

CITY OF DAYTONA BEACH

MINUTES

CODE ENFORCEMENT BOARD

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

Members: Mary Louise 'Weegie' Kuendig, Chairman; Turner Hymes, Vice-Chairman; Neil Harrington, Karen Robey, and Katherine Marsh and Thomas Mehegan

July 13, 2023

*Members present:

- Mrs. Mary Louise "Weegie" Kuendig, Chairman
- Mrs. Karen Robey
- Mr. Neil Harrington
- Mr. Thomas Mehegan
- Ms. Kerrie Marsh
- Mr. Robert Riggio, Esquire, Board Attorney

Staff present:

- Mr. Anthony Jackson, Esq., Assistant City Attorney
- Mr. Roosevelt Butler Jr, Code Compliance Inspector
- Mr. Daniel Garcia, Code Compliance Inspector
- Ms. Sara Kirk, Code Compliance Inspector
- Mr. John Stenson, Code Compliance Inspector
- Mr. Steve Alderman, Code Compliance Inspector
- Mr. Curtis Wiggins, Code Compliance Inspector
- Mr. Kevin Yates, Code Compliance Inspector
- Mr. Joe Graves, Audio/Video
- Mr. Xavier Campbell, Audio/Video
- Mr. Donald Rininger, Police Officer - Liaison
- Mrs. Brenda Seivwright, Board Secretary

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

The Chairman **Mrs. Kuendig** called the meeting to order at 9:05 am. And ask for roll call. **Mrs. Seivwright** called the roll. All board members were present. Except for Mrs. Hymes, **Mrs. Robey** made a motion to excuse Mrs. Hymes, **Mr. Harrington** seconded the motion, and all agreed, and the motion was approved. 5-0.

Mrs. Robey made a motion to approve the minutes for June 8, 2023. **Mr. Harrington** seconded the motion, all agreed, and minutes were approved. 5-0.

Disclosure of Ex Parte Communications there was none.

Nomination of Chairman and Vice Chairman

Mrs. Kuendig opened nomination for Chairman and Vice Chairman **Mrs. Robey** made a motion to nominated **Mrs. Kuendig for Chairman** and **Mr. Harrington** seconded the motion. Nomination was closed all agreed and approved 5-0. **Mrs. Robey** made a motion to nominated **Mrs. Hymes for Vice-Chairman** and **Mr. Harrington** seconded the motion. Nomination was closed all agreed and approved 5-0.

Staff were sworn in.

Mrs. Kuendig asked for any announcements **Mrs. Seivwright** read the following announcements.

Announcements

LR 1 - CEB 09-22-213 - 115 Park Ave Via zoom

CEB CASE # 10 - CEB 04-23-54 - Rodrigo Moreno 331 Williams Ave.
Compliance June 29, 2023

CEB 09-22-204 - Bonnie Boudreau Keating
Attorney Andrew Tanner

CEB 02-23-37 - Liam Bates 552 Tarragona Way.
Via zoom

CEB 07-23-94 - Remun & Jane I Said 1183 Peachtree Rd.
Compliance July 12, 2023

CEB 07-23-97 - Justin R Law & Alexis O Connelly 718 Revere St.
Compliance July 10, 2023

Staff sworn in.

Mrs. Kuendig explained the proceedings and the cases were called according to the way they were called.

Mrs. Seivwright made additional announcement **Sgt. D. Rininger** is cover for Sgt. T. Blowers.

Hearing of Cases:

LR 1 - CEB 09-22-213 - Carl D. & Charles M. Weaver 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, 302.4, 304.2, 304.7), at **115 Park Ave.** Violation(s) – Overgrown landscaping and weeds, peeling paint on the exterior of the home and fascia area, soffit damage, dirt and grime on the home, damage on exterior wall. First Notified – 4/20/2022 **Order Imposing Fine/Lien effective January 12, 2023. \$100.00 a day. Compliance = March 21, 2023. \$100.00 x 68 days = \$6,800.00, plus \$24.00 recording costs = \$6,824.00**

Matthew Radacz sworn in via zoom.

