

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

FEBRUARY 13, 2020
January 9, 2020 (CORRECTED @ MEETING)
MOTION - MR HARRINGTON
SECOND - MS. HYMES
NOTE (0-0) APPROVED.
J.B.

Members present:

- Mrs. Weegie Kuendig, 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
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. Joe Graves, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by: Mary Louise Kuendig (Weegie) Chairman

The Chairman called the meeting to order at 9:04 a.m.

Ms. Barnes called the roll. Mr. Gonzalez and Mrs. Hymes were absent. Mr. Cino stated there is a quorum present and the meeting can proceed.

Mrs. Kuendig asked for a motion to excuse Mrs. Hymes and Mr. Gonzalez. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 4-0.

Mrs. Kuendig asked if the minutes of the January 9, 2020 meeting had been read and asked for any corrections. There were none. Ms. Robey motioned to approve the minutes with Ms. McLean seconding. Motion approved (4-0).

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.

**CASE # 2 - 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 for siding. First Notified – 7/1/2019.

*Compliance 2-10-2020*

**CASE # 3 - 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.

*Compliance 2-12-2020*

**CASE # 9 - 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

*Compliance 2-10-2020*

**CASE # 18 - CEB 02-20-28 - Carol A Smith** 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 302.7, 304.7, 304.13), at **828 Maley St.** Violation(s) – Dilapidated fence, outside storage. First Notified – 5/17/2019

*Compliance 2-12-2020*

**CASE # 21 - CEB 02-20-29 - Merrell Lloyd** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.7, 304.13), at **371-369 Jefferson St.** Violation(s) – Damaged roof and boarded broken window. First Notified – 8/23/2019

*Compliance 2-12-2020*

**CASE # 25 - CEB 02-20-35 - Susan M Doran** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **1224 S Peninsula Dr 210.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/17/2019

*Compliance 2-12-2020*

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

Mr. Gonzalez joined the meeting at 9:08 a.m.

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

**CASE # 24 - CEB 02-20-42 - Louis R. Centrella** is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **139 Green Heron Ct.** Violation(s) – No permit for fence. First Notified – 10/21/2019.

Ms. Susanne McCabe, attorney for the respondent, came forward. She stated it was the respondent's primary residence.

Mr. Anthony Jackson, Assistant City Attorney, stated the respondent obtained a fence permit but did work beyond the permitted use. He stated there needs to be a portion removed and is asking for a finding of non-compliance and next cutoff to come into compliance.

Ms. McCabe stated the respondent built the fence as originally intended and later on added a section. She agreed with the violations from the City. She stated there were issues with the regulations of the Pelican Bay HOA and an appeal was denied. She stated they can't get a permit if the HOA thinks they are doing something wrong and asked for 30 days.

**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. Mr. Harrington motioned the same with Mr. Gonzalez seconding. Motion was approved 5-0.

**CEB 11-19-262 - 413 N Grandview Ave - John J. Nicholson** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 304.2, 304.7, 304.13.1), at. Violation(s) – Broken windows (both structures), missing siding (both), paint structures, gutters, landscape maintenance, fence, flat roof, outside storage. First Notified – 5/8/2019. **Order Imposing Fine-Lien of \$100.00 per day effective December 12, 2019. Compliance – December 31, 2019. \$1,900.00 plus \$24.00 recording costs plus \$2.51 interest = \$1,934.51.**

Mr. John Nicholson came forward and was sworn in.

Mr. Jackson stated the City is not disputing Mr. Nicholson's statement in the lien review and is requesting to reduce the amount of the lien to \$500.

Mr. Nicholson stated he wanted it all reduced and it was a series of misunderstandings. He stated he corrected all of the violations except storage because the building supplies were in the yard. He stated he had difficulty reaching the code officer and it took time to get through the process. He stated staff told him he would recommend an extension which wasn't done. He stated he is doing more than requested.

Mr. Kuendig asked if the respondent got notified in the mail and Mr. Nicholson stated no he did not know he was supposed to be here because the Code Officer was going to make the recommendation.

