

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JANUARY 10, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Deborah Pearson, Code Compliance Manager
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Michelle Cusella, Sr. Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

There were no members of the public present; therefore, Special Magistrate Fuller dispensed with the overview of the process.

Consideration of Minutes

Special Magistrate Fuller approved the December 13, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Dena Joseph, Amanda Bonin and Code Compliance Manager Deborah Pearson were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-904

Respondent: Thomas E Caldwell

Address of Violation: 4225 New Haven Court, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 11/17/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 9 Environmental Protection, Article 2 Tree Preservation, Section 10: Permit requirements for tree removal.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

4. CEB Case No.: 17-1527

Respondent: Deborah E Ellison

Address of Violation: 37 Woodlake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/17/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally duty of owner (d) (f)

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before October 27, 2017 by mowing the property and trimming all high weeds and grass, edging the sidewalk, as well as all debris cleaned up. A re-inspection conducted on November 2, 2017 and January 8, 2018 found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 17, 2018. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Bonin requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by January 17, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$41.04 will be ordered, as well.

5. CEB Case No.: 17-1722

Respondent: Whitepalm PT Bay LLC & Whitepalm AR SC LLC & Whitepalm Beaty AR LLC

Address of Violation: 5400 S Williamson Blvd., Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) General Provisions, (4) Design and maintenance, (b)

Ms. Bonin requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

6. CEB Case No.: 16-1780

Respondent: Kristina Marie Lowery

Address of Violation: 5310 Ridgewood Ave., Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 11/10/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Ch. 3 Article II, Section 8 (d)

Florida Building Code 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 8 Building and Fire Codes, Article I, Section 1(b)

Ms. Bonin requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

7. CEB Case No.: 17-739

Respondent: Kazma Capital Properties LLC

C/O Mounir S. Kazma

Address of Violation: 6022 Dalford Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/17/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally duty of owner (d)

Ms. Bonin requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

8. CEB Case No.: 17-1132

Respondent: Deborah T Kiernan Correia

Address of Violation: 51 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - Chapter 42, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

Chapter 42, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange

Chapter 42, Article II (Garbage, Junk and Undergrowth) Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas) 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations), Section 3 (fences and walls), (b) General Provisions (4) Design and Maintenance, (b) and (d) of the City of Port Orange Land Development Code.

Ms. Bonin requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

C. ORDER IMPOSING FINE/LIEN- There were none.

D. PUBLIC COMMENTS- There were none.

E. ADJOURNMENT- 9:10 a.m.


Special Magistrate Fuller