

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 24, 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
Dena Joseph, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the October 10, 2018 meeting minutes as presented.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

- CEB Case No.:** 18-1209
Respondent: Bhoola Investments
Address of Violation: 4737 Hidden Lake Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 07/20/2018

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.

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

4. CEB Case No.: 18-1329

Respondent: Jack Scrivener, Mattie J. Scrivener & Gail Scrivener Peterson

Address of Violation: 5565 Lancewood Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/15/2018

Compliance: Yes

Cited for violation(s) - 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 this case is in compliance. Special Magistrate Fuller granted the dismissal request.

5. CEB Case No.: 18-1440

Respondent: Mark M. Kosko

Address of Violation: 412 Virginia Avenue, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 09/04/2018

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.

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 case is in compliance. Special Magistrate Fuller granted the dismissal request.

6. CEB Case No.: 18-1387

Respondent: Federal National Mortgage Association

C/o Bank of America, N.A.

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

Code Officer: Dena Joseph

First Notified: 08/24/2018

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. Special Magistrate Fuller granted the dismissal request.

7. **CEB Case No.:** 18-1301

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/13/2018

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) (h) Abutting property owner maintenance of parkages 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 into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before September 30, 2018 by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris. All vines that are growing on the home and on the pool enclosure must also be removed. Re-inspections were conducted on October 5, 2018 (photos taken October 10, 2018) and October 23, 2018 and found the property remains in non-compliance although the front of the property has been 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 November 4, 2018 by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris. All vines that are growing on the home and on the pool enclosure must also be removed. 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 \$250.00 per day shall 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. The property is a health, safety, and welfare concern.

Special Magistrate Fuller granted the recommendation as presented and found the property a health, safety, and welfare violation. The property owner has until November 4, 2018 to mow the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris and remove all vines that are growing on the home and on the pool enclosure or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$41.28 were awarded to the City.

8. CEB Case No.: 18-1140

Respondent: Ethel M. Morgan

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

Code Officer: Dena Joseph

First Notified: 07/20/2018

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 into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately as it is a repeat violation by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot. Re-inspection was conducted on September 27, 2018 and found the property remains in non-compliance. The property is a health, safety, and welfare concern.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before November 4, 2018 by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot. 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 of Port Orange 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. 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.

Special Magistrate Fuller granted the recommendation as presented and found the property is a health, safety, and welfare violation. The property owner has until November 4, 2018 to bring the property into compliance by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot or the City shall have the option to abate the violation. Costs in the amount of \$41.28 were awarded to the City.

9. CEB Case No.: 18-1139

Respondent: Kimberly Ann Long

Address of Violation: 713 Sheldon Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/20/2018

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), (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 into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before September 23, 2018 by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot. Re-inspections were conducted on September 27, 2018 and October 23, 2018 and found the property remains in non-compliance. The property is a health, safety, and welfare concern.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before November 4, 2018 by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot. 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 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.

Special Magistrate Fuller granted the recommendation as presented and found the property is a health, safety, and welfare violation. The property owner has until November 4, 2018 to bring the property into compliance by mowing the entire property to include trimming of all high weeds on site, weed eating, edging and blowing of debris off roadway and back on to the lot or a daily fine in the amount of \$100.00 per day shall be imposed. The City shall have the option to abate the violation as it is a health, safety, and welfare concern. Costs in the amount of \$41.28 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

10. CEB Case No.: 18-1244

Respondent: Mildred E. Davidson

Address of Violation: 5828 Spruce Creek Woods Drive
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.

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 September 21, 2018 as ordered in the previous hearing on September 12, 2018 by the Special Magistrate. No daily fine was recommended; however, the City has incurred costs in the amount of \$350.00 by Mark Solomon Properties, who abated the violations. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. He requested a lien against the property in the amount of \$442.42.

Special Magistrate Fuller found the property in non-compliance and awarded \$350.00 for the City's vendor costs and mailing and recording costs to date of \$92.42. A lien is imposed on the subject property in the total amount of \$442.42.

11. 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.

Mr. Allman was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance on or before September 21, 2018 as ordered in the previous hearing on September 12, 2018 by the Special Magistrate. No daily fine was recommended; however, the City has incurred costs in the amount of \$400.00 by Mark Solomon Properties, who abated the violations. 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 \$400 for the City's vendor costs and mailing and recording costs to date of \$92.42. A lien is imposed on the subject property in the total amount of \$492.42.

12. 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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before October 12, 2018 as ordered in the previous hearing on September 12, 2018 by the Special Magistrate. She requested a daily fine in the amount of \$50.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on October 13, 2018 and running until the property is brought into compliance. 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 as the property owner did not obtain a permit for roof repairs and awarded a daily fine against the property in the amount of \$50.00 per day that the property remains in non-compliance beginning October 13, 2018 and mailing and recording costs to date of \$92.42. The property

owner is ordered to contact the Code Enforcement Officer to request a re-inspection if the Respondent complies with the Magistrate's Order of finding that a violation exists.

13. CEB Case No.: 17-1588 (Continued from 8/22/18 & 9/26/18)

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.

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 July 20, 2018 as ordered in the previous hearing on July 11, 2018 by the Special Magistrate. The City has incurred costs in the amount of \$450.00 by Mark Solomon Properties, who abated the violation relating to the removal of the fence. The City did not board up the windows as the property owner lives there and removes them. She requested a daily fine in the amount of \$250.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on July 21, 2018 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$92.63 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance although the property has been mowed and the fence was removed and awarded a daily fine against the property in the amount of \$250.00 per day that the property remains in non-compliance beginning October 13, 2018 and mailing and recording costs to date of \$92.63. The property owner is ordered to contact the Code Enforcement Officer to request a re-inspection if the Respondent complies with the Magistrate's Order of finding that a violation exists.

14. CEB Case No.: 17-1587

Respondent: Leovigildo Campoverde & Raffaele 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.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal.

15. CEB Case No.: 17-1882 (Part 2 & Motion to Vacate)

Respondent: Barbara & Richard L. Divoll

Address of Violation: 164 Sweetgum Lane, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 12/12/2017

Compliance: No

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

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.

Ms. Bonin requested a continuance of the case. Special Magistrate Fuller granted the continuance request. The case is continued until November 14, 2018.

ADJOURNMENT – 9:45 a.m.



Special Magistrate David Fuller