

**BOARD OF BUILDING CODES
REGULAR MEETING
January 16, 2024
MINUTES**

The Regular Meeting of the Board of Building Codes was held on January 16, 2024 at 9:00 a.m. in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members:

Mr. John Bailey, Chair
Ms. Jessica Blodgett
Mr. Paul Culver
Mr. Alan Lootens

Scott Simpson, Board Attorney

Staff Members Present:

Glen Urquhart, Chief Building Official
John Cecil, Demolition and Building Rehabilitation Inspector
Anthony Jackson, Deputy City Attorney
Kim Flaherty, Project Manager

1. **Call to Order**

Mr. Bailey called the meeting to order at 9:00 a.m.

2. **Roll Call**

Roll was called with attendance as noted above.

3. **Introduction of City Staff**

Staff members in attendance were introduced and sworn in to provide testimony.

4. **Approval of Minutes**

A motion was made by Ms. Blodgett, seconded by Mr. Culver, to approve the minutes of the June 20, 2023 Regular Board of Building Codes meeting, as presented. The motion carried (4-0).

5. New Cases

Case A – BP2023-0033 – 537 Dr. Mary M. Bethune Blvd. – Appeal of Notice of Condemnation and Demolition Order

A request by Barbara Jones, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 537 Dr. Mary M. Bethune Blvd (also including 539 and 541 Dr. Mary M. Bethune Blvd.) due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented photos of the subject property. Mr. Cecil stated there had been a fire in the upstairs of the building. Mr. Cecil stated there was a beauty salon on the first floor; and the tenant allowed City staff access to the unit, and the photos indicate the interior of the units. Mr. Cecil stated there were homeless individuals staying in the rear of the building. Mr. Cecil stated a new roof was put on a portion of the structure without a permit and noted the drip edge is new. Mr. Cecil stated the property was boarded prior to Biketoberfest.

Mr. Jackson noted the photos presented were taken on August 1, 2023, and asked Mr. Cecil if he had visited the site since that date.

Mr. Cecil stated new photos were taken on January 4, 2024, which was the date of the posting for today's hearing. Mr. Cecil stated he noted at that time that the new roof had been put on the structure.

Mr. Simpson questioned a report that was included in the packet from LAV Engineering that indicated the building could be salvaged.

Kim Flaherty, Project Manager, stated staff is proceeding with the request to demolish the structure because of the failure of the owner to provide a structural engineering report. Ms. Flaherty stated a report has been requested of the owner and has not been provided. Ms. Flaherty noted a building permit cannot be issued without receiving a report from a structural engineer. Ms. Flaherty stated there is a pending Code Enforcement case on the property.

Glen Urquhart, Chief Building Official, stated staff is waiting for a structural engineer report that would indicate the structural integrity of the floor and roof systems.

Appellant's Comments:

Barbara Jones, property owner, stated she did not believe the request for a structural engineer report was a formal request since she had provided the report from LAV Engineering. Ms. Jones stated the bulk of the building was not damaged by the fire. Ms. Jones stated she is in negotiations with the City of Daytona Beach for the City to purchase

the building; and if a structural engineer's report is required, the City will be responsible for providing that report.

Ms. Flaherty stated she had a meeting with the Redevelopment Director on January 11, 2024, and he indicated he would be discussing negotiations for the property with Ms. Jones. Ms. Flaherty stated she advised the Redevelopment Director that staff is planning to move forward with the condemnation and he indicated he was fine with that. Ms. Flaherty stated the city paying for the structural engineer's report was not mentioned. Ms. Flaherty stated she requests that the Board require Ms. Jones to provide the structural engineer's report within 60 days.

Ms. Jones stated she would like staff to be more specific about what type of report they want since the report she provided indicated the building is structurally sound. Ms. Jones stated the Fire Marshal also indicated the building is structurally sound.

Mr. Urquhart stated if the damage to the building is more than 50% of the assessed value of the structure, the entire building would have to be brought up to Code. Mr. Urquhart stated a structural engineer would be able to evaluate the components of the building that are in place right now.

Mr. Simpson indicated he was concerned about having Ms. Jones be required to obtain the structural engineer's report if she is going to subsequently sell the property to the city who will, in turn, tear it down.

Mr. Jackson stated within 60 days, Ms. Jones should be able to continue negotiations with the city and have a better understanding of the city's intentions.

Board Action:

A motion was made by Mr. Culver, seconded by Ms. Blodgett, to continue Case BP2023-0033 – 537 Dr. Mary M. Bethune Blvd. – Appeal of Notice of Condemnation and Demolition Order for 60 days in order to allow the owner an opportunity to provide the structural engineer report. The motion carried (4-0).

