



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

August 15, 2018

Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:00 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration Building

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Harry Wild, Jr., Vice-Chair
Tom Wright
Donald Needham
Charles Cino, Board Attorney
Pete Zahn
Gerard Smith**

MEMBERS ABSENT

Kenneth Runge

STAFF PRESENT

**Chris Hutchison, Zoning Compliance Manager
Margaret Godfrey, Zoning Compliance Officer
Debbie Zechnowitz, Zoning Compliance Officer
Russ Brown, Assistant County Attorney
Meghan Lindsey, Code Enforcement Board Clerk
Mike Nelson, Building and Zoning Director
Kerry Leuzinger, Chief Building Official
Michael Mazzola, Zoning Compliance Officer
Christopher Hooper, Zoning Compliance Officer**

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APPROVAL OF MINUTES

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Member Zahn moved to APPROVE the May 16, 2018 Code Enforcement Board minutes. Member Needham SECONDED the motion that CARRIED unanimously by voice vote.

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August 15, 2018

UNFINISHED BUSINESS

CEB2014183-VICTOR LEVITI, EST.

Posted

Complaint No. 20141001016

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 1063 Lemon Bluff Rd, Osteen 32764

Parcel No. 922801040080

Zoning: R-5

Code Administration Manager – Chris Hutchison

Property owner was first notified of the violation on October 2, 2014

*Order of Non - Compliance issued at the November 19, 2014 hearing:

*Final Order Imposing Fine Lien issued at the December 17, 2014 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 13, 2018:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017128-COPELAND MITCHELL GEORGE

Served

Complaint No. 20140508019

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 3340 Cross Branch Rd, Deland 32724

Parcel No. 602200000071

Zoning: A-1,RC,RC

Code Administration Manager – Chris Hutchison

Property owner was first notified of the violation on May 09, 2014

*Order of Non-Compliance issued at the July 19, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. The respondent gave his name and address for the record.

Chris Hutchison, Code Administration Manager, presented the case. The permit expired on August 14, 2018. The final inspection is the only thing left, to be done. They had an inspection done on Monday and it failed. The report said that they were not ready for the inspection when the inspector got there. Staff is recommending a fine of \$50.00 per day, to commence on September 20, 2018, not to exceed \$27,000.00.

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Mr. Copeland said that he was told at the last hearing that he had three months to remodel the outside of his home. He said that the outside is finished; the siding is up, window and trim and all that's done. He said that the inspector inspected the inside of the house for the final inspection, but was not satisfied with where he was at with the work. Mr. Copeland said that the inspector explained that it wasn't a total fill and it was incomplete. The inspector was looking for baseboards, window trim, door trim, the rest of the flooring installed in three rooms, tile installed in the bathroom and the countertops to be put in. He explained that there's a lot left to do. Mr. Copeland said that there were receptacle covers that were supposed to be put on, that weren't. He also said that the wall needed to be taken down and painted. Mr. Copeland said that he needs more time. He said that the board asked him to remodel the front in three months and he did that, he just couldn't finish the inside.

Mr. Copeland explained that his wife had to have an unforeseen eye surgery and is no longer able to work. He said that there will have to be multiple surgeries to correct the problem and he is the only one able to work. He said that they don't have health insurance so he's paying out of pocket but her vision comes first, before the renovation of the home. He said that he wants to take care of it, it's his house and he lives there. He said that he needs more time.

The Chairman asked if the permit was for the entire home renovation.

Mr. Copeland said it was for the whole entire home renovation. He said that he stripped the entire house.

Mike Nelson, Building and Zoning Director, said that we've made progress if the outside is done. Let's give him some time.

The board asked Mr. Copeland how much time he would need.

He explained that since he is the only one working, he is trying to save up the funds.

Member Zahn asked Mr. Nelson if there was a way to renew the permit.

Mr. Nelson explained that they have to extend the permit so that Mr. Copeland can continue working, currently he has an expired permit.

The Chairman asked if the structure is weather tight.

Mr. Copeland said yes.

Mr. Nelson explained that the work needs to be done; that the permit was for complete work, not for partial work.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017140-PULLIAM CATHY H

Posted

Complaint No. 20170328065

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 2880 John Anderson Dr, Ormond Beach 32176

Parcel No. 322104000470

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 28, 2017

*Order of Non-Compliance issued at the November 15, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the February 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There was a demolition permit issued and an extension requested; with an expiration date of July 17, 2018. The permit is expired. She said that she received a phone call from Mr. Chessley who is Ms. Pulliam's husband; he stated that the house is gone. Margaret said that she's going to have to go out and check that out, because no matter what, he did it without a permit.

Margaret explained that there was an extension request and that she and Chief Building Official, Kerry Leuzinger, were going to discuss it after the hearing. She said that was when the building was still standing, as of last week. Margaret said that she is still requesting an, Order Imposing Fine/Lien no matter what. Staff is requesting a fine in the amount of \$50.00 per day, to commence on September 20, 2018, not to exceed \$36,000.00. She said not matter what, it was done without permits.

The Chairman said that she would have to open a whole new case.

Margaret said yes and that she's asking for the fine, in case the structure is still there.

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After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$36,000.00 to begin on September 20, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017254-VASILIADES MARK TR & VASILIADES LIVING TR-
MYNSBERGE JAMES & CHERYLINN

Served

Complaint No. 20170809022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Including but not limited to exposed wiring, ceiling damage, roof damage

Property Location: 3 Briggs Dr, Ormond Beach 32176

Parcel No. 322803000030

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on August 11, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. This property has been before the board a few times. It's had a couple amended orders and has since, changed owners. People have bought it; Margaret said that she has spoken to them. The deed was recorded on July 9th. Staff is recommending a fourth amended order of non-compliance, with a hearing to impose fine scheduled for November 21, 2018, to ensure proper notice to the new owner.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017306-VU MINH & LIVIA FLORES

Served

Complaint No. 20150825034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (fire damaged SFR)

Property Location: 1910 Calle Alto Vista, Deland 32724

Parcel No. 603501340120

Zoning: R-4

Code Administration Manager – Chris Hutchison

Property owner was first notified of the violation on Sep 01, 2015

*Order of Non-Compliance issued at the December 20, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. The permit has been renewed on this case; it does not expire until January 6, 2019. Therefore, staff is recommending a second amended order of non-compliance, with a hearing to impose fine scheduled for January 16, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017352-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory building or structure on lot that does not have a completed principal structure. (several abandoned vehicles along with a dilapidated lean-to and an RV)

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

*Order of Non-Compliance issued at the January 17, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

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The respondent was present for the hearing. The respondent gave his name and address for the record.

Margaret Godfrey, Compliance Officer, presented the case. There has been progress on the property. The cars are now gone, however the fence is still there and the structure is still there. A permit application was turned in for a used mobile home replacement, on June 22, 2018. The application is in zoning review and is good until June 6th. There is a zoning issue and the respondent needs a non-conforming lot letter. Margaret explained what two issues still needed to be addressed. Staff recommends a third amended order, with a hearing to impose fine scheduled for October 3, 2018.

Mr. Crabtree explained who would be doing the work on the property. He said that the cars are not there. He said that the land has all been cleaned off. He explained the status of the fence and also explained that the fence company is going to move it. He explained that they wrapped the homes up with plastic, so that they're not an eyesore. He said that they have to come in and put dirt on the property and also stated that there were still many things that need to be addressed.

The Chairman asked if the fence company was going to get a permit.

Mr. Crabtree said that they are going to get a permit.

The Chairman asked if Ameritech is helping.

Mr. Crabtree said yes and explained that they had already been paid.

The Chairman asked if Mr. Crabtree had a non-conforming lot letter.

