard as it can.

Mr. Harrington asked how long she had managed the property.

Ms. Hastings stated about 5 years and she just found out they had not renewed their Rental License or she would have canceled him.

Mr. Harrington stated that he thought a property manager's job was to report when a property got into disrepair to the owner and get it fixed.

Ms. Hastings stated she had reported it to the owner and they have not done anything and that's the reason she let the tenant out of the lease. She stated she can't force the property owner to do work.

Mr. Harrington asked why the property owner wasn't there.

Ms. Hastings stated he could not get off work because of the short notice.

Ms. Robey stated the owner was notified on February 1.

Ms. Hastings stated she did not know where his mail went but that it was posted on the door. She stated there was no one in there and she had no reason to go to the property.

Mr. Jones asked if the owner was local.

Ms. Hastings stated that he lives in Daytona.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (6-0).

The Board recalled case #17.

Mr. Jackson stated as to their inquiry in planning they would need more time to get the information and would need to continue the case until the next meeting.

Board Action

Mrs. Kuendig asked for motion to continue the case until the April 11, 2019 meeting. Mrs. House motioned the same with Mr. Jones seconding. Motion was approved (6-0).

CASE # 22 - CEB 03-19-34 - Elvina Miller is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **550 N Ridgewood Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/14/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the property remains in non-compliance and is requesting next cutoff for the property to be brought into compliance and there is a neighbor, witness who would like to testify.

Mr. Greg Sheridan came forward and was sworn in. He stated he had lived next door to the property for 18 years and the property had been vacant since 2011. He stated they rented the property to a couple named Phelps. He stated the next month she got arrested and he did not know where he went and then her daughter and her daughter's boyfriend came in. He stated they disappeared for a while and there were a lot of other people living there as well. He stated there is about a dozen and a half people living there right now. He stated he would see Ms. Miller every now and then and bang on the door and she would tell him she's trying to get her rent. He stated the woman that is living there says she's buying the property as a rental with an option to buy. He stated the owner is claiming that the woman is living there for free. He stated it had been rented since June. He stated there was a moving trailer and a truck the other day and someone else moved in. He stated they have changed the mailbox to read 551 and 2.

Ms. Kuendig asked Capt. Lee if it would make it a police issue with so many people living there.

Capt. Lee stated there may be a secondary code violation as to dorm living but they did not believe it was a squatter situation.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

Mr. Cino left the Chamber at 11:01 a.m.

Mrs. Kuendig called a break at 11:02 a.m.

The meeting resumed at 11:12 a.m.

Mrs. Kuendig called the cases of the respondents that were left in the Chambers.

CASE # 38 - CEB 03-19-44 - Catherine M. Fischer & Stephanie D. Fischer 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), at **141 Kingston Ave.** Violation(s) – Maintenance Code - dirt and grime, faded missing and peeling paint, damaged fencing, outside storage, and trash and debris. First Notified – 12/12/2018.

Ms. Catherine Fischer (mother) and Ms. Stephanie Fischer (daughter) came forward and were sworn in.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports that the property remains in non-compliance and is asking that the property be brought into compliance by the next cutoff.

Ms. Stephanie Fischer stated that she was 8 months pregnant and did do some of the painting on the bottom of the house but she doesn't have a ladder so she couldn't get up there to paint the top and she is not working and has no income. She stated that her father was fully handicapped and had a severe stroke so she was living with her mother and helping to take care of him for now.

Mike Fitzgerald, Code Inspector, stated the respondent needs to paint and fix the fence and did not need any permits.

This Kuendig asked the respondent if she agrees that the property is not in compliance and the respondent stated she agreed.

Mr. Jackson stated the City is agreeable to extending the compliance date a couple of months but that respondent needs to maintain the exterior such as outside storage.

Board Action

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

CASE # 35 - CEB 03-19-47 - Robert Hsieh is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **210 Williams Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/27/2018.

Mr. James Stowers, Esq. came forward.

Mr. Jackson stated the inspector is Mark Jones and he reports the property is currently in non-compliance and is asking that it be brought into compliance before the next cutoff.

