

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 8, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:03 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, 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 dispensed with the overview as no members of the public were present at this time.

Consideration of Minutes

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

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-887
Respondent: Beacon Coast Investments HOA
Address of Violation: 5467 St. Regis Way, Port Orange, FL 32128
Code Officer: Amanda Bonin
First Notified: 03/05/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10, Clearing, Grading, and Stormwater Management, Article 2 Stormwater Management, Section 13, Maintenance.

Amanda Bonin, Code Compliance Inspector, requested a continuance until September 12, 2018. Special Magistrate Fuller granted the continuance as requested.

4. CEB Case No.: 18-866

Respondent: Federal National Mortgage Assoc

Address of Violation: 52 Woodfield Dr., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/07/2018

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 and

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.1.1 Unsafe Conditions.

Ms. Bonin 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 June 29, 2018 by mowing and trimming all high weeds and grass on the property and repairing or replacing the roof. Re-inspections were conducted on July 31, 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 September 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 in the amount of \$100.00 per day shall be imposed for every day the violation continues. 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 \$41.28 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 September 10, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. The costs to date of \$41.28 will be ordered as well.

ORDER IMPOSING FINE/LIEN

5. CEB Case No.: 18-103 (Continued from 6/13/18 & 6/11/18)

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.

Amanda Bonin, Code Compliance Inspector, requested a continuance until September 12, 2018. Special Magistrate Fuller granted the continuance as requested.

6. **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: 03/22/2018

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).

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, which was brought into compliance on August 7, 2018. He requested an Order Imposing Fine/Lien against the property owners for the 43 days of non-compliance with the Finding of Fact, Conclusion of Law & Order entered on June 13, 2018 in the amount of \$100.00 per day beginning June 25, 2018 through August 7, 2018 totally \$4,300.00 (43 days). Costs in the amount of \$85.28 were requested. Total amount due from the property owner is \$4,385.28.

Special Magistrate Fuller found the property owner in non-compliance and granted the recommendation as presented.

7. **CEB Case No.:** 18-324 (Continued from 6/13/18 & 7/11/18)

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.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the continued non-compliance as to the outdoor stored items, garbage, and debris, as well as the removal, repair, or replacement of the damaged carport that should have been in compliance on or before May 18, 2018. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$100.00 per day beginning May 19, 2018 through July 11, 2018 when the City's vendor abated the violations. The vendor costs are \$980.00, mailing and recording costs in the amount of \$83.92, and daily fines of \$100 per day for 54 days the property remained in non-compliance. The total due from the property owners is \$6,463.92.

Special Magistrate Fuller granted the recommendation as presented.

8. CEB Case No.: 17-1666

Respondent: Home Sweet Home Services, LLC

Address of Violation: 914 N. Lakewood Terrace, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/30/2017

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Requested) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

Mr. Allman testified as to the continued non-compliance as to a building permit being obtained for the enclosed porch or the porch was to be restored to its original condition on or before August 7, 2018. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$100.00 per day beginning August 8, 2018 until the property is brought into compliance. The cost sheet in the amount of \$92.42 was presented without objection.

Special Magistrate Fuller granted the recommendation as presented. A daily fine in the amount of \$100 per day has been assessed until the property is brought into compliance. Costs in the amount of \$92.42 has been ordered.

9. CEB Case No.: 18-478

Respondent: Jerome J. Tobolski, Jeffrey Tobolski, and Amy Tobolski
Address of Violation: 683 Reillys Road, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 04/03/2018

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.

Mr. Allman testified as to the continued non-compliance as to the high weeds and grass that should have been in compliance on or before July 6, 2018. The City's vendor abated the violation by hiring Mark Solomon to clean the property. Vendor cost is \$225.00. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$225.00 for vendor costs and \$128.12 for mailing and recording fees for a total due of \$353.12.

Special Magistrate Fuller granted the recommendation as presented.

10. CEB Case No.: 18-594

Respondent: Dennis C. Pentzien
Address of Violation: 1707-3960 Willow Trail Run, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 04/27/2018

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 General as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Mr. Allman testified as to the continued non-compliance as to the property owner not connecting to the City's water system which should have been completed on or before July 9, 2018. Kristen LaLancette, Customer Service Supervisor, was sworn in by Special Magistrate Fuller and testified as to the lack of water connection for this property.

June Pitti, neighbor, was sworn in by Special Magistrate Fuller and testified as to people living in the home. There are three people living in the property. William Wood, HOA President, was sworn in by Special Magistrate Fuller and testified as to the people living on the property.

