

**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

**June 13, 2019\***

\*Corrected 7/11/2019

Members present:

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

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Anthony Jackson, Esq. Assistant City Attorney  
Captain Scott Lee, Daytona Beach Police Department  
Mr. Steve Alderman, Code Inspector  
Mr. Tom Clig, Code Inspector  
Ms. Barbara Collins, Code Inspector  
Mr. Mike Fitzgerald, Code Inspector  
Mr. Danny Garcia, Code Inspector  
Mr. Mark Jones, Code Inspector  
Mr. Clifford Recanzone III, Code Inspector  
Mr. John Stenson, Lead Code Inspector  
Mr. Charles Smarr, Audio/Video  
Ms. June Barnes, Board Secretary

Approval of Minutes by: Marylaine "Weegie" Kuendig Chairman

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

Ms. Barnes called the roll and Mr. Jones was absent.

Mrs. Kuendig asked if the minutes of the May 9, 2019 meeting had been read and asked for any corrections. She stated there was one correction that needed to be made under Case #17 – for Charles and Lorraine Buncombe. She stated the text needed to be changed from \$800 a week to \$800 a month. Mr. Harrington motioned to approve the minutes, with the correction, and Ms. Robey seconded. Motion approved (5-0).

Mrs. Kuendig asked for disclosure of Ex Parte Communications and there was none.

Mrs. Kuendig asked if there were any announcements and Ms. Barnes announced the following cases in compliance.

**CASE # 3 - 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.

***Compliance 6-5-2019***

**CASE # 11 - 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.

***Compliance 5-17-2019***

**CASE # 13 - 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.

***Compliance 6-10-2019***

**CASE # 18 - CEB 06-19-105 - Addison D. Lebedz & Yvette Riatusso** 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. 6.12.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13, 304.8, 304.6, 304.2 and 302.4), at **711 N Grandview Ave.** Violation(s) – Landscape-Property maintenance, paint structure, window and door frames and missing overhangs. First Notified – 1/29/2019

***Compliance 6-10-2019***

**CASE # 21 - CEB 06-19-100 - Duc H. Le & Le-Oanh T. La, as Trustees of the LA & Le Family Revocable Trust UDT dated November 27, 2006** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1404 N Atlantic Ave. #4.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 12/11/2018

***Compliance 6-6-2019***

**CASE # 25 - CEB 06-19-101 - Richard A. Cser** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 505.3), at **719 Derbyshire Rd.** Violation(s) – Failure to maintain water system supply. First Notified – 11/12/2018

***Withdrawn due to sale.***

**CASE # 27 - CEB 06-19-110 - Maria C. Ware** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 303.1), at **208 Zaharias Cir.** Violation(s) – Failure to maintain pool. First Notified – 3/25/2019

**Compliance 6-10-2019**

**CASE # 29 - CEB 06-19-116 - Merlin Velasquez** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.1.A, at **1136 Lakewood Park Dr.** Violation(s) – No permit for concrete garage floor and wall. First Notified – 4/18/2019.

**Compliance 6-10-2019**

**CASE # 32 - CEB 06-19-111 - Adam M. & Elisa K. Muise** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.13.1, 304.13.2, 308.1 and 402.1), at **239 S. Lanvale Ave.** Violation(s) – Glazing, openable windows, accumulation of rubbish, light-habitable spaces. First Notified – 12/18/2018.

**Compliance 6-12-2019**

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

Mrs. Kuendig announced the procedure of the meeting and called the first case which was a lien review.

**LR-1 - CEB 04-17-18 - 712 N. Wild Olive Avenue - Robert B. & Robert W. Hume** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp IPMC 301.3 and 505.1). Violation(s) – Unmaintained and unsecured building; no water service. First Notified – 12/16/2016. **Order Imposing Fine-Lien of \$100.00 per day effective May 18, 2017. Not in compliance – encumbering the respondent from selling another property. \$10,000.00 plus \$24.00 recording costs = \$10,024.00.**

Respondent was not present.

Mr. Anthony Jackson, Assistant City Attorney, stated the City is recommending no reduction.

**BOARD ACTION:** Mrs. Kuendig asked for motion to deny the reduction of the lien. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**LR-2 - CEB 03-19-60 - 110 N Gardiner Ct. - Heather Burke** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1. Violation(s) – No permit for roof. First Notified – 1/18/2019. **Order Imposing Fine-Lien of \$100 per day effective April 11, 2019. Compliance – May 16, 2019. \$3,500.00 plus \$24 recording costs = \$3,524.00.**

Ms. Heather Burke came forward and was sworn in.