Inspector Mark Bostwick testified to the status of the case and staff requested to reduce the fees to \$1,000.00 for administrative fees.

Board Action: **Mrs. Robey** made a motion to except the recommendations of staff. **Ms. Marsh** seconded the motion and all agreed, and the motion approved for respondent to pay an administrative fee of \$1,000.00 payable in 30 days, or the fine will revert to the original amount.

LR-2 CEB 03-20-48 - Fredy & Victor Peralta is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A. (Ref. FBC Supp. IPMC 304.2, 304.13.1, 306.3); City Code Ch. 90 Sec. 90.297, at **961-859 Dr. Mary McLeod Bethune Blvd.** Violation(s) – Fire damaged unit, paint discolored by smoke and fire, broken windows, fire damage to interior surfaces, failure to obtain Business Tax Receipt (BTR).
First Notified – 4/30/2019 **Order Imposing Fine/Lien effective July 9, 2020. \$100.00 a day to a maximum of \$15,000. Compliance = February 1, 2023. \$15,000.00, plus \$24.00 recording costs = \$15,024.00**

Victor Peralta was sworn in.

Inspector Denzil Sykes testified to the status of the case on behalf of Mark Jones. And staff recommended a reduction of fine to the amount of \$7,500.00 for administrative fees.

Mr. Peralta gave an explanation of the process of him bringing the property in compliance. There was further discussion from board to respondent.

Mr. Anthony Jackson City Attorney questioned the respondent as to who manages the property. **Mr. Peralta** response was he does.

Board Action: **Mr. Harrington** made a motion to reduce the amount of the lien to \$7,500. subject to being paid in 30 days. **Mr. Mehegan** seconded the motion and all agreed, and the motion was approved for respondent to pay a reduced lien in the amount of \$ 7,5000.00 payable in 30 days, or the fine will revert to the original amount.

CONTINUED CASES:

CASE # 26 - CEB 07-23-100 - Jessica Ester Orjuela & Emerson Gabriel Orellana Medina is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2. H.7a; Art. 6 Sec. 6.19.A 3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 302.8), at **1005 Essex Rd.** Violation(s) – Outdoor storage and parking.
First Notified – 4/18/2023

Jessica Orjuela & Emerson Orellana both were sworn in.

Inspector Roosevelt Butler, Jr testified to the status of the case. staff requested noncompliance; compliance next cut off.

Jessica Orjuela explained the current situation.

Mrs. Kuendig explains that the board has no jurisdiction over their lawsuit or can they give advice to such.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Ms. Marsh** seconded same and motion was approved. 5-0

CASE # 14- CEB 09-22-204 - Bonnie Boudreau Keating is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **606 S Lanvale Ave.** Violation(s) – Unpermitted accessory structures.
First Notified – 3/28/2022

Tanner Andrews Attorney for respondent

Inspector Sara Kirk testifies to the status of the case. Staff requested to amend until October 2023. Waiting on the city to vacate the right of way.

Mr. Andrews agrees with Code Enforcement staff to extend it until October and understands it's a lengthy process for the right a- way. And explained the property pass history development and how it was done back then.

BOARD ACTION: **Mrs. Robey** made a motion to except the city's recommendation to amend the previous order of non-compliance and allow the Respondents until October 4, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Harrington** seconded same and motion all agreed and was approved. 4-1 **Mehegan**

CASE # 1 - CEB 05-23-73 - Sarah A. Flanary is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2. H.7a ; Art. 6 6.19.A3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7., 302.8), at **1356 Continental Dr.** Violation(s) – Parking, outdoor storage, dilapidated fencing, and junk vehicle.

First Notified – 4/14/2023

No respondent

Inspector Roosevelt Butler testified to the status of the case and staff recommended imposing a fine of \$100.00 per day up maximum of \$10,000.00.