Case B – BP2023-0039 – 530 Cannon Street – Appeal of Notice of Condemnation and Demolition Order

A request by Adiba Shuja, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 530 Cannon Street due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, presented photos to the Board of the subject property. Mr. Cecil stated he received numerous complaints of homeless individuals living inside the structure. Mr. Cecil stated the water was running

from the water heater to the ground and there is standing water underneath the house. Mr. Cecil showed photos of mold on the exterior of the house. Mr. Cecil stated there is no electric to the house but there is a generator being used. Mr. Cecil stated the city has disconnected the water. Mr. Cecil stated there is mold on the ceilings and portions of the ceiling have fallen down. Mr. Cecil stated he visited the property this morning and noted plywood has been placed around the bottom of the house.

Ms. Flaherty stated that staff requests the Board uphold the demolition order since there is a history with the property owner and there are two current Code cases with maximum fines on the property. Ms. Flaherty stated the property taxes have not been paid for years 2021, 2022, and 2023. Ms. Flaherty stated the city also demolished the property at 611 Weber Street which is owned by the same property owner; and there is a lien on that property as well. Ms. Flaherty stated there was also another property which was owned by this individual which was demolished by the City. Ms. Flaherty stated this property owner has a history of not bringing properties into compliance.

Glen Urquhart, Chief Building Official, stated the property would have to have updated electric and water systems and there is a 50% threshold. Mr. Urquhart stated it would be better to demolish this structure.

Appellant's Comments:

Shahbaz Shuja spoke representing the property owner, who is his mother. Mr. Shuja stated this property was leased to the Daytona Beach Housing Authority; and the Housing Authority inspected the property to make sure it was habitable prior to the tenant moving in. Mr. Shuja stated the Housing Authority inspected the house on July 27, 2023 and provided a detailed list of repairs that needed to be made. Mr. Shuja stated he believes there were 8 to 10 people living in the house that did extensive damage. Mr. Shuja stated he has talked with 3 contractors who have outlined the work that needs to be done. Mr. Shuja stated G Henry Electric has applied for a permit for electrical work. Mr. Shuja stated the two porches need to be removed and the steps replaced; but other than that, there are no structural defects to the property. Mr. Shuja asked that the Board give him time to provide the reports from the contractors to the City; and he does not feel the repairs will exceed 50% of the value of the property. Mr. Shuja stated 611 Weber was in excellent condition and there was no need for that property to have been torn down. Ms. Shuja stated his mother told him that 6 different Code Enforcement Officers visited the property; and their only concern was the steps. Mr. Shuja stated his mother applied for the permit to repair the stairs; and within 7 days, the house was demolished.

Mr. Urquhart stated the report Mr. Shuja is referring to is from the Daytona Beach Housing Authority, not the City of Daytona Beach; and Mr. Urquhart stated he does not know the qualifications of their inspectors. Mr. Urquhart stated the porches, windows, electrical, plumbing, and walls all need to be replaced and that is why the City staff has proceeded with the request to demolish the property. Mr. Urquhart stated the Daytona Beach Housing Authority does not represent the City of Daytona Beach and they are not the enforcing authority within the City of Daytona Beach.

Mr. Shuja stated he has estimates from 3 different contractors and all have indicated the work can be done for less than \$20,000.

Mr. Bailey stated he is concerned about the outstanding Code Enforcement liens that total almost \$30,000.

Mr. Shuja stated it is his understanding that the liens have been satisfied.

Mr. Jackson stated the report provided by the Housing Authority indicates routine repairs and does not satisfy the requirements of the Permitting or Code Enforcement divisions. Mr. Jackson stated what has been provided by the Housing Authority does not indicate whether it is a safe and habitable structure.

Mr. Shuja stated the letter states that once the repairs are made, the tenant could remain.

Mr. Jackson stated but that is without authority.

Mr. Urquhart stated regarding the City's history with the owner, the City dealt with the same problems at 611 Weber. Mr. Urquhart stated he realizes this is a different case, but the Board has been provided photos that show the uninhabitable conditions on the inside of this property. Mr. Urquhart stated based on the conditions on the exterior and inside of the structure, including the black mold that was shown on the inside of the ceiling, it is his opinion that the structure should be condemned.

