

**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, Valoree McLean & Bradford Gonzalez

January 9, 2020

Members present:

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

Mr. Charles Cino, Esquire, Board Attorney

Staff present:

Mr. Anthony Jackson, Esq., Assistant City Attorney
Ms. Aimee Hampton, Senior Paralegal
Captain Scott Lee, Daytona Beach Police Department
Sergeant Steve Jessmer, Daytona Beach Police Department
Officer Cortland Lampe, Daytona Beach Police Department
Mr. Steve Alderman, Code Inspector
Mr. Tom Clig, Code Inspector
Mr. Mike Fitzgerald, Code Inspector
Mr. Jerome McCoy, Rental Inspector
Mr. Mark Jones, Rental Inspector
Mr. Clifford Recanzone III, Rental Inspector
Ms. Sara Kirk, Code Inspector
Mr. John Stenson, Lead Code Inspector
Mr. Charles Smarr, Audio/Video
Mr. Joe Graves, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by: Mary Louise "Weegie" Kuendig Chairman

The Chairman called the meeting to order at 9:01 a.m.

Ms. Barnes called the roll. Mr. Fogarty was absent. Mr. Cino stated there is a quorum present and the meeting can proceed. Ms. Barnes stated that Captain Lee will have an update on Mr. Fogarty.

Mrs. Kuendig asked if the minutes of the December 12, 2019 meeting had been read and asked for any corrections. There were none. Mr. Harrington motioned to approve the minutes with Mr. Gonzalez seconding. Motion approved (6-0).

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.

Ms. Barnes also recognized our Law Enforcement officers on Law Enforcement Appreciation day/

CASE # 3 - CEB 11-19-266 - Frank P & Carole E Cone Estate is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **192 Bermuda Petrel Ct.** Violation(s) – No permit for siding. First Notified – 8/6/2019.

Compliance 1/6/2020

CASE # 4 - CEB 11-19-259 - Keith W. Beachman is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.3, 302.4, 302.7, 302.8, 304.2, 304.6), at **222 Blanche Pl.** Violation(s) – Sidewalks and driveways, weeds, accessory structures, exterior walls, motor vehicles, protective treatment. First Notified – 1/2/2019

Compliance 1/6/2020

CASE # 5 - CEB 12-19-284 - Okey & Lelita Emejuru is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.8), at **1156 St Augustine Rd.** Violation(s) – Dirt and grime, peeling paint, missing shutters. First Notified – 5/13/2019

Compliance 1/6/2020

CASE # 22 - CEB 01-20-01 - Lori Smola is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4, at **549 Cedar St.** Violation(s) – Semi parked in grass lot. First Notified – 10/9/2019

Compliance 1/7/2020

CASE # 26 - CEB 01-20-09 - Dineshkumar C. Bharucha is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **465 Bayberry Lakes Blvd.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/21/2019.

Compliance 1/8/2020

Ms. Barnes sworn in member of the staff who will testify.

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

CASE # 20 - 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, failure to obtain Business Tax Receipt (BTR). First Notified – 7/7/2019.

Mr. George Howard, contractor and Mrs. Angela Doyle, Sr. Development Review Technician in P & L, came forward and were sworn in.

Mr. Anthony Jackson, Assistant City Attorney, stated Inspector Garcia reports that the property remains in non-compliance and is asking for a fine in the amount of \$250 per day to a maximum of \$20,000. He stated there is little change.

Ms. Doyle stated the permit application was submitted last Friday and it was incomplete. She stated the dimensions were not on there and he gave them a one-page site plan. She stated she contacted Mr. Howard and sent him the contacts. She stated nothing has changed.

Inspector Danny Garcia stated the respondents have done some painting and applied for the fence permit.

Ms. Doyle stated they could take the structure down because it is encroaching on a setback but it was included on the site plan.

Mr. Harrington asked Ms. Doyle if she has a marked up site plan and Ms. Doyle stated yes.

Mr. Bo Snowden, Deputy Building Official, was sworn in. He stated this has been dragging on and the respondent needs a change of use. He stated they would need a variance and complete site plan until the permit would be approved. He stated if the variance is approved, the respondent will need to either tear the structure down or get an after the fact permit. He stated the buildings have been chopped up into units but he has not been inside the structures. He stated the issue is parking and they have issued demo permits to clean up the interior and the fence permit. He stated they expedited the plan review. He stated the respondents have not made up their mind.