He said that he thought that his secretary took care of that. He explained that a surveyor had been out to the property. He said that they didn't want to make a mistake and put it in the wrong spot.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Third Amended Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017353-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

*Order of Non-Compliance issued at the January 17, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Thrid Amended Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016007

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Double wide mobile home without permits)

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

*Order of Non-Compliance issued at the January 17, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Third** August 15, 2018

Amended Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017394-KROLAK ESTHER SOVEREIGN

Posted

Complaint No. 20171031020

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (fire damaged single family residence)

Property Location: 1705 Montgomery Dr, Daytona Beach 32117

Parcel No. 423301050020

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 02, 2017

*Order of Non-Compliance issued at the January 17, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Ms. Krolak has gotten a permit and had one inspection that has passed. The permit is valid until January 27, 2019. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for February 20, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017430-FLETCHER NORMAN E & RUTH ANN

Served

Complaint No. 20170831007

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 1121 Clark Bay Rd, Deland 32724

Parcel No. 610601000270

Zoning: FRA,RCA

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Sep 01, 2017

*Order of Non-Compliance issued at the March 21, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. They applied for a permit for one of the sheds, but they still have to get permits for the other two structures. Therefore staff recommends a fine in the amount of \$100.00 per day, to commence on September 20, 2018; not to exceed \$25,000.00.

The Chairman asked Christopher which structure in the pictures, is the structure with the permit application.

Christopher explained which shed. He said that it's in zoning review and that they don't have the permit yet. He reiterated that they have one in permit review for the three.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$25,000.00 to begin on September 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018001-DAYTONA BEACH INVESTMENTS INC

Posted

Complaint No. 20180104005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 122 Heron Dunes Dr, Ormond Beach 32176

Parcel No. 320802000360

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on August 23, 2017

*Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

August 15, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said this is going to be a request; even though the property was found in non-compliance by the board a few months ago for a hotel/motel where not permitted. Margaret went on to say that, it was based solely on advertising, which was determined to show the intent and as you have heard today, we need physical evidence. She said that she was going to do an order imposing fine/lien, but no one has stepped forward to give an affidavit or provide testimony about this property. She said that I'm asking the board if we can just dismiss this.

Staff and Member Zahn discussed whether the procedure would be to do an order of non-compliance, or to withdraw the case.

Russ Brown, Assistant County Attorney, and Charles Cino, Board Attorney, discussed dismissing the case and whether or not they could. They decided that it should be dismissed without prejudice due to lack of sufficient evidence.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to dismiss the case without prejudice, due to lack of evidence.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018061-HARRIS MICHELLE L

Served

Complaint No. 20171222023

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 1545 Granada Av, Daytona Beach 32117

Parcel No. 424219030110 Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Dec 27, 2017

*Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said that the vehicle is still sitting there. She said that the property owner did call and say that it's his ex-wife's son's car. Margaret said that she doesn't know why no one has moved it. Staff recommends an order imposing fine/lien in the amount of \$50.00 per day, to commence on September 20, 2018; not to exceed \$4,800.00.

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After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$4,800.00 to begin on September 20, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018075-SEGREN CHRIS

Posted

Complaint No. 20171222024

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Boat and/or trailer improperly parked

Property Location: 1577 Primrose Ln, Daytona Beach 32117

Parcel No. 423303000390 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on January 22, 2018

*Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said that the boat is still there. Staff is recommending a fine of \$50.00 per day, to commence on September 20, 2018; not to exceed \$4,800.00.

Member Needham asked if there had been communication with the property owner.

Margaret said no but that she had posted the property with the violation and notice of hearing. She said they never called or picked up their mail or anything.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$11,300.00 to begin on September 20, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018094-LOWE WILMA

Posted

Complaint No. 20170726020

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 969 Rosalie Dr, Daytona Beach 32117

Parcel No. 424401070064

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 27, 2017

*Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said she has received a call from Wiley Lowe, the son of the property owner. He said that they will be donating the vehicles. Margaret said that one of the vehicles has been removed but the other remains. Staff is recommending a fine in the amount of \$50.00 a day, to commence on September 20, 2018; not to exceed \$4,000.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$4,000.00 to begin on September 20, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018095-RABITAILLE REGINA & BRIAN- GREIG & ELIZABETH RABITAILLE TR

Served

Complaint No. 20180116040

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Trailer improperly parked

Property Location: 27 Seaside Dr, Ormond Beach 32176

Parcel No. 323405000130

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 19, 2018

*Order of Non-Compliance issued at the May 16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said that the property has now changed hands to a trust. Margaret said that she did receive a call from Mr. Rabitaille, who said that he is going to have his son move the trailer; he is now aware of the situation.

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She said she needs time to send the new owner the violations and request for hearing. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for October 3, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018106-ORANGE CITY REALTY LLC

Served

Complaint No. 20180103004

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241

Property Location: 2437 Enterprise Rd, Orange City 32763

Parcel No. 801409020020 Zoning: PUD

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jan 04, 2018

*The Board continued this case from the March 21, 2018 hearing:

*Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. Kelly Mathis provided testimony on behalf of his client. He gave his name and address for the record.

Michael Mazzola, Compliance Officer, presented the case. An application was submitted to the Zoning Department and it is still in review. Staff is recommending a first amended order of non-compliance, with a hearing to imposed fine scheduled for January 16, 2019.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018231-MICHELTS TIMOTHY J & CATHERINE

Posted

Complaint No. 20180220039

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in RV or RV connected to water, sewer or electric lines, where not permitted

Property Location: 1 General Doolittle Rd, Daytona Beach 32124

Parcel No. 620603040010

Zoning: R-4(5)A

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on March 15, 2018

*Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. He received a phone call from the respondent, stating that the R.V is not plugged in. Christopher said that it is plugged in and he showed the board the power cord using his pictures. Staff recommends a fine in the amount of \$100.00 per day, to commence on September 20, 2018; not to exceed \$10,000.00.

The Chairman asked Christopher to show where the cord was plugged in.

Christopher explained, using his pictures.

Margaret Godfrey, Compliance Officer, said that she had also been to the property and yes, it is plugged in.

Member Wild discussed staff's recommendation, with Christopher. He explained that the recommendation was to encourage compliance.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$10,000.00 to begin on September 20, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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X. Hearings and Presentation of Filed Notices of Violations

CEB2017339-US BANK TRUST NA TR

Served

Complaint No. 20171002024

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 359 Deer Moss Tr, Deland 32724

Parcel No. 603818040280

Zoning: PUDA

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Oct 05, 2017

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. A complaint for damage to the roof came in on September 29, 2017. An onsite inspection, confirmed the violation. The notice of violation was received on October 5, 2017. Christopher said that he did not have any contact with anyone, so he referred it to the Code Enforcement Board. The notice of hearing was received on November 9, 2017. He said that when he went to re-inspect, it looked like they were doing work on the roof. He said that they had put tarps on it. Christopher stated that he kept an eye on it, to see if they applied for any permits, but they never did.

He said that a few months later, someone from M&M Mortgages Inc. called him and said that they were going to get a permit. Christopher said that he gave them more time, but they never came in and applied for a permit. He said that when he recently inspected the property, there is now a hole in the roof. He showed the board the hole using his inspection photos. He explained that they were holding off, because the tarps were secure but now it's not secure. Staff recommends a finding of non-compliance, with a compliance date of September 3, 2018 and a hearing to impose fine scheduled for September 5, 2018.

Mr. Brown and Mr. Cino explained that since this is a new case that more time needed to be given. They said that per the ordinance, thirty days must be given.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018327-ORY JON & TINA

Served

Complaint No. 20170123030

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 108 Longwood Dr, Ormond Beach 32176

Parcel No. 420302000260

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 31, 2017

THE BOARD **CONTINUED THIS CASE.**

CEB2018058-ORY JONATHAN & TINA

Posted

Complaint No. 20171204006

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Doing construction outside the scope of the permit)

Property Location: 108 Longwood Dr, Ormond Beach 32176

Parcel No. 420302000260

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 02, 2018

THE BOARD **CONTINUED THIS CASE.**

CEB2018096-DOUGHERTY MARE-CATHERINE

Posted

Complaint No. 20180122027

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 1708 Hope Dr, Ormond Beach 32174

Parcel No. 423317021230

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 25, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On January 16, 2018, staff received a complaint about piles of junk in the driveway. An onsite inspection, confirmed the violation. The certified notice of violation was received and signed for by Mare-Catherine Dougherty. Ms. Dougherty explained that she had the stuff there because she wanted to have a garage sale.