BOARD ACTION: **Mrs. Robey** made a motion to impose a fine of \$100.00 per day against the respondent effective July 13, 2023, to a maximum of \$10,000.00 or until compliance is achieved, **Ms. Marsh** seconded the same and motion was approved.5-0.

CASE # 2 - CEB 05-22-105 - South Wild Olive LLC C/O Huberto Berrios is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S1; Art. 6 Sec. 6.19.A.3;Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3, 304.10, 304.13), at **128 S Wild Olive Ave.** Violation(s) – Unpermitted construction, outside storage, protective treatment, missing address number, dilapidated porch, missing windows.

First Notified – 5/1/2021

No respondent

Inspector Kevin Yates testified to the status of the case staff recommended amending until the August cutoff to allow completion of work.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Mehegan** seconded the same and motion was approved. 5-0

CASE # 3 - CEB 05-23-71 - Charlotte A & Mary M Stewart is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (REF RBC Suppl IPMC 302.4, 304.2), at **214 Cedar St.** Violation(s) – Peeling paint, dirt and grime, east side steps broken, weeds over grown.

First Notified – 3/14/2023

No respondent

Inspector Tom Clig testified to the status of the case staff recommended impose fine of \$ 200.00 per day up to maximum of \$10,000.00.

BOARD ACTION: **Mrs. Robey** made a motion to impose a fine of \$200.00 per day against the respondent effective July 13, 2023, to a maximum of \$10,000.00 or until compliance is achieved, **Mr. Mehegan** seconded the same and all agreed, and motion was approved.5-0.

CASE # 4 - CEB 06-23-80 - Mohammed Jameel Shaikh is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4, 302.8, 304.2, 304.3, 304.4, 304.6, 304.14, 304.15, 308.1;), at **525 Bellevue Ave.** Violation(s) – Failure to Maintain exterior building, damaged wood overhang, junk vehicles, overgrown weeds, missing and broken windows, missing and damaged doors, missing screens, trash & debris, outside storage, paint faded, dirt and grime, no address numbers.
First Notified – 2/23/2023

No respondent

Inspector Tom Clig testified to the status of the case staff recommended impose fine of \$ 200.00 per day up to maximum of \$10,000.00.

BOARD ACTION: **Mrs. Robey** made a motion to impose a fine of \$200.00 per day against the respondent effective July 13, 2023, to a maximum of \$10,000.00 or until compliance is achieved, **Ms. Marsh** seconded the same and motion was approved.5-0.

CASE # 5 - CEB 06-23-81 - Spinosor Britt Jr, Major Williams, Delores Barnes, Mazie L. Williams is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S, at **700 Kathy Ct.** Violation(s) – **No permit fence.**
First Notified – 3/20/2023

No respondent

Inspector Tom Clig testified to the status of the case staff recommended until August cutoff.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Mehegan** seconded the same and motion was approved. 5-0

CASE # 6- CEB 02-23-26 - Erinogert Zhutaj is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S1; Art. 6 Sec. 6.19.A.4; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3), at **542 Foote Ct.** Violation(s) – No permit for addition, concreting drive, concreting back yard, accessory structure, fence & gate.
First Notified – 8/2/2022

No respondent

Inspector Denzil Sykes testified to the status of the case. on behalf of Mr. Mark Jones staff recommended to amend until the next cutoff.

Mr. Anthony Jackson explains there was a variance granted with conditions.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Harrington** seconded the same and motion was approved. 5-0

CASE # 7 - CEB 05-23-69 - Grady Lee Meeks Jr. is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1, at **1030 - 719 S Beach St.** Violation(s) – No permit for complete interior remodel.

First Notified – 2/24/2023

Inspector Denzil Sykes testified to the status of the case. Staff recommended until the September cutoff.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until September 6, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Ms. Marsh** seconded the same and motion was approved. 5-0

CASE # 8 - CEB 06-23-76 - Murrill Reed Hayse Est 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; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.1, 302.7, 304.2, 304.7, 304.13, 304.14), at **128 Kingston Ave.** Violation(s) – Trash & debris, fence repair, dirt & grime, repaint, windows, screens, enclosing carport without permit, outside storage.

