

**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

APRIL 11, 2019

Members present:

Mrs. Turner Hymes, Vice-Chairman
Ms. Cheryl House
Mr. Neil Harrington
Ms. Valoree McLean
Ms. Karen Robey

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Ben Gross, Deputy City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Steve Jessmer, Daytona Beach Police Department
Mr. Steve Alderman Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Mike Fitzgerald, Code Inspector
Mr. Danny Garcia, 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: Marylouise "Weegie" Kuendig Chairman

The Vice-Chairman called the meeting to order at 9:02 a.m.

Mrs. Hymes asked if the minutes of the March 14, 2019 meeting had been read and asked for any corrections. There were none. Mrs. House motioned to approve the minutes of the March 14, 2019 meeting and Mr. Harrington seconded.

Ms. Barnes swore in members of the staff who will be testifying.

Ms. Barnes called the roll and Mrs. Kuendig and Mr. Jones were absent. Motion was made to excuse Mrs. Kuendig and Mr. Jones by Mr. Harrington with Ms. Robey seconding. Motion approved (5-0).

Mrs. Hymes announced the rules for the meeting, asked for disclosure of Ex Parte communications and there were none.

Mrs. Hymes asked if there were any announcements and Ms. Barnes announced the following cases.

CASE # 2 - 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.

Compliance 3/29/2019

CASE # 9 - 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.

Compliance 4-4-2019

CASE # 15 - 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.

Compliance 3/28/2019

CASE # 16 - 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) – Broken and damaged fence, multiple junk vehicles in the back yard inoperable and faded and peeling paint. First Notified – 11/29/2018.

Compliance 4/9/2019

CASE # 17 - 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.

Compliance 4/3/2019

CASE # 20 - 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.

Compliance 3/28/2019

CASE # 26 - 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.

Compliance 4-4-2019

CASE # 28 - 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.

Compliance 4-10-2019

CASE # 29 - 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.

Compliance 4-10-2019

CASE # 36 - CEB 04-19-78 - Jennifer Rebstock is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **353 Boylston.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 1/29/2019.

Compliance 4/1/2019

CASE # 37 - CEB 04-19-79 - Joseph Solyom is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.a, at **437 Manhattan Ave.** Violation(s) – Parking on the grass. First Notified – 1/28/2019.

Compliance 3/26/2019

CASE # 38 - CEB 04-19-80 - Darel Stephen Mikula is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3), at **216 N Halifax Ave.** Violation(s) – Excessive outside storage around structure and on front porch, landscape/sidewalk maintenance. First Notified – 12/18/2018.

Compliance 4-10-2019

CASE # 40 - CEB 04-19-77 - Suelene Jackson Davis & Waymon Bernard Davis is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **664 Kingston Ave.** Violation(s) – Parking on the grass. First Notified – 11/7/2018.

Compliance 4/5/2019

CASE # 41 - CEB 04-19-82 - Katie L. Thigpen is cited for failure to correct violations of The Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **505 Kingston Ave.** Violation(s) – Failure to maintain roof. First Notified – 11/19/2018.

Compliance 4/5/2019

Mrs. Hymes called case #1.

CASE # 1 - 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. Ben Gross, Deputy City Attorney, stated the respondent is willing to stipulate that they are in non-compliance however, they have taken the position that they are legally zoned to do rentals. He stated they would like to wait until the next cutoff for the Board to determine what their next steps would be and give Mr. Stowers and his client time to work through the process.

Mr. Harrington asked why the Board should delay setting a compliance date since the case started in December of last year.

Mr. Stowers stated at last month's hearing they agreed that they do not have the rental permit because the City has not issued one, and refuses to issue it, and the continuance was based around the 2013 letter which went to the previous property owner. He stated his client advised him they had some electrical work done in 2014 and the rental was in place at that time, so it's been rented since at least early 2014. He stated he went back to the City and their opinion was that it is worse than what was discussed at the last hearing and it actually goes back to whether it's even non-conforming. He stated that they need to have further discussions with the City about the non-conforming issue and if the City finds it is non-conforming, the City will approve the Rental License (RTL) and it would bring them into compliance.

Ms. Robey asked if this is the case that was grandfathered in and he didn't answer the letter.

Mr. Stowers stated he didn't get the letter.

Ms. Robey stated he didn't apply for the Rental License (RTL) or he would have found out that he was non-conforming.

Mr. Stowers stated whether it is grandfathered or not depends on whether there is legally non-conforming use. He stated his client is willing to stipulate they are in violation of the code affecting the Rental License (RTL) but would like to continue for a month to get through the non-conforming process.

Board Action

Mr. Harrington motioned the respondent be found in non-compliance and the case continued to the May 9, 2019 meeting for the determination of a compliance date. Ms. Robey seconded. Motion approved 5-0.

Mrs. Hymes called case #42.

