

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 8, 2019

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: Amanda Bonin, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shannon Balmer, Assistant City Attorney
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the April 24, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 18-1449

Respondent: MHC Pickwick L.L.C., Owner

Attn: David Eldersveld

CT Corporation System, Registered Agent

Address of Violation: 4500 Clyde Morris Blvd. - Pickwick Village Mobile Home
Park, Port Orange FL 32129

Code Officer: Amanda Bonin

First Notified: 9/4/2018

Compliance: No

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

City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other Property improvements; maintenance criteria): Drainage and utility improvements (1), (2), & (3) A.

City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-317 (Parking, sidewalk and driveway) Subsection (3): Pavement surfaces.

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 into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 22, 2019 by immediately cautioning off the damaged drainage areas and repairing or replacing the drainage system. Once the drainage system has been completed, the road needs to be repaired. A contractor needs to obtain permits to replace the faulty and/or collapsed drainage lines and for repairs of the ground and roadway.

Donna Loupe, 253 Downing Drive, was sworn in by Special Magistrate Fuller and stated she provided pictures to Code Enforcement this morning regarding a hole on the side of her driveway due to the drainage in August 2018. She is upset that nothing has been done to permanently solve the issue. Ms. Loupe has noticed some structural issues beginning in her home, such as the floor starting to creak. Ms. Loupe submitted pictures into evidence of the lack of construction on the roads in front of her home as of May 5, 2019. Special Magistrate Fuller accepted the photos with no objections.

Mary Ballantyne, 53 Kingsway, was sworn in by Special Magistrate Fuller and stated she has lived in Pickwick about 24 years. She is upset with the lack of help provided from the management and the fall risks from her uneven driveway resulting from sinking.

Allen Bestwick, 403 Prince Charles Ct., was sworn in by Special Magistrate Fuller and stated he has an issue with the drains in front of his home backing up enough for him to swim in. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Brian Trudeau, 314 Windsor Dr, was sworn in by Special Magistrate Fuller and is concerned with the lack of safety in the entire park.

Carol Pritchard, 56 Kingsway, was sworn in by Special Magistrate Fuller and submitted photos from May 5, 2019, into evidence of the flooding after recent heavy rainfall. They were accepted by Special Magistrate Fuller with no objections.

Shannon Balmer, Assistant City Attorney, gave an overview of the stipulated Finding of Fact agreed upon between the City and MHC Pickwick L.L.C. and the desire to create reasonable timelines for all of the work that needs to be done.

Stan Martin, Vice President, MHC Pickwick L.L.C, spoke to the cost of fixing all the issues and the time it will take to complete the projects.

Jake Johansson, City Manager, was sworn in by Special Magistrate Fuller and stated he believes it is a reasonable and fairly aggressive timeline. He would like to hear what the company is going to do to deal with the flooding and protect the residents in the meantime.

Special Magistrate Fuller would like to see a stipulation added to address the immediate flooding issues while they deal with the bigger issues.

Robert Wallace, Pickwick resident, believes the management and construction of Pickwick is declining.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected as follows; an inspection report from a licensed contractor engaged to inspect the respondent's entire stormwater system shall be submitted to the City on or before June 8, 2019, identifying any and all defects or deficiencies preventing the stormwater system to operate as designed. Permit applications for repairs, replacement, or modification of the respondent's stormwater system shall be submitted to the appropriate permitting authority before July 8, 2019. All permits required for repairs, replacement, or modification of the respondent's stormwater system shall be obtained on or before October 8, 2019. Finally, construction of necessary repairs, replacement, or modification of the respondent's stormwater system shall be completed by December 31, 2019.

Failure to complete any one of the corrective measures outlined above shall result in a daily fine of \$250.00 to be assessed for each day the corrective measures remain incomplete 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 be considered repeat.

Special Magistrate Fuller deemed the property to be a serious threat to the public health, safety, and welfare and granted the recommendations as presented with an amendment to add a stipulation addressing the immediate flooding issues. Special Magistrate Fuller asked for the City Attorney and the MHC Pickwick L.L.C. representative to complete the revised Finding of Fact by May 15, 2019. Should the revised Stipulated Finding of Fact not be completed by May 15, 2019, the case will be continued to the hearing on May 22, 2019.

4. CEB Case No.: 19-452

Respondent: Prandip & Goolabday Roopnarine

Address of Violation: 3848 Sunset Cove Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 3/27/2019

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) and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

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

5. CEB Case No.: 16-509

Respondent: Rolando Ampier

Address of Violation: 112 Kon Tiki Terr, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 4/5/2016

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

6. **CEB Case No.:** 18-1569

Respondent: Lowe's Home Centers, LLC

C/O Corporation Service Company RA

Address of Violation: 1751 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 9/21/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards:
Sec. 14-314. - Landscaping and buffers - Maintenance criteria.
Sec. 14-315.- Same - Replacement criteria.
Sec. 14-317.- Parking, sidewalk and driveway areas.
Sec. 14-318.- Other property improvements; maintenance criteria.

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. Bonin requested a continuance of the case to the June 26, 2019 hearing. Special Magistrate Fuller granted the continuance request.

7. **CEB Case No.:** 18-1831

Respondent: Lindamar, Inc

C/O Caprice M. Bean, Registered Agent

Address of Violation: 4075 Ridgewood Ave, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/19/2018

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), (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), (c) (Maintenance of improved commercial lots) of the City of Port Orange Code of Ordinances.

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

C. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT – 10:01am


Special Magistrate Fuller