

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**

August 10, 2023

Members present:

- Mrs. Mary Louise “Weegie” Kuendig, Chairman
- Mr. Neil Harrington
- Mr. Thomas Mehegan
- Ms. Karrie Marsh
- Mr. Charles Cino, Esquire, Board Attorney

Staff present:

- Mr. Anthony Jackson, Esq., Assistant City Attorney
- Mr. Denzil Sykes, Code Compliance Division Manager
- Mr. Mark A. Jones Code Compliance Field Supervisor
- Mr. Steve Alderman, Code Compliance Inspector
- Mr. Roosevelt Butler Jr, Code Compliance Inspector
- Ms. Sara Kirk, Code Compliance Inspector
- Mr. John Stenson, Code Compliance Inspector
- Mr. Kevin Yates, Code Compliance Inspector
- Mr. Joe Graves, Audio/Video
- Mr. Xavier Campbell, Audio/Video
- Mr. Timothy Blowers, 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 9:01 am. And ask for a roll call. **Mrs. Seivwright** called the roll. All board members were present. Except for **Mrs. Hymes**, and **Mrs. Robey**. Noted by **Mrs. Keundig** they have a quorum. **Mr. Harrington** made a motion to excuse **Mrs. Hymes**, and **Mrs. Robey** and **Ms. Marsh** seconded the motion, and all agreed, and the motion was approved. 4-0.

Mr. Harrington made a motion to approve the minutes for June 8, 2023. **Ms. Marsh** seconded the motion, all agreed, and minutes were approved. 4-0.

4. Disclosure of Ex Parte Communications there were none.

Mrs. Kuendig asked for any announcements.

Mrs. Seivwright read the following announcements.

5. Announcements:

CASE # 7 - CEB 07-23-100 - Jessica Ester Orjuela & Emerson Gabriel Orellana Medina
1005 Essex Rd Compliance 8/9/2023

CASE # 12 - CEB 02-23-37 - Liam Bates 552 Tarragona Way
Compliance 8/9/2023

CASE # 16 - CEB 08-23-109 - Shawnea Dent 322 N Keech St
via zoom

Staff were sworn in.

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

6. Hearing of Cases:

LR-1

CEB 07-15-31 - Lillian Day - 945 Redwood Street is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp IPMC 302.1, 303.1, 303.6, 303.7, 303.8, 303.13, 303.13.2, 303.14, 303.15, 304.1, 304.3, 304.6, 305.1, 504.1, 504.3, 601.2, 602.2, 602.3, 603.1, 604.3, 605.1, 605.2, 605.3, 704.1, 704.2), Violation(s) –**Sanitation; general exterior structure; exterior walls; roofs and drainage; decorative features; window, skylight and door frames; openable windows; insect screens; doors; general; interior surfaces; interior doors; accumulation of rubbish or garbage; plumbing system hazards; heating facilities; heat supply; mechanical appliances; electrical system hazard; installation; receptacles; lighting fixtures; smoke detectors** First Notified - 3/5/2015 **Order Imposing Fine/Lien effective August 13, 2015. \$100.00 a day. Compliance = April 17, 2023. \$100.00 x 150 days = \$15,000.00, plus \$24.00 recording costs = \$15,024.00**

Philip Sweeting was sworn in.

And gave his reasoning for the reduction and requested the fees be lowered.

Inspector Roosevelt Butler, Jr. asked to allow the previous inspector to give some history on the case as to how they arrived currently in case.

Inspector John Stenson testified to the history of the case.

And a concern of the unavailable minutes for this case dated back to August 2015 was questioned why they weren't available the Mrs. Seivwright responded after researching they weren't available to be accessed with no idea has too why they weren't available. never Uploaded to Civic Plus Archives.

There was continued discussion of dates home was purchased from the board and the respondent.

Inspector Roosevelt Butler, Jr. testified to the status of the case and staff recommended a reduction of administrative fees in the amount of \$2,500.00.

Board Action: Ms. Marsh made a motion to ^{accepted} the recommendations of staff Mr. Mehegan seconded the motion and motion failed, 3-1 Mr. Harrington

Anthony Jackson City Attorney expressed he understood the concern the board has about the minutes and didn't know why they were missing, and he didn't have the answer. And continued to explain why the respondent has a responsibility for the lien and asked the board to reduce and reconsider the motion.

Mr. Harrington agreed to consent to reconsider the motion but was not agreeable with the unclear pictures presented and the totally blank photos presented as the evidence and not having previous minutes, but he understands the respondent is responsible for getting but is the responsibility of the city to have accurate records as well.

