

**CODE  
ENFORCEMENT  
BOARD**

City Commission Chambers  
301 S. Ridgewood Ave., Daytona Beach, FL 32115

Members: Weegie Kuendig, Chairman; Turner Hymes, Vice-Chairman; Neil Harrington, Karen Robey and Valoree McLean

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August 8, 2019

Members present:

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

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Anthony Jackson, Esq. Assistant City Attorney  
Captain Scott Lee, Daytona Beach Police Department  
Officer Steve Jessmer, Daytona Beach Police Department  
Mr. Steve Alderman, Code Inspector  
Mr. Tom Clig, Code Inspector  
Ms. Barbara Collins, Code Inspector  
Mr. 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: Mary Louise "Weegie" Kuendig Chairman

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

Ms. Barnes called the roll and Ms. Robey was absent. Motion was made to excuse Ms. Robey by Mrs. Hymes with Ms. McLean seconding. Motion approved 4-0.

Mrs. Kuendig stated the Board has only 4 members present today, which constitutes a quorum, but all members must be present to vote.

Mr. Harrington stated there are 2 openings currently and instructed the viewing audience how to apply for these positions.

Mrs. Kuendig asked if the minutes of the July 11, 2019 meeting had been read and asked for any corrections. There were none. Mrs. Hymes motioned to approve the minutes with Mr. Harrington seconding. Motion approved (4-0).

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

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

**CASE # 6 - CEB 07-19-154 - Earnestine Sangster** 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 **1231 Vine St.** Violation(s) – Junk vehicle. First Notified – 4/26/2019

***Compliance 7/19/2019***

**CASE # 7 - CEB 07-19-126 - Angela C Cameron** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **279 Boylston Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 2/11/2019

***Compliance 8/2/2019***

**CASE # 12 - CEB 07-19-139 - Kim Quy Klingenstein** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 304.2), at **1608 N Oleander Ave.** Violation(s) – Maintenance Code - trash and debris on sidewalk, paint retaining wall, vacant land and lawn maintenance. First Notified – 4/17/2019

***Compliance 8/7/2019***

**CASE # 24 - CEB 08-19-168 - Ray H & Eyvone H Wright** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4, at **325 Parkway.** Violation(s) – Bare wood on fascia and dirt & grime on exterior walls. First Notified – 1/29/2019

***Compliance 8/7/2019***

Mrs. Barnes swore in staff member who will be testifying.

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

***CONTINUED CASES:***

**CASE # 1 - 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

Mr. Jim Pickens, Esquire came forward.

Mr. Anthony Jackson, Assistant City Attorney, stated Inspector Recanzone reports the respondent has permits and are waiting for them to be finalized. He stated staff is asking to amend to the next cutoff.

Mr. Cliff Recanzone, Code Inspector, stated the permits have been issued and the work is done but they are waiting for a second shed to be added to the demo permit and for it to be finalized.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous Order of Non-compliance to allow the respondents until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

**CASE # 2 - 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 not present.

Mr. Jackson stated the respondent is being assisted by a City program and there is an issue with the contractor. He stated staff is asking to amend to the next cutoff.

Mr. Recanzone stated the City is doing the work as a loan which will be paid back. He stated he expects the work to take another 2 months.

Mr. Kuendig asked for motion to continue the case until the October 10, 2019 meeting for a progress report.

Mr. Jackson stated they would like a compliance date set.

Mrs. Kuendig withdrew the previous motion and discussion was held regarding a compliance date.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous Order of Non-compliance to allow the respondents until November 6, 2019 to come into compliance or return to a subsequent meeting for consideration of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 3 - 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

Mrs. Rufus McCoy came forward and was sworn in.

Mr. Jackson stated Inspector Stenson reports they are making progress and would like to amend to the next cutoff.

Mr. John Stenson, Code Inspector, stated the violations were from a Code Walk and listed the violations. He stated there has been some progress and permits had been pulled.

