

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 10, 2019

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
Dena Joseph, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the March 13, 2019 meeting minutes as presented.

Oaths

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

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a change in the agenda order as there are members of the public in attendance for one of the cases. Special Magistrate Fuller granted the request.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 19-83

Respondent: Regional Properties, Inc., Property Owner
C/O Zachary Wray, Registered Agent

Address of Violation: 5953 Broken Bow Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/14/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 18 (Business), Article II (Local Business Tax), Section 18-27 (Business Tax Imposed): There is hereby imposed upon each and every business, profession and occupation having an effective place of business within the city business tax according to the schedule of taxes contained in this article.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. CEB Case No.: 19-0333

Respondent: Springwood Square Joint Ventures

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

Code Officer: Dennis Boehmer

First Notified: 3/6/2019

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. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating, edging, blowing, etc. and removing all fallen limbs on site.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected immediately by mowing the entire property to include weed eating, edging, blowing, etc. and removing all fallen limbs on site. The property had previously been declared a health and safety concern and the City requests to abate the violations due to the repeat nature of this case. 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 any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety concern, allowing for the City to abate the violations immediately. Costs in the amount of \$41.60 were awarded to the City.

5. CEB Case No.: 18-1569

Respondent: Lowe's Home Centers, LLC

C/O Corporation Service Company RA

Address of Violation: 1751 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 9/21/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards: Sec. 14-314. - Landscaping and buffers - Maintenance criteria.

Sec. 14-315.- Same - Replacement criteria.

Sec. 14-317.- Parking, sidewalk and driveway areas.

Sec. 14-318.- Other property improvements; maintenance criteria.

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. Bonin requested the case be continued to the May 8, 2019 hearing to allow for the MDA and CDP amendments application submittal. Special Magistrate Fuller approved the request.

6. **CEB Case No.:** 18-1662

Respondent: Thomas S. Wintink

Address of Violation: 1391 N. Dexter Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/11/2018

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (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.

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by March 14, 2019 by mowing, trimming, and edging all high weeds and grass, removing all outside storage, and either remove, repair, or replace the fence.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before April 24, 2019 by mowing, trimming, and edging all high weeds and grass, removing all outside storage, and either remove, repair, or replace the fence. 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 in the amount of \$150.00 per day shall 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 any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety concern. The property owner has until April 24, 2019 to mow, trim, and edge all high weeds and grass, remove all outside storage, and either remove, repair, or replace the fence or a daily fine in the amount of \$150.00 per day shall be imposed. Costs in the amount of \$41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 18-1817

Respondent: Deborah R. Ellison

Address of Violation: 37 Woodlake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/19/2018

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.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before March 7, 2019 as ordered in the previous hearing on February 27, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on March 8, 2019. The City retained vendor Yellowstone, who abated the violation on March 8, 2019 prior to the fine starting, at the cost of \$82.76. A cost sheet for mailing and recording costs in the amount of \$92.58 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$82.76 in abatement costs and mailing and recording costs to date of \$92.58. A lien is imposed on the property in the amount of \$175.34.

8. CEB Case No.: 17-1643

Respondent: Claudia Calderera

Address of Violation: 338 Windsor Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/30/2017

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated

by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before March 11, 2019 as ordered in the previous hearing on February 27, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on March 12, 2019 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$85.44 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance as the property owner did not remove the ramp or obtain a permit and awarded \$100.00 in daily fines beginning on March 12, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$85.44.

9. **CEB Case No.:** 19-0073

Respondent: Mark E. Davison

Address of Violation: 310 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/14/2019

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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance on or before March 10, 2019 as ordered in the previous hearing on February 27, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$500.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on March 11, 2019 and running through and including April 1, 2019 for a total of 21 days. The City retained vendor Mark Solomon, who abated the violation at the cost of \$100.00. A cost sheet for mailing and recording costs in the amount of \$92.58 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$500.00 in daily fines beginning on March 11, 2019 and running through and including April 1, 2019 for a total of \$10,500.00 and \$100.00 in abatement costs and mailing and recording costs to date of \$92.58. a lien is hereby imposed on the property in the amount of \$10,692.58

10. **CEB Case No.:** 19-0074

Respondent: Mark E. Davison & Cecelia K. Davison

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/14/2019

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 March 10, 2019 as ordered in the previous hearing on February 27, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$500.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on March 11, 2019 and running through and including April 1, 2019 for a total of 21 days. The City retained vendor Mark Solomon, who abated the violation at the cost of \$100.00. A cost sheet for mailing and recording costs in the amount of \$114.16 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$500.00 in daily fines beginning on March 11, 2019 and running through and including April 1, 2019 for a total of \$10,500.00 and \$100.00 in abatement costs and mailing and recording costs to date of \$114.16. A lien is hereby imposed on the property in the amount of \$10,714.16

D. ADJOURNMENT – 9:37am


Special Magistrate Fuller