First Notified – 3/1/2023

No respondent

Inspector Denzil Sykes testified to the status of the case. Staff recommend imposing a fine of \$100.00 per day until maximum of \$15,000.00.

BOARD ACTION: **Mr. Mehegan** made a motion to impose a fine of \$200.00 per day against the respondent effective July 13, 2023, to a maximum of \$15,000.00 or until compliance is achieved, **Mrs. Robey** seconded the same and motion was approved.5-0.

CASE # 9 - CEB 06-23-78 - Georgia Karagiannis TR & Georgia Karagiannis DCLR of TR is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7), at **331 Plaza Blvd.** Violation(s) – Dilapidated fencing.

First Notified – 3/14/2023

No respondent

Inspector John Stenson testified to the status of the case. Staff recommended to amend until the next cutoff.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Ms. Marsh** seconded the same and motion was approved. 5-0

CASE # 16 - CEB 04-23-61 - Emerita L Velazquez & Rosa Hendrix is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 6 Sec. 6. 2.H.4; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. 308.1, 702.1), at **646 Marco St.**

Violation(s) – Unpermitted shed, outdoor storage, trash/debris, inoperable vehicle, parking in yard, obstructed egress.

Emerita Velazquez was sworn in. & Elsa Sebastiao – Interpreter was sworn in.

Inspector Sara Kirk testified to the status of the case. Staff recommended amend until the next cutoff.

BOARD ACTION: **Ms. Marsh** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Harrington** seconded the same and motion was approved. 5-0

CASE # 10 - CEB 04-23-54 - Rodrigo Moreno 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 **331 Williams Ave.**

Violation(s) – Damaged roof.

First Notified – 11/4/2022

Compliance 6/29/2023

CASE # 11- CEB 06-23-82 - David N Ayers IRREV TR is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1 ;Art. 6 Sec. 6.19.A3;Art. 6 Sec. 2.H.7.A; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3, 304.7), at **226 Woodland Ave.** Violation(s) – Unpermitted fencing. Outside storage. Trailer parking. No address numbers. Damaged roof.

First Notified – 3/18/2023

Compliance 7/12/2023

CASE # 12- CEB 06-23-84 - Sean T Skehan is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4. S. 1; Art. 6 Sec. 6.19.A3; Art. 9 Sec. 9.2.A REF RBC Suppl IPMC 302.8, 304.2, 304.6), at **932 N Peninsula Dr.** Violation(s) – Unpermitted exterior wall work. Unmaintained landscaping. Junk vehicles.

First Notified – 4/19/2023

Sean Skehan was sworn in.

Inspector John Stenson testified to the status of the case. staff requested to amend to the next cutoff to allow finalization of permit.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Mr. Harrington** seconded the same and motion was approved. 5-0

CASE # 13 - 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

Larry Sanders was sworn in.

Inspector Sara Kirk testified to the status of the case and states respondent is on the city's rehab waiting list and there's been no progress.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until January 3, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Mr. Harrington** seconded the same and motion was approved. 6-0

CASE # 15 - CEB 11-22-249 - Charlene Rollins is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **612 Lanvale Ave.** Violation(s) – **No permit for accessory structures(fence, shed, carport).**
First Notified – 3/28/2022

No Respondent

Inspector Sara Kirk testified to the status of the case. Staff recommended to amend Until the October cutoff.

BOARD ACTION: **Mr. Harrington** made a motion to amend the previous order of non-compliance and allow the Respondents until October 4, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Mrs. Robey** seconded the same, and the motion was approved. 5-0

Mr. Harrington left the chambers at 10:30 am, there was still a quorum and they continued.

CASE # 17 - CEB 02-23-37 - Liam Bates is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.3), at **552 Tarragona Way.** Violation(s) – Missing address numbers and no permit shed.
First Notified – 7/19/2022

Liam Bates was sworn in.