CASE # 42 - CEB 04-19-83 - Kinsey & Debbie Whaley is cited for failure to correct violations of The Land Development Code, Art. 9. Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **683 Kingston Ave.** Violation(s) – Failure to maintain garage roof. First Notified – 11/20/2018.

Mr. Kinsey Whaley came forward and was sworn in.

Mr. Gross stated the case is before you for failure to maintain the roof. He stated the photos show there is a tarp covering it and there is not a roof currently. He stated the green card was signed for on November 23, 2018 and respondents were given until December 23, 2018 to comply. They have not done so and since this is the first time the case is coming before the Board, they are asking for an order of non-compliance and to amend to the next cutoff to come into compliance.

Mr. Whaley stated he has the material on the job and has a receipt for the roofing material. He stated he has had trouble getting roofers to come out and give him an estimate. He stated it took him several months to get people to show up. He stated he spoke to a roofer this morning who said he would be out there next week to get the roof started.

Mr. Cino asked how long he needed to complete the work.

Mr. Whaley stated usually it takes about a week.

Mr. Harrington asked the respondent if he signed a contract.

Mr. Whaley stated he has not signed a contract yet and he'll take care of it this afternoon.

Ms. McLean asked if the contractor would get the permit or if the respondent had applied for it.

Mr. Whaley stated he did not apply for the permit because he believes that the contractor will have to pull it.

Board Action

Mrs. Hymes asked for 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 Ms. McLean seconding. Motion approved (5-0).

Mrs. Hymes called the first lien review.

LR - 1 - CEB 12-18-161 - 350 N Charles St. - Evgueni Petrusevich is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/29/2018. Order Imposing Fine-Lien of \$100.00 per day effective 1/10/19. Compliance 3/8/19. \$5,700.00 plus \$24.00 recording costs = \$5,724.00.

Mr. Evgueni Petrusevich came forward and was sworn in.

Mr. Gross told the Board they were having technical issues with showing the photos for the hearing.

Mr. Gross stated the respondent first appeared at the December meeting and a fine was imposed at the January meeting. He stated the original violations included missing smoke detectors in the halls and bedrooms, a screen on the front door that needed to be repaired,

water damage on the ceiling and some light switches and GFIs. He stated there was a re-inspection on March 7 where they were in compliance and given the staff time spent on this and the time given to come into compliance, the City is recommending no reduction.

Mr. Petrusevich stated it took so long due to circumstances beyond his control. He stated his wife was ill and the doctor ordered that she could not travel and she could not be left alone. He stated he could not get here until January 2018 and did not receive notice of the previous hearing. He stated all of the corrections were made except for the roof by that time. He stated he had a lot of corrections to make in such a short time. He stated he had issues finding a roofing contractor as he lives in Canada. He stated in September they signed a contract to install a new roof and due to weather they did not complete the installation until February. He stated he informed the City and the inspection was done 3 weeks later. He stated he is now in compliance and would like the Board to reconsider the fine and cancel or reduce the fine as it is his first experience of this kind.

Mr. Cino asked when the roof was finished.

Mr. Petrusevich stated the roof was finished on February 15, 2019.

Mr. Cino asked why it took 3 weeks for the City to come out and did he call them right away.

Mr. Petrusevich stated he called them right away and sent email but he did not know why it took 3 more weeks.

Mrs. Hymes asked the Secretary when the City put the property in compliance and Ms. Barnes responded March 8, 2019.

Code Inspector, Jerome McCoy, stated the last item that needed to be corrected was the roof and the delay for inspection was because the permit had to be finished. He stated he informed the respondent that he needed to notify the Building Department for that. He stated they then performed the rental inspection.

Mr. Gross stated they were unaware of the proceeding but Notice was sent to the address in the tax records. He stated it creates a burden on the staff when Notice is not received.

Mrs. House asked if respondent owns other property in Daytona Beach and Mr. Petrusevich stated they had one other property.

Ms. McLean asked how long the respondent has owned this property and Mr. Petrusevich stated less than 2 years.

Ms. McLean asked if the property had been rented the entire time and Mr. Petrusevich stated it was rented at the end of 2017.

Mrs. Hymes asked for motion that the fine remain at \$5,724.00 and no motion was made.

Ms. Robey asked if the case was compliant driven and Mr. McCoy stated that it was.

Mr. Harrington stated he did not have a license to rent and Mr. McCoy stated he did not and that it came to light after the complaint.

Mr. Gross asked the inspector if the complaint was because the respondent did not have a Rental License (RTL) or because of the condition of the property.

Mr. McCoy stated it was both.

Board Action

Ms. McLean motioned that the fine be reduced to \$5,000 contingent on being paid within 30 days or fine reverts back to the original amount of \$5,724.00. Ms. McLean seconded and motion was approved (5-0).