Mrs. Jackson stated she had lived in the house since 1967 and paid off the home. She stated she and her husband were both not well and had issues with a son who had pulled the permit for the roof in her name. She requested more time and stated that her grandson had gotten the water turned back on. She stated she had been to VIND for help but they were not able to help her and Mr. Stenson had given her the name of another organization where she might seek help since they have money issues. She stated FEMA gave them \$300 to fix the roof.

**BOARD ACTION:** Mrs. Kuendig asked for motion to continue the case until the October 10, 2019 meeting for a progress report. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 4 - CEB 07-19-128 - Norman H Riley** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **746 S Palmetto Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/2/2019

Respondent was not present.

Mr. Jackson stated the respondent is deceased and Inspector McCoy has had no communication with anyone. He stated Mr. Riley's name is still on the tax roll. He stated the City has done everything required to give notice to the respondent.

Mrs. Kuendig asked if they had been given notice.

Ms. Barnes read the C/O name of Joyce Evans PUC etal on the tax appraiser's site.

Mr. Jackson requested a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jerome McCoy, Code Inspector, stated the violations were complaint driven and the property is now vacant.

Mr. Kuendig asked if they were advertising the property for rent.

Mr. McCoy stated he had not seen any online advertising.

Captain Scott Lee, Daytona Beach Police Department, stated the roof had been replaced with a permit and the permit was pulled by a contractor.

There was discussion as to whether the case is in compliance if the property is vacant.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. It is further ordered that a one-time administrative fee of \$250, for failure to obtain Business Tax Receipt (BTR), be imposed. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 5 - CEB 07-19-153 - Brandon Beck** 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, 304.3, 304.15, 604.3), at **422 Hillside Ave.** Violation(s) – Retaining wall, front door, peeling paint, address numbers and lack of power. First Notified – 4/18/2019

Respondent was not present.

Mr. Jackson stated Inspector Kirk has heard nothing from the respondent since the April meeting and is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Ms. Sara Kirk, Code Inspector, stated she had no contact up until the day after the last hearing and the respondent stated he cannot fix the retaining wall because of a protected plant species. She stated the initial violations were complaint driven.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$10,000. Ms. McLean motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 8 - CEB 07-19-130 - Jackie Maurice Spencer** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **533 Fulton St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/25/2019

Mr. Jack Spencer came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the property failed inspection on July 18. the respondent still has a few things to take care of and staff is asking to amend to the next cutoff for compliance.

Mr. Jones stated the pictures are from the July 18<sup>th</sup> inspection.

Mrs. Kuendig asked if the inspector thought that was substantial progress.

Mr. Jones stated this was the first inspection of the property.

Mr. Spencer stated the property was acquired two years ago from his parents and he had not been in the property until the inspection. He stated it is a duplex and the tenant in one side will be moving out and after the inspection, he plans a full renovation on both units on the property.

Discussion was held on the violations at the property.

Mrs. Keundig asked what had been done in the 2 weeks since the inspection.

Mr. Spencer stated that Mr. Jones had given him a list of the things that needed to be corrected and he had been speaking to contractors and handymen to get quotes.

Mrs. Keundig asked if the respondent needed permits.

Mr. Jones stated that some of it may require permits and there were areas where the ceiling had fallen in as well as drywall issues.

Mrs. Kuendig stated he was notified in February.

Mr. Spencer stated the violation was for not having a Rental License and he went to renew it and then later they stated they needed additional money for the second unit. He was unaware that an inspection was needed.

Mrs. Kuendig asked when the tenants were moving out.

Mr. Spencer stated they are moving out now.

Mr. Harrington asked the respondent if he could be under contract with a plumber and electrician by the next cutoff.

Mr. Spencer stated he would acquire them quickly and was not sure if the work could be done within 30 days.

Mr. Jones stated the concern are life safety issues, since one tenant will still be there, such as bars on the windows, smoke detectors, ceiling and the GFI switch in the bathroom.

Mr. Harrington asked if there was a way to enter the violations into the record.

Mr. Jackson stated the violations would be a separate case.

