PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 12, 2019

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:03 a.m.

PRESENT:	David Fuller, Special Magistrate
ALSO PRESENT:	Amanda Bonin, 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 22, 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.:** 18-452
   Respondent: Charlie Molineaux Jr.
   Address of Violation: 722 Dove Avenue, Port Orange, FL 32127
   Code Officer: Amanda Bonin
   First Notified: 4/2/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 14, Article II, of the City of Port Orange Code of Ordinances: Failure to obtain a building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuance of this case to the July 24, 2019 hearing. Special Magistrate Fuller granted the continuance request.

4. **CEB Case No.:** 19-599
   Respondent: Robert Yarborough
   Address of Violation: 212 Gibson Way, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 4/24/2019

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.

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.

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

5. **CEB Case No.:** 19-464
   Respondent: MHC Rose Bay, LLC
   c/o CT Corporation System
   Address of Violation: 5200 Nova Rd, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 1/14/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Sec. 42-103 Declaration of nuisance (a). Sec. 42-104 Nuisance abatement requirements.

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

6. **CEB Case No.:** 19-0700
   Respondent: Allan R Thompson

Address of Violation: 5827 S Ridgewood Ave, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 5/13/2019

Compliance: No

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.

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 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Ms. Bonin 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 this is a repeat violation by placing all outside stored items in an enclosed building, cleaning up and removing all trash and debris from the property, and any unregistered/inoperable vehicles on site must be removed, properly registered, or covered with approved car covers.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. Due to this being a repeat violation Ms. Bonin requested a daily fine in the amount of $100.00 per day be imposed beginning May 13, 2019 and continuing until the property was found in compliance on May 30, 2019. The property fell into non-compliance again on June 11, 2019 for a total of 19 days. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Allan Thompson, owner, was sworn in by Special Magistrate Fuller and stated he would have the property cleaned up by the end of the day June 12, 2019. He informed the Magistrate that he could not afford the recommended fine on a fixed income.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner has until June 14, 2019 to remove all outside storage or a flat fine in the amount of $250.00 shall be imposed. Costs in the amount of $34.30 were awarded to the City.

7. **CEB Case No.:** 19-628
Respondent: Alexander David W TR
Alexander Family Trust
Address of Violation: 5967 Riverside Dr, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 4/29/2019

Compliance: No

Cited for violation(s) - Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) 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.

Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) 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.

Ms. Bonin 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 May 23, 2019 by properly storing garbage cans and recycling bins on the side of home, ensuring that all cans have tight fitting lids, properly storing the unregistered/inoperable vehicle parked beside the home in the driveway and properly registering or covering it with approved car cover, parking vehicle(s) on the driveway instead of on the front lawn, and properly storing outside stored items including, but not limited to wood, coolers, buckets, fertilizer spreaders, dolly, etc. in an enclosed building.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before June 21, 2019 by removing all outside storage. 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Alexander, owner, was sworn in by Special Magistrate Fuller and explained that he has a renter in the property who was supposed to be working with code enforcement to remain in compliance. He was under the impression the property was still in compliance and wasn't aware it had come out of compliance again.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until June 21, 2019 to remove all outside storage or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $34.30 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

8. **CEB Case No.:** 18-1487
   Respondent: Lonnie L. Freeman
   Address of Violation: 5804 Riverside Drive, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 9/11/2018

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), (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.

2018 International Property Maintenance Code, Chapter 3 (General Requirements), 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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential uses, (c)

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. Bonin requested a continuance of this case to the July 24, 2019 hearing. Special Magistrate Fuller granted the continuance request.

9. **CEB Case No.:** 18-1722
   Respondent: DJN Kalimnios Development Inc., Property Owner
   C/O Denise Rosa, Registered Agent
   Address of Violation: 5563 Ridgewood Avenue, Port Orange, FL 32127
   Code Officer: Amanda Bonin
   First Notified: 10/24/2018

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), (e) Maintenance of unimproved residential lots of the City of Port Orange Code of Ordinances.

Ms. Bonin requested a Stipulated Order Setting Fine/Lien as the property was not in compliance by March 20, 2019 as ordered in the previous hearing on March 13, 2019 by the Special Magistrate. The City retained vendor Yellowstone who abated the violation at the cost of $579.32. A cost sheet for mailing and recording costs in the amount of $92.58 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded $907.42 in abatement costs and daily fines and mailing and recording costs to date of $92.58. A fine is imposed on the property in the total amount of $1,000.00 as ordered in the Stipulated Order Imposing Fine and Lien. Said fine shall be paid within 30 days of the hearing or a lien of $1,000.00 shall be imposed on the property.

10. **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: 3/5/2018

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.

Ms. Bonin requested this case be continued to the December 11, 2019 meeting. Special Magistrate Fuller granted the continuation request.

11. **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.

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.

Ms. Bonin requested this case be continued to the January 8, 2020 meeting. Special Magistrate Fuller granted the continuation request.

D. ADJOURNMENT – 9:50am

Special Magistrate Fuller