Mr. Jackson stated there were some administrative issues regarding the case and the City is recommending a reduction of the fine to \$350.

Mr. Cino asked the respondent if she was ok with \$350 and Ms. Burke stated that she was.

Mr. Harrington asked the reason for the recommendation.

Danny Garcia, Code Inspector, stated the Notice was sent to the address on the Volusia County Tax Appraiser and should have gone to a different address. He stated they did the work without permits and the respondent had rectified the violation and got the final inspection. He stated the final inspection was down the line because the respondent wasn't aware that she needed one.

**BOARD ACTION:** Mrs. Kuendig asked for motion to reduce the amount of the lien to \$350.00 subject to being paid within 30 days or the fine reverts back to the original amount. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**LR-3 - CEB 02-19-20 - 2210 N Oleander Ave. - 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). Violation(s) – Damaged accessory structure/fence, rubbish and trash. First Notified – 8/9/2018. **Order Imposing Fine-Lien of \$100 per day effective March 14, 2019. Compliance - April 24, 2019. \$4,100.00 plus \$24 recording costs = \$4,124.00.**

Mr. Walter McCarthy came forward and was sworn in.

Mr. Jackson stated the City is recommending a 50% reduction to \$2,000.00. He stated the main issue was a damaged fence.

Mr. McCarthy stated the initial complaint was due to a roommate that he had that put wood and stuff on a neighbor's fence. He stated the fence had been there since 2011 without ever having a permit. He stated he was out of town and came back and had the stuff removed and removed the fence. He stated he tried to save the fence and could not find anyone to get surveys and did not have the funds to put up a new fence.

Ms. Robey asked the respondent if he had tried to put the original fence back up and the respondent stated yes.

Steve Alderman, Code Officer, stated August 7, 2018 on a complaint for damage fence, trash and debris and overgrown lot. He stated 4 months later the respondent put the fence up and there was no improvement. He stated the fence should have been removed. He stated he issued a stop work order and the respondent took the fence down. He stated the property is in compliance.

**BOARD ACTION:** Mr. Harrington motioned to reduce the amount of the fine to \$1,500.00. Mrs. Hymes seconded the same and motion was approved (5-0).

**LR-4 - CEB 02-15-07 – 133 Pierce Ave - 133 Pierce Avenue Land Trust c/o TRSTE, LLC (new owner is John M Dunn)** is cited for failure to correct violations of The Land Development Code, Art. 18 Sec. 7.3; Art. 19 Sec. 1.1. (Ref. FBC Supp IPMC 304.3, 304.15, 304.14, 304.2, 304.7, and 304.13). **Violation(s) – Outside storage; address numbers; exterior doors; dilapidated screens; peeling paint; dilapidated roof; broken/inoperable windows.** First Notified – 12/16/2014. **Order Imposing Fine-Lien of \$250 per day effective April 9, 2015. Compliance – May 31, 2019. \$15,000.00 plus \$24 recording costs = \$15,024.00.**

Mr. John Dunn came forward and was sworn in.

Mr. Jackson stated the property was first before the Board in 2014 and fine-lien was imposed at \$250 per day which indicated something substantial. He stated the property was non-owner occupied. He stated it took from April 2018 to May of 2019 to come into compliance and the fine accrued to the maximum of \$15,000. He stated the City is recommending the fine be reduced to \$5,000. He stated the respondent was an out-of-town owner and so there was little communication with staff. He stated staff had performed four re-inspections. He stated the inspector is John Stenson.

Mr. Dunn stated he bought the house in December of 2017 and received calls from the police with serious problems. He stated the previous owners received the fines and that he had nothing to do with them. He stated it took him a year and 4 months to fix the house because it was in such bad shape. He stated the property is occupied and he lives upstairs. He stated he has a Rental License that was approved by the City 2 weeks ago. He stated he put in a new roof, new electrical systems, fixed the plumbing issues and brought it completely up to Code and doesn't believe he should have to pay since he didn't get the violations.

Ms. Robey asked the respondent how people are buying property with liens attached to them.

Mr. Dunn stated he had to assume the lien to purchase the property and the City told him he could not seek a reduction until the property was in compliance. He stated it took him 4 months to get the permits because the City told him he needed to raise the elevation of the property by 6 inches which he had to fix. He stated the permits he was seeking were to re-side and re-roof the house and those were the biggest expenses. He stated there were numerous police issues but since he purchased the house there have been no police complaints.

John Stenson, Code Inspector stated the previous owner was responsible for the issues on the property and the it remained vacant for an extended period of time. He stated since the respondent purchased, he started fixing it right away and the result is good.