Mr. Allman requested an Order Imposing Fine/Lien against the property owners in the amount of \$100.00 per day beginning July 10, 2018 until the property is brought into compliance. The cost sheet in the amount of \$106.70 was presented without objection.

Special Magistrate Fuller granted the recommendation as presented. A daily fine in the amount of \$100 per day has been assessed until the property is brought into compliance. Costs in the amount of \$106.70 has been ordered.

11. 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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal as the property is in compliance. Special Magistrate Fuller granted the dismissal.

12. 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.

Ms. Joseph testified as to the continued non-compliance as to the need for a building permit to build a shed or removal of the shed which needed to occur on or before June 30, 2018. She requested an Order Imposing Fine/Lien against the property owners in the amount of \$100.00 per day beginning July 1, 2018 until the property is brought into compliance. Costs in the amount of \$85.28 were requested.

Special Magistrate Fuller granted the recommendation as presented.

13. CEB Case No.: 18-0313

Respondent: Robert Detko

Address of Violation: 408 Virginia Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/06/2018

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.

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.

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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage.

Ms. Joseph testified as to the continued non-compliance of the property. The violation was to be corrected by mowing the entire property to include weed eating and trimming all high weeds, edging, and blowing debris, removing all trash and debris, correctly storing all items around outside of the property in an enclosed building, properly registering, removing, or covering unregistered/inoperable van on site and ensuring that it appears to be in an operable state, removing the makeshift fence on the property and repairing any other damaged areas of the fence to include missing pickets, posts, etc. and storing the front end loader/bob cat on site in an enclosed building that should have been in compliance on or before July 8, 2018. She requested an Order Imposing Fine/Lien against the property owners in the amount of \$250.00 per day beginning July 9, 2018 running through July 23, 2018 (15 days) for a total due of \$3,750.00. The City retained vendor Mark Solomon to abate the violation(s) at a cost of \$400.00. Mailing and recording costs in the amount of \$92.42 were also requested.

Special Magistrate Fuller granted the recommendation as presented. The total due from the Respondent is \$4,242.42.

14. CEB Case No.: 18-0241

Respondent: Jennifer L. Chalkley

Address of Violation: 5836 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/16/2018

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 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 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) 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. Joseph testified as to the continued non-compliance as to the dilapidated fence only that should have been in compliance on or before July 26, 2018. (The high weeds and grass were mowed prior to July 8, 2018.) She requested an Order Imposing Fine/Lien against the property owners in the amount of \$100.00 per day beginning July 27, 2018 until the property is brought into compliance as to the dilapidated fence. Costs in the amount of \$92.42 were requested.

Special Magistrate Fuller granted the recommendation as presented.

15. CEB Case No.: 18-0507

Respondent: Steven Scott Lanier

Address of Violation: 5439 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/09/2018

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 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.

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.

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 a dismissal as the property was in compliance. Special Magistrate Fuller granted the dismissal.

16. CEB Case No.: 18-0505

Respondent: Matthew Brandt

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/09/2018

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 a dismissal as the property was in compliance. Special Magistrate Fuller granted the dismissal.

17. CEB Case No.: 18-0074

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

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. Joseph testified as to the continued non-compliance as to the high weeds and grass and trash and debris on the property that should have been in compliance on or before May 16, 2018. The City's vendor, Mark Solomon, was hired to abate the violations in the amount of \$200.00. She requested an Order Imposing Fine/Lien against the property owners in the amount of \$250.00 per day beginning May 16, 2018 and running through the 11th day of July 2018 (57 days) for a total amount due of \$14,250. Costs in the amount of \$92.42 were requested.

Special Magistrate Fuller granted the recommendation as presented. The total due from the Respondent is \$14,542.42.

18. CEB Case No.: 18-0075

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

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. Joseph testified as to the continued non-compliance as to the high weeds and grass and trash and debris on the property that should have been in compliance on or before May 16, 2018. The City's vendor, Mark Solomon, was hired to abate the violations in the amount of \$200.00. She requested an Order Imposing Fine/Lien

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against the property owners in the amount of \$250.00 per day beginning May 16, 2018 through July 11, 2018 for a total of 57 days. The total daily fine of \$14,250.00 is requested. Costs in the amount of \$99.56 were requested.

Special Magistrate Fuller granted the recommendation as presented. The total amount due from the property owner is \$14,549.56.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:17 a.m.



Special Magistrate David Fuller