Mrs. Hymes called the second Lien Review.

LR - 2 - CEB 12-18-167 - 900 S Peninsula Dr #204 - Maca & Zito Investment LLC is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/22/2018. **Order Imposing Fine-Lien of \$250.00 per day effective 1/10/19. Compliance 2/11/19. \$8,000.00 plus \$24 recording costs = \$8,024.00.**

Mr. Carlos Gregory, Property Manager, came forward and was sworn in.

Mr. Gross stated the Board heard the case at the December 2018 meeting and imposed a \$100 a day fine up to \$15,000 at the January hearing. He stated the violations included failure to obtain a Business Tax License (BTR) or Rental License (RTL). He stated the fine to compliance on February 11 would be \$8,024 and staff found the respondent cooperative and diligent and is willing to reduce the fine to \$1,000.

Mr. Gregory stated they discovered late there was a requirement to have a Rental License (RTL) and he applied immediately. He stated they operate primarily in Orlando and it is not the case there. He stated the Corporation is in Argentina and they were scammed into buying property in the United States. He stated this property was purchased in 2012 for \$70,000 and if they could get \$45,000 for it now they would be lucky. He stated they were being managed by the same group that sold them the property and there were a lot of the issues resulting from poor management. He stated the same group was also the Property Manager. He stated they have a new Board and they are trying to turn the property around but this individual is in financial hardship and they are trying to sell the unit. He stated the respondent is under contract, they don't dispute the issues that the property had, but as soon as he became aware of it they were diligent to get it resolved. He stated they paid for license renewal in October but he was not aware it needed an inspection. He stated they did not receive Notice and did not know who it was going to. He stated he is grateful that staff is asking for the reduction to \$1,000 and he is asking to just to pay the recording costs if possible.

Board Action

Mrs. Hymes asked for motion to reduce the amount of the fine to \$1,000 subject to being paid within 30 days. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (5-0).

Mr. Harrington asked if they have other properties at that location and if they in compliance.

Mr. Gregory stated yes and he believes they are in compliance.

CASE # 3 - CEB 09-18-95 - Paul W & Beatrice I Zivitski is cited for failure to correct violations of 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.

Respondent was not present.

Mr. Gross stated the Notice was generated last March and the respondent was ordered to come into compliance in April and that the property failed several inspections in the meantime. He stated there was a discussion with staff on April 1 and the owner said that the work should be done in the next two weeks. He stated staff is asking to amend to the next cutoff.

Mr. Harrington asked what kind of work needed to be done.

Lead Inspector, John Stensons stated he is covering for Inspector Jones and he was not sure exactly what needs to be done but he believes it will come into compliance within the next couple weeks.

Mrs. Hymes stated the case is here for no Rental License (RTL) and Mr. Stenson stated yes.

Ms. Robey stated she walks by the property and she does not believe it is unoccupied.

Mr. Stenson stated the unit is not occupied.

Ms. Robey asked if the inspector knew which unit it was and Mr. Stenson stated he did not know.

Discussion was held regarding whether the unit needed a license or the building needed a license, if a license had been applied for and the condition of the building.

Mr. Stenson stated the license had been applied for.

Board Action

Mrs. Hymes 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. Ms. Robey motioned the same with Mr. Harrington seconding. Motion was approved 4-1 with Mrs. House voting against the motion.

CASE # 4 - 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. Gross stated the case is before you for failure to obtain a Rental License (RTL). He stated respondents were first notified on November 29, 2018 and the property was posted on that date. He stated the compliance deadline was December 13. He stated in a discussion with the inspector on December 4, the respondent stated the window would be fixed and she would call to schedule a re-inspection. He stated there has been no permit applied for, and on March 8 she told the inspector that the window would be installed in 2 to 3 weeks. He stated staff has had no further contact with the respondent. He stated staff is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Board Action

Ms. McLean motioned that a fine be imposed in the amount of \$100 per day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. Robey seconded and motion was approved 5-0.

CASE # 5 - 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.

Mr. Daniel Prince, son-in-law of Larry Johnson, came forward and was sworn in.

Mr. Gross stated this was a failure to obtain a Business Tax Receipt (BTR) and Rental License (RTL). He stated the Notice of Violation was generated in February of this year. He stated the compliance deadline was February 21 and the property was posted on March 5. He stated staff is requesting that the order be amended to the next cutoff and the roof be fixed in order to obtain the Rental License (RTL). He stated the permit has been applied for.

Mr. Prince stated the roof would be getting repaired on Monday. He stated he received confirmation from the roofers today. He stated at that point he would schedule a re-inspection and that the property should be in compliance. He stated they use a management company who should have obtained that for them and he called the county who told them they did not need a Rental License (RTL).

Mr. Gross stated the Business Tax License (BTR) had been attained.

Board Action

Ms. Robey motioned 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. Ms. McLean seconded. Motion was approved 5-0.