Mr. Harrington stated there was a serious problem in the City with properties that are not on the tax roll and no one is paying those taxes. He stated the are affecting the properties around them and punishment in relation to the value to the City is not equal. He stated he would reduce the lien to \$3,500. He stated buyers should get a professional attorney to assist them in purchasing properties like this.

Mrs. Kuendig stated if you are buying a house, you need to know what the liens are on the house and buyers should do a title search.

**BOARD ACTION:** Mrs. Kuendig asked for motion to reduce the fine to the amount of \$3,500. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**LR-5 - CEB 05-17-53 - 337 N. Clyde Morris Blvd. - Utter Properties, LLC** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i. Violation(s) – Parking on unapproved surfaces. First Notified – 2/16/2017. **Order Imposing Fine-Lien of \$250 per day effective June 8, 2017. Compliance - May, 14, 2019. \$15,000.00 plus \$24 recording costs = \$15,024.00.**

Dr. Ronald Jack Travis Utter came forward and was sworn in.

Mr. Jackson stated the inspector is Tom Clig and staff's recommendation is that the lien be waived is because there were issues in the way it was handled by a former employee.

Mr. Cino confirmed they wanted the lien reduced to \$0 and Mr. Jackson stated yes.

Ms. Robey asked why it took two years to come into compliance.

Mr. Utter stated he thought it was handled and if he hadn't bought a property he wouldn't know about the lien.

Mr. Jackson stated the property was probably already in compliance but was not handled.

**BOARD ACTION:** Mrs. Kuendig asked for motion to waive the fine. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CONTINUED CASES:**

**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

Respondent was not present.

Mr. Jackson stated they are working with Counsel for respondent and staff is expecting a determination letter. He stated the property is not in compliance and is appealing to the Planning Board.

Mr. Cino stated the City can set a compliance date and discuss at the next meeting.

Mr. Harrington asked if the respondent was continuing to do business as usual.

Mr. Jackson stated since they are appealing they City is allowing them to continue as they have been and no additional action has been taken.

**BOARD ACTION:** Mrs. Kuendig asked for motion to continue the case until the July 11, 2019 meeting. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE # 2 - 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

Mr. Paul Czajkowski came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Mark Jones. He stated the inspector reports the only thing waiting for is windows and staff would like to amend to the next cutoff.

Mark Jones, Code Inspector stated the respondent already has his Rental License and failed the inspection just on the windows.

Mr. Czajkowski stated it has taken him 25 to 30 phone calls to get someone to look and do the work. He stated they are all too busy and do not want to deal with 1 window. He stated he finally got Daytona Glass and the window is coming in the 24<sup>th</sup>.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the current order of Non-compliance and give the respondent until July 3, 2019 to bring the property into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion approved (6-0).

**CASE # 4 - CEB 05-19-91 - A Helping Hand, LLC** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2 & 304.7), at **732 Mason Ave.** Violation(s) – Clean or paint exterior surfaces and repair missing roof materials. First Notified – 3/1/2018

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Barbara Collins. He stated the inspector reports that the property remains in non-compliance and is asking for a fine be imposed in the amount of \$100 per day to a maximum of \$20,000

Barbara Collins, Code Inspector, stated she spoke with the owner who is out of the country. She stated the tenant was responsible for the upkeep and the owners may demolish.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine of \$100 per day to a maximum of \$20,000. Mr. Harrington motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE # 5 - 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

Respondent was no present.

Mr. Jackson stated the case is before you for bi-monthly updates and the inspector is Cliff Recanzone. He stated the respondent is seeking a City program for assistance. He stated there is an inspection scheduled for the end of the month and the case is moving forward but a couple of months out before it will be completed. He stated the inspector believes the property should be in compliance by next cutoff.

**BOARD ACTION:** No action was taken and bi-monthly updates will continue until compliance.

**CASE # 6 - CEB 03-19-66 - Christopher J. Higgins** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **175 Centennial Ln.** Violation(s) – Driveway installed without a permit. First Notified – 11/30/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Cliff Recanzone. He stated the inspector reports the case is progressing. He stated there was a misunderstanding by the respondent and staff is asking to amend to the next cutoff so that everything that is necessary can be done.

Mrs. Kuendig stated last time Mr. Higgins had his papers.

Ms. Robey stated he was going to reinstate the permit.

Mr. Recanzone stated paperwork is completed and they are just waiting for the permit to be finalized.

Ms. Robey asked the inspector if the respondent if there was anything on the form that tells him to call for a final inspection. She asked if there was a stamp to tell people they need to call for the inspection.