Mr. Jackson stated they have been spinning wheels the last 5 months and the case was started in July 2019.

Mr. Howard stated the owner is here today. He stated if the respondent cannot get a variance, she will need to take down the structures that were built without a permit. He stated he put up a fence to allow for parking and he told the respondent the responsibility is his once they get the permits. He stated within 30 days he can push everything to get the property into compliance.

Ms. Carolina Wagner was sworn in. She stated she did not know why it was taking so long. She stated she signed a POA and was working with the contractor but she did most of the demo.

Mr. Howard stated she removed the concrete and put flowers there. He stated she cut off the part of the building that wasn't supposed to be there. There was discussion as to whether to give the respondent more time or impose the City's requested fine.

BOARD ACTION: Mr. Harrington made a motion to impose a fine of \$250 per day to a maximum of \$20,000. Mr. Gonzalez seconded the same. Mrs. Kuendig called for a roll call vote. Motion was approved 5-1 with Mr. Gonzalez voting no.

LR – 1 CEB 10-18-135 - 728 Greenway Pl - Stephen B. and Suzanne S. Kaplan is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.4, 304.7). Violation(s) – Exterior Property Areas - Weeds, Exterior Structure - Roofs and Drainage. First Notified – 8/31/2018. Order Imposing Fine-Lien of \$100.00 per day effective November 8, 2018. Compliance – January 19, 2019. \$7,200.00 plus \$24.00 recording costs = **\$7,224.00**.

Mr. Stephen Kaplan came forward and was sworn in.

Mr. Anthony Jackson, Assistant City Attorney stated the case is in compliance. He stated a fine was imposed in November and the respondent did not appear at the meetings. He stated Inspector Recanzone is recommending a reduction to \$5,200.

Members of the Board asked the inspector questions regarding the roof permit and there was discussion regarding when the property was in compliance, whether the respondent was notified and whose responsibility it was to contact the Code Inspector.

Mr. Cliff Recanzone, Code Officer, stated the property was in compliance on January 19, 2019 but he was not notified. He stated he just drove by.

Mr. Cino, Board Attorney, stated if the Building Department finalized the permit on December 4, then the property was in compliance on that date.

Mr. Jackson stated even though the roof was in compliance on that date, there were other violations still existing on the property.

Mr. Recanzone stated the respondent needed roof, building and other permits.

Mr. Kaplan stated they thought they were in compliance when the building inspection was done and he had the grass mowed within days after the notification. He stated the roof was actually done prior to them purchasing the property.

Mr. Jackson stated they would use the Building Department's compliance date except the grass issue, which was chronic, was not in compliance. He stated staff is asking to reduce the fine to \$2,500.

There was additional discussion regarding notice to the respondent that they were in compliance.

Mr. Gonzalez made a motion to reduce the fine to \$1,000 due to time issues and miscommunication with the City. Mr. Harrington seconded the motion.

Mr. Harrington asked the respondent if he was aware of the grass violations.

Mr. Kaplan stated she should have known.

Mrs. Kuendig called for a Roll Call Vote. Motion was not approved with 5 voting no and 1, Mr. Gonzalez voting yes.

Ms. Robey made a motion to fine the respondent for the 26 days he was in compliance.

Mr. Jackson stated that would be \$2,600.

BOARD ACTION: Ms. Robey made a motion to reduce the fine to \$2,500 payable within 30 days or fine reverts back to the original amount. Mrs. Hymes seconded the same. Mrs. Kuendig called for a roll call and motion was approved 5-1 with Mr. Gonzalez voting no.

LR-2 - CEB 07-15-35 - 465 Pleasant Street - Robert L. & Burnadette White is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (REf. FBC Supp IPMC 301.2, 301.3, 302.3, 302.4, 302.5, 302.7, 302.7.1, 302.8, 303.1, 303.2, 303.4, 303.6, 303.7, 303.8, 303.9, 303.10, 303.13, 303.13.2, 303.15, 305.1, 306.1, 306.2, 504.3). Violation(s) – Unmaintained vacant structure; sidewalks and driveways; weeds; rodent harborage; accessory structures; gates; junk vehicle; general exterior; protective treatment; structural members; exterior walls; roofs and drainage; decorative features; overhang extensions; stairways, decks, porches; window, skylight and door frames; unopenable windows; doors; accumulation of rubbish or garbage; infestation. First Notified – 3/5/2015. **Order Imposing Fine-Lien of \$50.00 per day effective October 8, 2015. Compliance – June 7, 2019. \$10,000.00 plus \$24.00 recording costs = \$10,000.00.**

Shawna Sutherland, came forward and was sworn in. She stated the owner of the property is now Sky Flower Living. She stated the owner is her mother who lives in Ft. Lauderdale.

