

AGENDA
CODE ENFORCEMENT BOARD
Tuesday, April 17, 2007
1:00 p.m.
3048 S. Atlantic Avenue
Daytona Beach Shores, FL

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the Code Enforcement Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. NOTE: individuals covered by the American with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at the address and telephone number noted at least seven working days prior to the meeting.

CALL TO ORDER

OATHS OF OFFICE

ATTORNEY COMMENTS:

1. Address individual Board Member responsibilities

MINUTES OF PREVIOUS MEETING

2. Approval of Minutes dated February 20, 2007 Code Enforcement Board Meeting.

OLD BUSINESS:

NEW BUSINESS:

3. Robert J. & Kathy S. Marandino and Stephen W. & Brittany Trivett, 2422 S. Atlantic Avenue, CDEF2006-96, Notice of Violation
 - Appendix G, LDC, Section 14-52.9 (B & D) Nuisances defined & Minimum maintenance standards
4. Richard R. and Linda D. Rucker, 3003 S. Atlantic Avenue, Unit 4B3, PCDEF2007-14, Notice of Violation
 - 2004 Building Code, Chapter 1, Section 109.3 Required Inspections
5. Janet Ivanhoe, 138 Beachcomber Street, CDEF2007-24, Notice of Violation
 - Appendix G, LDC, Section 14-52.9 (D) Minimum maintenance standards
6. Janet Ivanhoe, 138 Beachcomber Street, CDEF2007-48, Notice of Violation
 - 2004 Florida Building Code, Chapter 1, Section 105.1 Required

REMARKS OF STAFF

7. Discussion and vote on allowing posting (when accompanied by 1st class mail) as an approved method of service if certified mail and/or hand delivery have been unsuccessful. (This is a "housekeeping" measure after the adoption of Chapter 162 in its entirety.)

REMARKS OF BOARD MEMBERS

ADJOURNMENT

MEETING FORMAT Pursuant to Chapter 2, Section 2-36, VIII, Municipal Code

MINUTES
CODE ENFORCEMENT BOARD
Tuesday, April 17, 2007
3048 S. Atlantic Avenue Daytona Beach Shores, FL

CALL TO ORDER: Chairman Ersland called the meeting to order at 1:00 pm.

MEMBERS PRESENT: John Ersland, James Thumser, Lowell Wynn, Larry Saffer, Joanne Jerome, Henry Fehrmann and James Wheeler. **MEMBERS EXCUSED:** Diane Scavelli **STAFF PRESENT:** Gwyn Herstein, Terry Griffiths, Bob Chumbley, Steve Edmunds, Tom Squires and Board Attorney Susan Stacy.

ATTORNEY COMMENTS:

1. Address individual Board Member responsibilities – Attorney Stacy reviewed the member's responsibilities for the newer board members.

MINUTES OF PREVIOUS MEETING

2. Approval of Minutes dated February 20, 2007 Code Enforcement Board Meeting. Ms. **Jerome moved, seconded by Mr. Thumser to approve the minutes of February 20, 2007.** All yes by roll call vote.

OLD BUSINESS: None.

NEW BUSINESS:

The City Attorney swore in all witnesses for the hearings.

3. Robert J. & Kathy S. Marandino and Stephen W. & Brittany Trivett, 2422 S. Atlantic Avenue,
CDEF2006-96, Notice of Violation
 - Appendix G, LDC, Section 14-52.9 (B & D) Nuisances defined & Minimum maintenance standards

Ms. Herstein gave a summary of events to the board for the record. In October, 2006 the property was found in violation of minimum maintenance standards and nuisances defined. Items such as stucco missing, paint peeling and holes in the wall were examples given. The property was re-inspected on December 27, 2006. The debris had been cleared away but no other work was completed. The property was re-inspected again on March 19, 2007 and the property remained in non-compliance. A Statement of Violation was generated.

David Kramer spoke on behalf of the property owner. He stated that he was contacted approximately two weeks ago and asked to be the contractor. Building Inspector Steve Edmunds stated that a permit had been pulled in December, 2006 by David Kramer and it will expire on June 5, 2007. The board asked Mr. Kramer how long it would take him to finish the reconstruction. He replied that the work could be finished in 30-

45 days. Ms. Herstein replied that staff could give them up to 60 days to complete the work.

Mr. Thumser moved, seconded by Mr. Saffer to find the property in violation of the City's LDC code Section 14-52.9 (b) & (d). The property owner must correct the violations and enter into compliance by June 3rd, 2007 otherwise a fine of \$75 each day will be levied plus the administrative fee of \$146.45 will be assessed.

