PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 10, 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 Dena Joseph, 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 June 26, 2019 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1924
   Respondent: Wells Fargo Bank, National Assoc TR
   Address of Violation: 71 Golden Gate Circle, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 12/17/2018

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), (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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (4) Size Limitations, (d).

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuance of the case to the August 14, 2019 hearing. Special Magistrate Fuller granted the continuance request.

4. **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 this case to the November 13, 2019 hearing. Special Magistrate Fuller granted the continuance request. A representative from Lowe's was present and agreed to the continuance.

5. **CEB Case No.:** 19-815
   Respondent: Rainbow Development Group LLC
   c/o Ammar Hemaidan
   Address of Violation: 4015 S Williamson Boulevard, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 6/4/2019

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), (c) Maintenance of commercial and industrial zoned lots, (f) Garbage, waste, trash, etc. & (h) abutting property owner maintenance of parkages prohibited of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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 June 14, 2019 by mowing and trimming all high weeds and grass, including the right of way, edging, removing all outside storage trash and debris from the property, pressure washing the building, and boarding all broken windows and doors.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 18, 2019 by mowing, trimming, and edging the entire property, including the right of way and pressure washing of the building to remove discoloration. 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 $1,000.00 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 $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Jim Pickens, Attorney for the City, questioned the property owner about the timeline of notification and attempted compliance.

Ammar Hemaidan, General Manager for Rainbow Development Group, was sworn in by Special Magistrate Fuller and testified as to the condition of the property and explained they are working with the city to begin fixing the building.

Hassan Saboungi, Saboungi Construction, was sworn in by Special Magistrate Fuller and spoke to the timeline of construction for the property and the inability to fix all the issues in the time stated in the recommendation. He believes they could address the pressure washing after they fix the structural issue in about six to eight weeks.

Jake Johansson, City Manager, was sworn in by Special Magistrate Fuller and spoke to the amount of time code enforcement spends at this property and believes it is an eye sore that

needs to be addressed. He stated the issues being addressed could have been fixed when the property was acquired by the current owner in 2012.

Special Magistrate Fuller granted the recommendation with some amendments. The property owner has until July 18, 2019 to mow, trim, and edge the entire property, including the right of way and September 1, 2019 to pressure wash the building to remove discoloration or a daily fine in the amount of $1,000.00 per day shall be imposed. Costs in the amount of $41.60 were awarded to the City.

6. **CEB Case No.:** 19-634
   Respondent: T & D Rental Invest Group LCC
   c/o LABOSCO SHEILA L., Registered Agent
   Address of Violation: 1268 Windsor Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/30/2019

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.

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 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 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.

7. **CEB Case No.:** 19-643
   Respondent: Mark S. Parker
   Address of Violation: 1272 Windsor Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/30/2019

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

City of Port Orange Land Development Code, Chapter 16, Section 1 (b) Principal use and/or principal structure required.

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

8. **CEB Case No.:** 19-520
   Respondent: Lori A. & Francis L. Bernstein
   Address of Violation: 240 Fleming Ave., Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 4/8/2019

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 16, Section 1(b) Principal use and/or principal structure required.

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

9. **CEB Case No.:** 19-471
   Respondent: Vini Stojanovski
   Address of Violation: 729 Barlow Circle, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 3/21/2019

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.

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 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) property Maintenance Code as adopted per Chapter 14, Article II 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.

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

10. **CEB Case No.:** 19-0304
Respondent: Freda L. Grubbs TR
Address of Violation: 639 Powers Ave, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 2/14/2019

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), (c) Maintenance of commercial and industrial zoned 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.

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 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

11. **CEB Case No.:** 19-697
Respondent: Toni Rinehart Est.
Address of Violation: 215 Fox Place, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 5/10/2019

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.

Dena Joseph, 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 June 13, 2019 by mowing the entire property to

include rights of way, edging, weed eating, and blowing debris off roadway and back onto property. Additionally, all fallen limbs and trees were to be removed from the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 21, 2019 by mowing the entire property to include rights of way, edging, weed eating, and blowing debris off roadway and back onto property. Additionally, all fallen limbs and trees shall be removed from the property. 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 as presented and deemed the property a health and safety violation. The property owner has until July 21, 2019 to mow the entire property to include rights of way, edging, weed eating, and blowing debris off roadway and back onto property. Additionally, all fallen limbs and trees shall be removed from the property or 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.

12. **CEB Case No.:** 19-0896
Respondent: Kenneth D. Veradi & Ruth P. Veradi
Address of Violation: 5411 Landis Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 6/17/2019

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), (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.

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 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.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code as the violations were not corrected immediately as stated in the Notice of Violation/Notice of Hearing. Ms. Joseph requested a daily fine of $250.00 per day be imposed

beginning June 17, 2019 and running through and including June 25, 2019 for a total of 9 days. 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.

Kenneth Veradi, property owner, was sworn in by Special Magistrate Fuller and explained that he cannot afford the total fine.

Special Magistrate Fuller granted the recommendation with an amendment. A one-time fine of $250.00 shall be imposed. Costs in the amount of $41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT – 10:11 a.m.

Special Magistrate Fuller