

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 22, 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: Dena Joseph, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
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 May 8, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Dennis Boehmer and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-528
Respondent: Charles D. Stasey
Address of Violation: 575 Moonpenny Circle, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 4/9/2019

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) 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 of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 19-316
Respondent: Natalie A. LaBosco

Address of Violation: 5263 Barhydt Avenue, Port Orange, FL 32128
Code Officer: Dena Joseph
First Notified: 2/25/2019

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), (c), (1), (2), & (3), (d), (e), (f) 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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

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

5. **CEB Case No.:** 18-1818
Respondent: Cindy Sue Gilliland
Address of Violation: 157 Orchid Lane, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 11/19/2018

Compliance: Yes

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 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 of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 19-0176
Respondent: Kenneth D. Veradi & Ruth P. Veradi
Address of Violation: 5411 Landis Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 2/1/2019

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 18 (Businesses), Article II (Local Business Tax), Section 18-27 (Business Tax Imposed) 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 by April 30, 2019 by mowing the property to include weed eating, edging, and blowing debris off sidewalks and driveway areas, removing all trash and debris, removing all outside storage to include (but not limited to) wood, vehicle parts, appliances, furniture, old RV on site, appliances, tires, etc. and storing in an enclosed building. Also obtaining a business tax through the City of Port Orange, which would only allow an office and a telephone to be used.

Kenneth D. Veradi, property owner, was sworn in by Special Magistrate Fuller and testified that as of 2:35pm May 21, 2019 everything had been removed from the property and they will not let it get that bad again. He also stated that he is not operating a business from the property. Special Magistrate Fuller accepted Mr. Veradi's testimony but asked the city to reinspect to confirm.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before June 2, 2019 by removing all trash and debris, removing all remaining outside storage to include but not limited to tires, boxes, bins, home décor, etc. and storing in an enclosed building and obtaining a business tax through the City of Port Orange, which would only allow an office and a telephone to be used. 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 be considered repeat. The cost sheet in the amount of \$41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation with an amendment. If the violations have not been corrected, or the property is allowed to fall into the same condition before re-inspection on June 2, 2019, a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 19-0333

Respondent: Springwood Square Joint Ventures

Address of Violation: Springwood Square, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 3/6/2019

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.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on April 10, 2019 by the Special Magistrate. The City retained vendor Yellowstone who abated the violation at the cost of \$248.28. A cost sheet for mailing and recording costs in the amount of \$92.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$248.28 in abatement costs and mailing and recording costs to date of \$92.90. A lien is imposed on the property in the amount of \$341.18.

8. **CEB Case No.:** 18-1662

Respondent: Thomas S. Wintink

Address of Violation: 1391 N. Dexter Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/11/2018

Compliance: No

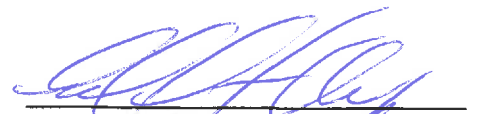
Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. 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 was sworn in by Special Magistrate Fuller and requested the case be continued to the June 26, 2019 hearing. Special Magistrate Fuller granted the continuance request.

D. ADJOURNMENT – 9:23am


Special Magistrate Fuller