

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MARCH 28, 2017

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
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Dennis Boehmer, 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 March 14, 2018 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1939
Respondent: Rita Lombardi
Address of Violation: 807 Kokomo Circle, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 02/20/2018

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 (a) and (b)

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 28, 2018 by repairing or replacing the damaged fence after obtaining a permit. Re-inspection conducted on March 7,

2018 found the property remains in non-compliance. A stop work order was issued on March 7, 2018 due to the fence replacement being done without a permit.

Scott Philbirck, roommate of the owner, was sworn in and testified as to the repairs and asked for lenience regarding the work without a permit penalty of \$500.00. He does not believe he replaced the fence but merely repaired it.

Ms. Bonin explained the City's Resolution regarding the work without a permit fines being charged. A waiver of the penalty for working without a permit would have to come from the City Council.

Special Magistrate Fuller asked how much of the fence was replaced based on the length of the fence. Mr. Philbirck testified that he replaced all of the fence slats except 5-6 slats and two posts.

Ms. Bonin recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before April 12, 2018. 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 \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller found the homeowner in non-compliance as the fence was replaced without a permit (not repaired). He did not impose any additional fines unless the permit is not completed and the remaining fence piece turned around as discussed. The Compliance Date is April 12, 2018. The costs to date of \$34.14 will be ordered as well.

4. CEB Case No.: 18-120

Respondent: Charlotte F. Lunsford

Address of Violation: 1405 Breaks Way, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/20/2018

Compliance: No

Cited for violation(s) - 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;

Chapter 70 (Traffic), Article II (Stopping, standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1)(a), (b) and (2) of the City of Port Orange Code of Ordinances; and

Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and 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.:** 17-1260

Respondent: Joseph F. & Lisa Vallario

Address of Violation: 204 Avon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/09/2018

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (e) Maintenance of Unimproved residential lots and (h) Abutting property owner maintenance of parkages 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 March 8, 2018 by mowing the right of way, a ten-foot perimeter around the property and removing any fallen trees and limbs in the area. Re-inspections conducted on March 27, 2018 found the property remains in non-compliance.

Debbie Pearson, Code Compliance Manager, was sworn in and testified as to the Code being cited.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before April 11, 2018 by mowing the property to meet code, or a fine in the amount of \$100.00 per day be imposed for every day the violation continues. 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. He requested the property be found a health, safety, and wellness concern. 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 found the property in violation of Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26(e) Maintenance of unimproved residential lots only. He also found the property a health, safety, and wellness concern because the violation is within the City's right of way/parkage. A \$100.00 daily fine shall be imposed should the property not be in compliance by April 11, 2018 and shall notify the code officer for re-inspection. The costs to date of \$55.56 will be ordered as well.

6. **CEB Case No.:** 17-1330

Respondent: Jacques J. & Susan Lynn Rippe

Address of Violation: 120 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 02/08/2018

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 (d) maintenance of improved

residential lots, (f) Garbage, waste, trash, etc. prohibited, and (h) Abutting property owner maintenance of parkages; and Section 42-32 - Storage of vehicles, furniture, etc.

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 March 7, 2018 by mowing/weed eating the entire property of all high weeds/grass to include along the sidewalk, around all shrubs, trees, and the home; removing all stored items currently on the carport (gas cans, hose, lawnmower, red cooler, lawn equipment, broom, dust pan, spare tire, and oil container) to an enclosed area or behind a fence; picking up all trash and debris to include the driveway, carport, and parkage, along with the tree limb debris lying in the yard; and storing all garbage cans and recycle bins neatly on the side of the property. Re-inspection conducted on March 27, 2018 found the property remains in non-compliance; however, the property owners have made some efforts to clean the property.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before April 8, 2018 or a fine in the amount of \$50.00 per day be assessed for each day the violations continues. 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. He requested the property be found a health, safety, and wellness concern. The cost sheet in the amount of \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Jacques Rippe, homeowner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property based on the hurricane. He believes Mr. Boehmer is harassing him and holding him to a higher standard than the rest of the neighborhood. He does not believe it is a health, safety, and wellness concern.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property in the past. This is not the first violation on this property.

Special Magistrate Fuller granted the recommendations as presented as the property was not in compliance on March 9, 2018. It was not found to be a health, safety, and wellness violation. The property owner has until April 8, 2018 to bring the property into full compliance as to all violations cited and shall notify the code officer for re-inspection. The daily fine was not awarded. The costs to date of \$55.56 will be ordered as well.

C. ORDER IMPOSING FINE/LIEN

7. 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: 02/14/2018

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before February 23, 2018 as ordered in the previous hearing on February 14, 2018 by the Special Magistrate. The cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. After inspection on February 26, 2018, the property remained in noncompliance and the property was abated by Mark Solomon Properties and the vendor cost was \$500.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.42 and the vendor cost of \$500.00 for a total of \$592.42 due to the City.

8. **CEB Case No.:** 17-887
Respondent: Matilde Kortbus
Address of Violation: 1231 Thomas Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 06/28/2017

Compliance: Yes

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

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.

D. PUBLIC COMMENTS – There were none.

E. ADJOURNMENT – 10:25 a.m.


Special Magistrate Fuller