Ms. Dougherty explained that she was legally blind and in a wheelchair. For this reason,

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Margaret gave her a little more time to clean it up. On April 13th, Margaret received another complaint about the yard being overgrown. On April 25th, Margaret met onsite with Ms. Dougherty and she explained what needed to be done to her. It appeared that there were more items in the driveway and the yard was overgrown. Ms. Dougherty explained to Margaret who was responsible for taking care of the lawn. The site and conditions remain unchanged. Therefore, staff is recommending a finding of non-compliance with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018.

The Chairman asked if notice is served, how will Ms. Dougherty be able to read it? He explained that his question was not meant to be insensitive.

Margaret said that Ms. Dougherty complimented her hair on a site visit. Margaret said that she is not sure if she is legally blind. She said that during a site visit, she got out of the car and explained to Ms. Dougherty specifically what needed to be done. Margaret specified that she spoke to Ms. Dougherty directly to make sure she understood what needed to be done.

Mr. Cino explained that legally, Margaret was fine.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018242-DOUGHERTY MARE-CATHERINE

Served

Complaint No. 20180425033

Violation of ORDINANCE: Code OF Ordinance-County Of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations And Declaration Of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: 1708 Hope Dr, Ormond Beach 32174

Parcel No. 423317021230

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 01, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018144-ORMOND BREEZE LLC TR

Posted

Complaint No. 20180308042

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 1318 Avenue D, Ormond Beach 32174

Parcel No. 422901080130

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 8, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On March 2nd, staff received a complaint about an RV. She said that the RV is still there. An onsite inspection confirmed the violation. During a proactive sweep of the Avenues, research showed that the RV has been there since 2008. Property was posted with the notice of violation and the notice of hearing. The case was continued to this hearing because there had been progress on the property. On July 12th the notice of continuance was hand-delivered to the tenant. The site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Margaret explained how she took her pictures to the board. She explained that there is no tag on the RV.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (B).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018157- PARTLOW JAMES J TR

Served

Complaint No. 20171113016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory building, structure and/or use on lot that does not have a completed principal structure

Property Location: 700 E Minnesota Av, Orange City 32763

Parcel No. 800200000115

Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Nov 15, 2017

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael explained his pictures to the board. On July 2, 2018, the violation was received by the new owners. On July 30th Michael spoke with the new owner, about the violation and the hearing today. They discussed removing the accessory structures and the buildings. He is waiting for the blueprints for his new house from the architect. Staff recommends a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled.

Dan Lasseigne gave his name and address for the record.

Member Wild asked while he's building the house there's no opportunity in the code to allow for some storage, for a short-term basis?

Michael said that you need a principal structure. He said that he needs a building permit first.

Mr. Nelson explained that there were provisions for construction trailers but not necessarily storing pods on the site.

Mr. Lasseigne said that he received his plans from the engineer on August 7th. He said that he was here the day after, to pull a permit. He said that he applied for the permit and last Friday, he met with someone from the Building Department and they said that everything was done; all that was needed was a paper from the lawyer, showing that Mr. Lasseigne is the owner because the property is in a trust. Mr. Lasseigne said that he had correspondence from the lawyer stating this.

Mr. Lasseigne explained that everything that is on the property is for the house. He said it's not for storage. He said that he plans on building a home there and that he has plans.

Member Zahn said that the pods are storing construction materials and they will be gone when the construction is complete.

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Mr. Lasseigne said yeah, they're all gone. He said that there is also a sign on the property stating that it's a construction site and that the buildings will be removed once the building is done. He said that he won't need the buildings there.

Mr. Lasseigne explained the trust and his ownership of the property. He explained that Constance Bentley, Permit Process Manager, said that he needed to provide proof of ownership of the property.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 18, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018245-HILLER CHARLES E & KELLY A

Posted

Complaint No. 20180312014

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 2031 Griffin St, Ormond Beach 32174

Parcel No. 412402000650

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 12, 2017, staff received a complaint about the yard needing maintenance. An onsite inspection confirmed the violation. On November 8th the property was posted with the notice of violation. The County Contractor mowed the yard and then asked about the vehicles. Margaret said that she went out to the property to inspect the make sure that it had been mowed and the two vehicles were discovered, along with a pile of junk. It was also noted, that the mobile home was in disrepair; with broken windows etc. The property was also posted with a notice of violation for those, as they came back unclaimed.

The property was also posted with the notice of hearing. She said even though we received a call from the property owners to tell us what the actual address was, we were still sending it to the address because this is not where they live. All certified mail was sent to the correct mailing address, but it still came back unclaimed. Margaret said that the power is off but the windows are open and broken. She said that they have since put up a gate, across the fence. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018, for all three cases.

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The Chairman asked about CLCA for the mobile home unit.

Margaret said that we could do that.

Margaret and Mr. Cino discussed the best way to proceed with the cases.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018246-HILLER CHARLES E & KELLY A

Posted

Complaint No. 20180312012

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 2031 Griffin St, Ormond Beach 32174

Parcel No. 412402000650

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018247-HILLER CHARLES E & KELLY A

Posted

Complaint No. 20180312013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 2031 Griffin St, Ormond Beach 32174

Parcel No. 412402000650

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and Order of Dismissal with referral to the CLCA.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018260-PICERNO ROCCO P JR

Served

Complaint No. 20161026041

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 146 Longwood Dr, Ormond Beach 32176

Parcel No. 420303000720

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 03, 2016

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 26, 2016, an onsite inspection showed a renovation/remodel in progress; structural, roofing and plumbing visible; new windows, doors, roofing supply-line to a single family residence. There was also new water piping throughout. Staff was unable to see inside the house and a stop work order was posted.

On November 6, 2016, the notice of violation was received. On November 21st an onsite visit showed that the stop work order was still posted. On May 12, 2017, a permit for window and door replacement etc. was issued with an expiration date of September 20, 2017. There have been two expiration notices sent and one extension granted on October 3rd. The permit expired January 1st, with no inspection requests. There have been no extension requests since. Since staff was not able to get inside to see, any plumbing and electrical violations have not been addressed. Staff is recommending a finding of non-

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compliance, with a compliance date of September 19, 2018 and a hearing to imposed fine lien be scheduled for October 3, 2018. If any electrical work has been done, staff is requesting an affidavit certifying the safety of any electrical installation, within 10 days, from a Florida licensed electrical contractor.

Margaret asked Mr. Picerno if the property is vacant.

He said that it is vacant.

Member Wild asked Mr. Picerno if he was the one that pulled the permit.

Mr. Picerno said no. We were doing some late work on the house and we got the violation. He said that he tried to do the right thing, by hiring a contractor. Mr. Picerno said that the contractor pulled permits. He explained that he had some personal difficulties, which have led to a lack of money. He said that he's self-employed and that insurance did not cover the damages caused by Irma. Mr. Picerno explained that he has lost a lot of momentum in the last year or so. He explained that he's gotten some things together and secured some funds. He said that he's had a meeting with a contractor, in the hopes that he would be able to complete the project.

Mr. Picerno said that the house was a rental that was put together poorly. He said that his goal is to complete the work and then move in it. He wants to sell the house that he's living in now.

The board discussed a timeframe with Mr. Picerno.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018263-HARRIS CAROLE A

Served

Complaint No. 20180328015

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 906 Camphor Ln, Deland 32720

Parcel No. 701702200050 Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Mar 30, 2018

THIS CASE WAS CONTINUED.

CEB2018264-CONFIDENTIAL DATA F.S. 119.07

Served

Complaint No. 20140905009

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s). (Re-roof, new windows, may not be a complete list.)

Property Location: 160 Roberta Rd, Ormond Beach 32176

Parcel No. 323401000570 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Sep 13, 2014

The respondent was present for the hearing. The respondent gave his name and address for the record.

