

CODE ENFORCEMENT BOARD

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

Members: Weegie Hymes, Chairman; Turner Hymes, Vice-Chairman; Neil Harrington, Karen Robey, Bradford Gonzalez & Eugene Robinson

October 8, 2020

Members present:

- Mrs. Turner Hymes, Vice-Chairman
Mr. Neil Harrington
Ms. Karen Robey
Mr. Bradford Gonzalez
Mr. Eugene Robinson
Mr. Charles Cino, Esquire, Board Attorney

Staff present:

- Mr. Anthony Jackson, Esq., Assistant City Attorney
Captain Scott Lee, Daytona Beach Police Department
Officer Cortland Lampe, Daytona Beach Police Department
Mr. Tom Clig, Code Inspector
Mr. Mike Fitzgerald, Code Inspector
Mr. Daniel Garcia, Code Inspector
Mr. Mark Jones, Rental Inspector
Ms. Sara Kirk, Code Inspector
Mr. John Stenson, Lead Code Inspector
Mr. Joe Graves, Audio/Video
Mr. Xavier Campbell, Audio/Video
Ms. June Barnes, Board Secretary

Approval of Minutes by:

Handwritten signature of Turner Hymes with 'VICE-CHAIRMAN' and 'Chairman' written in blue ink.

Mrs. Hymes, Vice-Chairman, called the meeting to order at 9:08 a.m.

Mrs. Hymes asked the Board Members if they had read the minutes of the September 10, 2020 meeting minutes and if there are any changes. There were none. Mr. Harrington motioned to approve the minutes with Mr. Gonzalez seconding the same. Motion was approved 5-0.

Ms. Barnes called the roll and Mrs. Kuendig was not present. Mr. Gonzalez made motion to excuse Mrs. Kuendig's absence. Mr. Harrington seconded the same and motion was approved 5-0.

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

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

Ms. Barnes announced the following cases in compliance.

CASE # 1 - CEB 03-20-65 - Cathy Moutsopoulos is cited for failure to correct violations of City Code Ch. 26 Sec. 26-294, at **940 N Halifax**. Violation(s) – Failure to obtain Rental License (RTL). First Notified – 9/2/2019

Compliance 10/2/2020

CASE # 8 - CEB 09-20-180 - Alice Hill 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, 302.7), at **N Caroline St (Parcel ID# 523818070050)**. Violation(s) – Damaged fencing, overgrown vacant lot. First Notified – 1/9/2020

Compliance 10/1/2020

CASE # 20 - CEB 09-20-168 - Tracy & Lysandra Johnson 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, 304.7), at **527 Colfax Dr**. Violation(s) – Damaged roof with blue tarp, junk vehicles, parking in the grass in the front yard. First Notified – 12/19/2019

Compliance 10/1/2020

CASE # 21 - CEB 08-20-158 - Charles Thomas 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 604.3), at **703-701 W Intl Speedway Blvd**. Violation(s) – Broken window, crumbling exterior and broken lighting fixture. First Notified – 10/11/2019

Compliance 10/7/2020

CASE # 28 - CEB 09-20-166 - Mark A. Carrizales 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 **636 S Palmetto Ave**. Violation(s) – Failure to maintain roof. First Notified – 8/29/2019

Compliance 10/7/2020

CASE # 34 - CEB 10-20-187 - Carl E & Teresa L Cecil is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.c; Art. 6 Sec. 6.19.A.4.a; Art. 6 Sec. 6.19.A.4.b, at **324-322 Hobart Ave**. Violation(s) – Overgrown grass, damaged fence, soffits and window. First Notified – 10/29/2019

Compliance 10-6-2020

CASE # 36 - CEB 10-20-188 - Navendren Kodare 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 302.1, 308.1), at **173 Kingston Ave**. Violation(s) – Outside storage, rubbish and garbage, trash and debris. First Notified – 3/16/2020

Compliance 10/2/2020

CASE # 37 - CEB 10-20-189 - Anatoli D Remy is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.8.C; Art. 6 Sec. 6.8.D; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.2, 304.13, 304.13.1, 304.14), at **420 Silver Beach Ave**. Violation(s) – Rotten front entry screen door, damaged garage door, missing

and damaged window, damaged fence, outside storage, paint fading and peeling, damaged fascia and soffit. First Notified – 12/19/2019

Compliance 9/30/2020

Mrs. Hymes called case # 38.