Mr. Harrington left the Chamber at 9:56 a.m.

CASE # 6 - 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. Gross stated the property has changed hands and staff is asking to dismiss the case. He stated it was un-occupied and for safety reasons there are additional regulations that need to be considered. He stated there would be future violations issued against the new owner.

Captain Scott Lee stated there are additional cases that have Notices of Violations issued against them.

Board Action

Mrs. Hymes asked for motion to dismiss the case. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 4-0.

Mr. Harrington returned to the Chamber at 9:59 a.m.

CASE # 7 - 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. Gross notified the Board that the technical difficulties continue and we will not be able to show them pictures for the remainder of the meeting.

Mr. Gross stated this property is owner occupied and was cited for failure to have running water, missing siding and outside storage. He stated Notice of Violation was issued October 11, 2018 and staff received the signed green card a week later. He stated the date of the last re-inspection was March 29 and they are still in non-compliance. He stated this was a complaint generated by City Hall and staff is requesting a fine in the amount of \$250 per day to a maximum of \$10,000.

Mr. Danny Garcia, Code Inspector, stated there was siding missing and they put a different type of material up but did not paint it. He stated it also had missing siding on the east side and outside storage in the rear. He stated the property had no running water and he spoke to the owner while he was posting the property and he stated there was a leaking pipe issue and they shut the water off and it was never fixed. He stated the respondent said he had financial issues and was waiting for VA money to come in.

Ms. Robey stated she did not think that imposing a fine would do any good and wondered if the City knew of any resources to help the respondent.

Denzil Sykes, Neighborhood Services Manager, stated that he spoke with the owner and gave him some resources and got with Rebecca DeSanto, Utility Billing Manager, to arrange payment options.

Ms. Robey asked if the respondent was coherent and staff stated yes.

Board Action

Mrs. Hymes asked for a motion to impose a fine in the amount of \$250 per day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 8 - 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. Gross stated the computers are now working and the Board will have pictures however, the air-conditioning is not working.

Mr. Gross stated Notice of Violation was issued in May, 2018 because they installed a new roof without a building permit. He stated the inspector posted the property on January 18, and the Board set a compliance date of April 2019 to obtain the permits. He stated the inspector went out on April 1 and the property owner has still not achieved compliance and staff is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Board Action

Mrs. Hymes asked for motion to impose a fine in the amount of \$100 per day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 10 - CEB 03-19-62 - Kelly Rose, Kristen Risch, Peggy Snyder & Kimberly Wade 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.** to on Vacant structure, damaged fence, peeling paint, siding coming undone and broken windows. First Notified – 10/12/2018.

Respondent was not present.

Mr. Gross listed the violations at this property and stated it is vacant. He stated the Notice of Violation was signed for on October 12, 2018 and compliance deadline was set for April 3, 2019. He stated there was an inspection done on March 15, 2019 and they were still in non-compliance.

Mr. Garcia stated the respondent applied for a demolition permit on February 28, 2019 and it was approved on March 13, 2019 and she is currently in the building to pay for them and pick up the permit. He stated her plan is to demolish the property so she should be in compliance by the next cutoff. He stated they are requesting to amend the next cutoff for the property to be brought into compliance and have the final inspection.

Board Action

Ms. McLean motioned 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. Ms. Robey seconded and motion was approved 5-0.

CASE # 11 - 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. Gross stated the property owner failed to obtain a Business Tax Receipt (BTR) and Rental License (RTL) and the inspector reports compliance was set for October 29, 2018. He stated a re-inspection was held the first of this year and they are still in non-compliance. He stated the inspector reports that the respondent paid the fees for the rental inspection on March 29.

Mr. Garcia stated the respondent has paid for the rental inspection and is asking to amend to the next cutoff to allow time for the inspection.

Board Action

Mrs. Hymes 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. Ms. Robey motioned the same with Mrs. House seconding. Motion was approved 5-0.

CASE # 12 - 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.

Daniel Rice, Property Manager, came forward and was sworn in.

Mr. Gross stated the compliance deadline was November 12, 2018. He stated there was a re-inspection March 29 but they had not achieved total compliance. He stated there was a damaged stair, window and fence and the inspector reports that there has been progress made. He stated staff is requesting to amend the order of non-compliance to come into compliance by next cutoff.

Mr. Harrington asked what was happening with safety issues.

Mr. Garcia stated the windows and damaged fence had been repaired and the respondent is still working on the railing. He stated there was a second re-inspection process by the Building Department who was doing the rental inspection. He stated due to the safety issue of the railing, they needed to hire a contractor but the building Department told him he may not need to do that.

