

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 24, 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
Dennis Boehmer, 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 July 10, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors Amanda Bonin, Dennis Boehmer, 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.: 18-452

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 September 25, 2019 hearing. Special Magistrate Fuller granted the continuation request.

4. CEB Case No.: 19-917

Respondent: Dave Robinson Builder & Dev Co

Address of Violation: Clyde Morris Blvd, Port Orange, FL 32129 Right of Way

Code Officer: Amanda Bonin

First Notified: 6/4/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-317 - Parking, sidewalk and driveway areas (a) (3).

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 July 2, 2019 by properly repairing all potholes in the access drive of this property.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected immediately by properly repairing all potholes in the access drive of this 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, the City shall have the option to abate the violation as it 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$56.20 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 concern. The property owner is to immediately properly repair all potholes in the access drive of this property, or the City shall have the option to abate the violation. Costs in the amount of \$56.20 were awarded to the City.

5. CEB Case No.: 19-0763

Respondent: Shoppes At Southwinds II LLC

Address of Violation: 3751 Clyde Morris Blvd., Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 5/23/2019

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 (a) Approved Landscape plans, (1) trees, (2) Shrubs, (3) Lawns, (d) Required maintenance and anticipated growth and coverage.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-317 (Parking, sidewalk and driveway areas), (a) Maintenance criteria, (1) Parking lot striping, fire lane and traffic control markings.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-318 (Other property improvements: maintenance criteria), (c) Walls and fences (1).

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 commercial and industrial zoned lots.

Dennis Boehmer, 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 July 15, 2019 by trimming all trees and removing the Scrub Oaks. All missing, dying, dead sod, trees, and shrubs required by the landscape plan were to be replaced. All flower beds were to be re-mulched with new mulch; the parking lot was to be completely re-stripped to include direction arrows and handicap parking markers; Both sides of the wall on the back of the property were to be pressure washed and painted as necessary. The entire property is to be mowed of all high weeds, grass and underbrush, to include the rights of way, edging, weed-eating and blowing of all yard debris back onto the property off the sidewalks and street. All garbage, waste, trash and debris must be removed from the entire property, including the dumpster enclosure and the entire property must be kept free & clear of garbage, waste, trash, debris and junk.

Lloyd Bernard, property owner, was sworn in by Special Magistrate Fuller and testified that they were unable to start working on the property until July 15, 2019 but have been out there working every day since. He requested a little more time to complete all violations. The only things left to do are clean up the back side of the property and pressure wash the upper part of the building.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before August 13, 2019 by trimming up all tree limbs and saw palmettos, removing the Scrub Oaks, all missing, dead or dying sod trees and shrubs need to be replaced per the landscape plan and the entire parking lot needs to be restriped to include direction markings, and handicap spaces. All high weeds, grass and underbrush needs to be cut, mowed, removed and weed-eaten with all grass clippings to be blown off the street, sidewalks and parking lot onto the grass. All flower beds need to be re-mulched and the building, fences and walls are to be pressure washed and re-painted as necessary and all garbage, waste, trash, junk and debris is to be picked up and 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. Mr. Boehmer 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.

Special Magistrate Fuller granted the recommendation with some amendments. The property owner has until September 1, 2019 to trim all tree limbs and saw palmettos, remove the Scrub Oaks, all missing, dead or dying sod trees and shrubs need to be replaced per the landscape plan and fences and walls are to be pressure washed and re-painted as necessary or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$34.30 were awarded to the City.

6. CEB Case No.: 19-0735

Respondent: Eva K Ivie

Address of Violation: 27 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 5/21/2019

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.

Mr. Boehmer 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 29, 2019 by removing all outside storage from the property or properly storing it inside an enclosed building.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before August 3, 2019 by removing all stored items to an enclosed garage or shed or completely removing them 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 \$300.00 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. Mr. Boehmer 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. The property owner has until August 3, 2019 to remove all stored items to an enclosed garage or shed or completely remove them from the property or a daily fine in the amount of \$300.00 per day shall be imposed. Costs in the amount of \$41.60 were awarded to the City.

7. CEB Case No.: 19-0782

Respondent: Ethel M Morgan

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

Code Officer: Dena Joseph
First Notified: 5/20/2019

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 immediately, as it is a repeat violation, by mowing the entire property to include edging, weed eating, and blowing debris off the roadway and back onto the property.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected on or before August 4, 2019 by mowing the entire property to include edging, weed eating, and blowing debris off the roadway and back onto 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, the City shall have the option to abate the violation as it 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 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 August 4, 2019 to mow the entire property to include edging, weed eating, and blowing debris off the roadway and back onto the property or the City shall have the option to abate the violation. Costs in the amount of \$41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

8. **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: 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), (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. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

9. 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: Yes

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

10. 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.

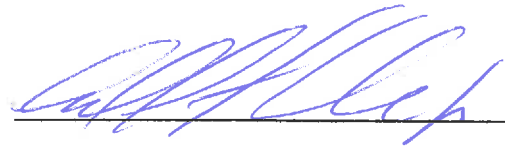
2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage.

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. Joseph requested a continuance of this case to the September 25, 2019 hearing. Special Magistrate Fuller granted the continuance request.

D. ADJOURNMENT – 9:50am


Special Magistrate Fuller