Mr. Jackson stated the Inspector is requesting to reduce the lien to \$8,000. He stated the property was demoed 3-4 years later and nothing else done. He stated the new owners purchased it is summer.

Mrs. Kuendig asked when the property was purchased and Ms. Sutherland stated the summer of 2018.

Mrs. Kuendig asked when the property was demolished and Mr. Recanzone stated June of 2019.

Mrs. Kuendig asked if this was a single family home and Mr. Recanzone stated yes.

Mr. Recanzone stated the property was purchased with the lien.

Ms. Sutherland stated they found out about the lien and condemnation after the purchase. She stated they tried to find the funds to demo the property and ended up taking out loans.

Ms. Robey asked if her parents live in the area. Ms. Sutherland stated no. She stated her mother was 73 years old.

Mr. Gonzalez left the chamber at 9:53 a.m.

Mr. Jackson stated they did demolish the property themselves the city is taking that into consideration.

There was discussion on the demolition and cost to demolish.

Mr. Harrington asked the respondent if she was involved in the purchase.

Ms. Sutherland stated she filled out the paperwork and had an agreement with investors to put forward money to fix the structure. She stated she did not know there was a lien. She stated her mother would not be able to pay the \$8,000 in 30 days. She stated they have invested about \$12,000 so far.

Mr. Jackson stated they would reduce the lien to \$5,000.

Mr. Gonzalez returned to the chamber at 9:55 a.m.

BOARD ACTION: Mrs. Kuendig asked for a motion to reduce the amount of the fine to \$5,000 subject to being paid within 30 days or fine reverts back to the original amount. Mr. Gonzalez motioned the same with Ms. Robey seconding. Motion was approved 6-0.

CEB 11-18-141 - 113 N Hollywood Ave - Fabian Lorenz (new owner is Peter Frank) is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 3/13/2018. Order Imposing Fine-Lien of \$200.00 per day, effective January 10, 2019. Compliance - October 29, 2019. \$15,000.00 plus a \$250.00 administrative fee for failure to obtain a Business Tax Receipt (BTR) plus \$24.00 recording costs = **\$15,274.00**.

Mr. Peter Frank came forward and was sworn in.

Mr. Jackson stated the respondent was first noticed in March of 2018. He stated the property came into compliance in October of 2019. He stated the respondent did nothing for a year and a half and the fine maxed out. He stated the new owners did a good job of bringing the property into compliance and Inspector Recanzone is requesting a reduction to \$3,000.00.

Mr. Recanzone stated he had no contact with the previous property owners. He stated the new owners purchased the property and applied for the Rental License and brought the property into compliance. He stated the property is right next to the Ocean Center.

Mr. Harrington asked how the respondent was able to get a license with a fine on the property.

There was discussion on the policy of the City to issue licenses when there is a fine on the property.

Neighborhood Services Manager, Denzil Sykes, was sworn in. Mr. Sykes stated the City cannot stop someone from applying for a license.

There was discussion on the Hold Harmless agreement that Mr. Frank signed at purchase showing he knew there was a lien on the property.

Ms. McLean asked if he purchased the property to flip and Mr. Frank stated yes. Mr. Frank stated he bought 5 homes and fixed them up. He stated he spent \$50,000 on this property. He stated the property has no driveway and he knew the house had a lien but denied there was anything saying he had to pay the lien. He stated he was told the City put liens on

properties to prompt people to fix the property and that most times there is a reduction if the property was fixed.

Mr. Kuendig asked if the property was for sale now and Mr. Frank stated it was.

Mike Bretzel was sworn in. He stated the City has to issue a license to put the property into compliance.

Captain Lee stated it is not a part of the process to check to see if there is a lien on the property.

