

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
JUNE 13, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Lauren Koleilat at 9:02 a.m.

PRESENT: Lauren Koleilat, Special Magistrate

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

Consideration of Minutes

Special Magistrate Koleilat approved the May 23, 2018 meeting minutes as presented and signed on behalf of Special Magistrate Fuller.

Oaths

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

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

- CEB Case No.:** 18-326 (Continued from April 25, 2018)  
**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.

*Debbie Pearson, Code Compliance Manager, was sworn in and requested the case be dismissed as it is in compliance. Special Magistrate Koleilat granted the dismissal.*

- CEB Case No.:** 17-1882 (Continued from May 9, 2018)  
**Respondent:** Barbara & Richard L. Divoll  
**Address of Violation:** 164 Sweetgum Lane, Port Orange, FL 32129  
**Code Officer:** Dennis Boehmer  
**First Notified:** 03/23/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42, Section 42.26(d): Maintenance of improved residential lots

City of Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition.

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.

*Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Koleilat 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 Koleilat with no objections. The violation was to be corrected on or before April 27, 2018 by mowing/trimming all high weeds and grass, removing or replacing the fence which is in disrepair and repairing the roof of rotting wood and missing shingles/roofing materials. (A building permit will be required for the roof repair as well as the replacement of the fence.) Re-inspections were conducted on March 21, 2018 and June 11, 2018 and found the property remains in non-compliance.*

*Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 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. Mr. Boehmer requested 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 Koleilat with no objections. Ms. Pearson corrected the Code violation of Section 42-26 (not 42-46 as Mr. Boehmer presented.)*

*Sandy Kotur, Esquire, represents the lender and testified as to her discussions with the property owners. She requested a 90-day continuance to allow time for a short sale of the property that is in the works.*

*Special Magistrate Koleilat accepted the agreement between Ms. Kotur and Mr. Boehmer as to the mowing of the grass and removal/repair/replacement of the fence on or before July 6, 2018; and allowed a 90-day continuance on the roof repairs. If the grass is not mowed and the fence is not removed/repared/replaced on or before July 6, 2018, a daily fine of \$250.00 per day will be assessed as recommended by Mr. Boehmer. Should the roof repairs not be completed within 90 days, a daily fine of \$250.00 per day will be assessed as recommended. Costs in the amount of \$53.68 were awarded to the City.*

5. **CEB Case No.:** 18-395  
**Respondent:** Robert J. Kiecksee  
**Address of Violation:** 1108 Little Garden Circle, Port Orange, FL 32129  
**Code Officer:** Dennis Boehmer  
**First Notified:** 04/25/2018

Compliance: No

**Cited for violation(s)** - 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). (d) (Maintenance of improved residential lots; (f) Garbage, waste, trash, etc. prohibited; Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 Storage of vehicles, furniture, etc. and 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).

*Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner, which was hand delivered. Photos were submitted and accepted by Special Magistrate Koleilat with no objections. The violation was to be corrected on or before May 6, 2018 by mowing & trimming all high weeds/grass, underbrush & Cacti, removing all outside storage along with all trash, garbage and debris. Re-inspections were conducted on April 6, 2018 and June 11, 2018 and found the property remains in non-compliance.*

*Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before June 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. Boehmer requested 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 Koleilat with no objections.*

*Special Magistrate Koleilat granted the recommendations as presented. The property owner has until June 25, 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 costs to date of \$34.14 will be ordered as well.*

6. **CEB Case No.:** 18-0031

**Respondent:** Nancy A. Henderson

**Address of Violation:** 5227 Orange Avenue, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 01/08/2018

Compliance: No

**Cited for violation(s)** - Florida Building Code, 2017, Sixth 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.

*Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Koleilat 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 Koleilat with no objections. The*

*violation was to be corrected on or before May 31, 2018 obtaining a permit to build a shed. Re-inspections were conducted on May 2, 2018 and June 12, 2018 and found the property remains in non-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 June 30, 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 being considered repeat. The cost sheet in the amount of \$53.68 was tendered into evidence and accepted by Special Magistrate Koleilat with no objections.*

*Special Magistrate Koleilat granted the recommendations as presented. The property owner has until June 30, 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 costs to date of \$34.14 will be ordered as well.*

7. **CEB Case No.:** 18-0670

**Respondent:** Dennis O'Donnell

**Address of Violation:** 530 Orange Avenue, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 05/02/2018

Compliance: No

**Cited for violation(s)** - 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;

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; 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.

