

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MEETING MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
FEBRUARY 28, 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: Amanda Bonin, Code Compliance Inspector  
Scott Allman, Code Compliance Inspector  
Dennis Boehmer, Code Compliance Inspector  
Dena Joseph, 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 February 14, 2018 meeting minutes as presented.

Oaths

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

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

**3. CEB Case No.:** 17-1343

**Respondent:** James Standfast

**Address of Violation:** 1120 Kane Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 01/17/2018

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 (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-32 - Storage of vehicles, furniture, etc.

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) and (d)

*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 February 16, 2018 by removing all garbage, trash, junk, and debris from the property, as well as storing all outside storage in an enclosed building. All outside storage on the property must be removed or placed inside an enclosed building. The fence is required to be maintained in its original and upright condition. All broken fence panels and pickets need to be repaired/replaced if broken beyond repair. A re-inspection conducted on February 16, 2018 found the property remains in non-compliance.*

*Paul Krinjack, on behalf of a neighbor, was sworn in by Special Magistrate Fuller and stated these violations have been going on for years and would just like to see the owner clean everything up once and for all.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 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 \$200.00 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 and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement and the costs will be added to any lien that is ultimately imposed on the property. The property owner has until March 23, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$200.00 per day will be imposed. The costs to date of \$34.14 will be ordered, as well.*

**4. CEB Case No.: 17-1345**

**Respondent:** James Standfast

**Address of Violation:** 1114 Morgan Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 01/17/2018

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 (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-32 - Storage of vehicles, furniture, etc.

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) and (d)

*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 February 15, 2018 by removing all garbage, trash, junk, and debris from the property, as well as storing all outside storage in an enclosed building. All outside storage on the property must be removed or placed inside an enclosed building. The fence is required to be maintained in its original and upright condition. All broken fence panels and pickets need to be repaired/replaced if broken beyond repair. A re-inspection conducted on February 16, 2018 found the property remains in non-compliance.*

*Mr. Krinjack, on behalf of a neighbor, stated the cars on the property never move, and the property is just becoming a junkyard and the pool is green and filthy.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 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 \$200.00 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 and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement and the costs will be added to any lien that is ultimately imposed on the property. The property owner has until March 23, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$200.00 per day will be imposed. The costs to date of \$34.14 will be ordered, as well.*

**5. CEB Case No.: 18-108**

**Respondent:** Teresa Roddy

**Address of Violation:** 1225 Thomasina Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 01/25/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General provisions (4) Design and maintenance (b) All fences shall be maintained in their original upright condition. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality. (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Florida Building Code Chapter 1, Section 105 Permits 105.1 Required

*Ms. Bonin requested a continuance of this case to April 11, 2018. Motion to continue was granted by Special Magistrate Fuller.*

**6. CEB Case No.:** 18-9

**Respondent:** Patsy Buechner

**Address of Violation:** 5231 Orange Ave., Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 01/11/2018

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 (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 - Storage of vehicles, furniture, etc.

Chapter 5, Section 505 Water System of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 505.1 General.

Chapter 6, Section 601 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 601.2 Responsibility.

*Scott Allman, 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 31, 2018 by removing all garbage and debris from the property, by properly storing all items on the porch and front yard, by reconnecting to the City's water service and by reconnecting to FPL electrical service. A re-inspection conducted on February 15, 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 March 28, 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 \$25.00 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. 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. The property owner has until March 28, 2018 to bring the property into compliance as to all violations cited or a daily fine in the*

*amount of \$25.00 per day will be imposed for only the violations pertaining to garbage, waste and debris and properly storing all outside storage. The costs to date of \$34.14 will be ordered, as well.*

**7. CEB Case No.:** 18-10

**Respondent:** Steve and Tammy Luke

**Address of Violation:** 5438 Rogers Ave., Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 01/11/2018

Compliance: Yes

**Cited for violation(s)** - Chapter 18 (Businesses), Article II - Local Business Tax, Section 18-27 - Business Tax Imposed of the City of Port Orange Code of Ordinances.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (f) Garbage, waste, trash, etc., prohibited.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 - Storage of vehicles, furniture, etc.

*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.*

**8. CEB Case No.:** 17-731

**Respondent:** Kimberly T. Mac Withey

**Address of Violation:** 5290 Christiancy Ave., Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 01/25/2018

Compliance: No

**Cited for violation(s)** - Chapter 3, 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 3, Section 304 (Exterior Structure), 304.13.1 (Glazing) 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, 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.

*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 February 26, 2018 by repairing or replacing the damaged roof, repairing or replacing all broken windows and by repairing or removing the damaged*

*shed on the property. A re-inspection conducted on February 27, 2018 found the property remains in partial compliance.*

*Steve Mac Withey, property owners husband, was sworn in by Special Magistrate Fuller and stated he has a tenant living at this property who was supposed to be fixing the violations in leu of paying rent. He believes a month should be enough time to comply with the notice of violations.*

*Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 28, 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. 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. The property owner has until March 28, 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 costs to date of \$41.28 will be ordered, as well.*

**9. CEB Case No.:** 17-1488

**Respondent:** Joanne D. Parcell

**Address of Violation:** 55 Golden Gate Circle, Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 01/25/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-32 - Storage of vehicles, furniture, etc.

*Dennis Boehmer, 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.:** 17-0673

**Respondent:** Kevin Kegley

**Address of Violation:** 980 Canalview Blvd. Unit D-3, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 01/24/2018

Compliance: No

**Cited for violation(s)** - 2017 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

*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 February 5, 2018 by obtaining a permit from the City of Port Orange for the air conditioning unit that was installed without the proper permit. A re-inspection conducted on February 21, 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 March 15, 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. 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. The property owner has until March 15, 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 \$41.28 will be ordered, as well.*

### **C. ORDER IMPOSING FINE/LIEN**

**11. 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:** 11/10/2017

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 this case to April 11, 2018. Motion to continue was granted by Special Magistrate Fuller.*

**12. 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 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.*

**13. CEB Case No.: 17-1554**

**Respondent:** Bhoola Investments

**Address of Violation:** Hidden Lake Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 11/06/2017

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)

*Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before December 21, 2017 as ordered in the previous hearing on December 13, 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 February 12, 2018 by Mark Solomon Properties and the vendor cost was \$200.00.*

*Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.18, the vendor cost of \$200.00, as well as the daily fine of \$100.00 per day running from December 22, 2017 through February 11, 2018 for a total of \$5,392.18.*

**14. 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.

*Mr. Boehmer 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.*

**15. 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:** 11/09/2017

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 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. 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 by Down to Earth Trucking Inc. and the vendor cost was \$1,200.00.*

*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 \$1,200.00 for a total of \$1,292.18.*

**D. PUBLIC COMMENTS**- There were none.

**E. ADJOURNMENT**- 10:41 a.m.

  
Special Magistrate Fuller