

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JANUARY 24, 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
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Michelle Cusella, Sr. Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Code Enforcement Process to the members in the audience.

Consideration of Minutes

Special Magistrate Fuller approved the January 10, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Dena Joseph, Amanda Bonin, and Dennis Boehmer were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1999
Respondent: Mark A & Suzanne A Belyus
Address of Violation: 5807 Clover Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 12/20/2017

Compliance: Yes

Cited for violation(s) - Florida Building Code - Building, 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code

Scott Allman, 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.: 17-1837

Respondent: Patricia A. Hill

Address of Violation: 466 Oxford Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 12/18/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally - Duty of Owner (d) Maintenance of improved residential lots.

Mr. Allman 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 January 5, 2018 by mowing the property and trimming all high weeds and grass, as well as all debris cleaned up. A re-inspection conducted on January 10, 2018 found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before February 2, 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. Mr. Allman 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 February 2, 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.: 17-1772

Respondent: Thomas W. Jones

Address of Violation: 705 Herbert Street, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 12/18/2017

Compliance: No

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

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26

(Maintenance of property generally-duty of owner),(f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and 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 December 31, 2017 by mowing the entire property of high weeds/grass; removing all trash and debris, and storing all outside items on the property in an enclosed building. A re-inspection conducted on January 17, 2018 and January 23, 2018 found the property remains in non-compliance.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before February 5, 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. Mr. Boehmer 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 February 5, 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.

6. CEB Case No.: 17-1524

Respondent: Maxine E. Back-Heffron

Address of Violation: 128 Niver Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/21/2017

Compliance: No

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

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

Dena Joseph, 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.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 17-1721

Respondent: Springwood Square Joint Ventures

Address of Violation: Springwood Square Common Ground, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified:

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), 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 (Nuisances), 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 Code of Ordinances

Ms. Joseph requested a continuance of the case to February 28, 2018. Motion to continue was granted by Special Magistrate Fuller.

8. CEB Case No.: 17-1471

Respondent: Rogelia & Olga Roig

Address of Violation: 211 Oak Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified:

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), 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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before January 3, 2018 as ordered in the previous hearing on December 13, 2017 by the Special Magistrate. A re-inspection was conducted on January 4, 2018 which resulted in non-compliance of the order. The cost sheet for mailing and recording costs in the amount of \$113.12 was tendered and submitted into evidence without objection. Property was abated on January 9, 2018 by Mark Solomon Properties and the vendor cost was \$200.00. A fine in the amount of \$250.00 per day began on January 4, 2018 and ran through January 8, 2018 with a total cost of \$1,250.00.

Special Magistrate Fuller found the property in non-compliance and awarded the fine of \$250.00 per day be imposed beginning January 4, 2018 and running through January 8, 2018 and also awarded the total cost of mailing and recording to date of \$113.12 as well as the vendor cost of \$200.00 for a total of \$1563.12.

9. CEB Case No.: 17-1671

Respondent: Marguerite Sanders & Dean Maxwell
Address of Violation: 5589 Ridgewood Ave., Port Orange, FL 32127
Code Officer: Deborah Pearson
First Notified: 11/02/2017

Compliance: Yes

Cited for violation(s) - Chapter 13, Section 3.5 Opaque fence or wall requirements (a) of the City of Port Orange Land Development Code.

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.

10. CEB Case No.: 17-1554
Respondent: Bhoola Investments
Address of Violation: Hidden Lake Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified:

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)

Ms. Bonin requested a continuance of the case to February 28, 2018. Motion to continue was granted by Special Magistrate Fuller.

11. CEB Case No.: 17-1273
Respondent: Salih and Forteunh F. Attalla
Address of Violation: 5556 S. Lancewood Circle, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 11/09/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property general-Duty of owner (d) Maintenance of improved residential lots.

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

Mr. Allman 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.

12. CEB Case No.: 17-426
Respondent: Robert W. Blohm ET AL and Denise M. Ohle

Address of Violation: 5201 Wood St., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified:

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances
304.6 Exterior Walls.

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

Chapter 42, Article V, Division 3. – Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

Mr. Allman requested a continuance of the case to February 28, 2018. Motion to continue was granted by Special Magistrate Fuller.

D. PUBLIC COMMENTS- There were none.

E. ADJOURNMENT- 9:30 a.m.


Special Magistrate Fuller