Margaret Godfrey, Compliance Officer, presented the case. This case began as an unmaintained case, as a complaint came in about a carport that was caved in with roof damage. An inspection in November of 2013, confirmed the violation. Notification for the unmaintained case was posted in December of 2013. In December of 2013, Safeguard Properties called concerning the roof and was told what to do.

An inspection on February 10, 2014, showed that something had been placed over the front portion of the house. On May 21, 2014 a permit was issued for the roof. On July 29, 2014, staff received a letter from James Branum, who was doing the roofing, requesting that the permit be cancelled because the property was being sold.

The letter said we pulled this permit while it was a bank owned property, the bank sold the home; we now need to cancel our permit. On February 4, 2015, the certified notice of violation was sent to the new owner and was returned unclaimed. On March 3, 2015, the notice of violation was hand-delivered to the tenant. On April 7th, staff received a voicemail from the new owner, who received the notice of violation but was not the one who did the work. He said that he is in touch with his title company and is now in the process of going through a lawsuit; he wanted to know if he could have some more time.

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On June 22nd, staff did an onsite inspection, where the tenant allowed staff on the roof. The inspection showed that portions of the roof and the windows had been replaced. In July of 2015 a voicemail for the property owner, was left explaining the results of the inspection. Margaret said that she did not find a response. A second notice of violation was received by the home owner. There have been no applications to date and the site and conditions remain unchanged. Because the property has changed ownership twice since the original violation, staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018.

The Chairman asked when the contractor called to cancel the permit, did they not begin the work?

Margaret said that she only had the letter that she read to the board previously.

The respondent said that he purchased the property from his in-laws. He said he purchased in on 12/23/14 and soon after received the violation. He said that he asked a lot of questions because he didn't know anything about it, because it didn't come up in the title search. He said that he learned what the law was and contacted his title company. He said that the title company was going to put him in contact with the seller, so that he contact the roofer.

The Chairman asked where the property owner is in terms of compliance?

The respondent said that it's hard to find someone to do the work right now. He said that he wanted to explain the lapse between 2015 and 2017. He said that he made some efforts, but he was in the process of a lawsuit. He said that he didn't know what to do really, because he's never had to go through this process. He said that he must have missed the phone call because he didn't hear back. He said that it wasn't until 2017 that he began the process again and went to the satellite office in Daytona Beach. He explained that difficulties that he was having finding a GC and a roofer. He said that they have their own work after Irma and they don't want to go back and vouch for someone else's work.

The Chairman asked if he had found the original roofer.

The respondent said that he had, but he couldn't get him to call back.

Member Wild asked if that could be cleared with an affidavit.

Mr. Nelson said not likely, it would have to go through the Chief Building Official.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to August 15, 2018**

Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018255-COETZEE JACQUELINE TR

Served

Complaint No. 20180410008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 22 Surfside Dr, Ormond Beach 32176

Parcel No. 322111000480 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Apr 12, 2018

THIS CASE WAS WITHDRAWN

CEB2018266- COETZEE JACQUELINE TR

Served

Complaint No. 20180530033

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit

Property Location: 22 Surfside Dr, Ormond Beach 32176

Parcel No. 322111000480 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 09, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Upon research, it was found that the property was renovated with no evidence of permits or inspection approvals. Margaret listed off the specific types of work that had been completed without permits, to the board. She said that there is an unpermitted fence around the yard, which is the only pool barrier. She showed the board pictures and sale pictures taken from the internet, which illustrated the changes made to the property. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018.

The Chairman indicated to Margaret that the door on the structure looked as if it had been painted, not completely replaced. He said that both pictures show panel doors.

Margaret explained that it was an original violation from a few years back. She explained window placement.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341 (b).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018267- COETZEE JACQUELINE TR

Served

Complaint No. 20180530034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Including, but not limited to, new doors, fireplace surround, sliding glass door, bathroom and kitchen remodel, pergola, etc.)

Property Location: 22 Surfside Dr, Ormond Beach 32176

Parcel No. 322111000480

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 09, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018271-KORENIUK PAUL GEORGE

Posted

Complaint No. 20150925027

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Windows, doors and stucco)

Property Location: 69 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000470

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 02, 2015

THIS CASE WAS WITHDRAWN

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CEB2018272-COURT OF PALMS ON THE BEACH LLC

Posted

Complaint No. 20170525003

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Windows)

Property Location: 2790 Ocean Shore Blvd, Suite 8-N, Ormond Beach 32176

Parcel No. 322116000080

Zoning: R-6,RC

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on August 21, 2017

The respondent was present for the hearing. Norma Quintero, registered agent, gave her name and address for the record. Steven Perry, contractor, gave his name and address for the record.

Margaret Godfrey, Compliance Officer, presented the case. On May 23, 2017, inspector Frank Godawa, saw windows and a garage door being changed out. There was a permit for the garage door but it expired on May 2, 2017; the permit was reinstated and finalized on October 23, 2017. On August 21st the notice of violation was hand-delivered to the tenant, who stated was just renting the unit and had only been there a few months.

Margaret has had several phone conversations via e-mail and over the phone with Ms. Quintero, who is the registered agent. On October 26th, staff received an e-mail from Ms. Quintero, who stated that the garage door passed inspections. She said that she would be getting a GC to address the windows and the sliding glass door.

On July 12th, the property was posted with the notice of hearing. There have been no applications submitted to date, and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018.

The Chairman said in your research you never found a permit for the garage door?

Margaret said that the garage door was finalized but the permit did not include the windows or the sliding glass door.

Ms. Quintero said back in 2016, when she purchased the condo, it was for remodeling and the work was done. She said the last was the windows and the doors. She said that she didn't know that the HOA was going to give her a hard time, about installing impact windows. She said that she ordered impact windows that were the same color as the rest of the windows in the condo. She said that she was told that the rest of the windows were aluminum and are not impact resistant. She said that she was told that all the other residents at Court of Palms had just put in regular windows, instead of impact windows. She said that she had never heard of such a thing and that she wanted to protect her

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property.

Ms. Quintero said that during the hurricane, the sliding glass door was destroyed and that a basically finished apartment was damaged. She said that the windows were broken and that she went to Lowes to buy more. She said that she had windows and doors and put them up. She explained that it shouldn't have been done but she did what she had to do, to protect the apartment.

She explained that it has been very hard to find a GC that would continue someone else's work. She said that she hired Steven and that he applied for a permit last week.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.0 & 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018276-HENTZ CRANE & SUSAN

Served

Complaint No. 20180109034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Addition/front porch over hang)

Property Location: 19 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000100

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Mar 05, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On January 19, 2018, an onsite inspection revealed what appeared to be a new roof overhang for a porch. A certified notice of violation was received in March. On March 5th, staff received a call from Mr. Hentz. He wanted to know how to bring the violation into compliance. He explained that the original was damaged during the hurricane and that he just replaced it. Staff explained what he would need to get the overhang permitted. He was told to keep in touch with staff with updates.

On March 8th, staff received a call from Mr. Hentz stating that he would have a survey in the next couple weeks. On March 19th, staff received a call from Mr. Hentz stating that he hired Zahn Engineering and that they were doing the drawings.

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Member Zahn said that he would abstain from voting and that Zahn Engineering was doing that drawings for the case. He said you can count on us by golly.

On March 27th, staff received a call from the General Contractor. He explained that he was working with Mr. Hentz to gather all the required documentation, to submit an application for a permit. On June 12, 2018, the notice of hearing was received and signed for by Mr. Hentz because up to that point no progress had been made. There have been no applications to date, and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine on October 3, 2018.

The Chairman asked Margaret if the overhang existed previously.

Margaret said that it did but the hurricane took it down and they put it back up again. She then showed the board a picture of the old overhang and a picture of the new one.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.0 & 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018284-KOWALCZYK SABINA

Posted

Complaint No. 20180611002

Violation of ORDINANCE: Code OF Ordinance-County Of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations And Declaration Of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: 135 Longwood Dr, Ormond Beach 32176

Parcel No. 420303001130

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on June 11, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 27, 2017, staff received a complaint about an overgrown yard. An onsite inspection confirmed the violation. On November 8, 2017, the violation was received and signed for by Sabina Kowalczyk. On November 10th, staff spoke with Ms. Kowalczyk via telephone; she stated that she was out of state until after Thanksgiving.