CASE # 38 - CEB 10-20-190 - Daniel W & Kimberly A Phipps is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.12.D; Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.6, 304.13, 307.1), at **506 Silver Beach Ave.** Violation(s) – Exterior storage of tires, damaged stucco, paint missing, no permit for repair of south deck guards, missing overhang supports. First Notified – 12/19/2019.

Mr. Daniel Phipps and Mrs. Kimberly Phipps appeared via Zoom and were sworn in.

Inspector Michael Fitzgerald stated the property remains in Non-Compliance and he is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

Mrs. Phipps stated they are 95% done and only has a little more to do. He stated she sent the inspector pictures.

BOARD ACTION: Mrs. Hymes asked for motion to find the Respondent in Non-Compliance and ordered the Respondent to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez motioned the same with Mr. Robinson seconding. Motion was approved 5-0.

Mrs. Hymes called case #42.

CASE # 42 - CEB 10-20-192 - Thu Nguyen Ngoc Minh etal 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, 308.1), at **941 Lockhart St.** Violation(s) – Damaged roof, rotted wood, deteriorated fencing, trash and debris. First Notified – 3/5/2020.

Ms. Sara Metz, Attorney, came forward. She stated she represents the owner and there are 12 heirs to the property. She stated 11 of them live in Vietnam and 1 is deceased.

Inspector Sara Kirk stated she posted the property as the result of a complaint. She stated the Respondents are in the process of selling the property but the Building Department condemned the property in September and they are appealing the condemnation. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Ms. Metz stated they are trying to sell to someone who is going to rehab the property but it has been condemned. She stated a sale of the property will keep the City from having to pay for demolition and if a fine is placed on the property, it probably would not get paid as the Respondents live in Vietnam. She stated they hired an attorney in Vietnam to assist with communication. She stated she is asking for 120 days because the heirs will need a tax ID from the IRS and they are backed up due to COVID and probably will take at least 8 weeks. She stated they have taken action to mow the grass and move the car.

Mr. Harrington asked if the Respondent had a condemnation hearing.

Ms. Metz stated she did not think so and only learned of the condemnation a couple of days ago. She stated if they don't get the appeal for condemnation they cannot sell the property.

Mr. Gonzalez asked if the property has been through probate with a closing administrator.

Ms. Metz stated yes. She stated they found that the Respondent that was living here was deceased and it was a homestead property.

Mr. Harrington stated if it was homesteaded, there must have been someone there living in Florida.

Ms. Metz stated the person that was living there is now deceased and relative is in Massachusetts.

Mr. Jackson stated the City believes 120 is too far. He stated the condemnation board is a separate entity and the property is an eyesore. He stated he would like to see the Respondent back in January.

Mr. Cino asked if the property is secure.

Ms. Kirk stated that it is.

Mr. Harrington stated he wants to see the demolition completed before they get into a long-term case and asked to keep it to 60 days.

Ms. Robey reminded Mr. Harrington that we are not having a December meeting.

Mr. Gonzalez stated they are trying to sell the property.

Mr. Jackson asked that the Respondent keep the property secure and clean in the interim.

BOARD ACTION: Mr. Gonzalez made a motion to find the Respondent in Non-Compliance and ordered the Respondent to come into compliance by January 6, 2021 or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 2 - 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.

Respondent was not present.

Inspector Mark Jones stated the property failed inspection in July and he received an email from the Property Manager yesterday and he recommended she attend the hearing. He stated he was advised that the property was not in Compliance yet. He stated there is also a Rental case with 4 units and he is asking for a fine in the amount \$100 per day to a maximum of \$15,000.

BOARD ACTION: Mr. Robinson made motion to impose a fine of \$100 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 3 - CEB 07-20-106 - Roslyn Page is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 504.1, 504.3); City Code Ch. 26 Sec. 26-294; City Code Ch. 90 Sec. 90-297., at **555 Oak St 3**. Violation(s) – Failure to obtain Business Tax Receipt (BTR), failure to obtain Rental License (RTL). First Notified – 9/18/2017

Ms. Roslyn Page and her daughter, Ms. Carla Morris came forward and were sworn in.

Mr. Jones stated the Respondent applied for a Rental License and it was denied due to an outstanding bill for demolition of the property. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$15,000.

Ms. Morris stated that her mother was the original owner of the property and she was not aware of the lien. She stated her mother thought the City had set up repayment of the demolition through a payment plan. She stated her mother made the first payment in September 2011 and was told she did not have to pay until she sold the property. She stated they requested to repay the demolition lien through payments again and they are waiting on an answer.

Mr. Jones stated that the request was made but it was denied by Deputy City Manager Jim Morris. He stated the properties are occupied and they are renting without a license.