Mr. Recanzone stated the form is originated in Permits & Licensing and not Code Enforcement.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order to give the respondents until July 3, 2019 to come into compliance or be returned for a subsequent meeting for the consideration of the imposition of a fine. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE # 7 - 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.** Violation(s) – Vacant structure, damaged fence, peeling paint, siding coming undone and broken windows. First Notified – 10/12/2018.

Kelly Rose came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Danny Garcia. He stated the inspector reports that the respondents are close to being done but have been held up by rain and he is asking to amend to the next cutoff.

Mr. Harrington asked if this was a demolition and Ms. Rose stated yes.

Ms. Rose stated they were working on it right now.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the current order of non-compliance to allow respondents until July 3, 2019 to come into compliance. Ms. McLean motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE # 8 - 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 is before you for the imposition of a fine and the inspector is Danny Garcia. He stated the inspector reports the respondent failed inspection in April and was rescheduled until May 6 but hasn't heard anything further from him. He stated the inspector is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mrs. Kuendig asked if the remaining violation is failure to obtain a Rental License (RTL) and that the respondents had obtained the BTR.

Danny Garcia, Code Inspector, stated the respondents have paid for the Business Tax License (BTR).

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective June 13, until compliance is achieved for the fine reaches a maximum of \$15,000. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 26 - CEB 06-19-106 - Elmer L. & Sarah A. Flanary** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1); Art. 6 Sec. 6.19.A.3, at **1356 Continental Dr.** Violation(s) – Sanitation (trash) and outside storage. First Notified – 3/21/2019.

Elmer L. Flanary, and Cristy Besane, daughter & POA, were sworn in.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Tom Clig. He stated the inspector reports the property remains in non-compliance and is asking to amend to the next cutoff.

Tom Clig, Code Inspector, stated he and Lead Inspector Stenson spoke to the son and he was going to have it cleaned up this weekend.

Ms. Besane stated her older brother is living there.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion approved 5-0.

**CASE # 9 - 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 came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Danny Garcia. He stated the inspector reports the property remains in non-compliance since September 21<sup>st</sup> and is requesting a fine be imposed in the amount of \$100 per day to a maximum of \$10,000.

Mr. Garcia stated the posts still need to be removed. He stated he has removed some of them and has one window on the second floor to fix.

Mr. Schaier stated he works for FPL and has been out of town and only has one day off a week. He stated he has a week vacation next week and will get it all done then. He stated he fixed 8-9 windows and has 1 left. He stated he is having the cars towed that were a past issue. He stated he was having issues with the homeless as well.

Mrs. Kuendig asked to see additional pictures.

Mr. Garcia pointed out a picture that was taken yesterday and told the respondent he could not park cars on the grass. He stated the fence leaning against the fence needs to be removed.

Mr. Schaier stated it was not his fence and the homeless dragged it there and he should not be responsible for removing a fence that was not his.

Mr. Jackson stated the only issues left are issue of non-compliance and the fence posts and a window.

Mrs. Kuendig asked for motion to impose a fine of \$100 per day to continue until compliance is achieved or the fine reaches a maximum amount of \$10,000. Mrs. Hymes motioned the same with no second. Motion failed.

**BOARD ACTION:** Mrs. Robey motioned to amend the previous order of non-compliance and allow the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for consideration of the imposition of a fine. Ms. McLean seconded the same and motion was approved (4-1) with Mrs. Hymes dissenting.

**CASE # 10 - 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.

Evelina Brockington came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is John Stenson. He stated the inspector reports the property remains in non-compliance, but is getting close and respondent is working on it, so staff is asking to amend the current order one more time to allow the respondent until the next cutoff to come into compliance.

Mrs. Keundig asked if the pictures were current and Mr. Stenson stated yes.

Mr. Stenson stated he only had current pictures. He stated the case started as a police case with animal control. He stated there were animals on the property, some deceased and some buried.

Ms. Robey asked if the plumbing hazard and rodent problem had been addressed and Mr. Stenson stated they were fixed.

Ms. Brockington stated she was taking care of her mother who passed. She stated she had messed up her leg and is on disability. She stated she had contacted VIND who is going to help her with the roof. She stated it would be more than a month.

Mrs. Kuendig stated the violations include walls in bad condition and asked if that had been fixed.

Mr. Stenson stated they were fixed and the only outstanding items are the roof and excessive outside storage.

Mrs. Kuendig asked if she lives alone.

She stated she has kids and grandkids that live there and they are 17 and 10 years old.

Mrs. Kuendig stated the case first noticed in October and came before the Board in January.

Ms. Brockington stated she was staying with her mother.

Mrs. Hymes stated it was going to take more than a month to remove outside storage.

Mr. Stenson stated today is the first day they have heard that the respondent had enlisted VIND.