Mr. Jackson stated he was notified and present at the prior meeting where he was told it was not in compliance.

Ms. Barnes stated the respondent signed for the original notice and she did not receive any mail back after each notice thereafter.

Mr. Gonzalez made a motion to accept the City's recommendation of a \$500 fine. There was no second and motion died.

Ms. Robey stated there is an affidavit stating the property was in compliance on December 4<sup>th</sup> and the fine wasn't imposed until December 10<sup>th</sup>.

Mr. Steve Alderman, Code Officer, stated that was his mistake and the date should have been the same date as the Affidavit which was dated December 31 and December 31<sup>st</sup> was the compliance date. He stated the case was opened in April of 2019 and he met the painter at the site and told him if he wasn't in compliance a fine would be imposed. He stated the violations were "little stuff" and could have been done.

Mrs. Kuendig stated there were enough issues that she would like to reduce the fine to \$100. Mrs. Robey seconded.

Mr. Jackson stated it is improper for the Chairman to make the motion.

Mr. Robey motioned the fine be reduced to \$100 and Ms. McLean seconded the motion. The motion failed 3-2 with Mr. Gonzalez and Mr. Harrington voting no.

Mr. Harrington asked why it hadn't come to the Board earlier and Mr. Alderman stated he was just busy.

Mr. Nicholson stated he had issues with the contractors showing up and he thought the inspector was talking to the painter. He stated the work had all been done.

Mr. Alderman called out the numerous dates of inspection for the property from the Notice of Violation.

Mr. Nicholson stated he was not informed of the inspections.

Ms. Robey stated the inspector gave him 30 days and he was not due notice.

Mrs. Kuendig closed the discussion and asked for motion.

Ms. Robey made motion to reduce the amount of the fine to \$50 payable within 30 days.

Mr. Harrington stated he would change his vote and go with \$100.

**BOARD ACTION:** Mr. Harrington made motion to reduce the amount of the fine to \$100 subject to being paid within 30 days or fine reverts back to the original amount. Ms. Robey seconded the same and motion was approved 4-1 with Mr. Gonzalez voting no.

**CEB 11-07-262 - 604 Cassin Ave - Gerri Sizemore (current owner is 412 Wilson LLC TR & 604 Cassin Land Trust)** is cited for failure to correct violations of The Land Development Code, Article 19, Section 1 (ref 303.3, 302.7 IPMC); Article 18, Section 7, at. Violation(s) – Premises identification, fencing in disrepair, outside storage. First Notified – 8/17/2007. **Order Imposing Fine-Lien of \$100.00 per day effective January 2, 2008. Compliance – February 15, 2008. \$1,100.00 plus \$24.00 recording costs = \$1,124.00.**

Mr. Gerald McCrary, trustee of both new owners, came forward and was sworn in.

Mr. Jackson stated staff is recommending no reduction as the case has been outstanding since August 2007 and only ordered a \$25 fine.

Mr. McCrary stated he purchased the property with a condemnation order. He stated he is requesting a reduction because the recorded information with the County is incorrect.

Ms. Barnes stated the \$100 is a typo in the agenda and the amount is \$25 per day.

Mr. Kuendig asked who paid for the demolition.

Mr. John Stenson, Code Officer, stated the property was demolished long after the respondent purchased it and the fine was imposed. He stated it was demolished after a fire occurred.

Mr. McCrary stated he knew of the lien and that the property was demolished after a fire occurred about a year ago. He stated the property came into compliance in 2008. He stated he was saving the City money that they would never get back.

Ms. Robey stated the lien should be less as the fine stated on January 10<sup>th</sup>.

Ms. Barnes stated that was the meeting date and the fine was retroactive from the meeting date to January 4<sup>th</sup>.

Mr. John W Birch came forward and was sworn in. He stated Mr. Birch does a lot for the neighborhood.

Mrs. Kuendig asked the respondent when he purchased the property.

Mr. McCrary stated it was years ago and there was a fire there in December 2018. He stated that is when he demolished it.