Ms. Flaherty stated the original report was issued in July by the Housing Authority who serve as property managers, and nothing has been done. Ms. Flaherty stated the condemnation order was issued in October; and she has been in contact with the owner several times since then, but nothing has been done. Ms. Flaherty stated the Code liens were verified this morning prior to the meeting.

Mr. Simpson noted the report from the Housing Authority indicated the electrical issue was listed in their report as an emergency repair and was to be repaired within 24 hours. Mr. Simpson stated it is January, and the issue was not taken care of. Mr. Simpson asked if any of the items listed in the report have been completed.

Mr. Shuja stated the breakers were working fine, the clutter was removed from inside the property, and one of the cracked panes in one of the windows was replaced. Mr. Shuja stated he needs 90 days to fix everything.

Mr. Simpson stated there should be milestones put in place if the city agrees to grant Mr. Shuja time, such as securing the property in a specific amount of time.

Mr. Urquhart stated a structural engineer's report would have to be done to determine the integrity of the building. Mr. Urquhart stated staff could meet Mr. Shuja on site and inspect everything and then a time could be established for securing permits. Mr. Urquhart stated

the windows are boarded so Mr. Shuja would have to give staff access to the property. Mr. Urquhart stated he could meet with Mr. Shuja on site this week and then applications for permits could be done within 30 days and repairs would have to be started within another 30 days.

Mr. Shuja stated he agreed and stated he could meet with staff on January 22, 2024.

Mr. Simpson stated a complete inspection of the entire structure will have to be done on January 22, 2024; and by February 21, 2024 all permits will have to be applied for with the City. Mr. Simpson stated by April 22, 2024, all repairs will have to be completed.

Mr. Urquhart stated Ms. Flaherty has received an email from Mr. Shuja indicating that a structural engineer would be obtained on January 18, 2024 and asked if that is true.

Mr. Shuja stated the engineer has changed the date to Tuesday. Mr. Shuja stated he would like to have a meeting with staff and have them look at the property to determine if the property warrants having the structural report done.

Mr. Urquhart stated he would not agree to do that because that would make it his responsibility to say whether the structure is safe or not. Mr. Urquhart stated all debris will have to be removed from the property by Monday. Mr. Urquhart stated if Mr. Shuja does not show up for the meeting on Monday, an asbestos survey will be required and that will take 10 days to receive; and once received, the structure will be torn down.

Mr. Lootens stated he does not want to come back to this meeting in April and address this property. Mr. Lootens asked if the assessment can be made on Monday and a determination made at the February meeting.

Board Action:

A motion was made by Mr. Lootens, seconded by Ms. Blodgett, to uphold staff's decision on BP2023-0039 – 530 Cannon Street – Appeal of Notice of Condemnation and Demolition Order. The motion carried (4-0).

A motion was made by Mr. Lootens, seconded by Ms. Blodgett, to have Mr. Shuja meet with City Staff on Monday, January 22, 2024; all permits submitted by February 21, 2024; all repairs completed to the satisfaction of City staff by April 21, 2024; and if any of those milestones are not met, the City has the authorization to proceed with demolition. The motion carried (3-1, with Mr. Culver voting nay).

6. Review Cases

Case A – BP2022-0007 – 1054 Michael Road – Appeal of Notice of Condemnation and Demolition Order

A request by Shawn Brockington Williams, property owner, to appeal the City of Daytona Beach's Chief Building Official's determination to condemn the structure located at 1054 Michael Road due to unsafe conditions; and the determination that the building must be demolished.

Staff Presentation:

John Cecil, Demolition and Building Rehabilitation Inspector, stated this case was last heard in June, 2023. Mr. Cecil stated there was a fire in the property and there is no electric service to the structure. Mr. Cecil stated the property has been in the same condition since 2022. Mr. Cecil stated he met the homeowner on site after the June, 2023, hearing; and the owner was cleaning the debris from inside the house. Mr. Cecil stated based on the order from June, 2023, the owner was to provide a scope of work and a statement of cost prepared by a State of Florida licensed general contractor, and nothing has been received by staff from the homeowner. Mr. Cecil stated he visited the site this morning, and the house looks exactly the same as it did in the photos that are presented.

Appellant's Comments:

Shawn Williams stated the house has been boarded and the debris has been removed from the interior; and everything that has been asked of her has been done. Ms. Williams stated she provided the report to Ms. Flaherty today.

Mr. Cecil stated staff has not had an opportunity to review what has been provided to Ms. Flaherty today.

Ms. Williams stated the Board was to meet again in August, 2023 but the case was continued until today. Ms. Williams stated the debris has been removed from inside the home, except for one room, and the property has been kept up. Ms. Williams stated she put a tarp on the roof. Ms. Williams stated the property is on a schedule for mowing.