Inspector Sara Kirk testified to the status of the case. staff recommended the next cutoff.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents until August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Ms. Marsh** seconded the same and motion was approved. 4-0 **no vote Mr. Harrington**

Mr. Harrington returns at 10:33 am

CASE # 18 - CEB 04-23-63 - Albert Burton III, Sharon D Burton and Ethelreda T Burton is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 308.1), at **339 S Martin Luther King Blvd.**

Violation(s) – Outside storage and trash & debris.

First Notified – 1/31/2023

Darryll Lucas was sworn in. Contractor for respondents.

Inspector Sara Kirk testified to the status of the case. Staff recommended a fine of \$100.00 per day to a maximum of \$15,000.00.

Board Action: **Mrs. Robey** made a motion to amend the previous order of non-compliance and to allow Respondent(s) to take certain corrective action as provided in said Order no later than July 27, 2023 and impose a fine in the amount of **One Hundred (\$100.00) Dollars** per day, effective July 28, 2023, will automatically be imposed and continue until compliance is achieved or the fine reaches the maximum amount of **Fifteen Thousand (\$15,000.00) Dollars**. **Mr. Mehegan** seconded the same and the motion was approved. 5-0

Mr. Anthony Jackson City Attorney clarified what was said in terms of the motion.

CASE # 19 - CEB 05-23-67 - Albert Burton III, Sharon D Burton and Ethelreda T Burton 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, 304.13, 304.14, 305.3, 305.4, 305.6, 504.41, 604.3 605.4, 702.4, 704.2), at **339 S Martin Luther King Blvd.** Violation(s) – Unsecured structure, unsanitary conditions, broken windows, defective interior and exterior surfaces, holes in ceiling, missing screens and locks on windows, defective and exposed plumbing, damaged electrical fixtures and outlets, egress issues, missing smoke detectors, missing soffit.

First Notified – 2/21/2023

Inspector Sara Kirk testified to the status of the case, Staff recommended a fine of \$100.00 per day to a maximum of \$15,000.00.

BOARD ACTION: **Mrs. Robey** made a motion to amend the previous order of non-compliance and allow the Respondents at the August hearing at which time must provide a satisfactory progress report and the right of authorization of reinspection by the inspector to enter the premises to inspect with confirmation of progress to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day **Mr. Mehegan** seconded the same and motion was approved. 5-0

Mr. Riggio Board Attorney explains to the **Mr. Lucas**, if the report isn't satisfactory the board still retains the prerogative to levy a fine. **Mr. Lucas** confirms he understands.

CASE # 20- CEB 05-23-66 - Michael & Karla D Hill is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S1. Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.13, 504.3), at **702 Magnolia Ave.** Violation(s) – Expired HVAC permit, no permit for fence/gate, no water, inoperable vehicle & broken window.

First Notified – 2/21/2022

No respondent

Inspector Sara Kirk testified to the status of the case, Staff recommended a fine of \$100.00 per day to a maximum of \$15,000.00.

BOARD ACTION: **Mrs. Robey** made a motion to impose a fine of \$200.00 per day against the respondent effective July 13, 2023, to a maximum of \$15,000.00 or until compliance is achieved, **Ms. Marsh** seconded the same and motion was approved.5-0.

CEB New Cases:

Mrs. Kuendig sought to recuse herself and pass the gavel to **Mrs. Robey** to rule in this case. **CASE # 21 - CEB 07-23-93 - Chris Adrian Daun.**

CASE # 21 - CEB 07-23-93 - Chris Adrian Daun is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7), at **132 Pierce Ave.** Violation(s) – Dilapidated garage door.

First Notified – 2/24/2022

Chris Duan was sworn in.

Inspector Curtis Wiggins testified to the status of the case, Staff recommended non-compliance, compliance next cutoff.

Board Action: **Mr. Harrington** made a motion and found the respondent to be in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Ms. Marsh** seconded the same and motion was approved. 4-0

CASE # 22 - CEB 07-23-94 - Remun & Jane I Said is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2), at **1183 Peachtree Rd.** Violation(s) – Failure to maintain fence.