Mr. Jones stated the owners are renting 4 units and it is in an area that is zoned for single-family. He stated in July, 2012, when they adopted the new ordinances for rental properties, this property did not have Rental License. He stated the owner was forwarded a application for Rental License in February, 2013 and when the City did not hear back from them, a letter was generated by the Chief Building Official in July, 2013 stating that they had to come into compliance or they would lose their grandfathering and it would go back to a single-family unit. He stated they did not apply for a Rental License until April, 2017 and it was a different owner. He stated the application was denied in May, 2017 and the application fees were returned in July, 2018. He stated the same owner submitted another application, which was denied. He stated this case came as a citizen complaint because they placed "for rent" signs outside of the house. He stated he spoke to the owner numerous times and they came and submitted an application on January, 2019 for 1 Rental License even though 3 units are occupied. He stated the property is in non-compliance and is asking for the next cutoff to come into compliance.

Ms. Kuendig asked if this was originally a single-family house.

Mr. Jones stated it was never a single-family house and was built as 4 units.

Mr. Harrington asked if they've ever written it up as a code violation for the roof.

Mr. Jones stated the complaint that came in was for a 4-unit building where it was only supposed to be a single unit and there was no license on file. Mr. Jones provided a copy of the original letter from the Chief Building Official in September, 2013 stating if they didn't apply for their license they would lose grandfathering and it would go back to single-family zoning.

Ms. Kuendig asked if the rule was that if it is not used as or licensed as a rental property for a certain period of time then the grandfather goes away and Mr. Jones stated that is correct.

Ms. McLean asked if he had purchased the property after it had lost its grandfather status and Mr. Jones stated that is correct.

Mr. Stowers stated the letter, that was sent by the City in 2013, was sent to the then owner and unfortunately his client acquired property in August, 2013 so whether it was received by the previous owner in September, 2013 he did not know. He stated the property is non-conforming and it was built in 1949.

Ms. Kuendig asked if it was built as a 4 Plex.

Mr. Stowers stated that was his understanding.

Ms. Kuendig asked if it was permitted at that point as a 4 Plex.

Mr. Jones stated that was his understanding.

Ms. Kuendig asked when the zoning laws changed.

Ms. McLean stated the current owner should have gotten that letter and it went to the previous owner.

Mr. Stowers stated the letter was addressed to the former owner. He stated the owner told him he acquired the property in August 2013 and had done some work to it and has been renting it since then and he doesn't know why there was never a business license in 2013, 2014, 2015, 2016 or 2017 but the issue is that it was occupied during that time. He stated if you don't have the use, you lose the effect that it was being rented. He stated that is the first level. He stated the second level is there are some details about the 2017 application that are not quite clear. He stated his client asked the previous owner if there were any code enforcement issues on the property and they told him there was not. He stated he looked at the website for the City and discovered there were code violations before that time and there was an open 2017 code enforcement file for no Business Tax Receipt and for no Rental License. He stated at that time, the property owner submitted applications on April 2017 for the tax receipt and included payment. He stated the owner said he did not receive his check back and was not refunded the money and as far as he was concerned he believed the application, with the fee, met the permitting requirements for 2017. He stated he was skeptical about that because when he looked at the website this morning, the documentation from the case in the 2002 code case says it was closed May 10, 2017 which is consistent with the check being submitted in April 2017 and it was marked in compliance so if there is something contrary to that he would prefer there be a record. He stated when you get 2018, he came in and submitted an application in July and his understanding was it was rejected or not accepted and then the manner came back in December that said you don't have a license and they don't have the thing he submitted in July, and there are no approvals because of the usage so on 2/2 his client submitted for one address but that didn't get anywhere and she was given the Notice for hearing today. He stated he started drilling down to see when the non-conformity was lost - it's rented, it's been rented since the owner purchased the property and there was no question there was a miscommunication 6 ½ years ago. He stated they are at the point where the position of City was they would not speak to them but they said they would grant them their Business License if they tear out all the kitchens in the other building. He stated that the building was constructed years ago in is non-conforming state and asked how do you unravel and change the front doors, take out walls, remove kitchens to get a Business License and to rent to one person. He stated the code says you can't get a variance, and it's non-conforming and that's a death blow to the property owner so if there's an opportunity that they can go back and say it's non-conforming, that it has been kept up and let's keep that in place unless they abandoned, which is not gonna happen, and his client is looking for an opportunity to reset what appears to be a miscommunication from 2013.

Mr. Harrington asked if the tax assessor says he has a 4 Plex or a single family home.