Mr. Harrington asked if the demolition lien was for that property.

Mr. Jones stated there were other structures on the property that were demolished in 2007.

Ms. Morris stated the lien on the property occurred in 2011 and they have an amount due of \$9,665.00. She stated her grandmother was told that since her father owned the property since the 1940's that it was grandfathered and the new process did not start until 2017. She stated her mother took over her grandmother's estate and just found out that she needed to have a new form of rental application. She stated she contacted Amy Christlieb who is helping her to remove the interest. She stated she has been waiting for reinstatement of the payment to pay off the lien. She stated they found out last night the Mr. Morris wants the full amount. She stated she would pay for the Business Tax Receipt. She stated there is \$6,900 in interest on the lien.

Mr. Harrington moved that the previous order of non-compliance be amended to impose a fine in the amount of \$100 to a maximum of \$15,000. There was no second.

Mr. Robinson asked if they imposed a fine, can they come back and knock it off.

Mr. Cino stated no.

Mrs. Hymes asked if the Respondent has documentation that they were told they could make payment.

Ms. Morris stated no but that Amy in accounting has documentation in the system.

Mr. Jackson stated the Respondent would have the opportunity for a lien review if fine was imposed.

Ms. Robey asked the Respondent if she is prepared to pay the \$9,665.

Ms. Morris stated yes.

Ms. Robey made motions to amend the order to give the inspector time to go out and inspect the property.

Mr. Harrington stated he would like to see a written document that states that the City would not allow them to go on a payment plan.

Mr. Jackson stated that the Board can lock in actions for the Respondent to take but not on amount of money paid. He stated generally it should be that she comes into Compliance.

BOARD ACTION: Ms. Robey made motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 4 - CEB 04-20-78 - Marie S Thornton is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6, 304.7), at **619 Mulberry St.** Violation(s) – Damaged roof, dirt and grime on exterior surfaces. First Notified – 7/18/2019.

Ms. Marie Thornton came forward and was sworn in.

Inspector Daniel Garcia stated that last time the Board gave the respondent more time and there has been no change in the property. He stated the Respondent said she purchased paint and put bricks under the house. He stated he is asking for a fine in the amount of \$200 to a maximum of \$10,000.

Ms. Thornton stated she is trying to get a payment plan from the painter and that it is going to cost \$500-\$600 and she doesn't have the money.

Mr. Gonzalez asked why the repairs have taken so long.

Ms. Thornton says they have no money.

Mr. Garcia stated there was a tarp on the roof and the Respondent's had made repairs with no permits. He stated they had a permit in 2017 that was finalized but it was for different work.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$75 per day, effective October 8, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 5 - CEB 04-20-82 - Pinchas & Eva Mamane 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, 304.13),

at **820 N Beach St.** Violation(s) – Rotting, damaged and peeling siding, broken windows, dirt and grime on the exterior surface (bricks). First Notified – 6/20/2019.

Respondent was not present.

Mr. Garcia stated the property was demolished and they damaged the City sidewalks. He stated the demolition permit was not finalized and is asking to amend to the next cutoff.

BOARD ACTION: Ms. Robey made motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020 to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 6 - CEB 06-20-123 - Richard T Hayden Est & Mark McQueen is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **115 Congress Ave.** Violation(s) – No renovation permit. First Notified – 12/11/2019.

Mr. Mark McQueen came forward and was sworn in.

Mr. Garcia stated the property changed owners and the new owner has applied for permits. He stated he is asking to amend to the next cutoff for Compliance.

Mrs. Hymes asked if anyone was living there.

Mr. Garcia stated no one lives there and they live next door.

Mr. Cino asked what was the hold up.

Mr. McQueen stated he has hired an architect and applied for financing for a \$30,000 for a complete repair of the home.

BOARD ACTION: Ms. Robey made motion to amend the previous order of non-compliance and allow the Respondent until January 6, 2021, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez motioned the same with Mr. Robinson seconding the same. Motion was approved 5-0.

CASE # 7 - CEB 07-20-108 - Robert & Katrina Hart 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 305.1, 305.3, 305.4, 305.5, 305.6, 605.1), at **324 Michigan Ave.** Violation(s) – No permits, exposed wires, damaged interior doors and assembly, damaged interior walls, no smoke detectors, peeling paint, damaged steps.
First Notified – 10/22/2019.

Mrs. Katrina Hart came forward and was sworn in.