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As of March 10, 2018, the site and conditions remain unchanged. The case was referred to the county contractor and the case was closed but then it was decided to take the case before the board. On June 11, 2018, the case was re-opened and a certified notice of violation and request for hearing was sent. It was returned unclaimed and the property was posted with the notice of hearing. Margaret said that she has spoken with Ms. Kowalczyk and there have been several e-mails back and forth. Ms. Kowalczyk says that she does not understand the notices and she hasn't had a chance to get back to Florida. She stated that she had someone cutting the yard.

Margaret explained that occasionally the front yard does get mowed but the backyard has not been touched. She explained that more complaints are coming in, due to the condition of the backyard. The complainants stated that rats and snakes are a concern. The site and conditions remain unchanged; therefore staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Margaret said that she received an e-mail from Todd Hannah, an Environmental Specialist, who stated that there are invasive plant species on the property. Ms. Kowalczyk has stated that she has not been to the house in 3 years. She says that the property is back to its natural state because it hasn't been done in 3 years. Mr. Hannah stated that the property looks abandoned.

The Chairman asked if the County Contractor had mowed.

Margaret said no. She said that she thought the property was vacant and when she went out there, someone was parked in the driveway. She said that it ended up being that the neighbor was parking in her driveway. She said in the interim, we didn't have the funds to mow the lawn, so it was referred to code board. Margaret explained that Ms. Kowalzyk had been e-mailing Chris Hutchison, Code Administration Manager, and Mike Nelson, Building and Zoning Director, with questions about the ordinance. Margaret said that Ms. Kowalczyk said that she was going to come to the hearing but couldn't make it and because the case has already been continued, it was decided to go ahead and bring it before the board.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58, Section 58-36 Article II.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

August 15, 2018

CEB2018285-POLLOCK STANLEY JACKSON & EDNA ROLLENE GANNETT
Served

Complaint No. 20180510012

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit. (8ft fence in the side yard and the existing fencing has never been permitted)

Property Location: 49 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000570

Zoning: R-4

Zoning Compliance Officer - Margaret Godfreyceb

Property owner was first notified of the violation on May 12, 2018

The respondent was present for the hearing. The respondent gave his name and address for the record. He said that he was both providing information and contesting the violation.

Margaret Godfrey, Compliance Officer, presented the case. On May 10, 2018, Margaret met onsite with Mr. Hendrix, the property owner of 47 Brooks Dr. to address a complaint that had come in about his property. Mr. Hendrix pointed out an 8ft fence on 49 Brooks Dr. The fence was being constructed without the proper permits or inspection approvals.

On May 21, 2018, the certified notices of violations were received and signed for. On June 14th, the notice of hearing was received and signed for. On June 30th there was an e-mail chain between Margaret and Mr. Pollock, concerning the fencing. Mr. Pollock said that he was not taking the fencing down, without talking to the board. Staff is recommending a finding of non-compliance, with a compliance date of September 19, 2018 and a hearing to impose fine scheduled for October 3, 2018; for both cases.

The Chairman referred to Margaret's pictures on slide 4 and asked her to tell him, what he should see from that. He said that he sees fence panels on end.

Margaret said yes.

The Chairman said okay.

Member Zahn asked if that was the violation.

Margaret said yes, they're 8ft tall.

Member Zahn said those pieces of fencing that are 8ft tall, on end.

Margaret said yes.

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Member Zahn said waiting to be installed.

Margaret said yes.

The Chairman asked if they appeared to be attached to anything.

Margaret explained, that's why she put the definitions in there, because it's still considered construction.

The board asked Margaret how long it has been like that.

She said that May 10, 2018, is when she saw it.

The Chairman asked what her last inspection was.

Margaret said it was last week and the fencing was still there.

Mr. Pollock said to Margaret, we're not talking about all the fencing, which is what you indicated at my house. He said you were saying all the fencing was not permitted, now we're only talking about these two pieces.

Margaret said yes.

Mr. Pollock said that's one problem; I was not presented with that. I was told that all of the fencing was not permitted. He said I was actually cited, for that exact same thing, back in January of 2016; by Mike Mazzola. He said and that was because of a dispute over the fencing between Mr. Hendrix's property and mine. He said but that's a long term thing. He said disregarding that, I'll just stick with this.

Mr. Pollock said these are two pieces of loose fencing that was up between the two properties, originally. He said there is a dispute about the ownership because when my house was vacant, Mr. Hendrix removed the original shadow box fencing that was there and put up his own fencing; which falls apart and requires maintenance every few months. Mr. Pollock said when he purchased the property, he established that he had taken the poles out and put the poles in the same place that was on my property. He said that he has a survey which he brought in that shows it was all permitted.

He said that the point is, that the original violation that I received, citing me for not having any permits for fencing; issued by Mr. Mike Mazzola was done without any investigation. He said that he contested it through e-mails with Mr. Walsh and Mr. Nelson. Mr. Walsh did the review investigation and found that there was permitting done and everything was fine; it was dismissed. He said for some reason, Mike Mazzola didn't do the investigation properly; when he first filed the violation. He said now, let's get to the current situation.

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Member Zahn asked Mr. Pollock does the survey verify that the fence is on your side of the property?

Mr. Pollock said it's in your file, you can look at it right here.

Member Zahn said okay that's good.

Mr. Pollock reiterated how the fence had been replaced and duplicated. He explained that he had been friends but there was a dispute that ended that association. He said that things started going hairy from there. He said that Mr. Hendrix was using noise as a form of harassment. He asked the board to open a file that is on their desktop.

Staff played a video that Mr. Pollock provided. The video showed Mr. Pollock's backyard. Mr. Pollock explained that the video showed how loud Mr. Hendrix's radio is. He explained that Mr. Hendrix did that for two years. He said that Mr. Hendrix was not home while the radio was on.

Margaret addressed the board and explained that the video is not part of the case, at all.

Mr. Pollock explained that he put the fencing up to block out some of the noise. He said that when he was cited for it; he knew that he was going to be cited for it. He said because of the...for the code enforcement department to address. He said that he's even talked to Clay Ervin, Growth & Resource Management Department Director, and Mr. Brown; he said that they're given him some run-arounds that are ridiculous.

Member Zahn said, what we've got right now is a potential violation of a fence above 6ft.

Mr. Pollock interrupted Member Zahn and said that the fence is not installed.

Member Zahn said yes, that was brought up earlier, but you have to deal with it. He said you can't just lean up against there and leave it.

Mr. Pollock said again, the issue with the noise, I've been pursuing for two years.

Member Zahn said in order for you to try to overcome that, you're pushing these fence pieces up but now what we've got is a violation on your side.

Mr. Pollock said that he also did that, to force the issue to come in here.

Margaret said 47 Brooks is not in violation.

Member Zahn said that the noise that he has on his side, has nothing to do with this violation. He said let's stick with what we're talking about.

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Mr. Pollock said this fencing is not installed; it's not under construction. He said it is simply, leaning there. Therefore this violation has no validity.

Member Zahn said that's your opinion, what's staff's opinion on construction debris laying around that are not secure.

Margaret read the definition of a fence into the record. She said that the definition does not say installation, it just says barrier.

Member Zahn said you have testimony that says you have pieces of fence that you have rotated up in the air, to gain a couple extra feet and you forced this violation/issue, so that you can come before the board and bring your circumstances to us. He said a radio next door isn't in the purview of this board; we're here for the fence.

Mr. Pollock said that he's explaining why he turned them up on end. He said that just for information the police are enforcing the noise codes now. He said that when they started doing that, he dropped the ones in the front yard but left the ones in the backyard up because I didn't want the case withdrawn.