Mr. Harrington asked if the application for the process had been filled out.

Ms. Brockington stated yesterday.

Mrs. Hymes stated she has not done any paperwork but had just spoke with them.

Ms. Brockington stated she started the process yesterday.

Ms. Kuendig asked if the roof was leaking.

Ms. Brockington stated a tarp was put on the roof 2-3 months ago to keep it from leaking.

Mrs. Hymes stated the stuff needs to be removed by next month and Ms. Brockington agreed it could be removed in a month.

Mr. Harrington listed the remaining items that needed to be fixed and told the respondent she needed to have paperwork on the roof by the next meeting.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and ordered the respondent to have all of the violations and paperwork filed on the roof by July 3, 2019 or return to the Board for consideration of the imposition of a fine up to \$1000 per day until compliance is achieved. It is further ordered respondent must appear at the July 3, 2019 meeting for a progress report on the roof. Ms. Robey motioned the same with Ms. McLean seconding. Motion approved (5-0).

**CASE # 12 - CEB 05-19-96 - Melissa A. Chaney** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.6.2.H.7.a.i, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **316 Fletcher Ave.** Violation(s) – Outside storage, off street parking, junk vehicles, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 1/28/2019

Ms. McLean left the chamber at 10:14 a.m.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is John Stenson. He stated the inspector reports the case started in January 2019 and there has been no change. He stated staff is asking for a fine in the amount of \$300 per day to a maximum of \$15,000 be imposed.

Mr. Stenson stated he has had 1 phone call with respondent and there has been no change. He stated the case was generated through a code walk.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$300 per day, effective June 13, 2019, and continue until compliance is achieved or reaches the maximum amount of \$15,000. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (4-0).

Ms. McLean returned to the Chamber at 10:15 a.m.

**CASE # 14 - 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. Jackson stated the case is before you for the imposition of a fine and the inspector is Steve Alderman. He stated the inspector reports nothing has been done and the respondent has taken no action. He stated the property is owner-occupied.

Steve Alderman, Code Inspector, stated the roof is leaking and the overhangs are falling down. He stated he has given the respondent a list of City services that he can take advantage of to help him. He stated the tarp has been replaced recently. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Ms. Robey asked the inspector if he has had any contact with the respondent and Mr. Alderman stated not since October. She expressed concern that he was not present today and asked for a wellness check on Mr. Buncombe.

Captain Scott Lee, Daytona Beach Police Department, stated they would check on the respondent.

Mr. Harrington stated the man will not be able to pay a \$100 per day fine.

Discussion was held regarding how much the fine should be.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$50 per day, effective July 13, 2019, until compliance is achieved or the fine reaches a maximum of \$10,000. Mr. Harrington motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE # 15 - 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

Ms. Amanda Conner, Property Manager, came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Steve Alderman. He stated the inspector reports that the property had a reinspection for compliance for the electrical yesterday and still has a few things to take care of and that he is asking to amend to the next cutoff.

Mr. Harrington asked why the minimal things hadn't been done since October.

Ms. Connor stated they had a problem getting a General Contractor and there was a two week delay, but the electrical contractor came out yesterday. She stated he didn't replace two of the receptacles and is coming back today to do that and they would be finished.

Mr. Alderman stated that is correct and he has an additional violation issued on the entire structure. He went through the pictures and described the violations with the Board. He stated progress is being made.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until July 3, 2019 to come into compliance or be returned

to a subsequent meeting for consideration of the imposition of a fine up to \$1000. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 16 - 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 Warters came forward and was sworn in.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Steve Alderman. He stated the inspector reports the property is still in non-compliance but notes the respondent is making progress.

Mr. Alderman stated he has been working with respondent since November of last year. He stated he went to the respondent's house yesterday and asked the respondent if he could stop on the paint at the last section removed the outside storage around the house and outside of the garage first because he sees the porch is starting to pile up with new things which are a nuisance to the City and the community. He stated the house is nearly half done and he has been working by himself.

Mr. Warters stated yes.

Mr. Alderman asked the respondent if he was bringing in more stuff in his pickup yesterday.

Mr. Warters stated he picked up a barbeque and stated that he would empty his truck at the scrap yard today.

Mr. Alderman told the respondent that next month he would have a fine and is asking for next cutoff for the property to be brought into compliance.

Mr. Harrington and the inspector went through the violations with the respondent that had been corrected and those left to be corrected. Extensive discussion was held regarding the tiles on the roof.

Mrs. Kuendig stated that she did not see a lot of progress and asked if the respondent had anything to add.