Mrs. Robey made motion to reduce the amount of the fine to \$899. Motion failed due to lack of second.

Mr. Gonzalez made motion to reduce the amount of the fine to \$100. Motion failed due to lack of second.

Mrs. Kuendig asked for motion to leave the fine as it is. Mr. Gonzalez motioned the same but motion failed due to lack of second.

**BOARD ACTION:** Mr. Harrington made motion to reduce the amount of the fine to \$500 subject to being paid within 30 days or fine reverts back to the original amount. Mr. Gonzalez seconded the same and motion was approved 4-1 with Mrs. Kuendig voting no.

**CASE # 1 - 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 she had sought a City program and is asking to amend to the June cutoff.

Ms. Paula Long, Community Development for the City, came forward and was sworn in. She stated Ms. Bell has done everything she can and is on a waiting list with the City. She stated they have qualified her and the delay is a lack of contractors.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until June 3, 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 Mr. Gonzalez seconding. Motion was approved 5-0.

**CASE # 4 - 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 there has been no progress, has had no contact and is requesting a fine in the amount of \$200 per day to a maximum of \$10,000 be imposed.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to impose a fine of \$200 per day, effective February 13, 2020, to a maximum of \$10,000 or until compliance is achieved. Ms. Robey motioned the same with Mr. Gonzalez seconding. Motion was approved 5-0.

**CASE # 5 - CEB 09-19-186 - Rosa Lee Riley** 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 304.6 and 304.7), at **1132 Lakewood Park Dr**. Violation(s) – Outside storage, damaged exterior walls and dilapidated roof. First Notified – 6/19/2019.

Respondent was not present.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance and is asking for a fine in the amount of \$200 per day to a maximum of \$10,000.

Mr. Stenson stated he spoke with the respondent yesterday and she stated the property was out for foreclosure auction and the person came to see the property and withdrew the bid.

Mr. Jackson stated after research by his Paralegal, the sale is rescheduled for March 18.

There was discussion regarding a property buyer assuming the obligation of a lien on the property.

**BOARD ACTION:** Ms. Robey made motion to amend the previous order of non-compliance and allow the respondent until April 1, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Gonzalez seconded the same and motion was approved 5-0.

**CASE # 6 - CEB 09-19-208 - Eugene Harris** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.14, 302.4, 302.1, 304.2, 304.3, 304.6); Ch. 78 Sec 78-112, at **348 Ellsworth St.** Violation(s) – Outside storage, trash and debris, unsatisfactory lawn maintenance, overgrown bushes and weeds, exterior paint fading and peeling, rotten wood, address numbers missing or faded away, exterior walls, rotten wood, bushes and grass growing over into the sidewalk, insect screens broken with holes. First Notified – 5/2/2019.

Ms. Linda Harris, daughter, came forward and was sworn in. She submitted written permission for her to appear on behalf of her father to the Board Secretary. She stated he is in rehab.

Mr. Jackson stated the property remains in non-compliance but they are working in good faith to correct the violations but they need a permit. He stated they are asking to amend to the April cutoff.

Inspector Mike Fitzgerald stated they have done a great job but they need a permit.

Ms. Harris stated they did not know they need a permit and are in the process of obtaining architectural drawings for the permit. She stated they would be able to meet the April deadline.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until April 1, 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 Ms. McLean seconding. Motion was approved 5-0.

**CASE # 7 - CEB 07-19-148 - Josephine Anderson Estate** 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, 304.7), at **501 N Keech St.** Violation(s) – Outside storage, trash and debris, junk vehicle, dilapidated roof, faded and peeling paint. First Notified – 1/17/2019.

Andrea Anderson came forward and was sworn in.

Mr. Jackson stated the property remains in non-compliance but the respondents are making progress. He stated Inspector Fitzgerald is requesting to amend to the next cutoff to come into compliance.

Mr. Fitzgerald stated they have removed the car and the outside storage. He stated the respondent has documentation from Rebuild Florida and has paid her tax bill.

Ms. Anderson presented proof that she had paid the property tax and had been approved by Rebuild Florida.