Mr. Stowers stated it is a 4 Plex and is being taxed as such. He stated the building has a value of \$254,000 not including the land.

Mrs. House asked if in the last 6 ½ years has he ever had a Rental License or did he just apply for one unit.

Mr. Stowers stated he'd been there 6 ½ years but doesn't have confirmation that he had a Rental License.

Mr. Jackson stated they believe that our code requires him to be compliant with law. He stated the issue of getting a letter, which was actually an offer and a grace period, did not change the law and because they didn't get the letter that wouldn't change the law. He stated even if they continue to use it and didn't obtain a Business Tax License, that wouldn't make it a valid and lawful law use so, the use was abandoned and once the use was abandoned, it was abandoned. He stated the result is a tough result but he doesn't know if it's unreasonable because that's what the law is and they have to convert back to the single-family status - that's what was being required. He stated Art. 1 Sec 5.3(f) Non-conforming uses of the Land Development Code states, "*An existing nonconforming use of any building or structure shall not be reestablished after discontinuance for three months in any redevelopment district, or discontinuance for six months in any other district.*" He stated in the letter that was sent it stated "consequently once in violation of this Land Development Code properties may be required to be restored or converted to lessor single-family use to comply with the current zoning". He stated non-conformity is something that is a legality, and it is legal non-conforming, and it remains illegal and it's not expanding and it's not all those other things that we know it's not that you're not allowed to do on a property that's non-conforming. He stated the plan was, as things change, that it would continue and become part of the new zoning plan so it's not like it's supposed to be that way forever because it was that way before.

Mr. Cino stated the City adopted the Rental License program back in 2012.

Mr. Jackson stated they had a Business Tax Receipt before that.

Mr. Cino stated he can't get the Business Tax Receipt before he gets the Rental License.

Mr. Jackson stated it had nothing to do with Business Tax Receipt. He stated are you legally conforming if you don't have a Business Tax Receipt with the rental. He stated they had an occupational license program previously but subsequently started the current rental program.

This Kuendig asked when the rental program started.

Mr. Jackson stated in 2012.

Mr. Cino asked Mr. Jackson if his argument is that the reason the non-conforming use was abandoned was because he didn't have a Rental License and a Business Tax Receipt.

Mr. Jackson stated yes, because he never conformed. He stated ultimately it became an issue because he didn't have a Rental License.

Ms. Kuendig asked if that was what made him non-conforming. She asked if he had asked for a Rental License, would it still be a 4 Plex.

Ms. Robey stated, when he bought the property, if he had applied it would still be a 4 Plex because he would have fallen into the grandfathering.

Mr. Jackson stated he did not know the answer.

Mr. Jones stated as of September 29, 2013, when there was not a Rental License, he lost his grandfathering and they gave them a large extension and called it a one-time grace. It was not been license is 4 Plex.

Ms. Kuendig asked if Mr. Hseih owned the house in 2013 when that happened.

Mr. Stowers stated the Notice went out in July 2013 and was addressed to the previous owner and his client acquired it in August 2013.

Mr. Cino stated it would be incumbent upon the previous property owner to inform Mr. Stower's client because it definitely affects the price of the property.

Ms. Kuendig asked if they closed on it in 2013.

Mr. Stowers stated yes, August 2013. He speculated that the previous property owner received the notice thought, I don't own this property anymore, and threw it away. He stated he did not know if his client ever receive the letter or saw it at all. He stated in terms of whether having a Rental License maintains the use or if they are focused on the letter of 2013 and he believes it is the 2013 letter. He stated if he could get his client to show and demonstrate that he has rented the property and had it in that use...

Ms. Robey stated if he had gone and got a Rental License in 2013, it would have been conforming and grandfathered in but he didn't do that and that's why the City pulled it.

Mr. Stowers stated there were two questions - he didn't have a Business Tax Receipt and he didn't have of Rental License.

Capt. Lee reminded the Board the case is currently about compliance and he is not in compliance. He stated he can work through the issues with zoning in order to come into compliance. He stated currently, in order for it to be rented, it needs a Rental License and it doesn't have one. He stated regarding the previous compliance of 2017, the rental program had not changed over the years and back then there was a practice in place where when you applied for the license, they closed the code case and there is a note in there that states the person is working toward the rental program. He stated they didn't complete that process and that's why we are here.