Mr. Bailey stated the order from the June, 2023 meeting states that Ms. Williams was to provide a cost estimate from a State of Florida licensed general contractor and to have an inspection done of the interior by City staff prior to the July, 2023 meeting. Mr. Bailey asked if that had been done.

Mr. Cecil stated the cost for repairs has not been received, nor has he received a scope of work.

Ms. Flaherty stated the property owner requested her email address this morning prior to the meeting and she has not gone to her desk to read the email. Ms. Flaherty stated nothing has been received from Ms. Williams since the June Board meeting and she does not know what Ms. Williams may have emailed to her today. Ms. Flaherty stated the only thing from the list that has occurred is the site visit.

Mr. Bailey asked Ms. Flaherty to check her email.

Ms. Flaherty provided copies of the email received from Ms. Williams this morning to the Board.

Mr. Urquhart stated what has been provided is a proposed scope of work and is not a signed agreement that has been entered into with Ms. Williams. Mr. Urquhart stated if the Board wants to proceed with this, he would like similar time parameters put in place as was done in the case for 530 Cannon. Mr. Urquhart stated he would like a signed agreement received by staff within a week and then whatever parameters the Board may put in place.

Ms. Blodgett asked when the scope of work was completed.

Ms. Williams stated it was started on July 30, 2023 and was sent to her on August 7, 2023.

Ms. Blodgett stated it was not provided to the city until this morning and asked if it had been signed or if a deposit was paid.

Ms. Williams stated no and further stated that she thought she had to turn it in at the meeting.

Mr. Urquhart asked that more definitive times be put in place so that Ms. Williams understands what she needs to do.

Mr. Simpson asked that Ms. Flaherty check to see if the business that completed the paperwork provided by Ms. Williams is a state licensed contractor.

Ms. Flaherty stated she researched the business that is listed on Ms. Williams' proposals. Ms. Flaherty stated the business could remodel but would not be able to do anything structural. Ms. Flaherty stated they would be unable to do the windows. Ms. Flaherty stated the only license she finds for a Mike Ivey who is listed on the proposal is for real estate. Ms. Flaherty stated the business is operating in the City of Daytona Beach at 220 N. Beach Street but they do not have a Business Tax Receipt.

Mr. Urquhart stated Ms. Williams would need to enter into an actual contract with a scope of work prepared by a licensed contractor and have that agreement provided to the city within 30 days. Mr. Urquhart stated the contractor would need to provide Ms. Williams with a cost for doing the roof, windows, and electric; and the remainder of the items could be done at a later date. Mr. Urquhart stated he would like Ms. Williams to have an application for a building permit in place within 30 days and then another 30 days to complete the work.

Mr. Simpson asked if this was the property where an elevation issue was discussed.

Ms. Flaherty stated that would be reviewed as part of the permitting process and she would advise Ms. Williams if there is an elevation issue.

Mr. Urquhart stated he would agree to require Ms. Williams 30 days to hire a licensed contractor; another 30 days to have building permits issued; and an additional 90 days to have all of the work completed.

Mr. Bailey stated the recommendation is to have Ms. Williams secure signed agreements by February 20, 2024, all permits applied for by March 21, 2024; and all work completed by June 21, 2024. Mr. Bailey stated if those dates are not met, the condemnation order will be upheld.

Board Action:

A motion was made by Mr. Lootens, seconded by Ms. Blodgett, to uphold the condemnation order for BP2022-0007 – 1054 Michael Road – Appeal of Notice of Condemnation and Demolition Order. The motion carried (4-0).

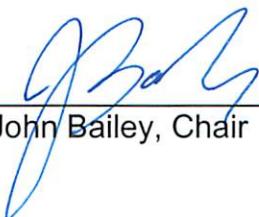
A motion was made by Ms. Blodgett, seconded by Mr. Culver, to require the owner to provide a signed agreement with a licensed contractor to the city by February 20, 2024; all permits applied for by March 21, 2024; and all work completed by June 21, 2024. The motion carried (4-0).

7. **New Business**

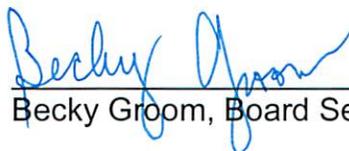
There was no new business.

8. **Adjournment**

There being no further business, the meeting was adjourned at 11:13 a.m.



John Bailey, Chair



Becky Groom, Board Secretary