Member Zahn said is it your testimony that it is still up?

Mr. Pollock said no. He said that he took them down last weekend. As of right now, the fences are down.

Member Zahn said that they were up but you have removed it since?

Mr. Pollock said well they're in a down position. He said when I put them down, she wrote me a violation for yard waste. He said so there's another case and Ms. Godfrey wouldn't let me consolidate them together and hear them at the same time. He said we are talking about the same pieces of fence here.

The Chairman said they could become airborne debris. He said they could get blown in a storm.

Mr. Pollock said yeah but they don't have to be leaning against a fence, they could be laying on the ground and that could still happen.

The Chairman said well you are to be responsible and tie things down, when we're close to a storm.

Member Zahn said it's the height issue that's the violation.

The board discussed the differences in the two violations.

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The Chairman said that the first violation could be cured, just by laying those panels flat on the ground.

Mr. Pollock said well I still just want to lean them up against the fence. He said they're not over height when I just have them leaning there.

The Chairman said then the case for debris will run its course.

Margaret said that's a different case for lot maintenance.

The Chairman said when these are leaning against another fence they are evidence for...

Mr. Pollock interrupted and said it's actually his fence.

The Chairman said that's fine.

Mr. Pollock said that section of fence that's still up; there leaning against my fence. He said that they're no longer 8ft.

Member Zahn said is that considered installed without permit?

Mr. Pollock said they're not installed; they're not on poles or anything. He said they're just leaning. He said that his neighbor has pushed them over several times and slats have broken off.

Member Zahn said you really don't have a problem with this fence issue, you just wanted to tell us about your noisy neighbor.

Mr. Pollock said no sir, that's just trying to get my foot in the door. He said the fence is not installed. He said it will be, when he gets the poles and has it re-surveyed in. He said that his neighbor moved the poles.

Member Zahn said that it appears to me, that we have all the evidence that shows a fence without permit.

Margaret said that she does have a witness here. She said Mr. Hendrix from 47 Brooks.

Mr. Pollock asked how he was supposed to permit a fence that he's not going to install there?

The Chairman said you erected fence panels...

Mr. Pollock interrupted and said that he didn't erect anything, he simply put it in his yard.
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The Chairman said it was your testimony that you turned them on end and leaned them against the fence.

Mr. Pollock said but they're not installed; they're not erected.

The Chairman said to me, in my opinion, that's exactly what you did. But we'll see what the desire of the board is.

Margaret said her issue is, the definition of the word fence. She said nowhere in there does it say installed fence. She said it just says fence.

Member Wild said it also doesn't mean that the fence doesn't have to be on a post or anything.

Margaret agreed.

Mr. Pollock said what if it was just a piece of plastic, would that qualify?

Margaret said it would.

Mr. Pollock said so you're saying I can't store my pieces of fence there?

Member Wild said you'll probably get a junkyard at some point.

The board discussed what Mr. Pollock was trying to accomplish on his property.

Member Zahn said that Mr. Pollock could get a variance for an 8ft fence.

Mr. Pollock said that he does not want an 8ft fence, now that the police are enforcing the noise ordinance. He said that's why I took the fence down last weekend.

The Chairman asked Margaret if she had seen the fence not exceeding 8ft.

She said I have not.

The Chairman said that what may happen is that you may be found in non-compliance and given a certain amount of time to correct the violation. He said and that may mean an inspection.

Mr. Pollock said that his fence is permitted.

The Chairman and Mr. Pollock discussed the history of the fence and the ways that it had been altered.

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Mr. Pollock explained that he never had any intention of installing an 8ft fence. He explained that he leaned the panels against his fence.

Margaret explained that permits require, state that no fence shall be erected, moved or altered without first applying for and obtaining a permit from our department.

Mr. Pollock said that's all based on something being moved and reinstalled someplace, not simply...

Margaret said no, it just says erected, moved or altered.

Member Zahn said sometimes things go awry when there's a misinterpretation of the code. He said I'm an Engineer and I deal with this type of code all the time and he explained that sometimes you have to meet with zoning staff if it is unclear. He said that there is a possibility that you've misinterpreted how this ordinance runs. He said that there is a permit process, and it appears that it hasn't been properly followed. He said yours is a little odd with the 8ft sections of fence that aren't secured yet. He said we're doing the best we can, to sort this thing out.

Mr. Pollock said that he had no intentions of installing an 8ft fence.

Margaret said that you said you would.

Mr. Pollock discussed the video that he showed the board.

The Chairman said that the videos indicated that there's a radio that you would rather not hear.

Ronald Hendrix provided witness testimony. He gave his name and address for the record. He said that he's lived at his residence for 20 years; he said he bought the house in 1998. He said that the house was empty for four years. He said the house went through foreclosure and a hurricane knocked the fence down. Mr. Hendrix said that he constructed a new fence, the way it looks now.

The Chairman said the painted one with the lattice top.

Mr. Hendrix said yes.

He said Stanley has knocked that fence down three times. He said he went to the county and got a permit to put up a new fence. He explained that he's a project manager and that he's been a builder for 50 years. He said he's built buildings and houses. He said that the building department, recommended that he put the fence three inches into my yard, so I wouldn't have any more issues with him.

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Mr. Hendrix said Mr. Pollock has called the code department on him 40 times. He said that Mr. Pollock has used the code department for his benefit. He said that all the people that work in the code department do not help me. He said that they just continue to come to my house and I cooperate with them; I let them come in. He said that they have never violated me once, out of all that time. Mr. Hendrix said that Mr. Pollock as called the police department on me, 40 times about my radio.

Mr. Hendrix said that he has pictures, because Mr. Pollock says that the fence is leaning on his side. He said that Mr. Pollock doesn't have a fence there. He said that he has a piece of paper to take to the courthouse, because I'm going to sue him for damages to my fence because my fence posts are leaning over again. He said my fence is three inches on my property, he's got that 8ft fence leaning on my fence. Mr. Hendrix said I don't even bother this guy; he said I don't say nothing to this guy.

The Chairman asked if all the fencing between your two properties, on your property?

Mr. Hendrix said yes.

The Chairman asked Mr. Hendrix if he had a survey that shows that.

Mr. Hendrix said yes I do.

The Chairman said so you have recovered the property corner.

Mr. Nelson said yes.

The Chairman said so these fence panels, were leaning on your fence?

Mr. Hendrix said yes sir. He said that he has pictures of it and movies of it and he's going to the Clerk of the Court and file charges against him. He said I'm fed up. He said he's lived in that house for 2 ½ years and I've had 2 ½ years of misery. Mr. Hendrix said I'm selling my house because of him and I love my house.

The Chairman and Vice-Chairman asked Mr. Hendrix if he had any more testimony is regard to the fence?

Mr. Hendrix said he took the fence down last night because he knew he was coming to the hearing today.

Margaret said if the fence is down, it was not done in correction period to begin with.

The Chairman said last night, it doesn't matter. He said it's clearly, in violation to me. He asked the desire of the board. He asked Mr. Pollock if any of the fence that the panels are
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his.

Mr. Pollock said yes. He said that his fence runs behind the fencing that is up.

The board looked at the pictures of the fence.

Mr. Pollock explained the fencing in the picture. He explained which fence was his and which was Mr. Hendrix's.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341 (b).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018286-POLLOCK STANLEY JACKSON & EDNA ROLLENE GANNETT
Served

Complaint No. 20180510017

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed. (8 ft. fence type barrier)

Property Location: 49 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000570 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 14, 2018

The respondent was present for the hearing. The respondent gave his name and address for the record. He said that he was both providing information and contesting the violation.

Margaret Godfrey, Compliance Officer, presented the case. She said that it appears to be about 8ft high; same fencing, it's just 8ft.

Mr. Pollock showed pictures of a mattress leaning against a fence. He said nothing was done about it after I filed a complaint.

Mr. Cino said that's not what's in front of us today.

The Chairman said that's a different subject property.

Mr. Cino said we're off subject.