Ms. McLean asked the respondent if he can take care of the safety issues within a month and then get a progress report.

Mr. Spencer stated he could and listed the items he will immediately take care of.

Mrs. Hymes asked if the smoke detectors have to be wired.

Mr. Jones stated they allow a ten year life with battery operated smoke detectors.

Mr. Spencer stated the ceiling issues are located on a porch, which got the drywall fixed, and will be repaired by the tenant.

It was agreed by all parties that the life safety issues need to be fixed by the next meeting.

Mr. Harrington asked if a permit was needed to repair the life safety issues.

Mr. Jones stated he should not need a permit for the life safety issues unless he has to run a new circuit for the GFIs.

Mrs. Kuendig asked how old the building was.

Mr. Spencer stated it was built in the 50s.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous Order of Non-compliance to allow the respondent until September 4, 2019 to come into compliance for all safety issues or return to a subsequent meeting for the consideration of a fine up to \$1,000 per

day until compliance is achieved. It is further ordered that respondent must appear at the September 12, 2019 meeting for a progress report and the determination of a compliance date on all other issues. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

**CASE # 9 - 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 Inspector Jones reports in April he received a call that the original notice was not received but he would take care of the violations immediately. He stated he has not had any contact since the original violation and the property failed inspection in June. He stated staff is recommending a fine in the amount of \$100 to a maximum of \$15,000 be imposed.

Mrs. Kuendig asked the inspector if the violations had been taken care of.

Mr. Jones stated he had no idea since he has had no contact with respondent since he was last here.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

**CASE # 10 - 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 previous circumstances are the same for this case and the next and Inspector Jones reports that the violation is complaint driven by the tenant. He stated the inspector determined it was a rental property and posted the property in February with a compliance date of March. He stated the respondent called Inspector Jones on July 25 for inspection, which failed, and respondent asked for more time to make the repairs.

Mr. Jones stated they had enclosed the back porch which was the secondary exit from the bedroom. He stated the window in the bedroom is boarded up. He stated the tenant said the owner had done it to use as storage.

Mr. Harrington asked if the enclosure was done without a permit.

Captain Lee stated it was done without a permit. He stated the Board heard the same case last year and the property already has a maxed out fine.

Mr. Hymes confirmed that the notice was posted.

Mrs. Kuendig asked why the inspector is asking to amend and why a fine should not be imposed at this meeting.

Mr. Jones stated they need to allow the respondent 30 days from inspection on July 25 to come into compliance.

Mrs. Hymes asked when the property was posted.

Mr. Jones stated it was posted on February 21<sup>st</sup>. He stated it was his understanding that the respondent must be given until August 26 to come into compliance.

There was discussion whether the Board can impose a fine at this time.

Captain Lee stated the fact that this case was sent to the Board prompted the actual inspection.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until August 26, 2019 to come into compliance or a fine in the amount of \$1000 per day, effective August 26, 2019, will automatically be imposed until compliance is achieved or the fine reaches a maximum of \$15,000. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 11 - 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

Mr. Jones stated the property did not pass rental inspection and the inspector is asking to amend to the next cutoff to come into compliance. He listed the violations that are still outstanding.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous Order of Non-compliance to allow the respondent until September 4, 2019 to come into compliance or be returned to a subsequent meeting for the consideration of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 13 - CEB 07-19-140 - Matilda Riley** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.2, 304.3), at **520 Model St**. Violation(s) – Maintenance Code - maintenance issues, paint fading and peeling, windows sealed and closed with expansion foam, missing address numbers, fascia boards fading and peeling and junk vehicles. First Notified – 5/4/2019

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance, he has done numerous site visits since April 13 through yesterday and is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

Mrs. Kuendig asked if this was a rental property.

Code Inspector, Mike Fitzgerald, stated the property was a duplex.

Mrs. Kuendig asked what the difference was between a rental inspection case and a maintenance code case.