Then there was a reconsideration of the motion all agreed and approved for respondent to pay an administrative fee of \$2,500.00 payable in 30 days, or the fine will revert to the original amount.4-0.

LR-2

CEB 11-22-255 - ARC Capital Management & Investment LLC - 456 Pleasant St cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, Violation(s) – **Reroof construction without permit. First Notified – 7/13/2022 Order Imposing Fine/Lien effective January 12, 2023. \$200.00 a day. Compliance = March 14, 2023. \$200.00 x 61 days = \$12,200.00, plus \$24.00 recording costs = \$12, 224.00**

No respondent

Inspector Steve Alderman testified to the status of the case and staff recommendation was not to deny a reduction in this case due other violation remains open of this property.

Board Action: **Ms. Marsh** made a motion to ~~accept~~ the recommendations of staff to deny the reduction. **Mr. Harrington** seconded the motion and all agreed, and the motion approved.4-0.

Continued cases:

CASE # 1 - 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. there has been contact. Staff requested to amend until October cutoff.

BOARD ACTION: **Ms. Marsh** 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 2 - CEB 04-23-62 - Daniel Snyder III is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1, at **202-A-721 S Beach St.** Violation(s) – **Work without permits - complete interior remodel.**

First Notified – 2/22/2023

No respondent

Inspector Mark A. Jones testified to the status of the case. Staff requested to amend until the October cutoff.

BOARD ACTION: **Ms. Marsh** 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 3 - 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 Mark A. Jones testified to the status of the case violations remain and staff recommended imposing a fine of \$100.00 per day up to a maximum of \$10,000.00.

BOARD ACTION: **Ms. Marsh** made a motion to impose a fine of \$100.00 per day against the respondent effective August 10, 2023, to a maximum of \$10,000.00 or until compliance is achieved, **Mr. Mehegan** seconded the same and motion was approved.4-0.

CASE # 4 - CEB 05-23-72 - Whites Hotel Florida /NC is cited for failure to correct violations of The Land Development Code, Art. 3 Sec. 3.4.S.1; Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 304.2, City Code Ch. 26 Sec. 294 and City Code Ch 90 Sec. 297), at **454 Zelda Blvd.** Violation(s) – **Unpermitted retaining wall and fence work. Rusting on garage door. Lack of required business tax receipt, and the required rental license and inspection.**

First Notified – 2/20/2023

Edward Dimayuga Attorney requested more time to complete the extent of the work.

Inspector John Stenson testified to the status of the case. staff agrees to extend until the October cutoff.

BOARD ACTION: **Ms. Marsh** 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 5 - CEB 06-23-78 - Georgia Karagiannis DCLR of TR dated 9/24/2008 is cited for failure to correct violations of The Land Development Code, Art. 9 Sec. 9.2.A (Ref. FBC Supp. IPMC 108.1, 108. 1.5, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.13, 304.15), 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 imposing fine of \$100.00 per day up to maximum \$10,000.00.

Anthony Jackson City Attorney explained the style of the case was incorrect and it needed to be recited and requested to continue until the next cutoff.

BOARD ACTION: **Mr. Harrington** made a motion to continue to 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 same and motion was approved. 4-0

CASE # 6 - CEB 02-23-25 - Malik Art LLC 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 302.7, 304.6, 305.3), at **934 W Millard Ct Violation(s) – Work without permits. overgrown landscaping. dirt and grime. damaged exterior surfaces. accessory structure and damaged interior surfaces.**

First Notified – 7/28/2022

Rodger Davis owner was sworn in.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff requested to 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 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 7 - CEB 07-23-100 - Jessica Ester Orjuela & Emerson Gabriel Orellana Medina

1005 Essex Rd

Compliance 8/9/2023

CASE # 8 - 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 – 2/8/2023

No Respondent

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

BOARD ACTION: **Ms. Marsh** made a motion to impose a fine of \$100.00 per day against the respondent effective August 10, 2023, to a maximum of \$10,000.00 or until compliance is achieved, **Mr. Mehegan** seconded the same and motion was approved.4-0.

CASE # 9 - 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) – **Commercial equipment on property.**

First Notified – 2/6/2023

Willie D Warren was sworn in.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff requested to amend until the next cutoff.

BOARD ACTION: **Ms. Marsh** made a motion to find the respondent in Non-Compliance and order the respondent to come in 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 **Mr. Harrington** seconded same and motion was approved. 4-0

CASE # 10 - 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

No respondent per the inspector he's ill and couldn't attend.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff requested to 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 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 11 - CEB 04-23-61 - Emerita L Velaquez & 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.**

First Notified – 1/21/2023

Elsa Sebastiao Interpreter was sworn in.