Mr. Garcia stated he spoke to the owner yesterday and has not been able to schedule and inspection. He stated he is asking for a fine in the amount of \$350 to a maximum of \$15,000. He stated the case was amended and the Respondent was turned away at the last hearing.

Mrs. Hart stated she only has to paint and add smoke detectors to the house. She stated she and her husband separated and she is trying to do the work.

Mr. Garcia stated the house has been a police issue. He stated the stairs and walls are damaged and there is exposed wiring.

Ms. Hart stated her brother was staying there and caused the damage and issues. She stated her cousin is now living there.

Mr. Garcia stated the Respondent needs to apply for electrical permits.

Captain Scott Lee stated no permits have been applied for.

BOARD ACTION: Mr. Harrington made motion to impose a fine of \$350 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 9 - CEB 07-19-148 - Andrea Anderson 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.

Ms. Andrea Anderson came forward and was sworn in.

Mr. Fitzgerald stated the property remains in Non-Compliance. He stated he called Rebuild Florida and they would not provide him any information except that the property is under consideration.

Ms. Anderson stated she received a standardized letter and they were bringing a POD to empty the place and start packing. She stated they assured her everything was done and she met all of the qualifications.

Mr. Harrington stated this has gone on since January 2019 asked if there was still outside storage.

Ms. Anderson stated there is no outside storage but there was a junk vehicle there and Rebuild Florida was sending her a POD.

Mr. Fitzgerald stated there was still outside storage there.

Mr. Harrington went over the violations and the inspector confirmed the violations still exist.

Ms. Anderson stated she hasn't heard anything more from them and they needed a check stub. She stated the last time she heard from them they said ok perfect.

Ms. Robey asked when the POD was coming.

Captain Lee read the letter from July 2019 stating they would make a decision in 30 days and asked for a fine in the amount of \$100 to a maximum of \$10,000.

Ms. Anderson stated it is a 60 day review. She stated she had to pay the tax and then send a copy of her check. She stated she had to send a copy of her son's disability and she has completed everything they asked her to do. She stated each step took about 60 days and Rebuild told her if they sent new letters they would be the same.

Captain Lee stated she would need to coordinate a release for the sharing of information to the inspector.

Ms. Anderson stated it took her 60 days to approve the disabled status and she had to come and get a copy of the water bill.

Mrs. Hymes stated it should have been printed out.

Mr. Jackson stated the City acknowledges this is a process but her paperwork only says they are accessing. He stated they would like a release with authorization to give information to the inspector.

Ms. Anderson called her councillor on the phone.

Mr. Jackson stated they are asking for a fine of \$100 per day to a maximum of \$10,000 or provide the Inspector with permission to inquire of Rebuild Florida or bring something to the next meeting showing when Compliance will be achieved.

Mr. Robinson made a motion to get the person from Rebuild Florida to appear by zoom call.

Mr. Harrington stated that was not a motion.

Mrs. Hymes stated the Respondent must provide documentation that she has been accepted in the program or have the person appear via zoom at the next meeting.

Ms. Anderson requested to the January cutoff.

BOARD ACTION: Mr. Robinson made motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Ms. Robey seconded the same and motion was approved 4-1 with Mr. Harrington voting no.

CASE # 10 - CEB 09-20-171 - Arkady Izrailov & Gregorey Izrailov is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.2, 308.1), at **W Intl Speedway Blvd (Parcel ID# 5339-02-57-0160)**. Violation(s) – Vacant lot, outside storage, trash & debris, damaged concrete based and metal light pole (must be removed), damaged concrete curbing, damaged asphalt, damaged accessory structures, damaged monument and soil erosion. First Notified – 2/6/2020.

Respondent was not present.

Mr. Fitzgerald stated the property remains in Non-Compliance and he is asking for a fine in the amount of \$300 per day to a maximum of \$10,000.

BOARD ACTION: Mr. Harrington made motion to impose a fine of \$300 per day, effective October 8, 2020, to a maximum of \$20,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 11 - CEB 08-20-164 - Dale Wilson 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, at **Madison Ave (Combined Parcel ID# 5338-47-00-0011)**. Violation(s) – No permit for fence, no permit for accessory structures (multiple sheds), no permit for electric added to exterior structures, no permit for new AC, no permit for exterior patio with roof, no permit for new wooden 6' fence. First Notified – 9/9/2019.

Respondent was not present.

Mr. Fitzgerald stated he is asking for a fine in the amount of \$200 to a maximum of \$20,000.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$200 per day, effective October 8, 2020, to a maximum of \$20,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

Mr. Harrington left the Chamber at 10:38 a.m.