Mrs. Kuendig noted the July date on the letter.

Ms. Anderson present the envelope with a January 2020 date.

Ms. Anderson stated she had to take care of the property tax and she stated they sent someone to evaluate and since her house is 75% deteriorated she is eligible for assistance. She stated she is now on step 8. She stated she is waiting for someone to come and do blueprints since the foundation is cracked they cannot rebuild and will replace. She stated each process can take up to 30 days.

**BOARD ACTION:** Mrs. Kuendig asked for motion to amend the previous order of non-compliance and allow the respondent until April 1, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1000. It is further ordered that the exterior of the property be maintained to City Standards. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 8 - CEB 11-19-279 - Theodore Carter Estate** 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 704.2, 302.1, 302.7, 302.8, 304.2, 304.3, 304.4, 304.6, 304.7, 304.8, 304.10, 304.13, 304.13.1, 304.14, 304.15, 305.6, 308.1, 309.1, 504.1, 602.2, 604.3, 605.2, 605.3), at **332 N Caroline St. Violation(s)** – Zoning violation (more than 2 unrelated persons living in this property), peeling and flaking paint, rotten wood, damaged exterior walls, damaged windows and glass, damaged exterior doors, damaged bathroom fixtures, missing hallway lights, missing smoke detectors, damaged interior surfaces, damaged exterior surfaces. First Notified – 6/24/2019.

Respondent was not present.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is requesting a fine in the amount of \$200 per day to a maximum of \$15,000.

Mr. Fitzgerald stated the respondent contacted him and they met on the property. He stated the property is not in compliance and he thought he would be at the meeting.

Mr. Harrington asked if they were still using it for dorm living.

Mr. Fitzgerald stated that had not been verified and the respondent said it is one family. He stated they have done some work.

**BOARD ACTION:** Mr. Harrington made motion to impose a fine of \$200 per day, effective February 13, 2020, to a maximum of \$15,000 or until compliance is achieved. Ms. Robey seconded the same and motion was approved 5-0.

Mr. Gonzalez left the Chamber at 10:15 a.m.

**CASE # 10 - CEB 12-19-287 - Gayl Lucinda Smith** is cited for failure to correct violations of Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **443 Walker**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 6/27/2019.

Mr. Michael Smith, respondent's brother came forward and was sworn in.

Mr. Jackson stated Inspector Jones reports the respondent failed inspection and has a new inspection scheduled for February 14. He stated the City would like to amend to the next cutoff.

Mr. Gonzales returned to the Chamber and 10:18 a.m.

Mr. Mark Jones, Rental Inspector, stated the respondent picked up the rental applications but he has not been inside the property yet.

Mr. Smith stated no one lives downstairs and he lives upstairs.

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

**CASE # 11 - 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.

Nancy and Steve Koenig, Property Managers, came forward and were sworn in.

Mr. Jackson stated the respondent filed for eviction on February 5 and are starting repairs. He stated Inspector Jones is asking to amend to the next cutoff for compliance.

Ms. Koenig stated they can make the repairs by the next cutoff.

Mr. Harrington asked if anyone was living in the property and Ms. Koenig stated it was vacant.

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

**CASE # 12 - CEB 12-19-292 - Lori L. & Albert W. Smola** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **212 Fairview. 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 remains in non-compliance and is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Mr. Jones stated the property is occupied, failed inspection in June and has not called for re-inspection yet.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to impose a fine of \$100 per day, effective February 13, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez motioned the same with Ms. Robey seconding. Motion was approved 5-0.

**CASE # 13 - 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

Mr. and Mrs. Koenig were sworn in for the previous case.

Mr. Jackson stated reinspection has been scheduled for February 17 and Mr. Jones is asking to amend to the next cutoff.

Mr. Jones stated he met with the Property Managers in July and sent them an inspection report but the second page was missing.

Mr. Harrington asked if the property was occupied.

Mr. Jones stated yes.

Mr. Gonzalez asked why there were people living there without a license.