First Notified – 4/3/2023

Compliance July 12, 2023

CASE # 24 - CEB 07-23-97 - Justin R Law & Alexis O Connelly is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.4), at **718 Revere St.** Violation(s) – Overgrown grass, weeds, bushes and shrubbery.
First Notified – 3/15/2023

Compliance July 10, 2023

CASE # 25 - CEB 07-23-98 - John A Nelson is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A 2; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 301.3,304.2,304.13, 308.1), at **737 Whitehall St.** Violation(s) – Unsecured vacant structure, trash & debris, outside storage, broken windows, rotted wood, peeling paint and overgrown landscaping.
First Notified – 4/14/2023

No Respondent

Inspector Sara Kirk testified to the status of the case. Staff recommended non-compliance, compliance next cutoff.

Board Action: **Mrs. Robey** made a motion and found the respondent to be in Non-Compliance and ordered the Respondent to bring the property into Compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. for consideration of a fine up to \$1,000 per day. **Ms. Marsh** seconded the same and motion was approved. 5-0

CASE # 26 - CEB 07-23-99 - Lindo Jolly 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. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, 304.3, 304.13, 308.1, 504.3, 605.4), at **347 S Martin Luther King Blvd.** Violation(s) – Missing address numbers, outside storage and trash & debris, broken windows, permanent use of extension cords, expired permits, defective exterior surface conditions and lack of utilities.
First Notified – 3/14/2023

Darryll Lucas sworn in previous case. Contractor

Inspector Sara Kirk testified to the status of the case. Staff recommended non-compliance, compliance next cutoff.

Board Action: **Ms. Marsh** made a motion and found the respondent to be in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 2, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Mr. Mehegan** seconded the same and motion was approved. 5-0

CASE # 27 - CEB 07-23-101 - Elizabeth Velma Lloyd is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8), at **1609 Florida St.** Violation(s) – Junk Vehicle.
First Notified – 2/28/2023

No Respondent

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff recommended non-compliance, compliance next cutoff.

Board Action: **Mrs. Robey** made a motion and found the respondent to be in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 2, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. **Mr. Mehegan** seconded the same and motion was approved. 5-0

CASE # 28 - CEB 07-23-103 - Willie D Warren is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 6.19.A.3, at **764 Kentucky St.** Violation(s) –Outside storage.

First Notified – 2/6/2023

Willie Devon Warren was sworn in.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff recommended non-compliance, compliance next cutoff.

Mr. Warren requested to present a presentation naming his small business as W.D. Warren LLC. which specializes in landscaping, lawn care and concrete services, and presented a piece of literature. Which read as following 559.955. Home based business local government restrictions he wanted to point Section two-part A may operate in area zoned for residential use. And Number three section B about vehicles and trailer parking states trailers used in connection with the business must be parked in legal parking space that's not located in the right of way on or over a sidewalk or any unimproved surface at the residence.

Mrs. Robey asked Mr. Warren if that was his backyard. **Mr. Warren** responded yes and stated that the lots in the rear were combined to into one lot for the residence and she asked if he used the rear entrance to enter and park his vehicles. He responded yes, I do use that entrance. **Mrs. Robey** asked when did start the business? **Mr. Warren** responded in 2018 once, he got paperwork and EIN. **Ms. Marsh** asked if this case was about the storage box which is referring to the Conex- (storage container) in the backyard.

Mr. Butler responded yes, gesturing to the photos on the tv screen - looking at the photos that being shown) anything your see is outside storage. **Mr. Warren** continues to read number three that refer to local government may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring properties and as he stated previously, he usually keeps the gate closed and the backyard is not normally visible from the street. And he asked what's allowed at a home residential business.

Mrs. Kuendig explains the board don't make the rules for such as he's asking.