Mr. Pollock explained his past experience with code enforcement and discussed his August 15, 2018

research methods. He said that when he submits complaints code enforcement says there's no violation. He asked how he can appeal that.

The board said this is not the proper venue for that.

Member Zahn made a motion and the Chairman explained the correction period. Member Wild explained what a repeat violation meant, if there should be a second event on the property.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.**

After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018287-CRICHE KATLIN KAY

Served

Complaint No. 20180314047

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A) Parking truck tractor, semi-trailer, commercial bus, cutaway van, or chassis cab, truck where not permitted

Property Location: 277 Kincaid Av, Deland 32724

Parcel No. 702803000680

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 26, 2018

The respondent was present for the hearing. The respondent gave her name and address for the record.

Michael Mazzola, Compliance Officer, presented the case. Michael showed the board a picture of the truck that's on the property. On April 10, 2018, the certified notice of violation was returned. On May 4, 2018, the property was posted with the notice of violation. Michael said that he spoke to Ms. Criche about the violation. On May 30th, Michael did another inspection on the property and the truck was still present. On June 26 the notice of hearing was received and signed for.

On July 24, 2018, the truck was still on the property. Staff recommends a finding of non-compliance with a compliance date of October 1, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Member Wild asked what kind of truck it is.

Ms. Criche said that it's a box truck. She explained that her dad lived in Oregon and bought August 15, 2018

the truck. She said that he was going to move down, but he died before he made it down. Ms. Criche said that she kind of inherited it. She said that it's up for sale and that she doesn't know what else to do. She said that she doesn't have any other place to park it. She said that she could buy a cover for it, so it's not such an eyesore for the neighbor. She said that her neighbor is trying to sell her house and for property value reasons she probably doesn't want it there, but she doesn't know what else to do.

Member Wild asked if it was in the side yard or the back yard.

Michael said the side yard. He explained that it's not allowed because it's a big box truck. It was established that no kind of fencing could cure the violation; it would need to go inside a building.

The board offered suggestions to Ms. Criche on how to get rid of the truck. She said that it's up for sale but not a lot of people are interested in box trucks. She said that another problem is it's her brother and sister and they all have to agree.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of November 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (A).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018288-HANSON AMY C & DIBBLE STEVEN D & DEYETTE EARL E III
Posted

Complaint No. 20180425005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: S Division Av, Orange City 32763

Parcel No. 800904130400 Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 7, 2018

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. On May 9, 2018, the certified notice of violation was returned; the property was posted with the notice of violation on the same day. On June 19th, Michael inspected the property and referred it to the code enforcement board. On July 12th the property was posted with the notice of hearing. Staff recommends a finding of non-compliance, with a compliance date of October 1, 2018 and a hearing to impose fine scheduled for October 3, 2018.

The Chairman asked if the property was vacant.

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Michael said that it is vacant.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of October 1, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018294-LINDSAY MICHAEL & ANGELA & BRIAN SMITH & SHARON FANTO
Posted

*****REPEAT VIOLATION*****

Complaint No. 20180627018

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 2 Julie Dr, Ormond Beach 32176

Parcel No. 321608000240 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the **original violation** on July 29, 2016

Property owner was first notified of the **repeat violation** on June 18, 2018

The respondent was present for the hearing. The respondent gave information and contested the violation. The respondent gave her name and address for the record.

Margaret Godfrey, Compliance Officer, presented the case.

Member Wild asked Margaret to provide information on the violation that occurred previously.

She that she would. On June 26, 2018, staff received a complaint about a short-term rental at the above-mentioned property. Margaret said there has been an e-mail chain between the complainant and Angela Lindsay. She read from the e-mails, which discussed booking the property for less than 30 days. The e-mail also talked about blocking out the calendar for 30 days, while possibly staying less than that, if needed.

The original violation was in July of 2016. It was a vacation rental on VRBO. The original complainants are here today. It was found in violation by the code board on February 15, 2017. There was an "Order of Compliance," because the website had been changed to read, "...minimum stay 30 nights," and there were no further complaints.

Margaret said that staff received the complaint that neighbors noticed cars, with out of August 15, 2018

state plates coming and going. They said they were only staying for a couple of weeks at a time. If it's found in violation again, it would be a repeat violation of the stated ordinance. On June 28, 2018, the property was posted with the notice of violation and the notice of hearing. These notices were also mailed to the property owner.

On June 29th, staff received a call from Ms. Lindsay, who wanted to know why she was in violation. Margaret explained that the property was being rented for less than 30 days and there were e-mails in her own words, which proved this. Ms. Lindsay said that she blocked out the calendar for 30 days, as that was the county requirement. Margaret said that she explained that the county requirement, is to not rent for less than 30 days. She further explained to Ms. Lindsay, that the calendar doesn't really mean anything, even though you block it for 30. Ms. Lindsay said that she would be getting an attorney and Margaret said okay.

On July 2nd, staff received a call from Mr. Hallenback, the original complainant, who stated that people had been coming and going for less than 30 days. He said that there was someone new in the house and that they were staying for 30 days. Margaret said whether or not they did, she does not know but Mr. Hallenback is here to provide testimony. Mr. Hallenback said that he would keep an eye on the property, because no one has stayed for longer than 2 weeks. Margaret said if that's the case, depending on their testimony, staff is recommending an "Order Imposing Fine/Lien," in the amount of \$100.00 per day, starting June 26, 2018, as that was the original date that it was seen in violation; not to exceed \$31,500.00 and a one-time, non-negotiable fine of \$1,000.00 for the repeat violation.

The Chairman asked Russ Brown, Assistant County Attorney, if someone rented for 30 days but only stayed two weeks, we don't require them to stay for four weeks.

Mr. Brown said no, that's correct.

The Chairman said you just can't rent to someone else, for the last two weeks; nobody different within 30 days of another.

Mr. Brown said yes sir, Mr. Chair. He said if its blocked for 30 days; somebody came in for a week, with three weeks remaining, there would have to be evidence that somebody else moved in and paid for the rental in that 3 weeks' time. That is how it would be a violation of the 30 day, hotel/motel definition by which we enforce short-term rentals. So the posting on the website, is potentially a piece of the evidence to present for the violation; it doesn't necessarily prove a violation, it's something you could consider as to whether a violation occurred.

Member Wild asked the intent of the ordinance.

Mr. Brown said that the intent of the ordinance is to enforce the hotel/motel definition of August 15, 2018

less than 30 days of transient individuals and those hotel/motels where zoned, are the zones where we allow hotel/motels.

Ms. Lindsay explained that she just came back to the United States, after 7 years and that her partner, Brian Smith has been managing the house. She said since they received the violation the first time, all of her bookings have been for one month. She said that she's only had 7 bookings since then. She said there are not a lot of people that are coming and going because not many people want to rent a month at a time.

Ms. Lindsay said that she just recently took over the account after her partner had been dealing with it since 2016. She said she is now the property manager and that she is a licensed real estate agent. She said that she went through all the rule and regulations. Ms. Lindsay explained why she took a booking for under 30 days. She explained that it was in the middle of the summer and that the house doesn't pay for itself and also that she felt baited. She said that the person, was apparently her neighbor, trying to fish to see if they could get me to do a contract for under 30 days. She said in order for me to book anything on BRBO, I have to put in specific dates and then she sends the contract that will book for 30 days. She said that her neighbor never got to that process because they didn't book the property; they had no intention of booking my property, basically they were trying to lead me into something that is illegal. Ms. Lindsay said that nothing that has been done, is illegal; I don't even know why I'm standing here. She said that she is completely compliant and that her neighbors are out to get her.

Ms. Lindsay said that if it's an occupancy issue versus a contract issue, then I might be in violation. She said that she found out from a previous case from four years ago, that if you block out 30 days...she said she can't tell a client to stay for 30 days; what if they have an emergency and need to go home? She said I am not in violation and I have not been in violation and I can give you my BRBO bookings, which show 30 days or more. She said as far as people coming and going, my neighbors are violating my tenants' privacy. She said that they're going by my house, taking pictures of cars and taking pictures of them. She said that she should be able to rent the property for 30 days, which it okay with the county and not be harassed about it.