CASE # 12 - CEB 08-20-165 - Ernestine England 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, 304.7, 505.1, 505.3), at **1045 Peter Rd.** Violation(s) – Damaged roof, fascia board and soffit, dirt and grime, peeling paint. First Notified – 10/10/2019

Chris Hadley came forward and was sworn in.

Mr. Fitzgerald stated the property remains in Non-Compliance. He stated the Respondent hired a roofer but they could not do the work because the rafters are too weak to hold a new roof. He stated they need a contractor and he is asking for 60 days to come into Compliance.

Mr. Harrington returned to the Chamber at 10:40 a.m.

Ms. Hadley stated she hired a roofer and he explained what was going on. She stated her mother passed and she was the caregiver. She stated subsequently her brother passed and she was not able to get the work done.

Mr. Fitzgerald stated the contractor will build the structure under the roof and then the roofer can come back and put the roof on. He stated he would like to get into the house to see if there is further water damage so that the Respondent doesn't pay the money for a new roof and then find out the house can't be saved.

There was further discussion regarding the work that needs to be done.

Ms. Hadley agreed to allow the Inspector to inspect the interior of the structure.

BOARD ACTION: Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow the Respondent until January 6, 2021, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez motioned the same with Ms. Robey seconding. Motion was approved 5-0.

CASE # 13 - CEB 03-20-55 - Floyd J Mastronardi 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 304.7, 304.13, 302.7, 304.6, 304.9, 304.2), at **402 Auditorium Blvd.** Violation(s) – Structure and accessory structure (garage) roof damage, window and door frames, protective treatment for all overhangs, overgrown property, retaining wall. First Notified – 4/16/2019.

Mr. Jackson stated there was a due process issue which would have made the auto-fine ineffective. He stated he is asking the Board to go ahead and impose the fine today of \$100 per day to a maximum of \$10,000.

Mr. Fitzgerald stated the property remains in Non-Compliance.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$100 per day, effective October 8, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Harrington seconded the same and motion was approved 5-0.

Mr. Gonzalez left the Chamber at 10:43 a.m.

CASE # 14 - CEB 09-20-179 - Janie S Langford EST 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), at **813 Lewis Dr.** Violation(s) – Garage/workshop, faded and peeling paint, exterior structure backyard, outside storage (plywood). First Notified – 1/8/2020.

Respondent was not present.

Mr. Fitzgerald stated the property remains in Non-Compliance and he is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

Mr. Gonzalez returned to the Chamber at 10:45 a.m.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$100 per day, effective October 8, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Robinson seconded the same and motion was approved 5-0.

Mr. Gonzalez left the Chamber at 10:43 a.m.

CASE # 15 - CEB 09-20-174 - Joseph Malecki & Alice Malecki is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.8.A; Art. 6 Sec. 6.8.F; Art. 8 Sec. 8.2.B; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.6), at **414 Dr Mary M Bethune Blvd.** Violation(s) – Screening fence or wall missing from east side, missing siding on building, using metal shipping containers as the east side wall. First Notified – 11/18/2019.

Mr. Joseph Malecki and Mr. Ethan Malecki came forward and were sworn in.

Mr. Fitzgerald stated the missing siding was repaired but the property remains in Non-Compliance.

Mr. Joseph Malecki stated they spoke with 3 different contractors and the job was too small and one was too busy. He stated they found another contractor and his engineer has been dow

there and he is waiting on a quote but it could take a couple of weeks. He stated they are talking to Permits.

Ms. Robey asked the Respondent if they were confident that the contractor would do it.

Mr. Ethan Malecki stated yes.

BOARD ACTION: Mr. Robey made motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Robinson seconded the same and motion was approved 4-1 with Mr. Gonzalez voting no.

CASE # 16 - CEB 09-20-182 - Ronnie Pearl Ditoma is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3; Art. 6 Sec. 6.19.A.4; Art. 6 Sec. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.2, 302.4, 304.2, 304.6, 304.13, 304.13.1, 304.14), at **417 N Oleander**. Violation(s) – Paint fading and peeling, exterior surfaces, unmaintained lawn, outside storage, trash and debris, damaged or missing screens, junk vehicle. First Notified – 11/4/2019.

Mr. Emory Dewey Lyons came forward and was sworn in.

Mr. Fitzgerald stated the property remains in Non-Compliance and they are working on it. He stated he is asking to amend to the next cutoff for Compliance.

Mr. Lyons stated he is working on it and expects it to take about 2 months.

