

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

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:04 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector  
Debbie Pearson, Code Enforcement Manager  
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview to the members of the public in attendance.

Consideration of Minutes

Special Magistrate Fuller approved the February 28, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Code Enforcement Manager Debbie Pearson were sworn in by Special Magistrate Fuller.

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

3. **CEB Case No.:** 17-1642

**Respondent:** Valerie Potter

**Address of Violation:** 176 Iron Gate Circle, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 04/10/2017

Compliance: No

**Cited for violation(s)** - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

*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 (Exhibit 1) and evidence were submitted and accepted by Special Magistrate Fuller with*

*no objections. The violation was to be corrected on or before March 9, 2018 by repairing all doors and windows to ensure they are operable and secured, replacing the flooring, removing or replacing the screen porch that has been torn apart from the foundation, and securing the home. The property owner may also demolish the home. Building permits and structural certification will be required for repairs. A demolition permit is required for demolition. A re-inspection conducted on February 2, 2018 found the property remains in non-compliance.*

*Al Tischler, Interim Building Official, was sworn in by Special Magistrate Fuller, testified as to the condition of the property. He stated it is uninhabitable. Mr. Tischler's affidavit was presented and accepted into evidence as Exhibit 2.*

*Joseph Morello, 175 Iron Gate Circle, testified as to the occupancy of the house. It has been 12 years since anyone has lived there. This property is across the street from the middle school and students would enter the home before it was boarded up by the City. There has been flooding at the home causing the floors to fall through, and no repairs have been done.*

*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 29, 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 \$250.00 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 be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The cost sheet (Exhibit 3) in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Special Magistrate Fuller found the property owner was properly served and 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 March 29, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The City shall have the option to abate the violation as this is a health, safety, and wellness violation (abatement to include demolition of the property if the City deems fit.) A daily fine of \$250.00 per day is granted should the property remain in violation passed the compliance date.*

**4. CEB Case No.: 18-100**

**Respondent:** Adam Haller

**Address of Violation:** 1139 Kane Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

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

Compliance: No

**Cited for violation(s)** - Chapter 70 Section 70-48 - Parking of Recreational vehicles and equipment on residential premises, of the City of Port Orange Code of Ordinances.

*Ms. Bonin requested dismissal of this case as it is in compliance with the notice provided to the property owner. Special Magistrate Fuller granted the dismissal request.*

**5. CEB Case No.:** 17-936  
**Respondent:** Gregory M. Soto  
**Address of Violation:** 1223 Jeffery Drive, Port Orange, FL 32129  
**Code Officer:** Amanda Bonin  
**First Notified:** 06/26/2017

Compliance: No

**Cited for violation(s)** - Chapter 3, Section 304 Exterior Structure, 304-1 General, 304.1.1 Unsafe Conditions, 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.

*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 29, 2018 by repairing or replacing the damaged roof. Re-inspections conducted on July 31, 2017 and March 14, 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 March 29, 2018. A fine is not being recommended as the owner is believed to be deceased and a foreclosure action has been filed. The 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 29, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. The costs to date of \$41.28 will be ordered as well.*

**6. CEB Case No.:** 17-1397  
**Respondent:** Rose C. & Lilly H. Ogden  
**Address of Violation:** 43 Springwood Sq., Port Orange, FL 32129  
**Code Officer:** Dennis Boehmer  
**First Notified:** 09/21/2017

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.

*Ms. Bonin o/b/o Dennis Boehmer 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 March 5, 2018 by having a deck/balcony installed by a licensed contractor with the proper permit. A re-inspection conducted on January 2, 2018 found the property remains in non-compliance.*

*Steve Moltane, Brinkerhoff Property Management, was sworn in by Special Magistrate Fuller and testified as to the issues finding a contractor to replace the damaged deck/balcony that was removed. He testified that the doors leading out to the deck/balcony have been secured so no one exits the home. He has received the funding from the owner to replace the deck/balcony. He asked for additional time to obtain a contractor. The property is tenant occupied. He asked for eight (8) weeks to replace the deck/balcony.*

*Debbie Pearson, Code Compliance Manager, was sworn in and testified as to the condition of the property being this way since at least November 2017. She is concerned that he does not have a contractor under contract to replace the deck/balcony. Mr. Moltane advised that he is on a call back list for a few contractors. He hasn't been able to get any to commit.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected (full deck/balcony installed) on or before May 13, 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 \$250.00 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 \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Special Magistrate Fuller granted the recommendations as presented but did not declare it a health, safety, and wellness concern for the surrounding neighbors. Costs in the amount of \$55.56 will be ordered as well.*

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

**D. ADJOURNMENT** - 10:05 a.m.

  
Special Magistrate Fuller