Mr. Rice stated they were going to do something with the railing and he was in discussions with the Building Department on what needed to be done. He stated the holdup with the Business Tax Receipt (BTR) was that the property was built into the shape of a U and he was not allowed to have the middle unit because there is no egress so the plans were to knock a hole in another unit and use that as second bedroom, with a back door as the safety egress. He stated by doing that, they have to amend their business license with DPBR from 9 apartments to 8.

Ms. Robey asked if that can be done by the next cutoff and Mr. Rice stated he hoped it would be done by the end of the week.

Mr. Rice stated the outside stairway is solid and is only used in case of emergency as a fire escape however it needs a rail at the top.

Mr. Harrington stated that he feels that is a safety issue and he doesn't understand that respondent needs to decide what to do.

Mr. Garcia stated that the Building Department is working with him to show him how to correct it. He stated police had asked the respondent to close it off so he closed it off and then the Building Department inspector asked him to open it, so he opened it back up. He stated they are trying to come up with solution.

Mr. Rice stated that he would have a contract with the contractor by the next meeting.

Mr. Harrington stated he was concerned that someone could fall off that stairway.

Mr. Rice stated the stairway is only used for emergency purposes.

Mr. Harrington asked if it was posted for fire use.

Mr. Rice stated that it was not but he would be glad to put a sign up.

Ms. McLean stated that it seems that compliance could still be a couple months out.

Mr. Rice stated he was at the mercy of a contractor and he would use a contractor because he wanted it to be done right.

Ms. Robey asked if the change from nine apartments to eight apartments would be done by the next cutoff.

Mr. Rice stated that the administrative person has already been working on that and it should be done.

Ms. McLean asked if the building was an all wood structure and Mr. Rice stated he did not know.

Board Action

Mrs. Hymes 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. It is further ordered that the respondent will post a sign that the stairway is to be used only as a fire escape by the next meeting or be returned for consideration of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Ms. Robey seconding. Motion was approved 4-1 with Ms. McLean voting no.

CASE # 13 - 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.

Respondent was not present.

Mr. Gross stated the inspector is John Stenson and he reports the only thing remaining to be done is the roof. He stated staff is recommending a fine in the amount of \$200 per day to a maximum of \$10,000.

Board Action

Mrs. Hymes asked for a motion to impose a fine in the amount of \$200 per day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 14 - 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. Gross stated the inspector is John Stenson and he is available for any questions you might have. He stated work was done without the proper permits and the original violation included broken windows, damaged roof and peeling paint. He stated this case was complaint driven and was opened October, 2018 but has had good and frequent contract via email with staff and they are recommending that the order be amended to the May cutoff. He stated apparently the owner has some family health issues out of town but the permit has been issued and he is good to go.

Board Action

Mrs. Hymes 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. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 4-1 with Mr. Harrington voting no.

CASE # 18 - CEB 02-19-30 - Charles C. & Lorraine Buncombe is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 304.7), at **408 Zelda Blvd.** Violation(s) – Maintenance responsibility, roofs and drainage. First Notified – 10/22/2018.

Respondent was not present.

Mr. Gross tendered the inspector, Steve Alderman, for a report on the situation.

Mr. Alderman stated this was a public complaint of a tarped roof that was opened on October 22, 2018. He stated the case was postponed for two months to allow Mr. Buncombe to seek financial assistance. He stated he had no contact with the respondent. He stated he posted the opportunity with VIND on the door but no permit for the roof has been applied for. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$10,000.

Mrs. Hymes stated that the case is here for a progress report and the determination of a compliance date.

Mr. Gross stated they would request that the compliance date be set for the next cutoff.

Board Action

Mr. Harrington motioned 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. Ms. McLean seconded and motion was approved 5-0.

CASE # 19 - 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 for renovation/posted Stop Work Order (SWO). First Notified – 10/11/2018.

Amanda Connor, Property Manager, came forward and was sworn in.

Mr. Gross stated the issue with the property is that there had been renovation work done and the City issued a stop work order. He stated the inspection was done on October 11, 2018 and a certified letter was sent. He stated the inspector received the green card and a stop work order was posted on the property. He stated there had been multiple inspections and has been in verbal contact with the owner.

Ms. Connor stated they have gotten the permit and are working but it's not finished yet. She stated they had to have plans redrawn three times and it was much more complicated than they thought. She stated they were working on the floor right at this very moment.

Mr. Alderman stated the permit was approved on March 11 and they are making progress. He stated he believes they can be done by the next cutoff.

Ms. Connor stated she believed they could be done by the next cutoff.

Board Action

Mr. Harrington motioned 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 seconded and motion was approved 5-0.

CASE # 21 - 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, vehicle parts, landscape, paint, off street parking, outside storage, accessory structure damage, fence, home based business, failure to obtain Business Tax Receipt (BTR). First Notified – 11/15/2018.

Mr. Gross stated this property was cited for multiple violations and the inspector has had contact with the owner.

Mr. David Manoulian came forward and was sworn in.