Ms. Kuendig stated she thinks that's where we are today, and since the respondents do not have a Rental License, they are not in compliance. She stated the fact that they may or may not give them one is a separate issue.

Capt. Lee stated he would encourage the respondent to have a conversation with zoning.

Mr. Stowers disagreed and stated when speaking with Mr. Jones, the basis for not providing a rental and business license is the fact that there are 4 units there an the two are intertwined and cannot be separated. He stated if the non-conformity is addressed, the business tax and a walk-through, it would be issued. He stated he will work with the City on dealing with what seems to be a notice issue. He stated he was here in 2012 and paid attention when it was implement and there was outrage from the City about this exact situation. He stated they put in non-conforming uses and people would you lose it and it's had a devastating impact.

Capt. Lee stated we cannot resolve that here.

Mr. Cino stated there was no question there were violations and the question is whether he can come into compliance and we don't know.

There was discussion as to how much time to give the respondent and if the respondent would be able to come into compliance.

Mr. Jackson stated he would get with Mr. Stowers and they would talk to zoning. He stated Mr. Stowers said he would get with people in the City to answer those questions and if it allows him to have 4, he will have 4 and if it allows them to have 1, he would have one. He stated if they decide to take legal action then they will do that.

Ms. Kuendig asked what they should do in the meantime, find them in non-compliance because they don't have the rental inspection, the Rental License or the BTR. She stated it was mind-boggling to find them in non-compliance and they can't get it.

Mr. Cino stated they could do that and find them in non-compliance and put it down a couple of months down the road. He stated at this stage they are not fining anybody and there's not a lien which could encumber anyone's property.

Mr. Jackson stated there was nothing that would have prohibited him from obtaining a Business Tax Receipt for the property for a long period of time. He stated it's been years since they had this program.

Ms. Kuendig asked when you get a Business Tax Receipt you have to say what the business is for and how would he get a license.

Mr. Jackson agreed and stated they are willing to give him time to figure out this question.

There was discuss regarding what the Board's ruling should be.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to appear at the April 11, 2019 meeting for a progress report and the determination of a compliance date. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (6-0).

CASE # 23 - CEB 03-19-35 - Frank Benjamin Sampson, Jr. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.13.2, 305.3, 504.1, 605.1); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **326 Hobart Ave.** Violation(s) – Damaged exterior surfaces, peeling paint, windows do not open, damaged interior walls and ceiling, leak under sink, non-working fans, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/11/2018.

Mr. Frank Samson, son of the owner, came forward and was sworn in.

Mr. Jackson stated the inspector is Danny Garcia and he reports that he has been in contact with the respondent, the property is still in non-compliance and is asking for the next cutoff for compliance.

Ms. Kuendig asked if the work required permits and Mr. Garcia stated not at this time.

Mr. Sampson, son, stated they were confused and he and his father didn't understand what it took to have a rental property and the property set empty for a long time. He stated he had a friend that needed a place to stay and she had children and since the house of sitting there empty, they thought it was okay to let her rent it and live in the home and they didn't know that they had to have a Rental License so they are going to evict her because it's too much to keep the property up and his father is in bad health. He stated they were going to get the work done regardless.

Ms. Kuendig stated if they were not going to rent the property, no Rental License and no Business Tax Receipt would come off the list violations but the rest would remain on the list.

Mr. Sampson stated they were going to do the work.

Mr. Cino asked if the tenant was going to voluntarily leave or if they were going to evict her.

Mr. Sampson stated he had asked her to leave when this originally occurred at the end of last year and she couldn't pay the rent so she made a complaint. He stated she was aware of those things when she moved in and reported the violations as a vendetta.

Ms. Kuendig asked it was complaint driven.

Mr. Garcia stated the tenant made the complaint.

Mr. Sampson stated she has now started to pay. He stated they lowered the rent so she can afford it.

Mr. Frank Samson, Jr., owner, came forward and was sworn in.

Mr. Sampson asked how long it takes to evict people Mr. Cino responded 30 to 60 days. He stated he was concerned that the work that they do now would be trashed by the tenant and had pictures of all the things they have done so far.

Ms. House stated she believes they should give the respondent opportunity to come back for a progress report since he's in the process of eviction.