Mr. Anthony Jackson City Attorney explained to the board that Mr. Warren referenced to the 559 which was an amendment to the statute and he believed it was a year or two ago, it's amendment to the statute related home based businesses and what's allowed and what's not allowed and asked if this be continued to the next meeting and allow him a chance to consider, what makes perfect sense for **Mr. Warren** bringing it up and see if he fits within those exceptions that are now allowed for those businesses. And agrees **Mr. Warren** is correct on and some of it he's not sure and he would need to look at the law to get clarification.

Board Action: **Mr. Harrington** made a motion to continue this case to the next meeting which will be held on August 10, 2023, and **Mrs. Robey** seconded the same, and motion was approved. 5-0

CASE # 29 - CEB 07-23-104 - Edward Richard Rogers, Lecasta Avery, Lendel Avery, Corwin Avery, Farris Avery-Robinson, Evette Valery Avery, Tamara Avery and Carlana Avery is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2.H.7. a; Art. 6 Sec. 6.19.A.3, at **1604 Illinois St.** Violation(s) – Outdoor storage and parking.
First Notified – 1/31/2023

Compliance July 10, 2023

There was a remaining respondent in the chamber that had not come before the board and **Mrs. Kuendig** asked if they had a case today? The response was yes, I hope so and a name was given **Flanary**. And he was told that case was already ruled earlier. **Mrs. Kuendig** asked **Mrs. Seivwright** to read the ruling on the case # 1 CEB 05-23-73 Sarah A. Flanary. **Mrs. Seivwright** read the ruling.

CASE # 30 - CEB 07-23-105 - Josif Janceski is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2.H.7. a; Art. 6 Sec. 6.19.A.3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.8, 304.2), at **1058 Thunderbird Dr.** Violation(s) – **Parking, outdoor storage, peeling paint and junk vehicle.**
First Notified – 7/25/2022

Josif Janceski was sworn in.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff recommended non-compliance, compliance next cutoff.

Board Action: **Mrs. Robey** made a motion and found the respondent to be in Non-Compliance and ordered the Respondent to bring the property into Compliance by August 2, 2023, to come into compliance or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day. for consideration of a fine up to \$1,000 per day. **Ms. Marsh** seconded the same, and the motion was approved. 5-0

Mrs. Kuendig asked the board of attorney if the case could be reopened. **Mr. Riggio** advised yes since they're here and agree to be given the opportunity to be heard then do so.

Mrs. Kuendig and board agreed to reopen **case # 1 - CEB 05-23-73 - Sarah A . Flanary**

Mrs. Robey made motion to reopen case **# 1 - CEB 05-23-73 - Sarah A . Flanary**

Ms. Marsh seconded the same, and the motion was approved. 5-0

Reheard CASE # 1 - CEB 05-23-73 - Sarah A. Flanary is cited for failure to correct violations of The Land Development Code, Art. 6 Sec. 2. H.7a ; Art. 6 6.19.A3; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 302.7., 302.8), at **1356 Continental Dr.** Violation(s) – Parking, outdoor storage, dilapidated fencing, and junk vehicle.

First Notified – 4/14/2023

Elmer Flanary was sworn in.

Inspector Roosevelt Butler testified to the status of the case and staff recommend imposing a fine of \$100.00 per day up maximum of \$10,000.00.

Mr. Flanary was given the opportunity to speak as he explained the situation, he directed the conversation to the inspector.

Mr. Sykes Code Compliance Division Manager advised **Mr. Flanary** to direct his comments to the board not Mr. Butler. After the case was heard the previous ruling remained.

BOARD ACTION: **Mrs. Robey** made a motion to impose a fine of \$100.00 per day against the respondent effective **August 2, 2023**, to a maximum of \$10,000.00 or until compliance is achieved, **Ms. Marsh** seconded the same and motion was approved.5-0.

Miscellaneous Business:

The City of Daytona Housing Rehabilitation Program Presentation was presented by.

Mr. Ken Thomas who is Redevelopment & Neighborhood Services Director

answered questions asked by the board and there were suggestions discussed by the board to possibly make the waiting list more efficient.