Mr. Gross stated the City does not see any progress and is requesting to impose a fine of \$200 per day to a maximum of \$10,000.

Mr. Harrington asked the respondent if he had made any progress.

Mr. Manoulian stated he lost his vision for a week but he's back at it.

Mr. Harrington asked the respondent what he had done.

Mr. Manoulian stated there was a problem with the neighbor's property so he concentrated on the separation between the houses so they could get in there to do repairs. He stated he was 99% completed and most of it was outside storage. He stated he was trying to cram everything into the shelter that he has. He stated he was not conducting any business on the property and that he did not have a vehicle so was waiting for someone to haul away the things that he had piled in the driveway.

Mr. Alderman stated he had communications with Mr. Manoulian since last hearing and he stated he has cleared most of the property next door. He's stated he was there yesterday and there was another trailer there which was not there last time and there was still a massive amount of storage. He stated he put some stain on the house but was not completed.

Mrs. House asked the inspector what type of business he believed he was operating out of the house.

Mr. Alderman stated with the amount of motorcycles and parts, he wasn't sure what was going on so he amended and does not consider the respondent doing business there. He stated the case started on November 11, 2018.

Ms. Robey asked about the neighboring property and if it was in compliance.

Mr. Alderman stated he checked on the property yesterday and has not had contact with the owner but believes he is scheduled for compliance next week.

Board Action

Mrs. Hymes asked for a motion to impose a fine in the amount of \$200 per day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. McLean motioned the same with Mr. Harrington seconding. Motion was approved 5-0.

CASE # 22 - 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. Gross stated the inspector is Steve Alderman and he reports that the owner has two tenants but has not obtained a Business Rental License (RTL). He stated there has been verbal contact with the owner in January and tendered Mr. Alderman for additional questions.

Mr. Alderman stated he was disappointed Mr. Rothermel was not there and that he claimed he had people living in his home for the exchange of property maintenance and security. He stated he spoke to the respondent after the last hearing and he requested a copy of the rental application which he sent him. He stated Mr. Rothermel told him he was going to apply for the Rental License (RTL) but there has been no application. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Robey asked to clarify that the tenants are not paying rent but just there for security.

Board Action

Ms. Robey motioned to impose a fine in the amount of \$100 per day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Ms. McLean seconded and the motion was approved 5-0.

CASE # 23 - 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 Carson Warters came forward and was sworn in.

Mr. Gross stated this property was cited for several violations. He stated Mr. Warters was at the last hearing and Inspector Alderman met with him after the meeting to go over the code issues. He stated Inspector Alderman has attempted additional contact but has not been able to communicate with him and nothing has been done.

Mr. Alderman stated the respondent has maintained all of his property, painted half of the East face of the structure and is progressing around the structure. He stated he has also cleared off the porch access. He stated it seems Mr. Warters is trying to get things done and he would request the next cutoff in order for the respondent to come into compliance.

Mr. Warters agreed.

Board Action

Mrs. Hymes 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. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 24 - 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.

Respondent was not present.

Mr. Gross stated the violation is parking on the grass and that there have been multiple inspections and verbal contact with the respondent. He stated the respondent has obtained a permit to relocate or expand the driveway and the City is asking for two months for compliance.

Mr. Alderman stated the permit was approved on March 21, 2019 to expand the driveway. He stated the permit is for removal and replacement of the driveway to make it larger. He stated he spoke to Ms. Kelley yesterday and she could not make it today due to medical issues. He is requesting to give her a month with a progress report and compliance by June.

Board Action

Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 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. It was further ordered that the respondent appear at the May 9, 2019 meeting for a progress report. Ms. Robey motioned the same with Mrs. House seconding. Motion was approved 5-0.

Mrs. House left the Chamber at 10:46 a.m.

CASE # 25 - 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 and damaged window (slider). First Notified – 12/11/2018.

Mr. Chester Perkowski came forward and was sworn in.

Mr. Gross stated the inspector is Steve Alderman, for additional factual information, and he listed the violations. He stated there was also a sign for a business. He stated the inspector has been in contact with the owner and Mr. Perkowski is here to explain the situation.

Mr. Perkowski stated the property will be demolished and is listed for sale now. In order to demolish it he needs to arrange with the bank to transfer the loan to another property. He stated he also needed to secure a demolition company and is requesting two months to come into compliance.

Ms. Robey asked him if he had anything lined up with the banks.

Mr. Perkowski stated he had spoken to the bank and started to arrange for other financing.

Mr. Harrington asked if he needed to have that arrangement in place before he could apply for a demo and Mr. Perkowski stated yes.

Ms. Robey asked how long the bank would take to transfer the loan to another property.

Mr. Perkowski stated it would probably be completed within a month but then he has to search for a demolition company.

Ms. Robey asked the respondent why it's taken so long to make this decision.