Board Action

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

CASE # 27 - CEB 03-19-62 - Kelly Rose, Kristen Rueda, Peggy Snider & Kimberly Rueda

is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.2, 304.13), at **308 Kingston Ave.** Violation(s) – Vacant structure, damaged fence, peeling paint, siding coming undone, and broken windows. First Notified – 10/12/2018.

Ms. Kelly Rose, respondent, and Mr. Roger Rose, husband to the respondent, came forward and were sworn in.

Ms. Kuendig asked if the structure was vacant and Ms. Rose stated yes.

Mr. Jackson stated the inspector is Danny Garcia and he reports the property remains in non-compliance and is asking until the next cutoff for the property to be brought into compliance.

Mr. Garcia stated the property is vacant and was generated through complaints to the Police Department. He stated the property has fence issues, broken windows, peeling paint, and transients were always around it. He stated he spoke to the owner several times on the phone and she stated that her sisters are also tied into the property and that she was selling it. He stated they put up a fence and the transients took the fence down. He stated it's down again and when he was there yesterday, the buyer said the sale had fallen through and she was going to have it demolished.

Ms. Rose stated in November of last year they had a buyer for the property, and it was going through, and the gentleman that was buying it owns the lot next to it and when her father died it passed to her and her sisters. He stated the names are incorrect on the Notice and that they have filed for a permit to demo. She stated it should be Kelly Rose, Kristen Risch, Peggy Snyder and Kimberly Wade. She stated according to the attorney she retained it was corrected in December but she did not have a copy.

Ms. Kuendig instructed the respondent to give the information to the secretary and the names were corrected for the Notice.

Ms. Rose stated her attorney corrected it with the court and send her a copy of it being corrected in December she stated it was a summary judgment but did not have a copy. She stated that some of the pictures are new and some of the pictures are old and that they cleaned up the driveway. She stated the homeless people have come in and taken portions of the fence and put it up and pulled the boards off the doors.

Ms. Kuendig asked if the property had been trespassed and Ms. Rose stated it had.

Ms. Rose stated the transients had moved all the trespassing signs. She stated when her father died someone connected the water and she had a \$500 bill.

Mrs. House asked if she was fixing up the house for a rental.

Ms. Rose stated she's trying to get a permit to demolish it. Ms. Rose stated when she went to sell the property she was told there was a \$15,000 dollar lien on the property.

Ms. McLean asked if she had a company lined up to demolish the property and she stated her son-in-law is licensed and he would take care of it.

Ms. Rose stated she applied for the demo permit on February 27.

Ms. Kuendig asked if this was a police issue.

Ms. Rose stated they filed a no trespassing when the water issue started and she said it had expired.

Mr. Harrington stated it was in non-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 April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE # 30 - CEB 03-19-58 - Virgil Rosenfeld & Ellen Rosenfeld Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.13); City Code Ch. 90 Sec. 90-297, at **228 Bay St.** Violation(s) – Damaged stair, railing, broken window, damaged fence and failure to obtain Business Tax Receipt (BTR). First Notified – 10/24/2018

Ms. Patricia Warner, Trustee and daughter, and Mr. Daniel Rice, Property Manager, came forward and were sworn in.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the property is still in non-compliance, he has had contact with the property owner and is asking for the next cutoff to bring the property into compliance.

Mr. Garcia stated people are living there and there are 9 units and they are in the process of fixing the property.

There was discussion regarding the safety of the staircase and that it was a fire escape and the problem with emergency responders getting into the units.

Daytona Beach Police Officer, James S. Thomas, came forward and was sworn in. He testified there are several life safety issues at the property that need to be addressed that he encountered when on calls there.

Mr. Mark Jones explained Permits and Licensing does an inspection for properties over 5 units to obtain a Business Tax Receipt and they would address those issues.

Mr. Jones left the Chamber at 12:23 p.m.

Mr. Jones returned to the Chamber at 12:25 p.m.

Mr. Rice stated that he was 75 or 80% completed and would be in compliance. He stated that included the code and building inspection lists.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. It was further ordered that life safety issues be resolved immediately including stairwells and all issues regarding ingress and egress. Mr. Harrington motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 42 - CEB 03-19-53 - Angela Reed is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.1, 302.7, 302.8, 304.2); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **125 Vermont**. Violation(s) – Recycle storage, vehicle parts, glass, landscape, motorcycle parts, paint, unlicensed vehicle, debris, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/15/2018.