Captain Lee stated they come into contact with these cases in two different ways. He stated sometimes people report a rental violation and it will go down the path to the Rental Inspector. He stated if it is not a rental case the Code Inspector will pick up the case and in this situation, Inspector Fitzgerald has been working the entire block.

Mr. Fitzgerald stated he has spoken to owner and she said she was trying to get it done.

Mrs. Kuendig asked if anything had been done.

Mr. Fitzgerald stated not that he could not notice any improvement.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$200 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 14 - CEB 07-19-138 - Phillip D Hankins** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.13, 304.13.1), at **624 Tomoka Rd.** Violation(s) – Outside storage, dirt & grime, faded paint, missing address numbers and damaged windows. First Notified – 3/20/2019

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports that he has done several site visits, the property remains in non-compliance and is asking for a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Fitzgerald stated he has no contact with the owner and the respondent has made no effort to correct the violations.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$200 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. Ms. McLean motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 15 - CEB 07-19-141 - Robert & Susie Owens** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8, 304.1.1, 304.2, 304.3, 304.4, 304.7), at **435 Model St.** Violation(s) – Maintenance Code - dilapidated roof, peeling paint, junk vehicles, outside storage, trash and debris. First Notified – 3/21/2019

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports that nothing has been done, the property remains in non-compliance, and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. McLean asked why they were asking for \$100 on this case and \$200 on the last.

Mr. Fitzgerald stated he has had contact with the respondent and they were making some progress.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

**CASE # 16 - CEB 07-19-147 - William E & Connie L Frady** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.8), at **717 Winchester St.** Violation(s) – Junk vehicle, outside storage, trash and debris. First Notified – 5/3/2019

Respondent was not present.

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

Mr. Fitzgerald stated the junk vehicles were backed in and the respondent seems to be doing mechanic work.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$100 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$10,000. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 17 - CEB 07-19-133 - Annie Myara** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **439 Auburn #203.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/19/2019

Respondent was not present.

Mr. Jackson stated Inspector Jones is asking to amend to the next cutoff and it appears the property is in the process of being sold.

Mrs. Kuendig asked if the sale of the property was a quit claim deed.

Mr. Jones stated he did not know and that it had not been recorded. He stated he visited the property and it is vacant and he has been in contact with the owner who told him the property is being sold. He stated they have 3 units, one was sold and has come into compliance, this one and the following are new cases but he hasn't inspected yet which is why he is requesting to amend to the next cutoff.

Mrs. Kuendig stated she heard last month that the property was being sold and she has not heard any specifics regarding the sale.

Mr. Jones stated he does not have any specifics either.

Mrs. Hymes stated the last time the Board had ordered a fine up to \$1000 per day if it wasn't in compliance.

Mr. Cino asked the inspector if he had contact with the respondent and told them that he was going to request to amend to the next cutoff.

Mr. Jones stated he did not know what they were going to do at the time so did not tell him anything. He stated the respondent understands it is up to the Board to make a determination and he could be fined. He stated he was not as concerned since the property had been vacant for the last 2 months.

Mr. Harrington asked if the Board should be concerned if a respondent is selling the property.

Mr. Cino stated they should be concerned if the correct party is in front of the Board. He stated it is the responsibility of the current owner to advise the new owner there is a code violation on the property.

Captain Lee stated they could request a copy of the document presented at sale to the new owners regarding the code violations on the property.

Mr. Jones stated for clarification he was told the respondent was selling the property, not that it was sold.

Ms. McLean asked if they could make a stipulation that the respondent is required to notify the new owners of the code violations.

Mr. Cino stated that cannot be part of the order.

**BOARD ACTION:** Mrs. Kuendig asked for motion to impose a fine in the amount of \$1,000 per day, effective August 8, 2019, until compliance is achieved or the fine reaches a maximum of \$15,000. Mr. Harrington motioned the same with Ms. McLean seconding. Motion approved 4-0.

Mrs. Kuendig called a recess at 10:21 a.m.

The meeting resumed at 10:32 a.m.

