

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 22, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:01 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Amanda Bonin, 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 provided an overview to the members of the public in attendance.

Consideration of Minutes

Special Magistrate Fuller approved the August 8, 2018 meeting minutes as presented.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1586
Respondent: Brenda Markham
Address of Violation: 198 Moonstone Court, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 10/19/2017

Compliance: No

Cited for violation(s) - 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: 3014.1.8: Roofing or roofing components that have defects that admit rain, roof surfaces with adequate drainage, or any portion of the roof

framing that is not in good repair with signs of deterioration, fatigue, or without property anchorage and incapable of supporting all nominal loads and resisting all load defects and

304.7 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain.

Floyd Smith & Brenda Markham were sworn in by Special Magistrate Fuller.

Dennis Boehmer, 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 August 18, 2018 by removing the tarp from the Mansard roof and making repairs to the missing/loose cedar shingles or replacing the roof with a licensed contractor depending on the severity of the roof damage. Re-inspection was conducted on August 20, 2018 and found the property remains in non-compliance although some of the repairs have been done.

Mr. Boehmer has spoken with Ms. Markham and Mr. Smith who have indicated they can have the remaining repairs done within a few days.

Special Magistrate Fuller asked Ms. Markham questions regarding the repairs made and to be made. Mr. Smith testified as to the repairs he has done to the roof, soffit, and painting of the home.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 3, 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 \$50.00 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 \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 3, 2018 to bring the property into compliance; however, due to the nature of the repairs no daily fine was imposed. Costs in the amount of \$41.28 were awarded to the City.

4. **CEB Case No.:** 18-0775
Respondent: Sandra M. Wright
Address of Violation: 5461 Wood Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 05/22/2018

Compliance: Yes3

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 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: 304.7 Roofs and drainage.

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

Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 18-0936
Respondent: Edward C. Allegar
Address of Violation: 5265 Pineland Ave, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 06/19/2018

Compliance: Yes

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 a dismissal as this property is in compliance with the notice.

Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 18-0585
Respondent: SIG Golbal Family LP
Address of Violation: 5202 Riverside Drive, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 04/27/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, 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);

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 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 70-47 (Parking of Commercial Vehicles on Residential Premises); and

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises.

Ms. Joseph requested a dismissal as this property is in compliance with the notice.

Special Magistrate Fuller granted the dismissal request.

7. CEB Case No.: 18-0401

Respondent: Charlene R. Yazurlo TR & Yazurlo Family Revoc Trust

Address of Violation: 5217 Frederick Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/26/2018

Compliance: Yes

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

Ms. Joseph requested a dismissal as this property is in compliance with the notice.

Special Magistrate Fuller granted the dismissal request.

8. CEB Case No.: 18-1025

Respondent: JNG Property Group, LLC

Address of Violation: 5204 Sydney Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 06/27/2018

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

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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 July 23, 2018 by mowing the property and parkage in its entirety to include trimming of all high weeds on site, edging, weed eating, and blowing of debris. Re-inspection was conducted on July 24, 2018 and found the property remained in non-compliance although it was partially mowed.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 2, 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 Fuller with no objections. She requested the violations be found to be a health, safety, and welfare concern for the surrounding neighbors.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 2, 2018 to bring the property into compliance or a daily fine of \$100.00 per day will be assessed as recommended by Ms. Joseph. Costs in the amount of \$41.28 were awarded to the City.

9. **CEB Case No.:** 18-0569

Respondent: Richard W. Radabaugh-Timmons

Address of Violation: 5422 Taylor Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/25/2018

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 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 July 8, 2018 by mowing entire property to include trimming of all high weeds on site to a height of less than 10 inches, weed eating, edging, and blowing of debris. Re-inspection was conducted on July 9, 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 September 2, 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 Fuller with no objections. She requested the violations be found to be a health, safety, and welfare concern for the surrounding neighbors.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 2, 2018 to bring the property into compliance or a daily fine of \$100.00 per day will be assessed as recommended by Ms. Joseph. Costs in the amount of \$41.28 were awarded to the City.

ORDER IMPOSING FINE/LIEN

10. CEB Case No.: 17-1773

Respondent: Matilde Stack

Address of Violation: 3734 Long Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/20/2017

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.

Matilde Stack, property owner, was sworn in by Special Magistrate Fuller.

Amanda Bonin, 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 August 20, 2018 as ordered in the previous hearing on May 23, 2018 by the Special Magistrate. The property remains in non-compliance. The daily fine of \$50.00 per day beginning on the 21st day of August 2018 was recommended. A cost sheet for

mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection.

Ms. Stack testified as to the dispute with her insurance company that is ongoing. She has hired an attorney to represent her as the insurance company has denied her claim. She has estimates from contractors for the repairs. Ms. Stack advised she can have a neighbor help her repair the cosmetic issues with the outside of the home.

Ms. Bonin requested a 2-week extension for Ms. Stack to repair the outside of the home. An Order Setting Fine/Lien hearing will be scheduled for September 12, 2018.

Special Magistrate Fuller found the property in non-compliance and accepted the City's extension request of 2-weeks. The property owner is hereby ordered to notify the Code Compliance Inspector to request a re-inspection.

11. CEB Case No.: 17-1588

Respondent: Steven Joseph Srno

Address of Violation: 1166 N. Tracy Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/20/2017

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 42-26, (Cleanliness of Property Generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Ms. Bonin requested a continuance of this case until September 26, 2018 so that abatement of the property can occur. Special Magistrate Fuller granted the continuance.

12. CEB Case No.: 18-0815

Respondent: Jacqueline M. Sale

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 05/29/2018

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.

Scott Allman, 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 July 18, 2018 as ordered in the previous hearing on July 11, 2018 by the Special Magistrate. The violations were abated by the City's vendor, Mark Solomon Properties at the cost of \$225.00. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded vendor costs in the amount of \$225.00 plus mailing and recording costs to date of \$92.42. The total due from respondent is \$317.42.

ADJOURNMENT – 10:12 a.m.



Special Magistrate David Fuller