Ms. Angela Reed, owner, and Mr. Scott Biederman, potential buyer, came forward and was sworn in.

Mr. Jackson stated Inspector Alderman reports that he has had some contact with the respondent and is asking for the next cutoff to come into compliance.

Mr. Alderman stated the property is vacant, the case was opened 11/15/2018 and numerous issues have been cleared up. He stated they no longer need a Rental License and the potential buyer is in attendance. He pointed out violations on the pictures and stated the violations that remained and the ones that have already been fixed.

Ms. Reed stated she inherited the property and the neighbor keeps putting things in her yard and takes the fence down. She stated a month ago they trespassed the property.

Mr. Biederman stated he has a contract to purchase the property and he will bring the property into compliance and take care of the painting.

Board Action

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

CASE # 46 - CEB 03-19-57 - James Carson Warters, Jr. is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.1, 302.7, 304.8, 304.10, 702.1), at **1700 N. Halifax Ave.** Violation(s) – Clear door access, storage on porch, landscape maintenance, paint structure, trash & debris, garage maintenance, roof repair, deck maintenance, outside storage - yard, porch and front of garage. First Notified – 11/6/2018.

Mr. James Wartens came forward and was sworn in.

Mr. Jackson stated Inspector Steve Alderman reports the property is in non-compliance and is asking for the next cutoff to be brought into compliance.

Mr. Alderman stated the case came as a TracEZ complaint on 11/6/18 and they had cleaned up the landscape but has other issues that have not been addressed yet.

Mrs. Kuendig read the violations and Mr. Wartens stated he will have the other issues done by next month.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Mrs. House motioned the same with Mr. Jones seconding. Motion approved (6-0).

Ms. Robey left the Chamber at 12:37 p.m.

CASE # 48 - CEB 03-19-68 - Nancy Lee Kelley & Barbara Ann Plentz & Toni Signoretti is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4.a, at **333 Boylston Ave.** Violation(s) – Parking on the grass. First Notified – 10/15/2018.

Ms. Barbara Ann Plentz came forward and was sworn in.

Mr. Jackson stated the respondent has applied for permits to enlarge the driveway and he believes it will be in compliance by the next cutoff.

Ms. Robey returned to the Chamber at 12:39 p.m.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 43 - CEB 03-19-54 - David Manoulian is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.7, 302.8, 304.2); City Code Ch. 90 Sec. 90-297, at **129 Vermont Ave.** Violation(s) – Recycle storage, vehicle parts, landscape, paint, off street parking, outside storage, accessory structure damage, fence, failure to obtain Business Tax Receipt (BTR). First Notified – 11/15/2018.

Mr. David Manoulian came forward and was sworn in.

Mr. Jackson stated the inspector is Steve Alderman and he reports the property remains in non-compliance is asking that it be brought into compliance by next cutoff.

Mr. Alderman stated there were several issues that had already been brought into compliance but many items remain.

Mr. Manoulian stated he does what the City tells him to do and pointed out some of the violations that had already been corrected. He stated he is retired and the stuff he has collected are his projects.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 39 - CEB 03-19-45 - Charles Smith is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 302.8, 304.2), at **800 Madison Ave.** Violation(s) – Maintenance Code - broken and damaged fence, multiple junk vehicles in the back yard inoperable, faded and peeling paint. First Notified – 11/29/2018

Mr. Charles Smith came forward and was sworn in.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports that he has had no contact with the respondent, the property remains in non-compliance, and is asking for it to be brought into compliance by next cutoff.

Mr. Smith stated all of the cars had been removed and he is working on the fence and 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 April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 24 - CEB 03-19-49 - Harold Hayward is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 515.1); Art. 6 Sec. 6.19.A.3, at **531 Bellevue Ave.** Violation(s) – Missing siding, no running water and outside storage. First Notified – 10/18/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the property remains in non-compliance, has no running water, has had no contact with the respondent, and is asking for 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 April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Mr. Jones motioned the same with Ms. Robey seconding. Motion approved (6-0).