Mr. Jones stated an inspection is required every two years and the license was valid and is now up for renewal.

Ms. Robey asked when the second page had been sent to the respondent.

Mr. Jones stated they didn't realize they didn't have the second page until the second inspection on December 27th.

There was additional discussion regarding what happened in the months between the first and second inspection.

Mr. Koenig stated the property is in compliance now and that's what Mr. Jones will find at the re-inspection.

Mrs. Koenig stated windows, plumbing and electrical.

Mr. Jones stated they had been keeping him informed.

**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. Mr. Harrington motioned the same with Ms. McLean seconding. Motion was approved 4-1 with Mr. Gonzalez voting no.

**CASE # 14 - CEB 02-20-19 - Demond O. & Nakeithra Dean** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **140 Fountain Lake.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/18/2019.

Respondent was not present.

Mr. Jackson stated Inspector Jones reports the property remains in non-compliance and he has had no contact with the respondent.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Harrington motioned the same motion with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 15 - CEB 02-20-23 - Myriam Nova Soto** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **147 Lee St.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 6/19/2019.

Meagan Burns, Property Manager, came forward and was sworn in. She stated the owners are out of state. She stated she took over management in July when the property was up for sale.

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

Mr. Jones stated there were only minor items that need to be done.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 16 - CEB 02-20-20 - Sean Hughes** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **223 Arlington.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 5/3/2019.

Mr. Sean Hughes came forward and was sworn in.

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

Mr. Jones stated there was a mis-communication with the property owner and has an inspection scheduled on February 20.

Mr. Hughes stated the property is in his father's name and he has fixed everything and he takes pride in his property. He stated he has the receipt for his license.

Mr. Jones stated the property is unoccupied.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 17 - CEB 02-20-22 - Zaydul Hogue & Farhana Akhter** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **207 N Peninsula.** Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/14/2019.

Respondent was not present.

Mr. Jackson stated Mr. Jones reports an inspection scheduled for January 22 failed and the respondent has been given 30 days. He stated the property is occupied.

Mr. Jones described the violations and stated he has not heard from the respondent since the inspection.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 19 - CEB 02-20-25 - Deborah Wilkerson** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.14), at **534 Live Oak Ave.** Violation(s) – Peeling paint, windows, screens, fence. First Notified – 4/5/2019.

Deborah Wilkerson and Julio Quinons came forward and were sworn in.

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

Ms. Wilkerson stated they have done some work but she moved out of the house because there was so much work to be done. She stated people keep breaking into the house.

Mr. Quinons stated he stays there because people keep breaking into the house. He stated the window screens are stapled to the outside of the house and they intend to sell. He stated they have a contract and are meeting Home Solution Investments at the property today.

Mr. Jackson asked the respondent to notify the City of the sale.

Charles Bryant, Redevelopment for the Midtown CRA, came forward and was sworn in. He advised the respondents to let the buyer know they the paint colors must be approved.

Officer Cortland Lampe gave the respondent information on the City's Trespass Arrest program.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 20 - CEB 02-20-27 - John H Sanders** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at **Loomis Ave (Parcel # 5339-82-04-0060).** Violation(s) – Parking on grass lot, trash and debris. First Notified – 10/17/2019.

Larry Sanders came forward and was sworn in. He stated John Sanders was his father.

Mr. Jackson stated Inspector Kirk has had no contact with the respondent and is asking for a finding of non-compliance and next cutoff to come in to compliance.

Mr. Sanders stated the violations are gone.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Mr. Gonzalez seconding. Motion was approved 5-0.

Ms. McLean left the chamber at 10:46 a.m.

**CASE # 22 - CEB 02-20-36 - Rayfield McCloud** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4; 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 302.8), at **955 Magnolia Ave.** Violation(s) – Outside storage, junk vehicle, parking, dirt and grime. First Notified – 5/21/2019.

Respondent was not present.

Mr. Jackson stated Inspector Kirk reports she met with the owners and is asking for a finding of non-compliance and next cutoff to come into compliance.

Ms. Kirk stated the respondents have brought several of the issues into compliance.