Member Wild asked for her booking dates.

Ms. Lindsay provided the board with a spreadsheet of her bookings.

The Chairman asked if there were other people there to testify.

Margaret said that there are. She said for the record, this is why we encourage people to come in with their defense and also why we're not going by advertising alone.

Mr. Brown gave Ms. Lindsay the case number for Scully Vs. the County of Volusia, so that August 15, 2018

she had the proper information to reference for herself.

Board Attorney, Charles Cino, and Mr. Brown discussed the evidence that had been produced for the case. They agreed that an actual rental had not taken place, but that there was an e-mail chain indicating that there is the possibility, of renting the property for less than 30 days. Mr. Brown said that he wanted to caution the board that...“it is what it is.”

Member Zahn said that if intent turns out to be something wrong, then we're going to have a lot of people in trouble. He said just because there is intent, doesn't mean that anything happened. He said that it appears to him that there is not a violation.

Ms. Lindsay said that she has been very conscientious of the 30 day rule. She said and since the first violation, they have been completely compliant.

The board went over Ms. Lindsay's spreadsheet of bookings.

Gary and Kim Hallenback gave their names and address for the record. They provided testimony as witnesses.

Mr. Hallenback explained that on June 1st out of state vehicles showed up to the house. He said that he didn't pay much attention to it because the calendar said that they were going to be there for the month. He said that they stayed from June 1st through June 7th and left. He said during the time period of the 11th, some people showed up from Missouri. He said that the red flag was up, so he took a picture of their license plates. He said that they stayed until the 24th. Mr. Hallenback said that they were noisy; there was a dog and children running around the pool.

Mr. Hallenback explained that they own a rental property, which they rent yearly. He said they could earn a lot more if they rented short term. He said that the neighborhood is 95% retired people, he explained that the property had been rented short term previously and that it was disruptive to the neighborhood.

Member Wild asked if they could deal with 2018; he asked if they had any other dates like June?

Mr. Hallenback said no. He said in the month of June, they were out of compliance.

Mrs. Hallenback explained that the point of the e-mail was to prove the violation. She said that the only way to prove it, is to go to someone else's house and take pictures. She explained that they don't want to do that.

Mr. Hallenback explained the pictures that they had taken. He explained that other August 15, 2018

neighbors had issues with the property and short term rentals as well.

Ms. Lindsay explained who rented the house in June. She said that someone rented the property for a month and their family joined them. She said as far as the noise of children is concerned, it's not a violation of the noise ordinance. She offered to give the Hallenback's her phone number, in case any of the renters caused a problem with noise. She said that she is more than happy to call her renters.

The board asked Ms. Lindsay for payment information for the month of June.

It was established that the property was only rented to one person for the month of June.

Margaret said for the record, Ms. Lindsay has given me a piece of paper that has an actual printout of the reservations; the check in and the check out. For the month of June, one gentleman rented the property from June 1st to July 1st.

Member Zahn said that he didn't think there was enough evidence to find in violation. Member Wild agreed.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to dismiss the case.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018318-LAROSE BRADLEY J

Sheriff Served

Complaint No. 20180522011

Violation of ORDINANCE: Code OF Ordinance-County Of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations And Declaration Of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: 200 Paradise Dr, Deland 32720

Parcel No. 791503000360

Zoning: R-4

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on June 15, 2018

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Staff received a complaint on May 21, 2018, for tall grass and weeds. He said that he went to the property and left a door hanger. There was no response. The property was posted with the notice of violation on June 15, 2018, as the certified mail was returned. Christopher said that he has received three complaints on the property in the meantime. The property was posted with the notice of hearing, as the certified mail was returned.

Christopher showed the board the pictures of the property. He explained that the grass in August 15, 2018

the backyard is almost as high as the roof. Staff is recommending a finding of non-compliance, with a compliance date of September 20, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of September 20, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36 Article I.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018328-DUNAWAY DEANNA G

Posted

Complaint No. 20180423017

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 293 Adams Rd, Edgewater 32141

Parcel No. 841202020210

Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on April 30, 2018

The respondent was present for the hearing. The respondent gave her name and address for the record. She provided information.

Debbie Zechnowitz, Compliance Officer, presented the case. This case involves an improperly maintained mobile home. The notice of violation was received and signed for, by Deanna Dunaway on April 30, 2018. Debbie said that she has had contact with Ms. Dunaway throughout and she has been attempting to comply. The notice of hearing was posted July 30, 2018. The case at this point, remains in violation. Staff is recommending a finding of non-compliance.

The Chairman asked if the structure is occupied.

Debbie said no.

Ms. Dunaway said that first the property was hit by hurricane Matthew and it took off half the roof. All the property inside the unit was destroyed. She explained that the roof and the flooring was repaired. She said then hurricane Irma came along and took the roof completely off. Ms. Dunaway said that she has tried repeatedly to have the mobile home demolished but she said no one has returned her calls. She said a man from Ameritech Homes who contacted her. He said that he would remove it. She said that she asked him to apply for the permit before the hearing, but his office says that he's out of town.

August 15, 2018

Member Zahn asked if the meter had been pulled.

Ms. Dunaway said that it had not been.

It was decided that staff needed to pull the meter within 10 days.

The respondent was not present for the hearing.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 30, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

XI. Requests for Discussion of Accumulated Fines

CEB2017258-HOOKER ELIZABETH M

Served

Complaint No. 20170620053

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Roof

Property Location: 10 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000670

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Sep 15, 2017

*Order of Non-Compliance issued at the November 15, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

* An Order Imposing Fine/Lien was issued at the February 21, 2018 hearing;

Request to discuss the progress on the property, to stay the accumulating fine/lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The case was originally before the board at the beginning of the year and they have since obtained a demolition permit. The permit was extended but then expired yesterday. The structure is still there and they're requesting to stay the fine because it started on March 22nd.

Margaret said that she had been speaking with the contractor Richard Ruebel. She said that he had told her that he was going to come in and get a demolition permit. Margaret

August 15, 2018

said no one let her know in the meantime, to do an amended order.

Rick Ruebel, contractor, gave his name and address for the record. He said that they knew there was going to be a fine imposed, so they applied for a demolition permit. He said that Ms. Hooker is in the process of doing design work, to build a new house. He said that was with another contractor and when he took over they continued to use the designs from the previous contractor. Mr. Ruebel explained that it wasn't working, so they had to go to another designer. He said that they have been working on design work now, for eight weeks. He said that they're waiting for the bank and then the house will be demolished.

He said that they pulled the demolition permit prior to the fines starting. Mr. Ruebel explained that they didn't call Margaret up and tell her that they obtained a demolition permit. He said that he didn't think there was an issue. He said when the permit expired, he called Margaret to tell her that they were working on plans. Margaret then told him that the fine had already started running. He said now there are fines pending and we haven't completed the design process yet. Mr. Ruebel reiterated to the board their progress.

Mr. Cino discussed with Mr. Nelson whether the permit would have automatically stayed the fine.

Mr. Nelson said that it would not have.

Mr. Ruebel said that he didn't think that there was any notification that the fines are being imposed, every day.

Margaret said that Ms. Hooker signed for all her certified mail. She has all the orders.

Mr. Brown explained the de facto stay process, versus an automatic stay.

Member Zahn asked whether they had the ability to stay the fine.

Mr. Cino said they do have the ability to stay the fine.

The board discussed what they should do, in terms of a motion.

Based on the evidence and testimony provided, Member Zahn **MOVED to STAY the fine as of August 15, 2018 and continue the stay until October 17, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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IX. Requests for Discussion of Fines

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

August 15, 2018

CERTIFICATE

**STATE OF FLORIDA:
COUNTY OF VOLUSIA:**

I, Meghan Lindsey, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on _____, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this _____ day of _____, 2017, in the City of DeLand, County of Volusia, State of Florida.

**Meghan Lindsey
Code Board Clerk**

August 15, 2018