Ms. McLean made a motion to reduce the fine by \$1,500 to \$13,274. Mrs. Hymes seconded them motion. Mrs. Kuendig called for a roll call and the motion was not approved with a 3-3 tie.

Mr. Gonzalez made a motion to reduce the amount of the fine to \$3,000. Motion died for lack of a second.

Ms. Robey motioned to reduce the fine to \$10,000. Mrs. Hymes seconded the same and motion was not approved with a 3-3 tie.

BOARD ACTION: Mr. Gonzalez made a motion to reduce the fine to \$5,000, payable within 30 days or fine reverts back to the original amount. Mr. Harrington seconded the same and motion was approved 4-2 with Mrs. Hymes and Ms. McLean voting no.

CASE # 1 - CEB 11-19-281 - Nancy B Beckman is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **915 S Palmetto Ave.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/24/2019.

Respondent was not present.

Mr. Jackson stated Inspector McCoy reports the property remains in non-compliance. He stated the respondent has had a family tragedy and the City would like to amend to the next cutoff.

Mr. McCoy stated the respondent is waiting for a garage door and would like to give them until March for compliance as there was a death of an immediate family member.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until March 4, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Hymes motioned the same with Ms. Robey seconding. Motion was approved 5-1 with Mr. Harrington voting no.

CASE # 2 - CEB 11-19-271 - Herb & Lorin Kawesch is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.14); City Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **708 S Beach St.** Violation(s) – Outside storage, parking on the grass, failure to maintain roof, no insect screens, failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/29/2018.

Respondent was not present.

Mr. Jackson stated Inspector Clig reports the property remains in non-compliance and would like to amend to the next cutoff for compliance.

Mr. Tom Clig, Code Officer, stated they have a roof permit and are working on it. He stated it is vacant.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until February 5, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Gonzalez motioned the same with Ms. Robey seconding. Motion was approved 6-0.

CASE # 6 - CEB 11-19-254 - Stephanie Robinson 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 304.7, 304.13.1, 304.14); City Code Ch. 26 Sec. 26-294, at **590 Shady Pl.** Violation(s) – Roofs and drainage, work without a permit, glazing, insect screens, failure to obtain Rental License (RTL). First Notified – 2/17/2019.

Stephanie Robinson came forward and was sworn in.

Mr. Jackson stated Inspector Recanzone reports the property remains in non-compliance. He stated the respondent was given notice in February of 2019 and inspection failed on the roof. He stated the City is asking for a fine in the amount of \$100 per day to a maximum of \$15,000 be imposed.

Mr. Recanzone stated his first contact with the respondent was yesterday and she told him she was moving into the property. He stated she is supposed to send a Certified letter stating an engineer is coming to work on expired permit for a secondary structure. He stated there is a lot of work to be done.

Ms. Robinson stated she spoke to a building official and he told her what needs to be done. She stated the Inspector terminated the inspection and said she needs a termination bar to final the permit. She stated the property was never a rental and she is moving in.

Mr. Recanzone stated there were tenants on the property and that no one living there since the water was shut off in November for illegal use. He stated she needs a permit for a secondary structure.

Ms. Robinson stated she would re-pay for the permit today. She stated they needed extra information on the plans and to finish the roof.

BOARD ACTION: Ms. Robey made a motion to amend the previous order of non-compliance and allow the respondent until February 5, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mrs. Hymes seconded the motion and motion was approved 6-0.

CASE # 7 - CEB 11-19-280 - Annie J. Davis Estate 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 301.3, 304.6, 304.13, 304.13.1), at **535 Oak St.** Violation(s) – Abandoned building, vacant building, exterior structure damage including faded and peeling paint, rotten wood, damaged windows. First Notified – 8/19/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and it is an estate property. He stated a foreclosure was filed in 2019 and dismissed. He stated the inspector is requesting a fine in the amount of \$100 per day to a maximum of \$10,000.

BOARD ACTION: Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Harrington motioned the same with Mr. Gonzalez seconding. Motion was approved 6-0.