BOARD ACTION: Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow the Respondent until January, 6 2021, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Robinson motioned the same with Ms. Robey seconding. Motion was approved 5-0.

CASE # 17 - CEB 09-20-172 - Ruth M Nixon 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, 304.2, 304.3, 304.6), at **503 Fairmount Rd**. Violation(s) – Paint fading and peeling, dirt and grime, rotten wood, damaged fascia board and soffit, overgrown grass and weeds (no lawn maintenance), outside storage, trash and debris, missing address numbers. First Notified – 10/9/2019.

Respondent was not present.

Mr. Fitzgerald stated the property remains in Non-Compliance, is located on a corner property and is asking for a fine in the amount of \$300 to a maximum of \$15,000.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$300 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 18 - CEB 09-20-181 - Shuja Uzair is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.13, 304.13.2, 304.15, 305.1, 305.6, 506.1, 506.2, 605.2), at **116 Emmett St**. Violation(s) – Paint fading and peeling,

damaged exterior wooden fencing, damaged interior surfaces, damaged windows and doors, damaged electrical, damaged plumbing. First Notified – 10/29/2019

Respondent was not present.

Mr. Fitzgerald stated the property remains in Non-Compliance and is asking for a fine in the amount of \$250 per day to a maximum of \$15,000.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$250 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 19 - CEB 09-20-175 - Theo Cox 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), at **508 Model St.** Violation(s) – Dilapidated roof (including rotten wood), faded and peeling paint, outside storage, trash and debris, missing address numbers. First Notified – 12/10/2019.

Respondent was not present.

Mr. Fitzgerald stated the property remains in Non-Compliance and is asking for a fine in the amount of \$200 to a maximum of \$15,000.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$200 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 22 - CEB 08-20-156 - Do'Shan Edwards Wilder 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, 302.8, 303.1, 303.2, 304.2, 304.6, 304.7, 304.13, 308.1), at **564 Magnolia Ave.** Violation(s) – Outside storage, junk and debris, peeling paint, damaged fence, rotted wood on exterior of home, dilapidated shed, broken windows, unsanitary pool. First Notified – 1/25/2020.

Mr. Do'Shan Wilder came forward and was sworn in.

Ms. Kirk stated the property is in Non-Compliance.

Captain Lee stated the Respondent is working with resources and has met with the building department. He stated the problem is a scheduling issue but he has a plan. He stated the are asking to amend to the next cutoff for compliance.

BOARD ACTION: Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez motioned the same with Mr. Robinson seconding. Motion was approved 5-0.

CASE # 23 - CEB 04-20-87 - Estelle Marion Clay 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 304.13), at **550 Wallace St.** Violation(s) – Peeling paint, dilapidated porch, broken windows, overgrown lawn. First Notified – 5/13/2019.

Respondent was not present.

Ms. Kirk stated the property is in Non-Compliance and the owner is deceased and no relatives have been found. She stated she gave proper notice and is asking for a fine in the amount of \$200 to a maximum of \$10,000.

BOARD ACTION: Mrs. Hymes asked for motion to impose a fine of \$200 per day, effective October 8, 2020, to a maximum of \$15,000 or until compliance is achieved. Ms. Robey motioned the same with Mr. Gonzalez seconding. Motion was approved 5-0.

CASE # 24 - CEB 04-20-84 - Larry Sanders 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.4, at **721 Loomis Ave.** Violation(s) – No permit for exterior addition, peeling paint, rotted wood, windows. First Notified – 8/16/2019.

Mr. Larry Sanders came forward and was sworn in.

Ms. Kirk stated she has been in constant contact with the Respondent and is making progress. She demonstrated the progress through pictures. She stated permits are under review. She stated the City is assisting them and is asking to amend to the January cutoff.

Mr. Sander's agreed.

BOARD ACTION: Ms. Robey made motion to amend the previous order of non-compliance and allow the Respondent until January, 6 2021, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez seconded and motion was approved 5-0.

CASE # 25 - CEB 06-20-145 - Samuel L & Rhonda P Ferguson 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 302.8), at **521 Division St.** Violation(s) – Junk vehicle, broken windows, dirt & grime, peeling paint. First Notified – 1/29/2020.

Mr. Samuel Ferguson came forward and was sworn in.

Ms. Kirk stated the case began as a complaint and the property needed some work. She stated she is asking for a fine in the amount of \$100 per day to maximum of \$15,000.

Mr. Ferguson stated the divorce is final and provided the Board with copies. He stated the tenant did a lot of damage and he is trying to get the repairs done. He stated he just received the title to the vehicle and will have it removed.