Mr. Perkowski stated that he was unsure if he would be able to sell it and it just took a while to make the decision. He stated he could not sell it as a building because it would cost more to rehab and that led to him making the decision to demolish and sell the property.

Mrs. House returned to the Chamber at 10:49 a.m.

Mr. Gross clarified with the respondent that he has a loan that prohibits him from demolishing the building and Mr. Perkowski stated yes.

Mr. Harrington advised the respondent to check the zoning.

Mr. Gross stated staff is asking to amend to the June cutoff with a progress report at the May hearing.

Mr. Cino asked if he were to pull a demolition permit how long would he have to demolish it.

Ms. Robey stated six months and staff agreed.

Mr. Alderman stated it was a trespass arrest site.

Mr. Gross explained what trespass arrest site means.

Ms. McLean asked how long the respondent had owned the property and he said about three years.

Board Action

Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow respondent until June 5, 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. It was further ordered that the respondent appear at the May 9, 2019 meeting for a progress report. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 27 - CEB 11-18-150 - Monir Y El Farra is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.4, 302.7, 304.3, 304.6, 304.7, 304.11 and 304.13.1), at **121 Lockhart St.** Violation(s) – Exterior structure, glazing, chimneys and towers, roofs and drainage, exterior walls, premises identification, accessory structures, weeds and vacant structures and land. First Notified – 8/31/2018.

Respondent was not present.

Mr. Gross stated the inspector is Cliff Recanzone who is available for questions. He stated the property originally had numerous violations. He stated the property was given two months and he's had no contact and staff is requesting a fine in the amount of \$100 per day to a maximum of \$10,000.

Mr. Recanzone stated the permit was applied for and is under review. He stated the respondent needed to get a list to Permits & Licensing of what the windows were and where they were to be placed and that was on January 16. He stated the only thing left are the chimney and the windows.

Board Action

Mrs. Hymes asked for a motion to impose a fine in the amount of \$100 per day until compliance is achieved or the fine reaches a maximum amount of \$10,000. Mrs. House motioned the same with Ms. Robey seconding. Motion was approved 5-0.

The Secretary stated case # 29 is in compliance however there is a witness that would like to speak.

Captain Scott Lee stated they spoke to City staff about the determination of a street side road and for this property it is determined that the area on the back of the property does not qualify as a street side road. He stated a street side road only applies to a corner lot. He stated the front yard is on Atlantic Avenue and the back yard is on Ridge Avenue. He stated there were other issues on the property and he has met with the property owner.

Mr. Gross stated the Land Development Code prohibits parking in the street side yard however for this property it does not apply since it is not on a corner lot.

Ms. Jane Lizader came forward and was sworn in. She stated she is the one that has to look at the designated backyard and there are cars that come and go, he buys and sells cars, he has roommates which he says are not renters and it's really a problem that has affected her property values and her daily quality-of-life. She stated she spoke to the commissioners and they told her it was a street side yard.

Mr. Cino advised Ms. Lizader to speak with the code officer.

CASE # 30 - 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. Gross stated the inspector is Cliff Recanzone and the case opened with dogs chasing people and transients around the property and it is not being kept up well. He stated there has been no contact with the respondent and the only contact he has had with the tenant was to try to get the dogs back. He stated the City's recommendation is to impose a fine of \$100 per day with a maximum of \$15,000 until compliance is achieved.

Ms. McLean asked if the owner was local and Mr. Recanzone said no, he lives in North Carolina.

Board Action

Mrs. Hymes asked for a motion to impose a fine in the amount of \$100 per day until compliance is achieved or the fine reaches a maximum amount of \$15,000. Mr. Harrington motioned the same with Ms. McLean seconding. Motion was approved 5-0.

CASE # 31 - CEB 04-19-71 - Yvonne Bell is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7), at **1028 Michael Road.** Violation(s) – Damaged roof. First Notified – 12/14/2018.

Yvonne Bell came forward and was sworn in.

Mr. Gross stated the respondent has been approved for assistance from a community development program which could provide her financial assistance and helps rehabilitate damaged homes. He stated staff is asking for an Order of Non-compliance and 60 day updates with the hope that in 60 or 120 days the property will be compliance.

Mrs. Hymes stated the first update would be on June 13.

Ms. Bell stated she has the approval letter from the housing association and she is on a waiting list.

Board Action

Mrs. Hymes asked for motion to find the respondent in non-compliance and ordered the respondent to return to the June 13, 2019 meeting for a progress report and the determination of a compliance date. It is further ordered that respondent will return to the Board for progress reports every 60 days. Motion approved (5-0).

CASE # 32 - CEB 04-19-73 - Demetrius Mims is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **1057 Amanda Road**. Violation(s) – Parking in the yard. First Notified – 12/17/2018.