CASE # 8 - CEB 11-19-275 - Carrie B. Clark is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6. 19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.1, 302.4, 304.1.1, 304.2, 304.3, 304.6, 304.9, 304.13, 304.13.1, 304.13.2; 304.15), at **868 Kingston Ave.** Violation(s) – Abandoned building, dilapidated house, unsafe conditions, paint fading and peeling, damaged exterior walls, damaged roof (including rotten wood, fascia board and soffit), damaged windows and doors, overgrown yard, no yard maintenance, weeds, missing address numbers. First Notified – 8/20/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and that nothing has been done since August of 2019. He stated the inspector is asking for a fine in the amount of \$300 per day to a maximum of \$15,000 be imposed.

BOARD ACTION: Ms. Robey made a motion to impose a fine of \$300 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded and motion was approved 6-0.

CASE # 9 - CEB 11-19-276 - Donald Chester, as Trustee of the H. Donald Chester Declaration of Trust is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 308.1), at **Mason Ave (5338-60-00-0100).** Violation(s) – Vacant lot, no yard maintenance, outside storage, trash and debris. First Notified – 6/12/2019.

Respondent was not present.

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

BOARD ACTION: Ms. Robey made a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded and motion was approved 6-0.

CASE # 10 - CEB 11-19-278 - Shawnea Dent is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.7, 304.13, 304.14), at **322 N Keech St.** Violation(s) – Damaged exterior surfaces including rotten wood, dirt and grime, peeling paint, damaged roof, fascia boards,

damaged fencing, outside storage, trash and debris, damaged or missing window screens. First Notified – 7/10/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and there has been little change. He stated the inspector is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

BOARD ACTION: Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Gonzalez motioned the same with Mrs. Hymes seconding. Motion was approved 6-0.

CASE # 11 - CEB 11-19-277 - William Warren Thompson, Jr. is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3, 304.7, 308.1), at **307 Garden St.** Violation(s) – Dilapidated front porch roof, outside storage, trash and debris, missing address numbers, paint fading and peeling. First Notified – 8/7/2019.

Mr. William Warren Thompson came forward and was sworn in.

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

Mr. Fitzgerald stated they was there yesterday and the respondent has done some work and all that is left is the painting.

Mr. Thompson stated he is in the process of painting the house and it is just about complete. He stated he has the eave parts left.

Mrs. Hymes asked the respondent if he can be in compliance within a month and the respondent stated yes.

BOARD ACTION: Mr. Gonzalez made a motion to amend the previous order of non-compliance and allow the respondent until February 5, 2020 to come into compliance. Mr. Harrington seconded the motion. Motion was approved 6-0.

CASE # 12 - CEB 12-19-299 - Richard Clifford Waters is cited for failure to correct violations of The Land Development Code, Art. 6 Sec 6.19.A.4; Art. 6 Sec. 6.19.B; Art. 6 Sec. 6.12.D; Art. 9 Sec. 9.2.A; (Ref. FBC Supp. IPMC 304.1.1, 304.2, 304.6, 304.12, 304.13, 304.14, 305.5, 302.7), at **601 University.** Violation(s) – Overhangs, window sills, electrical power line, damaged windows, paint, stair railing rotted, holes in walls, window screens, accessory structure doors and paint. First Notified – 8/6/2019.

William Brown, new owner, came forward and was sworn in.

Mr. Jackson stated Inspector Alderman reports the property is still in non-compliance and is requesting next cutoff to come into compliance. He stated they would also request to amend the name on the Notice to the new owners.

Mr. Steve Alderman, Code Officer, stated there was a hazardous pole that was disconnected from the building and he had the power line disconnected from the pole. He has the new owner has done a lot and is asking for next cutoff.

Mr. Brown requested an extension for 2 months.

BOARD ACTION: Mrs. Kuendig asked for motion to change the name on the case to Mr. William B Brown and Lucie Denault. Mr. Harrington motioned the same with Mr. Gonzalez seconding. Motion was approved 6-0.

Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until March 4, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same with Mrs. Hymes seconding. Motion was approved 6-0.

CASE # 13 - CEB 12-19-290 - Benjamin J Suarez is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **415 N Halifax #103**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 8/12/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports a recent inspection on January 6 failed and the respondents have done minimal work. He stated they are asking to amend to the next cutoff to allow him to take care of the remaining minor things and get his license.

Mrs. Kuendig asked if Mr. Jones had gotten in the property.

Mr. Mark Jones, Rental Inspector, stated he was and has had contact with the respondent and they are receptive to doing the work.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until February 5, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Gonzalez motioned the same with Mrs. Hymes seconding. Motion was approved 6-0.

