

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 11, 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
Debbie Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview as there were no members of the public in attendance.

Consideration of Minutes

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

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-310
Respondent: Stacey L. Algieri
Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 03/05/2018

Compliance: No

Cited for violation(s) - Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (d) maintenance of improved residential lots, and (f) garbage, waste, trash, etc. prohibited; Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and

Scott Allman, Code Compliance Inspection, 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 1-10) were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 5, 2018 by mowing the property and trimming all high weeds, by removing all garbage and debris from the property, and by

removing or properly storing all items from the yard. Reinspection was conducted on April 10, 2018 and found the property remains in non-compliance although some of the property was mowed and some items were removed.

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 25, 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. Mr. Allman requested the property 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. The property owner has until April 25, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. The property was found to be a health, safety, and wellness violation as to the debris in the yard which could be a safety violation during inclement weather. The costs to date of \$34.14 will be ordered as well.

4. CEB Case No.: 17-1416

Respondent: Barbara Cates

Address of Violation: 1205 Vagabond Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/09/2018

Compliance: Yes

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-26 (d) Maintenance of improved residential lots, (f) garbage, waste, trash, etc., and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

Mr. Allman 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.: 18-327

Respondent: Catherine M. Thomas

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/07/2018

Compliance: Yes

Cited for violation(s) - Chapter 42, Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved

residential lots) and (f) Garbage waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Allman 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.

6. CEB Case No.: 18-0273

Respondent: EGOL INVESTMENTS LLC

Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 03/09/2018

Compliance: Yes

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, (f) garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances,

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows (1) Residential Uses (b) of the City of Port Orange Land Development Code; and

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.

Dennis Boehmer, 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.

ORDER IMPOSING FINE/LIEN

7. 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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and on behalf of Dena Joseph, Code Compliance Inspector, requested a dismissal of this case as it is in compliance with the notice provided to the property owner. Special Magistrate Fuller granted the dismissal request.

8. 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 was sworn in by Special Magistrate Fuller and requested a continuance until May 9, 2018. Special Magistrate Fuller granted the continuance as requested.

9. 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: Yes

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 requested dismissal of this case as it is in compliance with the Special Magistrate's Order. Special Magistrate Fuller granted the dismissal request.

10. 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: Yes

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 requested dismissal of this case as it is in compliance with the Special Magistrate's Order. Special Magistrate Fuller granted the dismissal request.

11. 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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before March 28, 2018 as ordered in the previous hearing on February 28, 2018 by the Special Magistrate. A reinspection was conducted on April 4, 2018 and showed the property remained in non-compliance. The cost sheet for mailing and recording costs in the amount of \$85.28 was tendered and submitted into evidence without objection. Evidence as to the non-compliance regarding the utilities connection was provided. Mr. Allman recommended a fine in the amount of \$25.00 per day be assessed beginning March 29, 2018 until the property is in compliance.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$85.28. He imposed a daily fine of \$25.00 per day beginning March 29, 2018 until it is brought into compliance.

12. CEB Case No.: 17-426
Respondent: Robert W. Blohm 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 as he is working with the bank to bring the property into compliance. Special Magistrate Fuller granted the continuance until June 13, 2018.

13. 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: Yes

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 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.

PUBLIC COMMENTS – There were none.

ADJOURNMENT – 9:32 a.m.



Special Magistrate Fuller