Mr. Jackson stated since the property is now in the Respondent's control and the City is amiable to amending to the next cutoff.

BOARD ACTION: Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Mr. Gonzalez motioned the same with Mr. Robinson seconding. Motion was approved 5-0.

CASE # 26 - CEB 06-20-112 - Frederick Hoffmann, Trustee of the Sarolea Trust 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 304.2, 304.7), at **882 E Coquina Dr.** Violation(s) – Unmaintained landscaping, damaged roof (fascia boards), peeling paint and damaged gutters. First Notified – 2/21/2020.

Mr. Fred Hoffmann came forward and was sworn in.

Mr. Stenson stated there is no permit for the roof he is asking for a fine in the amount of \$75 per day to a maximum of \$10,000.

Mr. Hoffmann stated he applied for the permit yesterday morning and the Building Department would not give him any proof in writing.

Captain Lee stated the database shows a permit was applied for.

Mr. Stenson stated he would move to the next cutoff.

BOARD ACTION: Mrs. Hymes asked for motion to amend the previous order of non-compliance and allow the Respondent until November 4, 2020, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. Ms. Robey motioned the same with Mr. Robinson seconding. Motion was approved 5-0.

CASE # 27 - CEB 07-20-109 - Myra J Haddock 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. 6.2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7, 304.3, 304.6, 304.7, 304.13), at **102 Hibiscus Dr.** Violation(s) – No permit, landscaping, outside storage, parking in yard, damaged fencing, address numbers, exterior walls, roof damage, broken/boarded windows. First Notified – 4/2/2020.

Respondent was not present.

Mr. Stenson stated the property remains in Non-Compliance but the Respondents have applied for permits which need corrections. He stated he is asking for a fine in the amount of \$100 per day to a maximum of \$10,000.

BOARD ACTION: Ms. Robey made motion to impose a fine of \$100 per day, effective October 8, 2020, to a maximum of \$10,000 or until compliance is achieved. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 29 - CEB 10-20-197 - Charles W & Amelia J Mecklem 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), at **564 Colfax Dr.** Violation(s) – Failure to maintain lawn, exterior structure, roof and drainage. First Notified – 5/28/2019.

Mr. Milton Driscoll and Ms. Karen Driscoll, buyers, came forward and were sworn in.

Ms. Driscoll stated they have been purchasing the property as a contract for deed over time and is almost paid off. She stated her husband has had health issues, lost his job and insurance.

Mr. Driscoll stated they have gotten in touch with the County to get some help with these issues but hasn't heard back. He stated he is eligible in January for Social Security.

Mr. Clig stated no permits have been pulled and no work has been done.

Mr. Robinson stated the Board should be dealing with the owners.

Ms. Driscoll stated they make their last payment today.

BOARD ACTION: Mr. Gonzales made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by January 6, 2021 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 30 - CEB 10-20-199 - Rudean W Davis TR 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 **708 Georgia St.** Violation(s) – Failure to maintain roof. First Notified – 9/20/2018.

Ms. Rudean Davis came forward and was sworn in.

Ms. Clig stated the case began as a complaint and the tarp has been on the roof for one year. He stated he believes the property is being sold and is asking for a finding of Non-Compliance.

Ms. Davis stated he had a contract and they were supposed to close last Tuesday and there was a snag. She stated they will be purchasing the property "as is" and are asking for more time. She stated she found out about the violations in September.

BOARD ACTION: Mr. Gonzales made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Harrington seconded the same and motion was approved 5-0.

CASE # 31 - CEB 10-20-194 - Alfred L Simmons is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.7, 304.11), at **1306 5th St.** Violation(s) – Junk vehicles, peeling paint, roof and drainage, chimney and towers. First Notified – 4/16/2020.

Mr. Alfred Simmons came forward and was sworn in.

Mr. Stenson stated the property remains in Non-Compliance and he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Mr. Simmons did not have anything to say.

BOARD ACTION: Ms. Robey made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 32 - CEB 10-20-198 - Clyde D Baumgardner Sr 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 302.8, 304.6, 304.7, 304.13.2), at **1193 Jimmy Ann Dr.** Violation(s) – Outside storage, unmaintained landscaping, junk vehicles, exterior walls, roof and drainage, openable windows. First Notified – 2/4/2020.

Respondent was not present.

Mr. Stenson stated the Respondents have made some progress and is asking for Non-Compliance and next cutoff to come into compliance.