CASE # 25 - CEB 03-19-60 - Heather Burke is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **110 N Gardiner Ct.** Violation(s) – No permit for roof. First Notified – 1/18/2019.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the permit was issued on March 1, they are waiting for it to be finalized, and is asking for the next cutoff to bring the property 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 April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 26 - CEB 03-19-61 - John Schutz & Tina Willis is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3), at **153 Taylor Ave.** Violation(s) – Peeling paint and no address numbers. First Notified – 10/12/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Danny Garcia and he reports that the property remains in non-compliance, has had no contact with respondent, and is asking that it be in compliance by the next cutoff.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Mrs. House motioned the same with Ms. McLean seconding. Motion approved (6-0).

CASE # 28 - CEB 03-19-48 - Robert Matuszczak is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **266 Lexington Dr.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL) First Notified – 10/15/2018.

Respondent was not present.

Mr. Jackson stated the case began as a citizen complaint and when Mr. Garcia spoke to the owner he told him he was evicting the tenants. The inspector is asking for non-compliance and the next cutoff to come into compliance.

Mr. Garcia stated it was a single-family unit and is being rented but they're trying to evict the tenant.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and order the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. House motioned the same with Mrs. McLean seconding. Motion approved (6-0).

CASE # 34 - CEB 03-19-39 - Melissa B. Parlette is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **405 N. Halifax Ave., #205**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/29/2018.

Respondent was not present.

Mr. Jackson stated the property is still in non-compliance and that it failed inspection in September and Mr. Jones is asking for the next cutoff to come into compliance.

Mr. Jones stated they had to order some windows and should be able to make the next cutoff.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 37 - CEB 03-19-59 - Andres Echavarria is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **1050 Sheridan Rd.** Violation(s) – Parking on the grass in the front yard. First Notified – 2/15/2019

Respondent was not present.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports that the property is still in non-compliance, he has had no contact with the respondent and is asking for the property to be brought into compliance by the next cutoff.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 40 - CEB 03-19-43 - Justin M. Kirby is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **115 Azalea Dr.** Violation(s) – Multiple junk vehicles. First Notified – 12/3/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Mike Fitzgerald and he reports that he has had no contact with the respondent, the property remains in non-compliance and he is asking for the next cutoff to come into compliance.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 41 - CEB 03-19-37 - Constantine Christoforakis is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.9); Art. 6 Sec. 6.8.C, at **404 Auburn Dr.** Violation(s) – Damaged fence. First Notified – 11/5/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Steve Alderman and he reports that he has had contact with the respondent but, the property remains in non-compliance and he is asking for the next cutoff to come into compliance.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE # 45 - CEB 03-19-51 - Gordon M. Rothermel is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **333 Flushing Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/25/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Steve Alderman and he reports that the property remains in non-compliance and is asking for the next cutoff to come into compliance. He stated the inspector has had contact with the owner who wrote a letter stating he was not going to rent the house.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (6-0).

CASE # 49 - CEB 03-19-69 - Chester E. Perkowski is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.19.A.2; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.8.G; Art. 6 Sec. 6.10.G; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 304.6, 304.7, 304.9), at **315 Silver Beach Ave.** Violation(s) – Illegal/Not valid signs, retainer wall damage, rotted overhangs, rotted mansard roof, rotted siding, overgrown property, damaged window (slider). First Notified – 12/11/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Steve Alderman and he reports that the property remains in non-compliance and is asking for the next cutoff to come into compliance.

Mr. Alderman stated he has had contact with the respondent and he said he was transferring debt load to from this property to another so that he could demo it.

Board Action

Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Jones seconding. Motion approved (6-0).

CASE # 50 - CEB 03-19-70 - Katherine Crissman & Jessica Switzer is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.13, 304.13.1); Art. 12 Sec. 12.4.12; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.a; Art. 6 Sec. 6.19.A.4, at **2312 N Oleander Ave.** Violation(s) – Holes in concrete, trailer parking, broken windows, outside storage, plywood over windows. First Notified – 12/17/2018.

Respondent was not present.

Mr. Jackson stated the inspector is Steve Alderman and he reports he has had contact from the respondent but, the property remains in non-compliance and he is asking for the next cutoff to come into compliance.

Board Action

Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by April 3, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mrs. House seconding. Motion approved (6-0).

Miscellaneous Business included discussion regarding the Fence Code in Sec. 6.8.4.

Mrs. House announced that the next meeting would be her last meeting.

The meeting was adjourned at 1:23 p.m.