*Barry Hughes, Attorney for Mr. O'Donnell, advised of the agreement reached. The agreement is for one (1) day with a \$500.00 fine to be imposed. Mr. O'Donnell will pay the fine within 30 days. Matthew Jones, Deputy City Attorney, will provide the proposed Order to Mr. Hughes for approval and then submit to Special Magistrate Koleilat.*

8. **CEB Case No.:** 17-1528

**Respondent:** Brian Cotter

**Address of Violation:** 1427 Breaks Way, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 10/16/2017

Compliance: No

**Cited for violation(s)** - Chapter 3 (General Requirements), 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.

*Ms. Pearson requested a dismissal as the property is in compliance. Special Magistrate Koleilat granted the dismissal.*

9. **CEB Case No.:** 17-1481  
**Respondent:** Susan A. Morris  
**Address of Violation:** 5193 Rogers Avenue, Port Orange, FL 32127  
**Code Officer:** Dena Joseph  
**First Notified:** 10/09/2017

Compliance: No

**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; Section 42-32 (Storage of vehicles, furniture, etc.; and Section 42-26 (Maintenance of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited 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 Koleilat with no objections. The violation was to be corrected on or before May 16, 2018 by removing all fallen tree debris on the property and cutting back undergrowth in the back yard, repairing, removing or re-installing the damaged fence on the property which will require a permit be obtained through the City of Port Orange Community Development Department unless the fence is removed in its entirety, storing all outside storage in an enclosed building, removing all trash and debris, and repairing the damaged roof on site which may require a permit for repairs by a licensed roofing contractor. Re-inspections were conducted on October 27, 2017, November 15, 2017, December 4, 2017 and June 12, 2018 and found the property remains in non-compliance.*

*Matthew Morris, son of property owner, was sworn in by Special Magistrate Koleilat and testified as to his mother being in Tennessee due to the death of his grandparents. She is handling the probate case for them. He had no objections to the entry of the photos into evidence.*

*Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before June 30, 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. Joseph requested 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 Koleilat with no objections.*

*Mr. Morris discussed the work that has been completed but agreed there are some items that remain (lawnmower, etc.) He requested additional time to complete the repairs.*

*Ms. Joseph objected to additional time because it's been since September 2017 and it's still in violation.*

*Special Magistrate Koleilat granted the recommendations as presented. The property owner has until June 30, 2018 to bring the property into compliance as to all violations cited (except the roof issue) and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The costs to date of \$41.28 will be ordered as well. As to the violation*

*Jake Johansson, City Manager, testified as to the City's efforts to waive permit fees after Hurricane Irma.*

*Special Magistrate Koleilat ordered the roof repair to be completed within 45 days.*

### **ORDER IMPOSING FINE/LIEN**

**10. 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:** 01/23/2018

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.

*Ms. Pearson requested a continuance until July 11, 2018. Special Magistrate Koleilat granted the continuance as requested.*

**11. CEB Case No.: 17-426**

**Respondent:** Robert W. Blohm ET AL, and Denise M. Ohle

**Address of Violation:** 5201 Wood St., Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 03/30/2017

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.

*Ms. Pearson requested a dismissal as the property is in compliance. Special Magistrate Koleilat granted the dismissal.*

**12. 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:** 10/04/2017

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 requested an Order Setting Fine/Lien as the property was not in compliance on or before May 7, 2018 as ordered in the previous hearing on April 25, 2018 by the Special Magistrate. The property remains in non-compliance. The daily fine in the amount of \$250.00 began on May 7, 2018 and will run until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$115.52 was tendered and submitted into evidence without objection.*

*Special Magistrate Koleilat found the property in non-compliance and awarded the daily fine of \$250.00 per day beginning May 7, 2018 plus total costs of mailing and recording to date of \$115.52. The daily fine shall continue until the property is brought into compliance.*

**13. 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:** 03/02/2018

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.

*Ms. Pearson requested a continuance until July 11, 2018. Special Magistrate Koleilat granted the continuance as requested.*

**14. CEB Case No.: 18-173**

**Respondent:** Constance J. Potter and Debbie S. Potter

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

**Code Officer:** Amanda Bonin

**First Notified:** 02/01/2018

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. Pearson requested a dismissal as the property is in compliance. Special Magistrate Koleilat granted the dismissal.*

**15. CEB Case No.: 18-141**

**Respondent:** Jessica Lynn Lincicome

**Address of Violation:** 9 Raintree Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 01/30/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2); and

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally - Duty of Owner), (d) Maintenance of improved residential lots.

*Ms. Pearson requested a continuance until July 11, 2018. Special Magistrate Koleilat granted the continuance as requested.*

**ADJOURNMENT** – 10:06 a.m.



Special Magistrate Lauren Koleilat