Mr. Warters did not have anything to add.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine of \$50 per day, effective June 13, 2019, until compliance is achieved or the fine reaches a maximum amount of \$10,000. Ms. McLean motioned the same with Ms. Robey seconding. Motion approved (5-0).

Captain Lee updated the Board on the wellness check for Mr. Buncombe stating he was fine but said he did not know about the hearing today. He stated upon verification with the Board Secretary, proper notice had been given.

**CASE # 17 - 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.

Respondent was not present.

Mr. Jackson stated the case is before you for the imposition of a fine and the inspector is Steve Alderman. He stated the inspector reports the property remains in non-compliance and his notes from the last meeting are updated to say the title is clear and the demo permit was applied for by the end of that week. He stated staff is asking to amend to the next cutoff.

Ms. Robey stated this was the case where the money was transferred to another property because of a bank loan.

Mrs. Kuendig asked if the respondent had a permit.

Mr. Alderman stated the respondent has a demo permit application pending but he still needs to get utility disconnects done.

Mr. Harrington asked if the permit had been approved.

Mr. Alderman stated no.

Ms. McLean asked how long it would take to get the demo permit approved.

Mr. Alderman stated that part of the process was to get the electrical, water, gas, and sewer disconnects done but he was working on it.

Ms. McLean stated the respondent was supposed to appear at the last meeting for a progress report and did not come.

Mr. Alderman stated he gave the progress report. He stated he had been in contact with the respondent a lot.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until July 3, 2019 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000 per day. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

### ***NEW CASES:***

**CASE # 19- CEB 06-19-120 - Mary Kathleen Langan** 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 108.1, 301.3, 304.2, 304.4, 304.6, 605.3, 304.9), at **540 Revilo Blvd.** Violation(s) – Damaged overhangs; exterior wall failing; rotted stairs, deck and rails; trash and debris; paint fascia;

damaged window frames; deck support; paint structure and water damaged exterior luminaries. First Notified – 2/13/2019.

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Steve Alderman. He stated the inspector reports the property remains in non-compliance and is asking for next cutoff for the respondent to bring the property into compliance.

Mrs. Kuendig asked the inspector if he had any contact with the respondent and he stated he had none whatsoever.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 20 - CEB 05-19-84 - Gregory D. Fleming & Ernest Fleming** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4.d, at **404 Wilson Ave.** Violation(s) – Dirt and grime on fascia. First Notified – 1/17/2019

Gregory Fleming and Leah Fleming came forward and were sworn in.

Barbara Collins, Code Inspector, stated the property is still in non-compliance and she is asking to amend to the next cutoff. She stated this is the first contact she has had with the respondents.

Ms. Fleming stated she was standing in for her father and grandfather and they do not live at the residence. She stated they have tenants living at the residents and they did not notify them when they were notified. She stated when she learned of it, the painting had been done and the property has been cleaned up and they were doing other work as well.

Ms. Kuendig stated the violations were dirt and grime on fascia and that needed to be taken care of before the next meeting.

Ms. Fleming stated ok.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting 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 # 22 - CEB 06-19-102 - Holly Hoffman** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **415 N Halifax Ave. #114.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/21/2019.

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Mark Jones. He stated the inspector reports the property remains in non-compliance and is asking for next cutoff for the property to be brought into compliance.

Mark Jones, Code Inspector, stated the respondents applied for, and paid for, the Business Tax License (BTR) on June 5, 2019 and the license was under review.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 23 - CEB 06-19-117 - Holly Hoffman** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **415 N Halifax Ave. #107**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/21/2019.

Respondent was not present

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Mark Jones. He stated the inspector reports the property remains in non-compliance and is asking for 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 July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Ms. Robey seconding. Motion approved (5-0).

**CASE # 24 - CEB 06-19-103 - Grace A. Pedersen, Trustee of the Amazing Grace ARNP Solo 401K Trust** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **1055 W Intl. Speedway Blvd**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 11/19/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Mark Jones. He stated the inspector reports the respondent came to the wrong meeting on Tuesday and that the property remains in non-compliance and staff is asking for the next cutoff for the property to be brought into compliance.

Mrs. Kuendig asked the inspector if there was a lot to be done.

Mr. Jones stated he has not been able to schedule an inspection but should have that the first of next week.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. McLean motioned the same with Ms. Hymes seconding. Motion approved (5-0).

**CASE # 28 - CEB 06-19-115 - Christine Ziglar** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at **821 Pinewood St.** Violation(s) – Trailer parking on front lawn, trash and debris. First Notified – 2/16/2019.

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Tom Clig. He stated the inspector reports he has had no contact with the respondent, the property is still in non-compliance and is asking for next cutoff for the property to be brought into compliance.