Mrs. Hymes left the chamber at 10:50 a.m.

CASE # 14 - CEB 09-19-173 - Gema Vazquez is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **426 Flushing Ave**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/15/2019.

Ms. Nancy Koenig, Property Manager, came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance and failed inspection in November. He stated it was reinspected in December and is asking to amend to the next cutoff for compliance.

Mr. Hymes returned to the chamber at 10:53 a.m.

Ms. Koenig stated she met the inspector at the property for the initial inspection and he gave her a list. She stated they need a contractor because the windows are old. She stated one of the tenants passed away and they have not paid rent. She stated she is waiting to see if she has to go the eviction route. She requested a compliance date of March. She stated she did have an issue with her check originally. She stated she installed a new air conditioning unit.

Ms. Robey asked why the respondent needs 2 months.

Ms. Koenig stated she didn't know about the violations until the property was posted and the owners received the notice and did not send to her.

Mr. Jones stated the property was vacant and now has tenants. He stated in May when the case started there was an active Business License and no rental license, the property was occupied. He stated the property went vacant with the active violation and the inspection was done in November. He stated it was a large list.

Mr. Gonzalez and Ms. Robey asked the respondent why the property was rented without a valid license and why it was not fixed.

Ms. Koenig stated her job was to get the properties rented and she has no control of the timing of the City. She stated the owners live in South Florida. She stated the tenants have dogs.

There was further discussion as to why the property was rented without a rental license.

Ms. Koenig stated they have started the work and would like until March to complete it.

BOARD ACTION: Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until February 5, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mrs. Hymes motioned the same with Ms. Robey seconding. Motion was approved 6-1 with Mr. Gonzalez voting no.

CASE # 15 - CEB 12-19-289 - George Caffery is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **312 N Wild Olive**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/6/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports the property failed inspection on January 3. He stated the case started in May and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated they failed the original inspection and they couldn't get the rental inspection scheduled until January 3. He stated that both units are occupied. He stated they called him yesterday afternoon and said the property was in compliance. He stated he did not have an appointment yet to go out there.

BOARD ACTION: Ms. Robey made a motion to impose a fine of \$100 per day, effective January 13, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded and motion was approved 6-0.

Mrs. Kuendig called for a break at 11:00 a.m.

The meeting resumed at 11:11 a.m.

CASE # 23 - CEB 01-20-04 - Daisy M Broxton 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. IBC Supp. IPMC 302.8), at **322 Lockhart St.** Violation(s) – Parking and junk vehicle. First Notified – 8/13/2019.

Mr. Raynell Broxton, son, came forward and was sworn in. He stated his mother passed about 4 years ago and left him the house.

Mr. Jackson stated Inspector Kirk reports the property remains in non-compliance and he has had no contact with the respondent and is asking to amend to the next cutoff.

Mrs. Kuendig asked if anyone is living there.

Mr. Broxton stated it is vacant. He stated there is one vehicle left that he cannot get a tag on.

Mr. Jackson stated Inspector Kirk was at the property yesterday and it is still in non-compliance.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey made the motion and Mrs. Hymes seconded the same. Motion was approved 6-0.

CASE # 24 - CEB 01-20-05 - George Troy Ray III & Cynthia Anne Ray is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **333 Georgetown.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/20/2019.

Ms. Cynthia Ann Ray came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the property is currently in non-compliance. He stated she is in communication with the respondent and they have the doors on order and should be done the first part of February. He stated the City is asking for a finding of non-compliance and the March cutoff for compliance.

Mr. Harrington asked if it was occupied and Mr. Jones stated yes.

Mr. Gonzalez stated the property was first noticed in May and Mr. Jones stated yes.

Mr. Jones stated the property failed rental inspection on August 20th and it was just sliding doors that would not lock on their own.

Mr. Harrington asked the respondent how long they have known they needed a rental license.

Ms. Ray stated it was their home and they moved to Jacksonville. She stated they hired Ocean Realty to manage the property. She stated they wrote a check for the Rental License in June and the check was cashed so she thought she had a rental license. She stated she has emails and texts from Mr. Dunning at Ocean Realty stating they passed inspection with the exception of some locks that need to be repaired. She stated he told her it was an easy fix and thought it

was done until she received a certified letter in December. She stated the materials are ordered from Home Depot and they are coming out February 3rd. She stated she is taking back the management of her property and will be at the installation.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by the March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mrs. Hymes made the motion and Ms. Robey seconded the same. Motion was approved 6-0.