Ms. McLean returned to the chamber at 10:49 a.m.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Gonzalez motioned the same motion with Ms. Robey seconding. Motion was approved 5-0.

**CASE # 23 - CEB 02-20-38 - V J Singh** 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 302.7, 304.7, 304.13, 308.1, 304.2), at **713 Marion St.** Violation(s) – Dilapidated fence, roof and porch, rotten wood, broken windows, trash and debris and peeling paint. First Notified – 4/27/2019.

V J Singh came forward and was sworn in. He stated he does not live there and it is vacant.

Mr. Jackson stated Inspector Kirk reports the property remains in non-compliance and is asking for next cutoff to come into compliance.

Mr. Singh stated he cleaned up the property and the building department stopped him from doing work. He stated he went before the Board of Building Codes but they won't give him a permit.

Captain Lee stated the respondent was denied by the Board of Building codes and went before the Circuit Court on February 7 and the case was dismissed. He stated the City has ordered the property demoed and must be taken down.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Harrington motioned the same motion with Mr. Gonzalez seconding. Motion was approved 5-0.

**CASE # 26 - CEB 02-20-39 - Neil & Cora Hitchman** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **312 Frances Ter.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 12/10/2019.

Mr. Ken Francois, Property Manager, came forward and was sworn in.

Mr. Jackson stated Inspector McCoy reports the property remains in non-compliance and has had no previous contact with the respondent. He stated they are asking for a finding of non-compliance and next cutoff to come into compliance.

Mr. Francois stated the respondents live out of state and the property is occupied. He stated they applied for a business license and was unaware they needed one. He stated he has handled the property since October 2018.

Mr. McCoy stated the rental license has been approved and inspection has been scheduled.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Mr. Harrington seconding. Motion was approved 5-0.

**CASE # 27 - CEB 02-20-18 - Peggie S Fagins** is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297, at **751 Vernon St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 11/18/2019.

Peggie S Fagins came forward and was sworn in.

Mr. Jackson stated the respondent has signed an affidavit and will swear under oath that the property is for sale and they do not intend to rent it.

Ms. Fagins stated the property is not occupied and has been empty since 1991. She stated the people lived there for many years and have now passed. She stated she has a buyer for the property.

Mr. Jackson stated they announce the property in compliance on February 13, 2020 and would like a finding of previously in non-compliance and now in compliance.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent previously in non-compliance and now in compliance and for any future violations may be returned to a subsequent meeting for consideration of a fine up to \$5000 per occurrence. Mr. Harrington motioned the same motion with Ms. Robey seconding. Motion was approved 5-0.

**CASE # 28 - CEB 02-20-15 - Audrey 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. FBC Supp. IPMC 304.2, 304.7), at **824 Derbyshire Rd.** Violation(s) – Parking in yard, peeling paint, damaged roof. First Notified – 10/18/2019.

Respondent was not present.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance and is asking for next cutoff to come into compliance. He stated Mr. Stenson has spoken to the owner.

Mr. Stenson stated he was under the impression that she was done but she lives in Texas. He stated there is also a rental case on 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 March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Robey motioned the same motion with Mr. Harrington seconding. Motion was approved 5-0.

**CASE # 29 - CEB 02-20-34 - Steven B. Rogers, Toni Rogers Howell, Ronald A Rogers Jr., Shenetta Rogers, and Vella Janette Rogers Workman Estate** 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), at **410 Lockhart St.** Violation(s) – Outside storage and dilapidated fencing. First Notified – 11/15/2019.

Steven Rogers came forward and was sworn in. He explained the relationship of the owners.

Mr. Jackson stated Inspector Stenson reports the property remains in non-compliance and they are working on it. He stated the City is requesting a finding of non-compliance and next cutoff to come into compliance.

Mr. Rogers stated he, his sister and niece live there.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Harrington motioned the same motion with Ms. Robey seconding. Motion was approved 5-0.

**CASE # 30 - CEB 02-20-16 - Toni Lynn Swires** 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), at **156 Oakwood Dr.** Violation(s) – Dilapidated fencing, peeling paint. First Notified – 8/10/2019.