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

**CASE # 19 - CEB 08-19-159 - Dora A Dumas** is cited for failure to correct violations of The Land Development Code, City Code Ch. 26 Sec. 26-294, at **610 Winchester St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/28/2019

Ms. Lily Dumas, mother of the respondent, came forward and was sworn in.

Mr. Jackson stated the case is before you for compliance or non-compliance and Inspector Jones reports the property remains in non-compliance. He stated they applied for the rental inspection on April 26. He stated the inspector has spoken to the owner and they are working on it and is asking for a finding of non-compliance and the next cutoff to come into compliance.

Mr. Jones stated there is a long list of violations.

Ms. Dumas stated it was a long list and Inspector Jones did not give the respondent a date as to when the violations need to be corrected. She stated she contacted him and he still did not give her a date but she has started some of the corrections that are not on the list and she lives in Georgia and keeps coming down to try and get someone to do the work that needs to be done. She stated she now has someone that can do everything so she needs 3 months.

Mrs. Kuendig stated the respondent was first notified in March of the violations and was notified in April that she failed inspection.

Ms. Dumas stated she was notified in April and the list was sent on April 26<sup>th</sup>.

Mrs. Kuendig asked the respondent to repeat that.

Ms. Dumas stated the inspector claims he notified her on the 11<sup>th</sup> but she didn't get a list until April 26<sup>th</sup>.

Mr. Jones stated that on March 13 he had generated a Notice of Violation and it came back undeliverable. He stated on March 28 he posted the property with compliance by April 11 and that they needed to have a rental inspection. He stated when he inspected the property, at the request of the owner, on April 26<sup>th</sup>, with the tenant onsite, he gave the inspection results to the tenant. He stated the owner later called and asked for another copy of the inspection report which he provided.

Mrs. Kuendig stated they are there to determine if the property is in compliance or non-compliance.

Ms. Dumas stated the other thing they are here for is whether or not she is even trying to bring it up to where it needs to be. She stated she has done half the things on the list and the contractor says they cannot begin for 2 or 3 weeks.

Mrs. Kuendig stated they would take that into consideration.

Ms. Dumas stated her daughter has to travel back and forth from Georgia and she doesn't work and has an autistic son and cannot afford a fine.

Captain Lee stated he was not pleased with respondent's approach and suggested a progress report at the next meeting, with a compliance date for the following meeting since there is travel time involved and will give them a change to gauge if anything has been done.

Ms. Barnes stated the respondent's address on the Volusia Tax roll is the property address and if she would like to receive the Notices, we need an updated address.

Ms. Dumas stated the respondent was told to go online to Volusia Tax and put in her new address.

Mr. Harrington stated at the next meeting, the respondent should have the list and be prepared to advise the Board on what has been done.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until October 2, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. It is further ordered that respondent must appear at the September 12, 2019 meeting for a progress report. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 20 - CEB 08-19-160 - David & Suzanne Jeckovich** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **825 Lewis Dr.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 2/20/2019

Mr. David Jeckovich came forward and was sworn in.

Mrs. Kuendig asked the respondent if he lived there and he gave the address where he resides to the Board.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance but has had contact with the respondent and had issues with the owner and tenant.

Mr. Jones stated he has had contact with the owner quite a bit and he had scheduled a couple of inspections, one was July 25, and when he got there the tenant would not allow him into the building. He stated the owner thought he had that worked through with the tenant and he went back on July 29 and no one would come to the door. He stated he has not inspected the property at all and the owner would give an update today.

Mrs. Kuendig asked if a property owner properly notified the tenant there will be an inspection on a certain date if they they allowed to unlock the door and go in and have an inspection.

Mr. Jeckovich stated unless it is an emergency he cannot go in. He stated he obtained a Rental License in 2014 on this property and he has a current license on the property that is valid until September 31, 2019 so he is in compliance.

Mr. Jones stated every other year you must have a rental inspection and the respondent paid for the license but it's not valid until he passes the inspection.

