

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
SEPTEMBER 12, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 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 22, 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.:** 17-1587

**Respondent:** Leovigildo Campoverde & Raffaelle Campoverde

**Address of Violation:** 197 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: 304.1.8: Roofing of roofing components and 304.7: Roofs and drainage.

*Raffaelle Campoverde, property owner, introduced herself and was 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 after review by Ms. Campoverde. The violation was to be corrected on or before August 22, 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 July 20, 2018 and September 10, 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 October 13, 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 \$200.00 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 \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Ms. Campoverde testified that she was in the process of obtaining a permit and has had trouble finding the proper shingles for this type of roof. She will have the insurance payment next week and will be able to start working on it and will finalize her permit with the City today. She requested a compliance date by the end of October 2018. Mr. Boehmer has no objection to the extension on the compliance date.*

*Special Magistrate Fuller granted the recommendation as presented/agreed. The property owner has until October 31, 2018 to bring the property into compliance. Costs in the amount of \$55.56 were awarded to the City.*

**4. CEB Case No.:** 18-924

**Respondent:** Blake, Sharon

**Address of Violation:** 1112 Bayview Lane, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 06/18/2018

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 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 15, 2018 by mowing the entire property and trimming all high weeds. Re-inspection was conducted on August 15, 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 September 21, 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, the City shall have the option to abate the violation as this is a health and safety concern. 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 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 21, 2018 to bring the property into compliance. Costs in the amount of \$41.28 were awarded to the City.*

**5. CEB Case No.: 18-529**

**Respondent:** Stephen James Slowinski, Terry Killebrew, & Krystal Killebrew

**Address of Violation:** 4850 Spruce Creek Road, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 04/16/2018

Compliance: ~~No~~ Yes

**Cited for violation(s)** - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures),(d) Size Limitations, (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this Code.

*Mr. Allman requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**6. CEB Case No.: 18-1084**

**Respondent:** Timeless FL LLC, C/o Timeless Property Mgmt, RA

**Address of Violation:** 520 Powers Avenue, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified: 07/10/2018**

Compliance: ~~No~~-Yes

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

*Mr. Allman requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**7. CEB Case No.:** 18-1244

**Respondent:** Mildred E. Davidson

**Address of Violation:** 5828 Spruce Creek Woods Dr, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 08/02/2018

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.

*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 by mowing the entire property and trimming all high weeds. No compliance date was given as this is a repeat violation. Re-inspection was conducted on September 5, 2018 and September 11, 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 September 21, 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, the City shall have the option to abate the violation as this is a health and safety concern. 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 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 21, 2018 to bring the property into compliance. Costs in the amount of \$41.28 were awarded to the City.*

**8. CEB Case No.: 18-1062**

**Respondent:** Felix P. Platnesz

**Address of Violation:** 5466 Taylor Avenue, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 07/09/2018

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 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.

*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.*

**9. CEB Case No.: 18-0799**

**Respondent:** Federal National Mortgage Association

**Address of Violation:** 5408 Christiancy Ave., Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 05/25/2018

Compliance: Yes

**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: 304.7 Roofs and drainage and

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.*

**10. CEB Case No.: 18-0650**

**Respondent:** June C. Martin

**Address of Violation:** 521 Lafayette St., Port Orange, FL 32127

**Code Officer:** Dena Joseph

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

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 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 requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**11. CEB Case No.:** 18-1145

**Respondent:** Francis J. Roberts, Jr.

**Address of Violation:** 5267 Barhydt Ave., Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 07/10/2018

Compliance: Yes

**Cited for violation(s)** - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises, (a) and (c)

*Ms. Joseph requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**12. CEB Case No.:** 18-1128

**Respondent:** Patsy Buechner

**Address of Violation:** 5231 Orange Avenue, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 07/19/2018

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 August 20, 2018 by mowing entire property to include trimming of all high weeds on site, weed eating, edging, and blowing of debris and by mowing entire parkage area. Re-inspection was conducted on August 22, 2018 and found the property remains in non-compliance. The property was re-inspected September 11, 2018 and found to be in compliance; therefore, Ms. Joseph is requesting the property owners be found in violation but no daily fine is being recommended. Ms. Joseph 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 recommendation as presented. Costs in the amount of \$41.28 were awarded to the City.*

**13. CEB Case No.:** 18-0362

**Respondent:** Sherry A. Spaulding

**Address of Violation:** 418 Baywood Cir., Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 03/14/2018

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: 304.7 Roofs and drainage and 304.1.1 (Unsafe Conditions), (8) Roofing or roofing components.