Toni Lynn Swires came forward and was sworn in.

Mr. Jackson stated Inspector Stenson reports they are making progress but is currently in non-compliance. He state the City is requesting a finding of non-compliance and next cutoff to come into compliance.

Ms. Swires stated they were renting a pressure washer and going next week to buy the paint since it was on sale.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. McLean motioned the same motion with Mr. Gonzalez seconding. Motion was approved 5-0.

**CASE # 31 - CEB 02-20-33 - Jackson T L Trust, Jordan Minnie Trust, Truevine Temple Ministries, Inc., William Bolden Trust** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4, at **357 Rose Ave.** Violation(s) – Roof, fascia, peeling paint, dirt and grime. First Notified – 7/12/2019.

Respondent was not present.

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

Mr. Fitzgerald stated the property is vacant.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Ms. Harrington motioned the same motion with Ms. Robey seconding. Motion was approved 5-0.

**CASE # 32 - CEB 02-20-30 - John A Sharper, Ken Sharper Est, Elnora Jackson Est, Samuel Sharper, Jimmie Sharper, Willie Sharper Jr Est & Arlivia Robinson** is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.4, at **904 Oak St.** Violation(s) – Roof damage, peeling paint, dirt & grime. First Notified – 7/12/2019.

John A Sharper came forward and was sworn in.

Mr. Jackson stated Inspector Fitzgerald reports the property remains in non-compliance and is asking for next cutoff to come into compliance. He stated there is an open window in the back and would like the order to reflect it be secured to City Standards.

Mr. Sharper stated the property is vacant for 3 or 4 years and he is the only heir left. He stated the property is not livable and should be demoed. He stated he is in the process of selling but has to go through probate which he expects to take about 5 months.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. It was further ordered that the property must be maintained to City Standards. Ms. Robey motioned the same motion with Ms. McLean seconding. Motion was approved 5-0.

**CASE # 33 - CEB 02-20-31 - Louis E Henry Jr, Crisey Ferguson & Steven Wayne Ferguson** is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 302.8, 303.1, 304.2, 304.3, 304.6, 304.8, 304.13, 304.15, 305.3, 305.6, 308.1, 604.3, 604.3.1, 604.3.1.1, 604.3.2.1, 605.1, 605.2, 605.3, 605.4); Art. 5, Sec 2.B.3 Art. 6 Sec 6.2.H.7.A, at **861 White Ct.** Violation(s) – Dirt and grime, mold, paint fading and peeling, dead tree, no ground cover, lawn maintenance, broken brick planter box, interior and exterior electrical

hazard, exterior doors broken and broken trim, interior surfaces damaged and broken, non-working and missing smoke detectors, dorm living, damaged exterior fencing, outside storage, trash and debris, dilapidated pool and standing water, non-working fireplace, junk vehicles, parking on the grass in front yard and street side yard, missing address numbers, damaged interior doors. First Notified – 5/22/2019.

Steve Ferguson came forward and was sworn in. He stated the owners are his uncle and sister. He stated he lives there and has for about 10 years.

Mr. Harrington asked the respondent if he believes the violations exist.

Mr. Ferguson stated he has done some work.

Mr. Fitzgerald stated he cut down a dead tree which is not problem and he doesn't need a permit for but he also cut down a live tree and that he will write that violation up separately. He stated the electric has been repaired and is asking for next cutoff to come into compliance.

Mr. Harrington asked the respondent what he was doing about the pool.

Mr. Ferguson stated he was trying to get it painted and then filled back up. He stated it was fenced.

**BOARD ACTION:** Mrs. Kuendig asked for a motion to find the respondent in non-compliance and ordered the respondent to come into compliance by March 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1000. Mr. Gonzalez motioned the same motion with Ms. Robey seconding. Motion was approved 5-0.

There was discussion regarding dorm living and Captain Lee stated he would bring additional information to the next meeting.

The meeting was adjourned at 11:24 a.m.