

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 25, 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: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Deborah Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Special Magistrate Code Enforcement Process.

Consideration of Minutes

Special Magistrate Fuller approved the April 11, 2018 meeting minutes as presented.

Oaths

Property owner, Debbie Potter, Code Compliance Inspectors Dena Joseph, Scott Allman, Amanda Bonin, and Code Enforcement Manager Deborah Pearson were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 18-103

Respondent: William K. & Balbina A. McDaniels

Address of Violation: 1218 Jeffery Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 03/20/2018

Compliance: No

Cited for violation(s) - Chapter 9, Article II, Section 10(a) of the City of Port Orange Land Development Code; City of Port Orange Code of Ordinance Chapter 4, Section 42.26 (d) Maintenance of improved residential lots, and (f) Garbage, waste, trash, etc. prohibited.

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 were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 3, 2018 by removing all tree debris from the property and applying for and receiving a tree removal permit. Re-inspection was conducted on April 24, 2018 and 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 May 10, 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. 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 in the amount of \$53.68 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as to the debris that remains on the property. The property owner has until May 10, 2018 to bring the property into compliance and shall notify the code officer for re-inspection or a \$100.00 daily fine will be assessed. The property was found to be a health, safety, and wellness violation. The costs to date of \$53.68 will be ordered as well.

4. CEB Case No.: 18-173

Respondent: Constance J. Potter & Debbie S. Potter

Address of Violation: 910 Cobblestone Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 03/20/2018

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures & Equipment; Chapter 1, Section 109 Emergency Measures; Chapter 3, Section 304 Exterior Structure, Section 304.1 General; Section 304.1.1 Unsafe Conditions; Section 304.3 Premises Identification; Section 304.4 Structural Members, and Section 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 were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 23, 2018 by replacing the roof and all damaged rotten, and deteriorating roofing components. Re-

inspection was conducted on April 25, 2018 and found the property remains in non-compliance.

Ms. Bonin requested that Section 304.3 be stricken as it has been completed.

Debbie Potter, Property Owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She requested more time (two additional months) to complete the repairs.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 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. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$53.68 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 June 1, 2018 to bring the property into compliance and shall notify the code officer for re-inspection. The costs to date of \$53.68 will be ordered as well.

5. CEB Case No.: 18-0116

Respondent: John L. Ouzts

Address of Violation: 523 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/23/2018

Compliance: No

Cited for violation(s) - Chapter 16, Section 1(a), (b)(4) of the City of Port Orange Land Development Code.

Dena Joseph, 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.

6. CEB Case No.: 17-1464

Respondent: Charles & Peggy Collins

Address of Violation: 5481 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/15/2018

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) Maintenance of improved residential lots; (f) Garbage, Waste, Trash, etc, prohibited; Section 42-32 Storage of vehicles, furniture, etc.; Chapter 70, Article II, Section 70-49 Restrictions of Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before March 25, 2018 by removing, properly registering, or covering with an approved car cover, all inoperable/unregistered vehicles on site, removing all outside storage and storing in an enclosed building, and removing all trash and debris. Reinspection was conducted on April 4, 2018 and found the property in compliance; however, upon re-inspection on April 24, 2018, the property was again in non-compliance. The Notice provides for a finding of non-compliance if the property does not remain in 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 May 6, 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. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$53.68 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as to Chapter 42, Article II, Section 42.32 and Chapter 70, Article II, Section 70-49, (c), (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances only. The property owner has until May 6, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. Any future violations will be repeat violations. The costs to date of \$53.68 will be ordered as well.

7. CEB Case No.: 18-050

Respondent: Aki Bexhet Rexha

Address of Violation: 928 Mill Road Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/21/2018

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) 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.

8. CEB Case No.: 18-326

Respondent: Regan Herbert Alexander Jr.

Address of Violation: 59 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/22/2018

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, 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.

Mr. Allman requested a continuance of this case for 30 days. Special Magistrate Fuller granted the continuance as requested.

9. CEB Case No.: 18-324

Respondent: Carol A. Kovacs, TR and Kovacs Family Trust

Address of Violation: 709 Barlow Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/22/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. and Chapter 42, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General. 304.1.1 Unsafe conditions.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 16, 2018 by removing or properly storing all outdoor stored items, by removing all garbage and debris and by removing, repairing, or replacing the damaged car-port. Reinspection was conducted on April 23, 2018 and 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 May 18, 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 \$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 May 18, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The property was found to be a health, safety, and wellness violation. The costs to date of \$41.28 will be ordered as well.

C. ORDER IMPOSING FINE/LIEN

10. 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.

Ms. Bonin requested a continuance of this case until May 23, 2018 to allow for the vendor to complete the work to abate the violations. Special Magistrate Fuller granted the continuance as requested.

11. 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

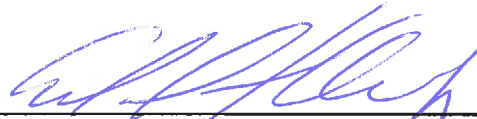
Cited for violation(s) - Chapter 3, Section 304 Exterior Structure, 304-1 General, 304.1.1 Unsafe Conditions, 304.7 Roofs and drainage of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before March 29, 2018 as ordered in the previous hearing on March 14, 2018 by the Special Magistrate. A reinspection was conducted on March 30, 2018 and showed the property remained in non-compliance. The cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. No daily fine was requested.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.42.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:07 a.m.



Special Magistrate David Fuller