ROLL CALL VOTE:	ERSLAND	YES
	FEHRMANN	YES
	JEROME	YES
	WHEELER	YES
	WYNN	YES
	THUMSER	YES
	SAFFER	YES (motion passed 7-0)

4. Richard R. and Linda D. Rucker, 3003 S. Atlantic Avenue, Unit 4B3, PCDEF2007-14, Notice of Violation

- 2004 Building Code, Chapter 1, Section 109.3 Required Inspections

Ms. Herstein explained the violation as being an expired permit for hurricane shutters. The work began in September, 2005. The permit was extended due to the customer being out of town. The permit expired in September, in 2006. January 2007, a Notice of Violation was sent out. On April 13, Mr. Rucker phoned and asked for another extension due to being out of town. On April 16, the company named Rolladen had agreed to rectify the situation. The building manager has agreed to let the workers in for the inspection. The board inquired if the shutters had ever been installed. Building Inspector Steve Edmunds stated he could not answer due to the fact he had never been inside the residence. He stated that the original company is out of business. The City has agreed to inspect the work, and if the inspection passes, the permit will be closed. The building department has not yet been contacted to schedule an inspection. Mr. Fehrmann and Ms. Jerome requested the building department to call the customer and ask to come inspect the work. Steve Edmunds asked for 10 days to have customer call and let them on the premises. He explained, at the building official's discretion, that the Ruckers would not need to obtain a new permit due to the first company going bankrupt.

Mr. Thumser moved, seconded by Mr. Fehrmann to find the property owner in violation of an expired permit, Chapter 1, Section 109.3. A final inspection needs to be obtained by May 7th or a fine of \$50 per day will be levied plus the administrative fee of \$146.45 will be assessed.

ROLL CALL VOTE:	ERSLAND	YES
	FEHRMANN	YES
	JEROME	YES
	WHEELER	YES
	WYNN	YES
	THUMSER	YES
	SAFFER	YES (motion passed 7-0)

5. Janet Ivanhoe, 138 Beachcomber Street, CDEF2007-24, Notice of Violation

- Appendix G, LDC, Section 14-52.9 (D) Minimum maintenance standards

Ms. Herstein explained the violations that were found on the site as discarded doors, miscellaneous debris and vegetation encroaching on the parking lot. On March 16th it was due for re-inspection. At a March 19 inspection some of the violations were taken care of, but debris is still present as was the vegetation encroaching on the parking lot. On April 11, Ms. Ivanhoe called to ask for a continuance but was advised the agenda was set. On April 13 the debris was finally removed, but the vegetation was still there. She advised that she will call someone to spray round-up. Ms. Ivanhoe was not present at the hearing today. Mr. Fehrmann and Ms. Jerome felt that the City is getting “nit picky” regarding the vegetation growing in the parking lot and should worry about other violations. Mr. Fehrmann explained that Ms. Ivanhoe had come before the board before. The City Attorney stopped the board comments at this point, due to the fact it referenced prior events which should not be considered.

Mr. Thumser moved, seconded by Mr. Wynn to find the property owner in violation of the LDC Section 14.52.9 (d) minimum maintenance standards. The property is now in compliance and any re-occurrence would be treated as a repeat violation. The property owner is ordered to pay the administrative fee of \$146.45.

ROLL CALL VOTE:	ERSLAND	YES
	FEHRMANN	YES
	JEROME	YES
	WHEELER	YES
	WYNN	YES
	THUMSER	YES
	SAFFER	YES (motion passed 7-0)

6. Janet Ivanhoe, 138 Beachcomber Street, CDEF2007-48, Notice of Violation
 - 2004 Florida Building Code, Chapter 1, Section 105.1 Required

Ms. Ivanhoe asked to have this case continued.

Mr. Thumser moved, seconded by Mr. Fehrmann to continue the case for the May 15th meeting. The motion passed unanimously.

REMARKS OF STAFF

7. Discussion and vote on allowing posting (when accompanied by 1st class mail) as an approved method of service if certified mail and/or hand delivery have been unsuccessful. (This is a “housekeeping” measure after the adoption of Chapter 162 in its entirety.)

Ms. Herstein stated this posting method is allowed in Florida Statutes Chapter 162. Service would be attempted by certified mail and hand delivery first. If those attempts were not successful, the property would be posted and a notice would be put inside City Hall. This should help expedite some cases.

Mr. Saffer moved, seconded by Mr. Thumser to allow the notice procedure per Florida Statute 162. The motion passed unanimously.

REMARKS OF BOARD MEMBERS

Mr. Saffer felt that if the city staff is going to take a liberal view on some issues, then they should have this view in all instances. Mr. Fehrmann asked if the City could mirror Volusia County on how it handled building permits. Steve Edmunds explained that per the building code, the Building Official has the discretion to allow leeway. Mr. Fehrmann would like the board to recommend that all residents get the same treatment. Ms. Jerome felt the board should just let the Building Official continue to handle things as in the past.

ADJOURNMENT: The meeting adjourned at 2:40 pm.

ATTEST:

Cheri Schwab, Recording Secretary

John Ersland, Chairman