Mr. Gross stated the inspector is Cliff Recanzone and the violation is parking in the yard. He stated the respondent was given 10 days and the owner is now in compliance and staff is requesting that a non-compliance but is now in compliance will-fine order be issued which will allow them to use repeat violation status.

Board Action

Mrs. Hymes asked for motion to find the respondent was now in compliance as of 4/11/2019 and previously in non-compliance and for any future violations shall be returned to the Board for consideration of a fine up to \$5,000 per day. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (5-0).

CASE # 33 - CEB 04-19-74 - George Schaier & Angela Wiley 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, 304.13); Art. 6 Sec. 6.19.A.3, at **307 Adeline St**. Violation(s) – Broken window, missing fence, outside storage, trash and debris. First Notified – 9/21/2018.

George Schaier and Angela Wiley came forward and were sworn in.

Mr. Gross stated the inspector is Danny Garcia and he reports the City issued a Notice of Violation on September 21, 2018, the property had numerous violations, the owner signed for the green card and the deadline for compliance was October 22, 2018. He stated there has been at least one inspection on March 27 but it doesn't appear there has been any activity to obtain compliance. He stated Mr. Garcia has not had any communication with the respondent and this is the first time he has seen the respondent. He stated staff is requesting to find the owner in non-compliance and require compliance by the next cutoff date.

Mr. Schaier stated he has fixed numerous violations and is working toward compliance but he only has one day off a week and it is taking some time.

Ms. Robey asked the respondent if he thought he could have it done by the next cutoff date.

Mr. Schaier stated he did not and needed at least another month or two months.

Ms. Robey asked the respondent if he could stay in contact with the inspector.

Mr. Shairer stated that he could.

Mr. Gross stated the posts that were installed by the road need to come out and doesn't know if they are permissible and encouraged him to get with the inspector to find out.

Mr. Shairer stated he would go downstairs and seek to get a permit for the posts.

Mrs. Hymes asked the inspector if he was asking for compliance within 60 days.

Mr. Garcia stated the painting was started but it's uncompleted and he wants to make sure that he finishes painting.

Mrs. Hymes asked to clarify that staff is asking for a progress report at the May 9, 2019 meeting with compliance by the June 5, 2019 cutoff and staff responded yes.

Board Action

Mrs. Hymes asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by June 5, 2019 or be returned to the Board for the consideration of a fine of up to \$1,000 per day. It is further ordered that the respondent appear at the May 9, 2019 meeting for a progress report. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (5-0).

CASE # 34 - CEB 04-19-75 - Luretha Wiley is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.14, 308.1); Art. 6 Sec. 6.19.A.3, at **1019 Cedar Highlands Blvd.** Violation(s) – Outside storage, trash & debris, torn screens, damaged exterior wall, overgrown grass onto sidewalk and damaged fence. First Notified – 1/28/2019.

Ms. Cheryl Wiley, daughter and POA, and Ms. Mary Wiley, sister, came forward and were sworn in.

Mr. Gross stated the inspector is Danny Garcia and he issued the notice of violation on November 1. He stated there were several violations on the property and the compliance deadline was February 13. He stated Mr. Garcia was on the property on March 22 and it didn't appear that the property was in compliance. He stated Cheryl Wiley spoke to Mr. Garcia and told him the property was in compliance but he hasn't inspected it yet so staff is asking to amend the next cutoff to give the inspector time to inspect for compliance.

Ms. Cheryl Wiley stated she would do whatever was needed to bring the property into compliance.

Mr. Garcia stated he was at the property last night and spoke to Ms. Cheryl Wiley and she knows what needs to be done.

Board Action

Mrs. Hymes asked for 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 Ms. McLean seconding. Motion approved (5-0).

CASE # 35 - CEB 04-19-76 - Paul A. Czajkowski Revocable Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **& 309-307 Seaview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/8/2019.

Respondent was not present.

Mr. Gross stated this is a rental property and the owner did not obtain a license. He stated there has been no response and no compliance and the property is occupied. He stated staff is requesting compliance by the next cutoff date and tendered John Stenson for any factual questions.

Board Action

Mrs. Hymes asked for 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 Mrs. House seconding. Motion approved (5-0).

CASE # 39 - CEB 04-19-81 - Norman H. Riley Estate is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.14, 304.13.1, 304.13, 304.9, 304.7, 304.2, 304.1), at **215 Auditorium Blvd.** Violation(s) – Protective coating (all), window sills, door frames, overhangs, doors, broken windows and roof. First Notified – 12/18/2018.

Kelly Riley came forward and was sworn in.

Mr. Gross stated the inspector is Steve Alderman he reports that the case came into compliance last night and would like to withdraw the case.

Miscellaneous Business included acknowledgement and thanks by staff to Mrs. House for her contribution to the Board and many years of service to the City of Daytona Beach.

The meeting was adjourned at 11:23 a.m.