BOARD ACTION: Mr. Gonzalez made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 33 - CEB 10-20-184 - Abdulaziz H W Houhou is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3.c; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.4, 308.1), at **Elm St (Parcel ID # 5338-38-00-0420)**. Violation(s) – Overgrown landscaping (grass, weeds, tree branches, bushes, hedges), trash and debris, rubbish and garbage. First Notified – 12/11/2019.

Respondent was not present.

Mr. Garcia stated there are issues with transients and he is asking for Non-Compliance and Next Cutoff. He stated law enforcement was called and it was an absentee landlord situation.

BOARD ACTION: Mr. Harrington made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 35 - CEB 10-20-191 - Dorothy Mayhue 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, 304.13, 304.15), at **410 Henry Butts Dr.** Violation(s) – Broken windows, damaged screen door and fence, overgrowth, dirty exterior surface. First Notified – 11/18/2019.

Ms. Dorothy Mayhue came forward and was sworn in.

Mr. Garcia stated the case started from a code walk and is vacant. He stated the Respondent has made contact with Volusia County for assistance. He stated he received a letter from Volusia County and they need a second inspection to determine if that needs to be demolished.

Ms. Robey asked if the request would be done in 30 days.

Mr. Garcia stated he did not know and is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Ms. Mayhue stated she does not live there and does not know when Rebuild Florida will be finished. She stated the windows are boarded but not broken. She stated she took forms to her doctor to fill out. She stated it did not make sure to fix stuff when the homeless get in.

Captain Scott Lee stated the letter received from Volusia County was authentic and is requesting additional time.

BOARD ACTION: Mr. Gonzalez made motion to find the Respondents in Non-Compliance and ordered the Respondents to come into compliance by January 6, 2021, or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Robinson seconded the same and motion was approved 5-0.

CASE # 39 - CEB 10-20-186 - Eric N Stack is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3, 302.7, 304.2, 304.3, 304.6, 304.7, 304.13.2, 304.14), at **380 Jefferson St.** Violation(s) – No active permits (all permits for property have expired), outside storage, trash and debris, junk vehicle, parking in grass on front yard, overgrown grass and weeds, no lawn maintenance, no protective treatment on exterior wall. First Notified – 10/7/2019.

Respondent was not present.

Mr. Fitzgerald stated he is asking for a finding of Non-Compliance and next cutoff to come into Compliance. He stated the permit has been re-issued.

BOARD ACTION: Mr. Robinson made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 40 - CEB 10-20-193 - George Caffery is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.2.H.7.a; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **312 N Wild Olive Ave.** Violation(s) – Parking, dirt and grime, exposed wood, buckled soffit. First Notified – 1/16/2020.

Mr. George Caffery came forward and was sworn in.

Ms. Kirk stated the case began from a code walk and had to be posted. She stated she has had no contact with the Respondent until this last week and they have made a lot of progress. She stated she is asking for a finding of Non-Compliance and next cutoff to come into compliance.

Mr. Caffrey stated the work is finished.

BOARD ACTION: Mr. Robinson made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

CASE # 41 - CEB 10-20-195 - Ted Brousseau Jr 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 301.3),

at **Park Dr (Parcel ID# 5339-83-01-0090)**. Violation(s) – Parking on vacant lot. First Notified – 4/23/2020.

Respondent was not present.

Ms. Kirk stated the property remains in Non-Compliance and he is asking for a finding of Non-Compliance and next cutoff to come into compliance.

BOARD ACTION: Mr. Harrington made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Ms. Robey seconded the same and motion was approved 5-0.

CASE # 43 - CEB 10-20-196 - Victor & Agnes Ingram 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, 302.8, 304.13); City Code Ch. 90 Sec. 90-297, at **526 Wallace St.** Violation(s) – Failure to obtain Business Tax Receipt (BTR) for car storage business, broken windows, junk vehicles, dilapidated fence, outside storage and dirt & grime. First Notified – 5/13/2020.

Respondent was not present.

Ms. Kirk stated she has had no contact with the Respondent and nothing has been done. She stated she is asking for a finding of Non-Compliance and next cutoff to come into Compliance.

BOARD ACTION: Mr. Harrington made motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by November 4, 2020 or be returned to a subsequent meeting for consideration of the imposition of a fine up to \$1,000 per day. Mr. Gonzalez seconded the same and motion was approved 5-0.

Ms. Hymes asked for Miscellaneous Business.

Mr. Cino discussed a City of Palm Bay Supreme court case and asked the Board Secretary to make copies for the Board Members.

Mr. Jackson discussed with the Board their authority to subpoena documents if needed.

Meeting was adjourned at 12:05 p.m.