Mr. Jeckovich stated they have issues with the tenant and he met with him and sent a 7-day certified notice to comply. He stated today is the day the notice is up. He stated after he leaves today, he will be filing an eviction. He stated he would fix the property and sell it and it would no longer be a rental property.

Ms. McLean asked if there was verbage on the notice from the City that a rental inspection is needed.

There was no response.

Mr. Cino stated the respondent needs time for the eviction.

There was discussion regarding the validity of the license, the fact the Violation is "failure to obtain a Rental License" and the respondent feeling that he has one, the need for inspection and the inspectors actions regarding inspections.

Mr. Jeckovich stated he would not be getting a new Rental License and would not be re-renting the property.

Captain Lee stated the Rental application is on hold pending rental inspection.

**BOARD ACTION:** Mrs. Kuendig continued the case to allow the respondent until September 12, 2019 to come into compliance or be returned for the determination of a compliance date. Mrs. Hymes motioned the same with Mrs. McLean seconding. Motion approved 4-0.

**CASE # 21 - CEB 08-19-166 - Thomas C Weatherford** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **209 Taylor**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 5/6/2019

Mr. Thomas C. Weatherford came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance and is asking to amend to the next cutoff. He stated the respondent needs a permit, which is under review.

Mr. Jones stated the owner submitted an application for permit and on May 22 and it was approved. He stated he called to schedule an inspection and was advised by the owner that it was being sold but, it had not been sold as of last week. He stated he had no further contact until today.

Mr. Weatherford stated he had been in and out of the hospital. He stated the property was to be sold but the buyer was on a cruise and nothing else had happened. He stated he would be happy to make the repairs but needs time to fix the property. He stated the downstairs unit and the one above the garage are in great shape and he lives on the top floor since Hurricane Matthew.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until October 2, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 22 - CEB 08-19-170 - Peter Frank** is cited for failure to correct violations of City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **113 N Hollywood**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 4/26/2019

Mr. Peter Frank and Mr. Mike Bretzel came forward and were sworn in.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance and the Property Manager submitted a rental application on August 2, 2019 which is under review. He stated staff is asking for a finding of non-compliance and that the property be brought into compliance by the next meeting.

Mr. Frank stated he purchased the property about 5 months ago and it needed a lot of work. He stated one of the renters was in a wheelchair and it took him a few months to relocate him.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until October 2, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 27 - CEB 08-19-161 - Carolina Wagner** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6); City Code Ch. 90 Sec. 90-297, at **542 N Ridgewood Ave.** Violation(s) – Work done without permits, peeling paint, holes, rotted wood, siding, windows, added addition and failure to obtain Business Tax Receipt (BTR). First Notified – 7/7/2019

Carolina Wagner came forward and was sworn in.

Mr. Jackson stated that inspector Garcia reports the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

Mr. Garcia stated he has had contact with the owner and there are no permits yet but they have retained a contractor. He stated the issues with the roof have been eliminated but the stairs are unsecured and a safety issue. He stated other issues that are not life safety remaining on the property.

Captain Lee asked the Board to address the spiral staircase issue, which is unsafe, and requested in the order that a shorter time frame be given and that it needs to be removed.

Mrs. Kuendig asked if the property is a rental property and Mr. Garcia stated parts of it are.

Ms. Wagner stated that she lives there. She stated someone tried to steal the stairs which is why they are not connected. She stated she retained an engineer and is shooting to correct the issue in about a month. She stated she boarded up her porch due to a shooting.

Captain Lee stated that the board needed to be removed and asked the respondent if that was the only ingress and egress to the property. He stated when the respondent removes the stairs that the door needed to be secured so that someone can't walk out of it.

Ms. Wagner stated she would remove the boards.

There was discussion regarding what needs to be done with the stairs and securing the door after removing the stairs.

Mr. Garcia asked if the order can reflect that respondents must have permits issued by the next meeting.

Mr. Cino stated that was included in the order to be in compliance.