Mr. Harrington asked if the property is occupied.

Mr. Clig stated he is not sure, they have water service, and the owner lives in West Palm Beach.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CASE # 30 - CEB 06-19-119 - Jason A & Michelle Linkinhoker** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A, at **214 Boylston Ave.** Violation(s) – Parking of trailer in front driveway. First Notified – 2/11/2019

Jason Linkinhoker came forward and was sworn in.

Mr. Jackson stated the inspector reports that Mr. Linkinhoker will be moving the trailer and are asking for the next cutoff for the property to come into compliance.

Mr. Linkinhoker stated he is moving the trailer and it may be moved now. He stated he usually has it parked at a different location.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. Robey motioned the same with Mr. Harrington seconding. Motion approved (5-0).

**CASE # 31 - CEB 06-19-109 - Rosalie Riley** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **218 Short St.** Violation(s) – Peeling paint. First Notified – 3/7/2019 (posted)

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Danny Garcia. He stated the inspector reports he has had contact with the respondent and he is asking for next cutoff for the property to be brought into compliance.

Mrs. Kuendig asked if the property was occupied.

Mr. Garcia stated that it is occupied and he spoke with the daughter who now has ownership of the property and she will have the property into compliance before 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 July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. McLean motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 33 - CEB 06-19-112 - Sandora Y. Davis and Kenzel Washington** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.7 and 308.1), at **349 Wilson Ave.** Violation(s) – Parking, sanitation, accessory structures, roofs & drainage and accumulation of rubbish. First Notified – 1/31/2018.

Angel Darkley, Sandora's mother and Jerome Osais, uncle, came forward and were sworn in.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Cliff Recanzone. He stated the inspector reports the property remains in non-compliance and he has had no contact with the respondents. He stated the inspector stopped by and there was someone working on a car and he spoke to that person but prior to that, there was no contact. He stated staff is asking for a finding on non-compliance and until next cutoff to bring the property into compliance.

Ms. Darkley stated the inspector told the man working on the car that there were 2 things they needed to do fix and they called him and checked with him.

Mr. Recanzone stated there is no driveway and so they are parking on an unimproved surface and the sanitation and rubbish.

Ms. Darkley stated they cleaned that up.

Mr. Recanzone referred to the pictures taken yesterday with a disabled vehicle and stated the carport has bushes growing from the damaged roof. He stated he is concerned about the structure of the carport.

Ms. Robey asked the respondent if he was expecting it to be removed.

Mr. Recanzone stated at least it needs to be inspected.

Ms. Darkley stated she is putting up more posts to secure it.

Mrs. Keundig asked where Sandora and Kenzel were and if they live there.

Ms. Darkley stated they live there and he was at work. Ms. Darkley stated it is the family home and she lives there also.

Ms. Robey asked if all of the vehicles are licensed and tagged.

Ms. Darkley stated that they all work. She stated they were cleaning out the back part and removing the tires.

Ms. Robey asked the respondent if she can have the property done and cleaned up by the next cutoff.

Ms. Darkley stated yes, they would get it done.

Ms. Robey stated they need to stay in touch with the Code Officer.

Ms. Hymes asked the inspector if he told the man working on the car that there were only two things to do.

Mr. Recanzone stated no and that he tried to explain to the man all of the violations on the property.

Ms. McLean asked who the man was that was working on the car.

Ms. Darkley stated that was a guy that she was having work on the car and help them clean up. She stated Mr. Recanzone told him they were doing good getting things cleaned up.

Mr. Osais stated his name is Mike.

Mrs. Hymes stated the inspector stated he did not say those things to the man.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 34 - CEB 06-19-113 - Dwaun J. Warmack** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7), at **622 Winchester St.** Violation(s) – Accessory structures - damaged fence. First Notified – 3/17/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for a finding of compliance or non-compliance and the inspector is Cliff Recanzone. He stated the inspector reports he has had no contact with the respondent until a couple of minutes ago on the phone. He stated the property is still in non-compliance and is asking for next cutoff for the property to be brought into compliance.

**Board Action:** Mr. Harrington motioned to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Mrs. Hymes seconded the same. Motion approved (5-0).

**CASE # 35 - CEB 06-19-125 - Imogene C. & Fred H. Gilmour Sr.** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13), at **122 Springwood Dr.** Violation(s) – Working outside of the scope of the Business Tax Receipt (BTR), damaged roof, extending building without permits, boarded window and dirt and grime on the siding. First Notified – 3/19/2019

Respondent was not present.

