

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 14, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: 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 January 24, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Amanda Bonin were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1272

Respondent: Sylvia Finkell

Address of Violation: 717 Palm Circle Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/12/2018

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.

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.

Dena Joseph, 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 January 21, 2018 by mowing the entire property to include weed eating, edging, and trimming all high weeds, removing all fallen limbs, and cutting back undergrowth, removing all outside storage on the property, and removing any trash and debris on site. A re-inspection conducted on February 9, 2018 found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before February 23, 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. Joseph 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 \$41.28 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 23, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$41.28 will be ordered, as well.

4. CEB Case No.: 17-887

Respondent: Matilde Kortbus

Address of Violation: 1231 Thomas Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/12/2018

Compliance: No

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

Amanda Bonin, 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 January 19, 2018 by removing dilapidated fence section and posts. A re-inspection conducted on January 22, 2018 and February 12, 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 February 23, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. 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 \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented except declined to declare it a health and safety violation. The property owner has until February 23, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$100.00 per day will be imposed. The property owner shall notify the code officer for re-inspection. The costs to date of \$34.14 will be ordered, as well.

C. ORDER IMPOSING FINE/LIEN

5. 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 requested an Order Setting Fine/Lien as the property was not in compliance on or before January 17, 2018 as ordered in the previous hearing on January 10, 2017 by the Special Magistrate. The cost sheet for mailing and recording costs in the amount of \$92.18 was tendered and submitted into evidence without objection. Property was abated on January 29, 2018 by Mark Solomon Properties and the vendor cost was \$250.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.18 as well as the vendor cost of \$250.00 for a total of \$342.18.

D. PUBLIC COMMENTS- There were none.

E. ADJOURNMENT- 9:29 a.m.


Special Magistrate Fuller