There was further discussion regarding what "securing" of the stairs requires.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. It is further ordered that respondent must resolve and secure the life safety issues of the stairs by August 13, 2019. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 28 - CEB 08-19-164 - Turdurra G & Evon R Fulbright** is cited for failure to correct violations of The Land Development Code, Art 6 Sec 6.2.H.7 a.i., at **1104 Lakewood Park Dr.** Violation(s) – Off-street parking in front yard. First Notified – 6/13/2019

Mr. Turdurra Fulbright came forward and was sworn in.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance for off street parking. He stated the inspector is requesting a finding of non-compliance and is asking that it be brought into compliance by the next cutoff.

Mr. Fulbright stated since he has owned the house he has parked his truck either in the grass or on the side yard and did not know he was not in compliance. He stated he has a truck parked on the other side and is trying to put an engine in it but the mechanics have been busy.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 25 - CEB 08-19-169 - Christopher John Nelson** 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 **123 E Mason Ave.** Violation(s) – Peeling paint on exterior walls. First Notified – 11/30/2018

Mr. Larry Nelson came forward and was sworn in.

Mr. Jackson stated Inspector Collins reports that the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff for the property to be brought into compliance.

Ms. Collins stated the respondent has painted the front and needs to paint the other side of the building.

Mr. Nelson stated he painted the front of the building and got rid of some drums but they won't pick them up unless they have 3 or 4 of them. He stated they have elevator oil in them. He stated he would paint the side.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 26 - CEB 08-19-167 - Leocadio & Ednidia Mercado** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **101 Baywood Dr.** Violation(s) – Installed roof without a permit. First Notified – 3/13/2019

Respondents were present and left before the case was heard but spoke to the Code Officer.

Ms. Collins stated she is asking for a finding of non-compliance and the next cutoff for compliance. She stated they need to apply for a permit and then the property should be in compliance.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Ms. McLean seconding. Motion approved 4-0.

**CASE # 18 - CEB 08-19-158 - Annie Myara** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **428 Auburn #102.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 3/27/2019

Respondent was not present.

Mr. Jackson stated Inspector Jones is asking for a finding of non-compliance, it is vacant, and is asking to amend to the next cutoff.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Ms. McLean motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

**CASE # 23 - CEB 08-19-162 - Kevin L Bock** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **419 Golf Blvd.** Violation(s) – No permit - working without a required permit. First Notified – 6/5/2019

Respondent was not present.

Mr. Jackson stated Inspector Alderman reports the property remains in non-compliance. He stated the respondents have applied for a permit for the garage and it is in review.

Mr. Alderman stated violations resulted from a citizen complaint for no permits and the cement slab poured. He stated he visited the site on June 6 and issued a Stop Work Order. He

named the chronology of events leading to the issuance of the CEB II and stated the respondent has to remove 23 feet from the property line.

Mr. Harrington asked if the work was being done by a contractor.

Mr. Alderman stated the respondent is a contractor and is asking for a finding of non-compliance and the next cutoff to come into compliance.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mrs. Hymes motioned the same with Mr. Harrington seconding. Motion approved 4-0.

**CASE # 29 - CEB 08-19-171 - Joseph Leon Turner Sr** is cited for failure to correct violations of The Land Development Code, Art 6 Sec 6.2.H.7.a.i., Art 9 Sec 9.2.A (Ref. FBC Supp. IPMC 302.8), at **1042 Berkshire Rd.** Violation(s) – Parking in yard and junk vehicle. First Notified – 6/12/2019

Respondent was not present.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance for junk vehicles and is asking for the next cutoff for the property to be brought into compliance.

Mr. Stenson stated he has had no contact with the respondents and it remains in the same condition as it was when he issued the Notice.

**BOARD ACTION:** Mrs. Kuendig asked for motion to find the respondent in non-compliance and allow the respondent until September 4, 2019 to come into compliance or return to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day until compliance is achieved. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion approved 4-0.

Mrs. Kuendig asked if there was any Miscellaneous Business and there was none.

The meeting was adjourned at 11:15 a.m.