*Sherry Spaulding, property owner, was sworn in by Special Magistrate Fuller.*

*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 August 26, 2018 by repairing the roof or installing a new roof on the residence. Re-inspection was conducted on August 27, 2018 and September 11, 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 October 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. 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.*

*Ms. Spaulding testified as to her trouble getting a roofer after the hurricane in 2017. She has recently received estimates from roofers.*

*Deborah Pearson, Code Compliance Manager, was sworn in and testified as to her discussion with Ms. Spaulding. Ms. Pearson advised Ms. Spaulding that she will need a contract with a roofer and should bring it to this hearing.*

*Ms. Spaulding states she is on a list for a new roof. Ms. Joseph advised the paperwork states she is on a list for an estimate but not a contract for a roof. Special Magistrate Fuller asked how long she needs to repair or replace the roof.*

*Special Magistrate Fuller found the property in violation and granted the recommendation as presented. The property owner has until October 12, 2018 to obtain a permit for the repair/replacement or a daily fine of \$50.00 per day will be assessed. Costs in the amount of \$41.28 were awarded to the City.*

**14. CEB Case No.:** 18-887 (Continued from 8/8/18)

**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, 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 22, 2018 by maintaining the pond on a regular basis. The overgrowth of vegetation in and around the edges of the pond, especially the North end needs to be cleaned out. It was reported the weir is not properly functioning. This needs to be tested and if it does not function properly, it needs to be repaired. Re-inspection was conducted on August 7, 2018 and found the property remains in non-compliance.*

*Ms. Pearson explained the need and requirement for a weir in a retention pond.*



*Julia Day, neighbor, was sworn in by Special Magistrate Fuller and testified as to the condition of the pond and the weir. She and her husband used to maintain the pond. She is concerned with more water moccasins.*

*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 27, 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. Ms. Bonin 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 but also found it to be a health and safety concern as to potential flooding as well as water moccasins. The property owner has until September 27, 2018 to bring the property into compliance or a daily fine of \$100.00 per day will be assessed. Costs in the amount of \$41.28 were awarded to the City.*

**15. CEB Case No.:** 18-1199

**Respondent:** Ouri TR Attias

**Address of Violation:** 6710 Duckhorn Court, Port Orange, FL 32128

**Code Officer:** Amanda Bonin

**First Notified:** 07/20/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article 2 (Collection and Disposal Service), Section 56-31 (Containers Required) and Section 54-34 (Location of Containers).

*Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**16. CEB Case No.:** 18-1152

**Respondent:** Northeast Petro Holdings 1 LLC, c/o Sergio L. Delmico, RA

**Address of Violation:** 5784 Taylor Branch Road, Port Orange, FL 32127

**Code Officer:** Amanda Bonin

**First Notified:** 07/17/2018

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), (c)

(Maintenance of commercial and industrial zoned lots,

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

City of Port Orange Land Development Code, Chapter 15 (Signs), Section 5 (Temporary Signs), (b) Banners/temporary exterior walls, (6) Temporary banners and wall signs.

*Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**17. CEB Case No.:** 18-1151

**Respondent:** Townhomes West at Port Orange Homeowners Association

**Address of Violation:** 3640 Clyde Morris Blvd., Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 07/23/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Land Development Code, Chapter 12 (Roads & Vehicular), Section 6 (Design standards for off-street parking and loading areas) (G) Curbing, wheel stops and speed bumps (3) Speed bumps or other devices and

City of Port Orange Code of Ordinances, Chapter 58 (Streets, Sidewalks, and Other Places), Article I (In general), Section 58-40 (Removal of obstructions in rights-of-way).

*Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**18. CEB Case No.:** 18-216

**Respondent:** Gwendolyn M. Johnson

**Address of Violation:** 12 Black Jack Circle, Port Orange, FL 32128

**Code Officer:** Amanda Bonin

**First Notified:** 02/14/2018

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

*Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

**ORDER IMPOSING FINE/LIEN**

**19. CEB Case No.:** 18-103 (Continued from 6/13/18 & 7/11/18 & 8/8/18)  
**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.

*Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before May 10, 2018 as ordered in the previous hearing on April 25, 2018 by the Special Magistrate. She recommended a flat fine in the amount of \$1,280.00 as it took several months to get the vendor approved and the work completed. The violations were abated by the City's vendor, Daytona Tree Service on September 5, 2018 at the cost of \$725.00. A cost sheet for mailing and recording costs in the amount of \$111.02 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 \$725.00 plus mailing and recording costs to date of \$111.02. A flat fine in the amount of \$1,280.00 was ordered. The total due from respondent is \$2,116.02.*

**20. 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 requested a dismissal as this property is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.*

**21. 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.

*Ms. Bonin requested a dismissal as this property is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.*

**ADJOURNMENT** – 10:36 a.m.

  
Special Magistrate David Fuller