Emerita L Velaquez & Rosa Hendrix were both sworn in.

Inspector Sara Kirk testified to the status of the case. Staff requested to 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 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 **Mr. Mehegan** seconded same and motion was approved. 4-0

CASE # 12 - CEB 02-23-37 - Liam Bates 552 Tarragona Way

Compliance 8/9/2023

CASE # 13 - 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 widow, 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

No respondent

Inspector Sara Kirk testified to the status of the case. Staff requested to amend until the next cutoff. add new owner David M Burton

BOARD ACTION: **Ms. Marsh** 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 **Mr. Mehegan** seconded same and motion was approved. 4-0 Further ordered to add new owner David M Burton.

CASE # 14 - 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 requested to amend until the next cutoff.

BOARD ACTION **Ms. Marsh** made a motion to impose a fine of \$300.00 per day against the respondent effective August 10, 2023, to a maximum of \$15,000.00 or until compliance is achieved, **Mr. Mehegan** seconded the same and motion was approved.4-0.

Ms. Marsh amended the previous motion and instead of a maximum of \$15,000.00 the maximum of \$10,000.00 and **Mr. Mehegan** amended his second the same and motion was approved.4-0.

CASE # 15 - 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

No respondent

Inspector Sara Kirk testified to the status of the case. Staff requested to imposing a fine of \$100.00 per day to a 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 August 10, 2023, to a maximum of \$15,000.00 or until compliance is achieved, **Ms. Marsh** seconded the same and motion was approved.4-0.

New Cases:

CASE # 16 - CEB 08-23-109 - Shawnea Dent 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 301.3, 304.2, 308.1), at **322 N Keech St** Violation(s) – **Unsecured vacant structure. Damaged roof and exterior. Broken windows. Broken fence. overgrown yard. Dirt and grime. Trash and debris.**

First Notified – 4/27/2023

No respondent

Inspector Sara Kirk testified to the status of the case and verified respondent is on the city list for demolition and the permit is under review. Staff recommended finding of non-compliance with compliance due next cutoff.

BOARD ACTION: Mr. Harrington made a motion to find the respondent in Non-Compliance and order the respondent to come in 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 and **Mr. Mehegan** seconded same, and motion was approved 4-0.

CASE # 17 - CEB 08-23-107 - Lenora Land Trust dated 11/15/2012 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), at **818 Lenora St.** Violation(s) – **Outside storage. Landscaping. dilapidated fencing and junk vehicle.**

First Notified – 2/9/2023

No respondent

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

BOARD ACTION: **Mr. Harrington** made a motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and **Ms. Marsh** seconded same, and motion was approved 4-0.

CASE # 18 - CEB 08-23-108 - Dehaven J. Carter and Hester L. Carter 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 302.7, 302.8), at **332 N Caroline St** Violation(s) – **Parking. Landscaping. Dilapidated fencing. Junk Vehicles.**

First Notified – 5/4/2023

Dehaven Carter was sworn in.

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

BOARD ACTION: **Ms. Marsh** made a motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and **Mr. Mehegan** seconded same, and motion was approved 4-0.

CASE # 19 - CEB 08-23-111 - Reanzer & Darlene McCoy TE 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 **320 N Caroline St** Violation(s) – Landscaping and dilapidated fencing. First Notified – 4/29/2023

Reanzer & Darlene McCoy husband and wife both sworn in.

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

BOARD ACTION: **Ms. Marsh** made a motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and **Mr. Mehegan** seconded same, and motion was approved 4-0.

CASE # 20 - CEB 08-23-113 - Lois Jean Clark 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 304.7), at **322 N Caroline St** Violation(s) – **Parking. Landscaping, outdoor storage and dilapidated roof.** First Notified – 4/29/2023

Lois Clark and Alvin Bell both was sworn in.

Inspector Roosevelt Butler, Jr. testified to the status of the case. Staff recommended finding of non-compliance with compliance due next cutoff to verify with city staff the time frame for compliance date.

BOARD ACTION: **Mr. Harrington** made a motion to find the Respondents in Non-Compliance and order the Respondents to come into compliance by September 6, 2023, or be returned to a subsequent meeting for consideration of a fine up to \$1,000 per day and **Ms. Marsh** seconded same, and motion was approved 4-0.

7. **Adjournment:** 10:47 am