Mr. Jackson stated the case is before you for determination of compliance or non-compliance and the inspector is Cliff Recanzone. He stated the inspector reports a number of the items have been taken care of but the property remains in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Mr. Harrington asked the inspector what “working outside the scope of the Business Tax License (BTR) represents.

Mr. Recanzone stated when you have a BTR for a home-based business, the business needs to be inside your house. He stated the respondent was storing fish outside with cooler trucks running all night long. He stated he has been in constant contact with the respondent. He stated the respondent has come into compliance on that and all that is left is that the side of the roof is damaged and they need to move a part of the garage shed that was not permitted.

**Board Action:** Mr. Harrington motioned to find the respondent in non-compliance and order the respondent to come into compliance by July 3, 2019 or be returned to a subsequent meeting for the consideration of a fine of up to \$1,000 per day. Ms. McLean seconded the same. Motion approved (5-0).

**CASE # 36 - CEB 06-19-114 - Edward C. Taft** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.3, 302.4, 302.7, 303.1, 303.2 and 304.7), at **217 Blanche Place.** Violation(s) – Vacant structure, sidewalks, weeds, accessory structures, swimming pool and swimming pool enclosure. First Notified – 11/18/2018.

Respondent was not present.

Mr. Jackson stated the case is before you for determination of compliance or non-compliance and the inspector is Cliff Recanzone. He stated the inspector reports the property remains in non-compliance with extra concern regarding a pool that is not adequately secured and the City is asking for authorization to add a padlock and secure the pool within 5 days. He stated the structure is vacant.

Ms. Robey asked the inspector if he had contact with the respondent and Mr. Recanzone stated no.

There was discussion regarding the inspector posting the order as soon as possible.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 3, 2019 or be returned to a

subsequent meeting for the consideration of a fine of up to \$1,000 per day. It was further ordered that the City should secure the pool as soon as possible. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion approved (5-0).

**CASE # 37 - CEB 06-19-121 - Willie May & Rufus McCoy** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a.i; Art. 6 Sec. 6.19.A.3.a; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.7, 304.6, and 605.1), at **332 Deeley St.** Violation(s) – Off Street Parking, outside storage, junk vehicles, damaged roof, exterior walls and electrical fixtures. First Notified – 2/15/2019.

Rufus McCoy came forward and was sworn in.

Mr. Jackson stated the case is before you for determination of compliance or non-compliance and the inspector is John Stenson. He stated the inspector reports the property is in non-compliance and is asking for the next cutoff for the property to be brought into compliance.

Mrs. Hymes asked if anything had been done on the property.

Mr. Stenson stated very little had been done and some outside storage had been moved and there is sporadic movement for the vehicles and trailers.

Mrs. Kuendig read the list of violations and Mr. Stenson stated all of the violations still exist.

Mr. Stenson stated the floodlights lights on the exterior were damaged and needed to be replaced.

Mrs. Keundig asked who lives there.

Mr. McCoy stated his dad and his mom. He stated he had been in an accident and he is helping them out – she is 88 and he is 94. He stated he does not live there.

Mrs. Kuendig stated the biggest issue is the roof.

Mr. Stenson stated that is correct.

Mrs. Kuendig stated the respondent will need a permit.

Mr. McCoy stated he has a permit but needs wood and help.

Mr. Stenson stated all of the violations still exist.

Ms. Robey asked if he was going to get the trailer out of there.

Ms. Robey asked the respondent if he had gotten the large trailer out of there.

Mr. McCoy stated that he was in a bad accident and that a Waste Pro truck had run into his truck and it was totalled. He stated he had discs put in his neck.

Ms. Robey asked if there was a settlement coming from Waste Pro and Mr. McCoy stated yes.

**Board Action:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and ordered the respondent to come into compliance by July 31, 2019 or be returned to a subsequent meeting 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).

#### Miscellaneous Business

Captain Scott Lee stated that Law Enforcement Officer's addresses should be kept confidential and no correlation to their career should be mentioned.

Mr. Jackson stated Law Enforcement contact information is exempt and when they are a respondent they should remain anonymous.

Captain Lee stated that for secured property there is a process and the costs are charged back to the property.

Mr. Jackson stated there was a staff liaison and Captain Lee was acting as such when he comments during the proceeding.

Mrs. Koenig stated she had no objection.

Mrs. Hymes stated she was pleased when Captain Lee was able to perform the wellness check immediately.

Mrs. Kuendig stated she is looking for a way to deal with some of the cases that keep coming back and where the respondents are aged, or don't have the resources to correct the violations, so that they don't go on for such a long time.

A discussion was held regarding the CRA, homestead and other considerations to help with time and the fact that the City is looking for ways to help these respondents come into compliance.

The meeting was adjourned at 11:22 a.m.