CASE # 25 - CEB 01-20-06 - Walter & Irene M. Ruesta is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **416 Seaview Ave.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/11/2019.

Ms. Nancy Koenig came forward.

Mr. Jackson stated inspector Jones report the property failed inspection a month ago and is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Jones stated the only thing left at the December 27th inspection was a GFCI, fan and some outside storage. He stated there was miscommunication when he sent her a list and some items got cut off.

Ms. Koenig stated they could be in compliance by next cutoff.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey made the motion and Mr. Harrington seconded the same. Motion was approved 6-0.

CASE # 27 - CEB 01-20-02 - Jacqueline Manning is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 305.3), at **368 Dr Mary M Bethune Blvd.** Violation(s) – Damaged ceilings. First Notified – 5/23/2019.

Mr. Roger Washington came forward and was sworn in.

Mr. Jackson stated the respondent has written authorization to be here. He stated Inspector Garcia reports the property remains in non-compliance and is asking for a finding of non-compliance and next cutoff to come into compliance. He stated the first communication is today.

Mr. Garcia stated the ceiling and stairways are separated and the property is vacant. He stated he had contact in December with Mr. Washington and is asking for next cutoff.

Mr. Washington stated the owner did not know and that he had 2 property managers doing the work. He stated the owner called him and asked him to check it out. He stated he is doing the work.

Mr. Garcia stated the violations occurred as a compliant

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a

subsequent meeting for consideration of a fine up to \$1000. Ms. Robey made the motion and Ms. Hymes seconded the same. Motion was approved 6-0.

CASE # 28 - CEB 01-20-11 - Monica S Carmargo is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **129 Pierce Ave.** Violation(s) – No building permit. First Notified – 7/1/2019.

Mr. Jesus Carmargo and translator Anderson Orjuela came forward and were sworn in.

Mr. Jackson stated Inspector Garcia reports the property remains in non-compliance and the permit is expired. He stated the respondent is trying to get a General Contractor because the property needs windows.

Mrs. Kuendig asked what the permit was for.

Mr. Garcia stated the permit that expired was for the siding but they also need a permit for windows. He stated the case started as a complaint for boarded up windows and the boards need to be removed. He stated he spoke to a contractor and P & L told him they needed to get it soon or the permit would expire. He stated the respondent needs to re-apply for the permit and pay for it and get an inspection. He stated he left a courtesy notice for the owner but when he contacted him, it was too late.

Mr. Harrington asked if there were new windows in.

Mr. Garcia stated he would not know until the Building Department gives them a final and he can get in and check. He stated the inspector is asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Orjuela stated the property is owner occupied and he has been fixing it up since 2014/2015 when his daughter bought it for him. He stated he has a meter now and is in compliance for the electrical. He stated he has a new contractor who pulled the app and spoke to John Boden in P & L for the final. He stated they did not know Building and Code were separate.

Mr. Gonzalez spoke to the respondent in Spanish and translated that he asked the respondent if he understood the process and the Board would be looking at giving him an extension.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mrs. Hymes made the motion and Ms. McLean seconded the same. Motion was approved 6-0.

CASE # 29 - CEB 01-20-12 - Ruth Coggiola 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 302.8, 304.1, 304.2, 304.6, 304.13, 304.14), at **111 Fairview Ave.** Violation(s) – Damaged exterior surfaces, peeling paint, dirt and grime, cracked glass in front door and parking on the grass. First Notified – 8/20/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia reports the property remains in non-compliance and is asking for next cutoff to come into compliance. He stated the respondent is working on it.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Harrington made the motion and Ms. Robey seconded the same. Motion was approved 6-0.

CASE # 30 - CEB 01-20-13 - Susie Harris is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.a (Ref. FBC Supp. IPMC 302.7, 304.2, 304.6, 304.14), at **538 N Keech St.** Violation(s) – Outside storage, parking on the grass, damaged block wall, dirt on the exterior walls and damaged insect screens. First Notified – 5/28/2019.