Mr. Ken Thomas explained that once they'd looked at the address, at the basic information such as do you own the home? Are you in the city of Daytona Beach? What's your income those three will tell immediately that should move forward. What the staff is doing now is going through that quick checklist. And if that checks out, then a call is placed to determine whether they're staying on the list, or they should look at resources elsewhere and there is information available with other resource listed. And other programs are grants and you're obligated by mortgage, if you have your own home, you may have some equity in your home. You may have to take out a mortgage to get your roof completed.

Mr. Harrington asked how their budget is and how many people get grants each year.

Mr. Thomas explains there are two different programs one is for housing, and one is for rehab, Housing Rehab they haven't done anything and have been on hold for a couple of years. Now it is activated. **Mrs. Kuendig** asked if it was funded, and **Mr. Thomas** said yes. And so that program is essentially our home money, H.O.M.E. is from the federal government, and that amount is just over four hundred thousand and that's one part of the money that is used.

There's also a program called S.H.I.P., and SHIP is State Housing Initiative Partnership and a portion of that money this year they were allocated the sum of seven hundred thousand and the majority of that seven hundred thousand goes to down payment assistance the other portion maybe between one hundred thousand to two hundred thousand which would be used for housing rehab.

If you divide it be approximately thirty thousand to forty thousand into two hundred thousand for housing rehab you could probably do about four to five houses per year out that program, you apply for each year.

Mrs. Kuendig asked if must be applied for every year.

Mr. Thomas replies, it's an entitlement for the City of Daytona Beach every year the federal government gives the city an allocation every year. Hopefully the governor signs the bill for the trust fund and gets money from SHIP program. The other that wasn't mentioned yet, which was the money the city gets that we use for roofing, is the Covid money that was received the amount he did have but says city spent three million dollars in repairing roofs only.

Mr. Harrington questioned the funds from the CRA. **Mr. Thomas** replies that money is still available for people in CRA. Mr. Harrington asked if it's been delegated, **Mr. Thomas** replies yes only if you apply and says that a good point, he was glad it was brought up. If people don't apply, they don't do it.

Mrs. Robey mentioned a bulletin she received with her July water bill that was dated May suggested if there's money available and people need to apply at the CRA'S why they don't put out there and update the bulletin.

Mr. Thomas stated that a lot of the resident in the city suffered damage from the hurricane and the City Mayor and City Commission allocated two point five million out all the resources that was at the city's disposal. As of now the city has spent up to two million dollars for repairs, up to nine thousand dollars per resident.

Mr. Harrington asked how much of the money went to those types of programs?

Mr. Thomas says he couldn't tell him where it went and to how many, but he can tell him that hundred and fifty thousand dollars is set aside for housing rehab.

Mr. Harrington asked how much of that goes to Midtown CRA, where we have a lot of our residents who need home repair.

Mr. Thomas replies that is the Midtown CRA, where a lot residents need home repair, We don't look at one particular funding source we have CRA's that we try to use money from our home money ,we use CDBG money and also SHIP money the resident were notified that they extended money for repairs and we don't know if they've been cited and they know they're on the list they should come to us first before getting to this place.

Mr. Anthony Jackson made a brief statement expressing the ones that don't know about it are the ones that come here, so they appear to be the ones that are getting cited because once they come here, they say they're on a program waiting list.

Mr. Thomas advised that he, **Mr. Sykes** have talked about creating a Pilot program whereby the officers who are going out doing the citations they know about our program, they are going

to create this program where he does a door hanger first say Hey contact redevelopment department, they have money available.

Mr. Thomas advised that they could go to their spreadsheet and tell the board where the resident may be on the list and how long it may take before they received the service applied for. And the plan moving forward listening to the board concerns and have the staff prepare those documents, so you'll have it as part of your booklet that you bring with you, and you'll know what the program are.

Mr. Sykes and the board members thanked Mr. Thomas for coming and sharing the information needed and Mr. Thomas thanked the board for the opportunity to do so and the meeting was adjourned.

Adjournment: 11:20 am