Respondent was not present.

Mr. Jackson stated Inspector Garcia reports the property remains in non-compliance and is asking for next cutoff for compliance.

Mr. Garcia stated he has had no contact and there has been no change. He described the violations remaining.

Mrs. Kuendig asked if anyone was living there.

Mr. Garcia stated he has not seen anyone but there are plenty of cars.

Mr. Harrington asked how close the property was to the school.

Mr. Garcia stated the notice was returned and he had to post the property.

BOARD ACTION: Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by February 5, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey made the motion and Mrs. Hymes seconded the same. Motion was approved 6-0.

CASE # 16 - CEB 09-19-194 - Jose F. Percy is cited for failure to correct violations of Code Ch. 90 Sec. 90-297; City Code Ch. 26 Sec. 26-294, at **223 Madison.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 6/4/2019.

Respondent was not present.

Mr. Jones stated the City is asking for a fine in the amount of \$100 per day to a maximum of \$15,000 be imposed. He stated he spoke to the respondent and told him what needed to be done. He stated the respondent says it has been inspected. He stated the respondent lives on the first floor and the manager lives upstairs. He stated he asked the respondent for an Affidavit saying the property is not and will not be rented.

BOARD ACTION: Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion was approved 6-0.

CASE # 17 - CEB 12-19-295 - Luigi & Andrea Cerasuoli is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1808 N Halifax**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 8/5/2019.

Respondent was not present.

Mr. Jones stated the case was opened in July, noticed in August and it was jointly owned by father and son. He stated the father passed away and they spoke in December regarding getting a rental application and one was put in the mail. He stated the property was occupied and he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

BOARD ACTION: Ms. Robey made a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded and motion was approved 6-0.

CASE # 18 - CEB 12-19-288 - Pamela B Lovatt, as Trustee of The Celia Burton Trust is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **124 Wilmans**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 7/1/2019.

Respondent was not present.

Mr. Jones stated the case was opened in June and there has been no forward motion. He stated the property was posted in July and he received a call. He stated there is a caretaker there that been taking care of the 2 units. He stated he knows the first unit is occupied. He stated he is requesting a fine in the amount of \$100 per day to a maximum of \$15,000.

BOARD ACTION: Ms. Robey made a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mrs. Hymes seconded and motion was approved 6-0.

CASE # 19 - CEB 12-19-286 - Scott Alan & Patrica B Reid is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **644 Madison**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 4/1/2019.

Respondent was not present.

Mr. Jones stated the case opened at the end of March for no rental license. He stated the applied for the license on April 17. He stated the owner told him to contact the tenant directly but the appointment for inspection keeps getting cancelled and on January 3rd there was no one there when he went to inspect. He stated he had been there 3 times and there have been 5 inspections. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Robey asked if the owner was local.

Mr. Jones stated the phone number is local and the property is occupied.

BOARD ACTION: Mr. Gonzalez made a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mrs. Hymes seconded and motion was approved 6-0.

CASE # 21 - CEB 12-19-298 - Lillian J Johnson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4, at **645 McCormick St.** Violation(s) – Dilapidated roof. First Notified – 9/20/2019.

Respondent was not present.

Ms. Kirk stated she opened the case in September and has had no contact with the respondent. She stated she posted the property which is condemned and vacant. She stated she is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

BOARD ACTION: Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective January 9, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Harrington motioned the same with Mrs. Hymes seconding. Motion was approved 6-0.

Election of Chairman & Vice-Chairman – Mr. Harrington nominated Mrs. Kuendig and Mrs. Hymes.

Mrs. Barnes stated Captain Lee also has information regarding Board Member, Josh Fogarty.

Mrs. Kuendig opened the nominations. Mr. Harrington motioned to re-elect Mrs. Kuendig and Mrs. Hymes. Mr. Gonzalez seconded the motion by Mr. Harrington.

Mrs. Kuendig closed the nominations.

Mr. Jackson stated the Board has previously voted to suspend the term limits.

The Board voted on suspending the term limits and re-electing Mrs. Kuendig and Mrs. Hymes and motion was approved 6-0.

Captain Lee stated he was contacted by Mr. Fogarty and he has work obligations that require him to request being released from the Board.

There was no additional Miscellaneous Business and the meeting was adjourned at 11:52 a.m.